

UC Berkeley

UC Berkeley Previously Published Works

Title

Rightful resistance revisited

Permalink

<https://escholarship.org/uc/item/9s2281qj>

Journal

The Journal of Peasant Studies, 40(6)

ISSN

0306-6150

Author

O'Brien, Kevin J

Publication Date

2013-11-01

DOI

10.1080/03066150.2013.821466

Peer reviewed

Rightful Resistance Revisited

Kevin J. O'Brien

Travers Department of Political Science

University of California, Berkeley

Berkeley, CA 94720

kobrien@berkeley.edu

(Journal of Peasant Studies, forthcoming)

January 16, 2013

Rightful Resistance Revisited

James Scott (1985) placed 'everyday forms of resistance' between quiescence and rebellion. Others have noted that defiance in unpromising circumstances need not be quiet, disguised and anonymous if the aggrieved use the language of power to mitigate the risks of confrontation. How does 'rightful resistance' (O'Brien and Li 2006) relate to Scott's everyday resistance and other types of protest in contemporary China? Are rightful resisters sincere or strategic? Is their contention reactive or proactive? Does rightful resistance suggest growing rights consciousness or only a familiar rules consciousness? *Rightful Resistance in Rural China* has been criticized for 1) lacking 'peasantness', 2) shortchanging history and culture, 3) focusing on elite allies and one pattern of protest, and 4) being overly rationalist, state-centric and caught in 'developmental thinking'. How do I respond?

Keywords: protest, contention, peasants, China, rightful resistance, rights consciousness, everyday resistance, proactive, reactive

Rightful resistance revisited

In the 1980s, James Scott transformed peasant studies with his work on 'weapons of the weak'. Several years later, with Scott's (1985, 1990) books firmly in mind, Lianjiang Li and I started noticing something a bit different in China. Rather than cloaking their dissent in dissimulation, deniability and ambiguous gestures, people we called rightful resisters were challenging the powerful head-on. In particular, when faced with illegal extraction, rigged elections or corrupt cadres, villagers were deploying the policies, laws and commitments of the state to combat local officials who were ignoring those policies, laws and commitments. Whereas Scott's everyday forms of resistance were quiet, disguised and anonymous, rightful resistance was noisy, public and open. Whereas everyday resistance focused on relations between subordinates and superordinates, rightful resisters were engaged in a three-party game where divisions within the state and elite allies mattered greatly. Over the next decade, as we gained access to protest leaders in parts of Hunan where rightful resistance was especially vibrant, we concluded that this type of protest had four main attributes: it operated near the boundary of authorized channels, employed the rhetoric and commitments of the powerful to curb the exercise of power, hinged on locating and exploiting divisions within the state, and relied on mobilizing support from the community (O'Brien and Li 2006, 2).

Our research built directly on Scott's and like his slotted an under-appreciated form of contention on the continuum between quiescence and rebellion. In particular,

we sought to explain how skillful use of the language of power can at times allow the aggrieved to act up effectively without taking intolerable risks. As China scholars interested in both bottom-up and top-down sources of change, we also wanted to say as much as possible about the outcomes of protest, including its effects on rightful resisters, the community, and policy implementation (and sometimes policy itself).

In recent years, others have picked up the idea of rightful resistance and have explored aspects of its origins, dynamics, and consequences. This research has taught us much, but alas will receive little attention here. Instead, I will focus on several lines of criticism that have emerged, and their implications for taking the study of contention in China in new directions, both within the rightful resistance framework and outside or at the edges of it.

The 'peasantness' of rightful resisters

In a review in this journal, Susanne Brandtstädter (2006) recognized an important fact about *Rightful Resistance in Rural China*: the book was designed to speak to social movement studies and political science as much as to peasant studies, and we hoped that the concept would prove useful for understanding contention by various social groups in China and elsewhere. Still, the argument's empirical core is a treatment of protest in China's countryside, engaged in by rural folk. So Brandtstädter's critique that the analysis suffers from a lack of 'peasantness', is overly rationalistic, and shortchanges history and culture deserves attention. Indeed, the book does have a certain 'what would I do if I was in this situation' deductive logic to it. We by and large reason from

interests and assume a fairly straightforward weighing of costs and benefits by prospective rightful resisters. We do not problematize notions such as risk or payoff (or situate them deeply in the rural Chinese context) and instead imagine a rather simple mapping of opportunities onto actions. In our defense, we do bring in perceptions of opportunity, as a side door way to consider culture and history, and we treat expectations of assistance from the Centre as rooted in long-standing understandings of an emperor's responsibilities. But to the extent that religion, morality, or communal, 'little tradition' ways of thinking inform decisions by rightful resisters there is room for more discussion of what peasants bring to protest themselves. Despite our ground-level orientation, there is still a need for an ethnography of rural rightful resistance that focuses on 'peasants involved in these protests and their reality: how they live, who they are, and what they think' and 'the historical particularities of the Chinese situation' (Brandtstädter 2006, 712, 711).¹ In recent years, scholars have taken steps in this direction with research on 'contractual ways of thinking' (Pan 2008), the effects of neoliberal capitalism on agrarian contention (Walker 2008), 'righteous', moral economy-based resistance in the 1950s (Li 2009, Thaxton 2008),² the moral underpinnings of contemporary protest (Tong forthcoming), why residents of 'cancer villages' do not get angrier about the health consequences of pollution (Lora-Wainwright 2010), and our own work on the resilience of political trust (Li 2013) and the group dynamics of protest leadership (Li and O'Brien 2008; also Wang 2012). 'Isolated individuals' (Brandtstädter

