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- 1 This book, edited by Isabelle Thireau (CNRS/EHESS, Paris) and Wang Hansheng (Department of Sociology, Peking University), is the fruit of several years of collective work bringing together sociologists, anthropologists, historians and an economist. All these participants are asking themselves the same question—how to understand the making of a new social order in China. In Maoist society, political power aimed to be the only source of legitimacy in terms of norms, rules and customs practiced in society, in the sphere of both public and private life. Today, norms and rules are plural, and the authors are wondering how to explain these multiple but common references.
- 2 It is to the negotiations and disputes that erupt within contemporary society that the writers look in the search for the answers to their questions. Discussions among the main organised forces in society concerning the fair or correct way to behave in various situations, the frequency and the length of negotiations, disagreements with regard to the evaluation of the fair nature (in the sense of being justified, appropriate and reasonable) of an action, a proposal or a rule, form the subject matter of this book.

The writers have picked up on an issue previously explored by Luc Boltanski and Laurent Thévenot<sup>1</sup> but, in this case, applied to the situation in China.

- 3 Legal disputes that are subject to settlement by judicial processes are not included within the scope of this study.<sup>2</sup> This analysis therefore focuses on disagreements, often described as informal, that arise within a rural environment (70% of the population)<sup>3</sup>, and in three specific provinces—Hebei, Anhui and Guangdong. This research is therefore presented as an insight into the daily life of a farming society that is undergoing major changes, confronted with the need to devise new social norms.
- 4 Each contributor examines a particular type of dispute or negotiation. Guo Yuhua concentrates on how the younger generations care for the elderly. Isabelle Thireau and Hua Linshan dissect disagreements arising on the subject of the utilisation of village areas and the distribution of collective assets (land, ponds, businesses and financial resources). Liu Xiaojing offers a detailed study of the row that breaks out between two groups of relatives following a young woman's suicide. Liu Shiding analyses the process of redistribution of land among the families of a single village. Shen Yuan considers negotiations relating to the construction of a new market, as well as a revised allocation of stalls between the merchants. And lastly, Sun Liping studies the process of collecting the grain quotas that are sold to the state. In each of these cases, the writers focus on negotiations in which contradictory opinions are expressed. To answer the question about the principles of fairness according to which a certain decision will be chosen in preference to another, they analyse the discussions and the logical arguments of the various participants.
- 5 The book's two concluding chapters recreate the idea of fairness in a typically Chinese tradition. Jérôme Bourgon re-examines the vitalist dimension of the Chinese legal system—the link between fairness and life—while Lucien Bianco considers the difference between the “vengeful” fairness of the *xiedou*, the veritable private inter-village wars, and the art of compromise as practiced by the *fluxiong*.
- 6 From a rich harvest of conclusions, four stand out above the others. Firstly, several of the contributors bring to the fore elements of continuity between contemporary society and that which existed pre-1949. The principle of an equitable exchange thus continues to govern the relationships between generations, although the nature of the resources that are exchanged, the economic foundation for the exchange and the moral contract that ensured its survival are no longer the same. This ancient principle is the subject of a new interpretation, members of the younger generation now attach greater value to material aspects—they will only help their elderly parents in proportion to what they have received themselves. Guo Yuhua shows how the changes we see today are not a recent phenomena, and that they actually began in the middle of the twentieth century. The economic reforms of the last twenty years have only magnified the effects of the state's penetration in village society since 1949.
- 7 Isabelle Thireau and Hua Linshan are particularly concerned about the links that village communities maintain with the past. They identify several mechanisms through which the past is called upon to support the fair resolution of village affairs. The villagers thus resort to systems of interpretation that were previously fought against by the political system to give meaning to current situations and to determine appropriate behaviour. In the management of village affairs, we see other groups, representations or specialists (gods of the earth, guardians of the village entrance,

Buddhist deities, ancestors, the deceased, mediums and other religious specialists), summoned to intervene, who were condemned by the authorities for many decades.