¹ See also Ortner (1995, 190). 'Resistance studies are thin because they are ethnographically thin: thin on the internal politics of dominated groups, thin on the cultural richness of those groups, thin on the subjectivity—the intentions, desires, fear, projects—of the actors engaged in these dramas'.

² For an historian's account of the path from righteous to rightful resistance in the 1950s, see Li (2009).

2006, 712) are often not the best unit of analysis to understand collective action.

Rightful resistance is more than a matter of tallying up choices made by individual homo economicus, each of whom decides to take a chance on protest. It is also a product of collectivities living in a specific political economy and socio-cultural setting: of people with histories and moral understandings who are grappling (individually and together) with marketization, legal reforms, post-socialism, neoliberalism and many other challenges and opportunities.

State-centredness and the Chinese State

Embedding rightful resistance deeper in the habits and values of peasant life would also address a second issue Brandtstädter (2006) raises: the state-centredness of the analysis. In *Rightful Resistance in Rural China* officials are essentially granted 'first mover' status. They emit signals and ordinary people respond. This assumption was carried over from the structural sociology that underlies social movement studies, and in particular its focus on the external aspects of opportunity. Awarding officialdom pride of place is also common in a country where the state figures so large and is always present when protest occurs. But signals are not just sent by officials and received and processed by rightful resisters. Protesters fill spaces that the state and its reforms create, but also push against boundaries in ways that cannot be read straight off an opportunity structure. Rightful resisters may, through persistence and probing the limits of the permissible, create their own opportunities. We need to learn more about how the aggrieved understand signals and also how they sometimes grab the initiative and

wrong-foot their targets in unexpected ways.³ Reducing state-centredness and moving toward a richer, more interactive account of state-society communication,⁴ much like taking 'peasantness' more seriously, would accord greater agency to rightful resisters, embed their contention more securely in their world as well as the state's, and drain a dollop of initiative away from officialdom and the opportunities a divided state provides.

In a state-centric analysis, it is noteworthy that there is not a more explicit theory of the Chinese state standing behind *Rightful Resistance in Rural China* or, for that matter, much recent research on protest in China.⁵ This is a lost opportunity, both for understanding how rightful resistance emerges and for making research on protest legible to China scholars who might not be overly concerned with contention but are certainly interested in the Chinese state (O'Brien 2011). As Rachel Stern and I have argued (Stern and O'Brien 2012), there is a partial, implicit theory of the state lurking in *Rightful Resistance in Rural China* and other work on activism in China that centres on mixed signals and words such as ambiguity, ambivalence, and uncertainty. But this theory awaits fleshing out and research on the origins of mixed signals remains preliminary, speculative and deductive. Nor does ruminating about the state typically take place at the level of abstraction of 'modes of accumulation and legitimation' that Lee (2007, 17) has observed is lacking in *Rightful Resistance in Rural China*, or commonly plunge into topics as grand as how post-socialism and state capitalism shape protest (Walker 2008).

³ On elderly protesters in Zhejiang and tactics they deployed to keep the authorities off balance, see Deng and O'Brien 2012 and Deng and O'Brien 2013. On Chinese protest tactics more broadly, see Chen 2012.

⁴ For 'experience-near', less state-centric accounts of the thinking that gives rise to protest, see Chen and Wu 2006, Chan and Pun 2009, Erie 2012, and Lora-Wainwright et al. 2012.

⁵ For exceptions, see Perry 2002, Lee 2007, Stern and O'Brien 2012, and Stern 2013.

Instead of starting from a theory of the Chinese state, *Rightful Resistance in Rural China* is better suited to help cobble together a theory of the state. By observing how state power is experienced by people testing the limits of the permissible we can learn about the contours of an authoritarian regime and how the state appears from below. An indirect, bottom-up take on state power can be as revealing as examining political institutions, bureaucracies and 'modes of accumulation' directly. But to make a 'state reflected in society approach' (Stern and O'Brien 2012) more than a metaphor, we need to move beyond principle-agent logics about information-gathering and monitoring local officials characteristic of *Rightful Resistance in Rural China* and other research on signaling in China (Lorentzen 2013, Weiss 2008). When unpacking the state, it will be important, for instance, to disaggregate horizontally as well as vertically. This will confirm that territorial levels of government are not unified: they have as many divisions and conflicts within them as they have with superiors above and subordinates below. This is now taking place, as students of Chinese protest move away from notions like 'the Centre' and 'lower levels', to identify actors at each level who facilitate or inhibit contention (Mertha 2008, Sun and Zhao 2008, Cai 2010). Additional work of this sort will take us beyond informative but incomplete understandings of the Chinese state, including one embodied in a saying often heard in rural areas in the 1990s: 'the centre is our benefactor, the province is our relative, the county is a good person, the township is an evil person, and the village is our enemy' (O'Brien and Li 1995, 778). As Stern (2013) has noted, the standard story of parochial local officials who subvert the Centre's good intentions can paper over other divisions and leaves too little room for variation. We

should avoid blaming grassroots cadres for more than they deserve, and be alert to moments when the conventional central-local narrative breaks down: moments in which simple dichotomies no longer hold and a deeper understanding of pressures and divisions within the state is called for (Stern 2013).

Variation-finding

Disaggregating the state along multiple axes reminds us that although conceptual work requires lumping rather than splitting, variation-finding becomes the next task once a concept is put forward. One of the referees of *Rightful Resistance in Rural China* offered dozens of suggestions that basically came down to: pay more attention to differences across time and space. This reader wanted a scant, two-page ‘Note on Variation’ to become a new, second half of the book. Our universalizing comparison (Tilly 1984, 97, 108), however, sought to do something else: to show that phenomena seldom discussed together (e.g. the pay equity struggle in the United States, ‘censoriousness’ by Norwegian prison inmates, anti-Apartheid activism in South Africa, ‘consentful contention’ in East Germany, rural protest in China) (O’Brien and Li 2006, 15-24)⁶ could be understood within one framework once we located acts of resistance—in China or elsewhere—that shared:

—reliance on established principles to anchor defiance

⁶ In the most repressive regimes, resistance is largely limited to ‘weapons of the weak’ (Scott 1985). In slightly less controlled settings, one or more features of rightful resistance may appear. As sanctioned coercion diminishes further and partial inclusion is formally extended, cases of more complete rightful resistance become possible. In circumstances where numerous rights are guaranteed, the rule of law is established and political participation is unquestionably legitimate rightful resistance may still be viable and effective, when dissatisfied citizens try to make officials and business leaders prisoners of their own rhetoric and exploit the gap between rights promised and rights delivered.

- use of legitimating myths and persuasive normative language to frame claims
- deployment of existing statutes and commitments when leveling charges
- recognition and exploitation of congenial aspects of a shifting opportunity structure
- importance of allies, however uncertain, within officialdom

Finding unexpected similarities rather than variation was the goal. We opted not to distinguish among grievances or locations in China, and deployed evidence in a manner that Scott (1976, 1990, 1998) does so well: as examples rather than cases, as telling, ground-level illustrations that hammer an analytical point home.

But this of course leaves much undone. As of the early 2000s, direct rightful resistance appeared to be especially common in the provinces of Sichuan, Anhui, Hunan, Jiangxi, Henan, Shaanxi and Hebei. Why? Perhaps because the ‘peasant burden’ (*nongmin fudan*) problem was more acute in ‘agricultural China’ (Bernstein and Lü 2003) and people with deeper grievances were more likely to give up on elite allies and rely on themselves? But we did not explore this possibility or consider competing explanations. Focusing on similarities also downplayed different motivations for rightful resistance and responses to it. Examining election, tax, corruption and other protests together, and using evidence to clarify a concept rather than establish a causal pattern can gloss over sources of variation. Which kinds of misconduct are most amenable to rightful

resistance?⁷ Are higher levels responsive to certain kinds of rightful claims but deaf to others? We are largely silent on these issues.

Our focus on one form of contention also obscures the obvious truth that rightful resistance is not the only type of protest in contemporary China. *Rightful Resistance in Rural China* is a conceptual book, where we select on the dependent variable unabashedly⁸ and say little about how common rightful resistance is compared to other forms of popular action.⁹ We stop following rightful resisters when they drop out or move on to other types of within-system resistance or violence. Many other patterns of protest in rural China deserve equal attention, and some are receiving it, including Yu Jianrong (2008) on violent, 'anger-venting incidents', Justin Hastings (2005) on Uighur protests in the shadow of a 'unified state', Paik and Lee (2012, 262, 270-71) on episodes where the aggrieved and local cadres join forces to challenge higher levels, and Ethan Michelson (2008) on 'justice from below' and local solutions.¹⁰ As these research programs unfold and multiply, we will be able speak more knowledgeably about the full palette of popular contention and the import of protest for China's future. For our part, we have been surprised there is as much rightful resistance as surveys show,¹¹ and we

⁷ Following the abolition of the agricultural tax in 2006, extraction receded as a source of rural discontent and other issues came to the fore, including land grabs and environmental degradation. The time is ripe to explore how the nature and intensity of particular grievances influences the dynamics of contention, and to identify how different complaints can be linked, as happens when environmental claims are 'piggybacked' on land-related grievances (Deng and Yang forthcoming). On 'issue linkage' more generally, see Cai 2010, chap. 4.