- 8 A second important conclusion stems from the nature of the relationships between village communities and the local authorities that represent the state. All the studies show that the negotiating power of individuals and groups with local officials is much greater today than it was previously. So many people are spouting forth the state message—an imperative for social stability or even a duty to remedy the inequalities and fight against any privileges unfairly acquired—providing proof of the extent to which the state has penetrated society. But at the same time, only snippets of these conversations or pieces of this message are solicited by the players who are looking to it to defend their personal or local interests.
- 9 Thirdly, the contributors clearly emphasise the place of the informal. Recourse to the legal system is rare because “going to the courts is never very socially acceptable” (p. 142). It is therefore the informal institutions, predominantly family groups, that play a mediation role when a dispute arises. These organisations have no legal foundation and co-exist alongside the official organs of power comprising the village committees and the Party bodies; the procedural and social norms that they influence play a fundamental role in the resolution of conflicts. What really distinguishes this process of searching for fairness from the legal mechanisms advocated by the courts, is the fact that the most fundamental tool is recourse to “reason”, in the sense of “practical reasoning” or “common sense”. A mediator must possess a special quality, over and above the prestige that he has in the eyes of the parties; he must be able to “rebalance” the situation (p. 241), that is, to take into consideration the advantages, the interests and the rights of each party, to integrate them in such a way as to arrive at a sort of equilibrium, and then to know how to find the legitimate principle on which the agreement is to be founded.
- 10 The informal exists not only on the side of the villagers. Sun Liping shows that the local authorities also have recourse to an informal exercise of official power. In certain circumstances, because they know that the abusive use of coercive measures would put them in an uncomfortable position (this particular point is also brought out in Jérôme Bourgon’s text), notably because of the links that arise from knowing each other, from family ties or from friendships that they maintain with their citizens, the exercise of informal power (respect for human feelings, *renqing*, or the granting or withdrawal of “face”) proves to be more efficient, more suitable than official power for resolving delicate problems.
- 11 The contributors ultimately show how personal relationships work in a rural society. These relationships, generally family-related or hierarchical, indicate to all concerned the correct and appropriate way of implementing the social norms involved in a given situation. Ignoring personal connections and taking into account social norms alone does not enable reasonable action to be taken.
- 12 This book, with its innovative methodology, is full of conclusions and offers many avenues for further research. However, one could question the authors’ decision not to analyse disputes that are subject to legal proceedings to support the search for a “sense of fairness”. With the Chinese legal system currently being particularly productive, a major challenge is the construction and the mobilisation by the main organised forces in society of the legal groups. The sociology based on interviews used in this book

therefore calls for another work on texts that bear the marks of debates that, far from being abstract, talk about action currently taking place <sup>4</sup>.

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## NOTES

1. Luc Boltanski and Laurent Thévenot, 1991, *De la justification. Les économies de la grandeur* (From justification. Economies of grandeur), Paris, Gallimard. Ten years ago, the two French sociologists were tempted to turn their attentions to the meaning of justice and the prescriptive supports invoked by those involved when they make a criticism. Since then, their endeavours, as well as those of researchers inspired by their work, have focused on placing these moments of justice and their constraints in the context of a whole range of action systems. If any proof were needed, Thireau and Wang's work shows the extent to which Boltanski and Thévenot's framework analysis contributes to the understanding of the transformation of contemporary societies.
2. Shen Yuan writes: "If we want to discuss how norms change during a period of transition, we must first consider the basic groups within society, this everyday world in which various expectations are expressed and local agreements are reached" (p. 245). Here, the writer seems to consider legal standards to be the crystallisation of agreements previously reached within society.
3. For an analysis of disputes arising in an urban setting, see Isabelle Thireau and Linshan Hua, *Le sens du juste en Chine. En quête d'un nouveau droit du travail* (The sense of fairness in China. In search of a new labour law), *Annales HSS*, Nov-Dec 2001, no. 6, pp. 1283-1312 and Antoine Kernén, *Des ouvriers chinois réapprennent la manif* (Chinese workers relearn about "demos"), *Critique Internationale*, July 16th 2002, pp. 14-23.
4. See Evelyne Serverin and Pierre Lascoumes, *Le droit comme activité sociale - pour une approche wébérienne des activités juridiques* (The law as a social activity—in favour of a Weberian approach to legal activities), *Droit et société*, 1988, No. 9, pp. 171-194. This subject has in fact already been tackled by Isabelle Thireau and Linshan Hua (op. cit., 2001) who analyse the contribution made by employees to the formation of employment law