⁸ For a defense of this practice, in certain circumstances, see Collier and Mahoney (1996).

⁹ See Michelson (2008, 44, 45) on our focus on one strategy of contention and not seeking to evaluate the relative popularity of competing strategies. On selecting cases 'according to the value of the dependent variables' and 'caution in generalizing from [our] analysis', see Wong (1997, 851).

¹⁰ John Kennedy (conference remarks, 28 September 2012) suggested that our differences with Michelson (2008) may be temporal rather than conceptual: the aggrieved may try 'local solutions' first and then move on to rightful resistance. Michelson (2008) also considers a wider range of disputes than we do.

¹¹ See Michelson (2008).

look forward to more research that addresses ‘the frequency problem’ (Michelson 2008, 51). This will involve taking aggrieved people as the starting point, observing how they move up (or exit) the dispute pyramid (Felstiner, Abel and Sarat 1980-81, Diamant, Lubman and O’Brien 2005, 7, Michelson 2007), and considering many types of contention, as well as giving up or never taking to the streets. This line of work promises insight into how often rural Chinese protest instead of giving up on a grievance, and how they act when they do.

The role of elite allies merits mention here. We of course are not the first to examine occasions on which ordinary people draw in the powerful to assist them in their struggles.¹² But the presence or absence of allies is central to *Rightful Resistance in Rural China* and underpins the analysis. We anticipate more surveys, like Michelson’s (2008), on the extent to which the disaffected depend on ‘justice from below’ rather than (or in addition to) ‘justice from above’. How crucial are elite allies for the aggrieved? What happens when elites at higher levels are targets rather than allies?¹³ How available and effective are powerful allies if the targets are state-backed companies rather than governments? Are some third parties more useful for attacking certain kinds of misconduct? How are elite allies secured?¹⁴ What types of assistance do they provide?¹⁵ Perhaps owing to factional conflict, do officials sometimes seek out

¹² See, among others, Santoro and McGuire (1997) on institutional activists who work as insiders on outsider issues, Stearns and Almeida (2004) on state actor-social movement coalitions, and Rucht (2004) on movement allies.

¹³ On villagers siding with different levels of government depending on the type of land expropriation they face, see Paik and Lee (2012, 273).

¹⁴ Michelson (2006) emphasizes family ties to government officials. On support ‘from individuals within the government, not “the government” more generally’, see Spires (2011, 14).

¹⁵ Shi and Cai (2006, 316) suggest that social networks with officials and media personnel provide information that helps protesters formulate and implement strategies, creates a channel to influence

protesters rather than the other way around?¹⁶ How often are run-of-the-mill disputes resolved locally, so that escalation of claims and venues does not occur (Michelson 2008, 51)?

We need more research on the importance and availability of allies, and also on the consequences of depending on them. Does turning to third parties channel protest into safe precincts, lessen the chance of disruption, moderate demands and tactics and lead to unsatisfactory half-solutions? Are rightful resisters realizing over time that cultivating allies diverts energy from more productive strategies, and that elites are only willing to help so long as they are ineffective (McAdam 1982, 25-29)? Woodman (2011), for instance, has observed that lawyers who aid protesters sometimes hijack the framing of a dispute and deprive activists of their subjectivity, as they suppress social justice and gender-based claims in favor of their own concerns with democratic and legal reform. A nuanced understanding of the role elite allies play is crucial because their participation is a key reason that rightful resistance can be more effective than everyday resistance but safer than protest that edges toward rebellion.

Conceptual questions

Sincere or strategic? After reading the first article on rightful resistance (O'Brien 1996), James Scott (personal communication, 14 December 1995) asked a vexing question: are rightful resisters sincere or cynical? Nearly two decades later, I still can't say. Consider this remark by a rightful resister: 'If I didn't believe in the Centre, what would I have

decision-making and generate pressure, and offers access to the media.

¹⁶ Lianjiang Li, personal communication, 30 September 2012. On village cadres leading protests, see Wang (2012).

left'? Does this man really have faith in the Centre or does he merely recognize it is prudent to frame his attack on local misconduct as an effort to ensure state commitments are carried out? My best guess is that the motivations of rightful resisters are a mixture of belief and calculation that differs from person to person, and that often a protester cannot readily say if resistance is sincere or strategic because it has elements of both impulses.¹⁷ This is why outcomes and the passage of time are important: what a rightful resister believes today depends on the last round of contention (and events elsewhere) and few people will act on, or even form, sincere beliefs if they are strategically suicidal. In a changing China, popular consciousness is neither static nor one-dimensional. A rightful resister may hold beliefs that spring from multiple and mixed motives.¹⁸

Reactive or proactive? Whether rightful resistance is reactive or proactive is another knotty question best not forced into an either/or answer. What is new and 'has no grounding in current rules' (Li 2010, 59) and what is old and 'based on existing political rules' (Li 2010, 58) is always hard to agree upon.¹⁹ As Sally Sargeson has pointed out (conference comments, 28 September 2012), it is also somewhat artificial and ahistorical to speak of an initial action when a long series of events precedes any episode of claimsmaking. Instead of freeze-framing a given moment and asking if rightful claims are

¹⁷ Lee (2007, 17) sees rightful resistance as mainly a form of strategic framing. It was not our intent to leave readers with this impression.

¹⁸ 'Analytically, distinct types of political consciousness often co-exist in the mind of the same individual' (Li 2010, 65).

¹⁹ On recognition that contention in China is evolving, but doubts that proactive protest is overtaking reactive protest, see Bianco (2001, 249-53).

transgressive, it is better to live with the contradiction. That rightful resistance is both loyal and can ask for something new is at the oxymoronic heart of an oxymoronic concept. Despite Tilly's (1993) forsaking of his competitive, reactive, proactive framework, we agree with Sewell (1990) that the trichotomy remains useful to think with, as a means to examine claims and ironies that arise during the spread of citizenship norms (which need not be liberal democratic) in authoritarian circumstances.²⁰ For us, at least, the idea of cloaking proactive claims in reactive garb helped make sense of a string of characters scrawled on a Hebei storefront: 'We're citizens. Return us our citizenship rights. We're not rural labor power, even less are we slaves'. In one sense, the graffiti artist was using a familiar tactic (writing a wall poster) and seeking a 'return' of his rights; in another sense, he was demanding rights he had never enjoyed while making it appear he had just been deprived of them.

Developmental thinking? One reason that Tilly (1993, 266) abandoned his competitive, reactive, proactive trichotomy and introduced 'repertoires of contention' is that he came to believe the framework was teleological and amounted to an inadvertent endorsement of modernization theory. Brandtstädter (2006) sees similar signs of 'developmental thinking' in *Rightful Resistance in Rural China*, while others have suggested that the book points to China's coming democratization. In my view, the presence and spread of rightful resistance implies little about democracy or systemic

²⁰ Perry (2002, 275-308) also found it helpful to categorize protest in China as competitive, reactive or proactive.

change.²¹ Although its outcomes can have implications for policy (e.g. ending the agricultural tax and providing resources for reformers), it does not foreshadow political convergence. In fact, if rightful resistance performs as intended, it could help legitimate the current regime by proving to those perched on the verge of rebellion that the system works well enough. That a group of complainants could be thrilled when an official wrote on their petition 'it's legal to disseminate central policies', reminds us that rightful resisters sometimes interpret tiny concessions as great victories.²² Like everyday resistance, rightful resistance is a within-system form of contention that operates in the reform not the revolution paradigm. For a clumsy authoritarian regime that has long been struggling to grow fingers,²³ it offers a means for higher levels to learn about local misconduct and deal with social pressures. Should it continue to develop, it could dampen demands for far-reaching change and contribute to regime resilience rather than hastening the end of authoritarian rule.²⁴ Pulling back to consider 'larger

²¹ Lianjiang Li is more inclined to link rightful resistance and growing rights consciousness with regime change. 'Compared to those who only have rules consciousness, individuals who also have rights consciousness are more likely to press for institutional changes in the hope of converting revocable "state-endowed rights" into inalienable rights. If rights consciousness keeps a democracy healthy by turning citizens into active participants in governance, the mobilization of rights consciousness may help chart a course toward a more participatory political system in China' (Li, 2010, 66).

²² There are signs, however, that this is becoming less common, as small, often symbolic victories may lead to larger demands. The popular notion that 'no disturbance leads to no solution' while a 'large disturbance leads to a large solution', also points to the value of risk-taking, persistence, and an unwillingness to settle for partial solutions.

²³ On authority systems with 'strong thumbs, no fingers', see Lindblom (1977). This image refers to the ability of centralized, non-market systems to do homogenous, repetitive activities well, but not to discriminate or adapt.

²⁴ Froissart (2007, 119) writes: 'By seeking intervention from higher levels of administration, this form of resistance helps the Centre respond to conflicts through ad hoc solutions that expand its capacity to manage contradictions while withholding political reform. . . . It would thus appear that this form of resistance is an integral part of the regime's dynamic stability, though that does not rule out the possibility of the balance being upset some day.' Perry (2008, 45) also suggests that today's pattern of protest 'may prove more system-supportive than system-subversive. In an authoritarian polity, where elections do not provide an effective check on the misbehavior of state authorities, protests can help serve that function—thereby undergirding rather than undermining the political system.' In a highly hedged passage (O'Brien

implications' and imagining China's future is often encouraged by editors and can be tempting for authors, but searching for hints of democratization says more about China studies than it does about China.

Rights consciousness or rules consciousness? Elizabeth Perry (2007, 2008, 2009, 2010)

has been at the forefront of a debate over whether rightful resistance and similar activities reflect growing rights consciousness or a rules consciousness that has existed for centuries. Lianjiang Li (2010) has responded to Perry's discussion of protesters' sensitivity to government rhetoric with a creative survey that finds both types of consciousness and suggests they can be distinguished by assessing whether claims are focused on rule-making or rule enforcement. Peter Lorentzen and Suzanne Scoggins (2012) have deployed formal modeling to show that findings about rights consciousness may refer to changes in values, rhetoric, or beliefs about government policy. Both qualitative (Goldman 2007) and survey researchers (Wong 2011) continue to produce studies that document growing rights consciousness.

I find myself mostly unmoved by a 'debate' in which the parties agree on the empirics and disagree mainly about what to label their findings (O'Brien 2011, 536).

Once we recall that there are many forms of citizenship (Mann 1996),²⁵ based on both individual and collective notions of rights,²⁶ and that rights consciousness need not

and Li 2006, 123-29), we mention that rightful resistance 'could evolve into a more far-reaching counter-hegemonic project', but I do not believe it is 'poised to mount a counter-hegemonic project' (Perry 2010, 24).

²⁵ Mann (1996) identifies five varieties of citizenship, only one of which is associated with free association, strong legislatures and liberal democracy.

²⁶ 'Although rights talk always implies a certain assertiveness, in contemporary American discourse, for example, it tends toward the absolute, individualistic, and ontological in that individuals possess rights by

evoke Locke and Jefferson (Perry 2008, 43) or imply convergence or ‘something resembling an Anglo-American “rights revolution”’ (Perry 2008, 47), the heat in this debate dissipates. There is no need to make a choice between rights or rules consciousness (O’Brien 2001, 408, 426-29) or to argue that one precludes the other, either logically or historically. As Li (2010) and Lorentzen and Scoggins (2012) demonstrate, both may be present at the same time, and my hunch is that coexistence is the path along which citizenship rights appeared in many places. In fact, it may well be ahistorical to suggest otherwise, at least for China. As a legal status that draws boundaries and ranks a population and a set of practices that implies a willingness to confront the powers-that-be, citizenship and the expectations that surround it are a product of historical processes that bring forth changes in popular thinking and claimsmaking. In this regard, rightful resistance is a chapter in the history of Chinese rules and rights consciousness that demonstrates changes in modes of thought do not take place by leaps but through intermediate steps. Rules-based, righteous and moral economy claims coexist with (and inform) rightful ones, and the crucial issue is the mixture of claims in a game that is still in early innings.

Acknowledgements

virtue of being human beings. In contrast, Chinese rights talk tends to be relative, social and phenomenological in that subject-citizens of a given state only have rights defined in relation to obligations to each other and their relationship to rulers’ (O’Brien and Li 2006, 117). ‘Unlike the rights discourse employed by some liberal intellectuals, there is little evidence that most rural rightful resisters consider rights to be inherent, natural, or inalienable; nor do most of them break with the common Chinese practice of viewing rights as granted by the state mainly for societal purposes rather than to protect an individual’s autonomous being’ (O’Brien and Li 2006, 122).

I am grateful to Jun Borras for suggesting that I 'revisit' rightful resistance and to Sara Newland for research assistance on other types of resistance. I would like to thank Tamara Jacka, John Kennedy, Sally Sargeson, James Scott, Rachel Stern and Emily Yeh for comments on an earlier draft. Generous financial support was provided by the Institute of East Asian Studies and the Center for Chinese Studies at the University of California, Berkeley. For a nearly career-long collaboration and for teaching me far more than I ever taught him, I am indebted to Lianjiang Li.

References

- Bernstein, T.B. and X.B Lü. 2003. *Taxation without representation in contemporary rural China*. New York: Cambridge University Press.
- Bianco, L. 2001. *Peasants without the party: grassroots movements in twentieth century China*. Armonk, NY: M.E. Sharpe.
- Brandtstädter, S. 2006. Book review of *Rightful resistance in rural China*. *Journal of Peasant Studies*, 33(4), 710-712.
- Cai, Y.S. 2010. *Collective resistance in China: why popular protests succeed or fail*. Stanford, CA: Stanford University Press.
- Chan, K.C.C. and N. Pun. 2009. The making of a new working class? a study of collective actions of migrant workers in south China. *China Quarterly*, 198, 287-303.
- Chen, G.D. and C.T Wu. 2006. *Will the boat sink the water?: the life of China's peasants*. New York: Public Affairs.
- Chen, X. 2012. *Social protest and contentious authoritarianism in China*. New York:

- Cambridge University Press.
- Collier, D. and J. Mahoney. 1996. Insights and pitfalls: selection bias in qualitative research. *World Politics*, 49(1), 56-91.
- Deng, Y.H. and K.J. O'Brien. 2012. Societies of senior citizens and popular protest in rural Zhejiang. Paper presented at the Critical Issues in Development and Agrarian Studies Seminar Series, College of Humanities and Development, Chinese Agricultural University, 27 September 2012.
- Deng, Y.H. and K.J. O'Brien. 2013. Relational repression in China: using social ties to demobilize protesters. *China Quarterly*, 215.
- Deng, Y.H. and G.B. Yang. Forthcoming. Pollution and protest: environmental mobilization in context. *China Quarterly*.
- Diamant, N.J., S.B. Lubman and K.J. O'Brien. 2005. Law and society in the People's Republic of China. In: Diamant, Lubman and O'Brien, eds. *Engaging the law in China: state, society and possibilities for justice*. Stanford, CA: Stanford University Press, pp. 3-27.
- Erie, M.S. 2012. Property rights, legal consciousness and the new media in China: the hard case of the 'toughest nail house in history'. *China Information*, 26(1), 35-60.
- Felstiner W., R. Abel, and A. Sarat. 1980-81. The emergence and transformation of disputes: naming, blaming, claiming. *Law & Society Review*, 15(3-4), 631-54.
- Froissart, C. 2007. Book review of *Rightful resistance in rural China*. *China Perspectives*, 4 (2007), 117-20.
- Goldman, M. 2007. *Political rights in post-Mao China*. Ann Arbor, MI: Association for

- Asian Studies.
- Hastings, J.V. 2005. Perceiving a single Chinese state: escalation and violence in Uighur protests. *Problems of Post-Communism*, 52(1), 28-38.
- Lee, C.K. 2007. *Against the law: labor protests in China's rustbelt and sunbelt*. Berkeley, CA: University of California Press.
- Li, H.Y. 2009. *Village China under socialism and reform: a micro-history, 1948-2008*. Stanford, CA: Stanford University Press.
- Li, L.J. 2010. Rights consciousness and rules consciousness in contemporary China. *China Journal*, 64, 47-68.
- _____. 2013. The magnitude and resilience of trust in the center: evidence from interviews with petitioners in Beijing and a local survey in rural China. *Modern China*, 39(1), 3-36.
- Li, L.J. and K.J. O'Brien. 2008. Protest leadership in rural China. *China Quarterly*, 193, 1-23.
- Lindblom, C.E. 1977. *Politics and markets: the world's political-economic systems*. New York: Basic Books.
- Lora-Wainwright, A. 2010. An anthropology of 'cancer villages': villagers' perspectives and the politics of responsibility. *Journal of Contemporary China*, 19(63), 79-99.
- Lora-Wainwright, A., Y.Y. Zhang, Y.M. Wu and B. van Rooij. 2012. Learning to live with pollution: the making of environmental subjects in a Chinese industrialized village. *China Journal*, 68, 106-24.
- Lorentzen, P.L. 2013. Regularized rioting: permitting public protest in an authoritarian

- regime. *Quarterly Journal of Political Science*.
- Lorentzen, P.L. and S.E. Scoggins. 2012. Rising rights consciousness: undermining or undergirding China's stability. Working paper. Available from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1722352 [Accessed 12 June 2012].
- Mann, M. 1996. Ruling class strategies and citizenship. In: M. Bulmer and A.M. Rees, eds., *Citizenship today: the contemporary relevance of T.H. Marshall*. London: UCL Press, pp. 125-44.
- McAdam, D. 1982. *Political process and the development of black insurgency, 1930-1970*. Chicago, IL: University of Chicago Press.
- Mertha, A.C. 2008. *China's water warriors: citizen action and policy change*. Ithaca, NY: Cornell University Press.
- Michelson, E. 2006. Connected contention: social resources and petitioning the state in rural China. Unpublished paper.
- _____. 2007. Climbing the dispute pagoda: grievances and appeals to the official justice system in rural China. *American Sociological Review*, 72, 459-85.
- _____. 2008. Justice from above or below? Popular strategies for resolving grievances in rural China. *China Quarterly*, 193, 43-64.
- O'Brien, K.J. 1996. Rightful resistance. *World Politics*, 49(1), 31-55.
- _____. 2001. Villagers, elections and citizenship in contemporary China. *Modern China*, 27(4), 407-35.
- _____. 2011. Studying Chinese politics in an age of specialization. *Journal of*

- Contemporary China*, 20(71), 535-41.
- O'Brien, K.J. and L.J. Li. 1995. The politics of lodging complaints in rural China. *China Quarterly*, 143, 756-83.
- _____. 2006. *Rightful resistance in rural China*. New York: Cambridge University Press.
- Ortner, S.B. 1995. Resistance and the problem of ethnographic refusal. *Comparative Studies in Society and History*, 37(1), 173-93.
- Paik, W. and K. Lee. 2012. 'I want to be expropriated.' The politics of xiaochanquanfang land development in suburban China. *Journal of Contemporary China*, 21(74), 281-98.
- Pan, C.X. 2008. Contractual thinking and responsible government in China: a constructivist framework for analysis. *China Review*, 8(2), 49-75.
- Perry, E.J. 2002. *Challenging the mandate of heaven: social protest and state power in China*. New York: M.E. Sharpe.
- _____. 2007. Studying Chinese politics: farewell to revolution? *China Journal*, 57, 1-24.
- _____. 2008. Chinese conceptions of 'rights': from Mencius to Mao—and now. *Perspectives on Politics*, 6(1), 37-50.
- _____. 2009. A new rights consciousness? *Journal of Democracy*, 20(3), 17-20.
- _____. 2010. Popular protest in China: playing by the rules. In: J. Fewsmith, ed., *China today, China tomorrow: domestic politics, economics and society*. Lanham, MD: Rowman and Littlefield, pp. 11-28.

- Rucht, Dieter. 2004. Movement allies, adversaries, and third parties. In: D.A. Snow, S.A. Soule and H. Kriesi, eds. *The Blackwell Companion to Social Movements*. Malden, MA: Blackwell, pp. 197-216.
- Santoro, W.A. and McGuire, G.M. 1997. Social movement insiders: the impact of institutional activists on affirmative action and comparable worth policies. *Social Problems*, 44(4), 503-19.
- Scott, J.C. 1976. *The moral economy of the peasant: subsistence and rebellion in Southeast Asia*. New Haven, CT: Yale University Press.
- _____. 1985. *Weapons of the weak: everyday forms of resistance*. New Haven, CT: Yale University Press.
- _____. 1990. *Domination and the arts of resistance: hidden transcripts*. New Haven, CT: Yale University Press.
- _____. 1998. *Seeing like a state: How certain schemes to improve the human condition have failed*. New Haven, CT: Yale University Press.
- Sewell, W. H. Jr. 1990. Collective violence and collective loyalties in France. Why the French revolution made a difference. *Politics & Society*, 18(4), 527-52.
- Shi, F.Y. and Y.S. Cai. 2006. Disaggregating the state: networks and collective resistance in Shanghai. *China Quarterly*, 186, 314-32.
- Spires, A.J. 2011. Contingent symbiosis and civil society in an authoritarian state: understanding the survival of China's grassroots NGOs. *American Sociological Review*, 117(1), 1-45.
- Stearns, L.B. 2004. The formation of state actor-social movement coalitions and

- favorable policy outcomes. *Social Problems*, 51(4), 478-504.
- Stern, R.E. 2013. *Environmental Litigation in China: A Study in Political Ambivalence*.
New York: Cambridge University Press.
- Stern, R.E. and K.J. O'Brien. 2012. Politics at the boundary: mixed signals and the
Chinese state. *Modern China*, 38(2), 174-98.
- Sun, Y.F. and D.X. Zhao. 2008. Environmental campaigns. In: K.J. O'Brien, ed., *Popular
Protest in China*. Cambridge, MA: Harvard University Press, pp. 144-162.
- Thaxton, R.A. Jr. 2008. *Catastrophe and contention in rural China: Mao's great leap
forward and the origins of righteous resistance in Da Fo Village*. Cambridge, NY:
Cambridge University Press.
- Tilly, C. 1984. *Big structures, large processes, huge comparisons*. Cambridge, MA:
Harvard University Press.
- _____. 1993. Contentious repertoires in Great Britain, 1758-1834. *Social Science
History*, 17(2), 253-80.
- Tong, Z.H. Forthcoming. Zhongguo nongmin kangzheng de daoyi yishi (Moral
consciousness of Chinese peasant protest). *Rural China: An International
Journal of History and Social Science*.
- Walker, K.L.M. 2008. From covert to overt: everyday peasant politics in China and the
implications for transnational agrarian movements. *Journal of Agrarian Change*,
8(2-3), 462-88.
- Wang, J. 2012. Shifting boundaries of state and society: village cadres as new activists
in collective petitioning. *China Quarterly*, 211, 697-717.

Weiss, J.C. 2008. Powerful patriots: nationalism, diplomacy and strategic logic of anti-foreign protest in China, 1978-2005. Thesis (PhD). University of California, San Diego.

Wong, R.B. 2007. Book review of *Rightful resistance in rural China*. *Perspectives on Politics*, 5(4), 850-51.

Wong, Linda. 2011. Chinese migrant workers: rights attainment deficits, rights consciousness and personal strategies. *China Quarterly*, 208, 870-92.

Woodman, S. 2011. Law, translation, and voice. Transformation of a struggle for social justice in a Chinese village. *Critical Asian Studies*, 43(2), 185-210.

Yu, J.R. 2008. Emerging trends in violent riots. *China Security*, 4(3), 75-81.