

Title	Village citizenship in contemporary China : the case of Zhejiang
Sub Title	
Author	He, Baogang
Publisher	Global Center of Excellence Center of Governance for Civil Society, Keio University
Publication year	2012
Jtitle	Journal of political science and sociology No.16 (2012. 5) ,p.165- 181
JaLC DOI	
Abstract	This paper aims to examine the idea and practice, as well as the implications, of village citizenship in China. It spells out the context and content of village citizenship, describes struggles for village status, and addresses the puzzling questions of why and how villagers seek to retain this status. It further examines the logic of how such struggles are leading to the establishment and improvement of village democratic institutions. The paradoxes and problems associated with village citizenship, and the significance of village citizenship for achieving meaningful citizenship are also explored.
Notes	Special Issue on the EAP Tokyo Workshop
Genre	Journal article
URL	https://koara.lib.keio.ac.jp/xoonips/modules/xoonips/detail.php?koara_id=AA12117871-20120500-0165

慶應義塾大学学術情報リポジトリ(KOARA)に掲載されているコンテンツの著作権は、それぞれの著作者、学会または出版社/発行者に帰属し、その権利は著作権法によって保護されています。引用にあたっては、著作権法を遵守してご利用ください。

The copyrights of content available on the KeiO Associated Repository of Academic resources (KOARA) belong to the respective authors, academic societies, or publishers/issuers, and these rights are protected by the Japanese Copyright Act. When quoting the content, please follow the Japanese copyright act.

Village Citizenship in Contemporary China: The Case of Zhejiang¹

Baogang He

Abstract

This paper aims to examine the idea and practice, as well as the implications, of village citizenship in China. It spells out the context and content of village citizenship, describes struggles for village status, and addresses the puzzling questions of why and how villagers seek to retain this status. It further examines the logic of how such struggles are leading to the establishment and improvement of village democratic institutions. The paradoxes and problems associated with village citizenship, and the significance of village citizenship for achieving meaningful citizenship are also explored.

I. Introduction

A strange phenomenon is taking place in several villages in Zhejiang Province. Instead of going to cities and desperately seeking to gain residential household status in the urban areas, as was the trend, today's villagers, in particular married-out women, are striving to retain their village status, and migrant workers are fighting to obtain rights and status in villages where they have worked for a long period.²

The question of village status is about village citizenship, who are the demos in a village and who should be included in or excluded from village elections and democracy. Settling these questions is a precondition for conducting democratic village elections. Effective registration of electors "is the foundation of electoral administration; on this everything rests" (Mackenzie 1958:115).

Village citizenship emerged before the modern citizenship granted by the state. It was common in Europe, the USA and many parts of Asia. The European practice of recommending marriage to someone else within the village has often been attributed to a desire to keep property in the hands of village residents because daughters or sons who

leave for other places would pass on their inheritance rights to outsiders (Heady 2001: 12). One also needed to apply village citizenship upon his/her up-coming marriage.³ In the US, Jefferson's republican conception of citizenship held that only "yeoman farmers possess the virtue and independence that [make] sturdy republic citizens" (Sandel 1996: 169). In Vietnam, Samuel L. Popkin (1979) has explored the concept and practice of village citizenship in detail.

In 1999, the Chinese Ministry of Civic Affairs and the United Nations Development Program commissioned Professor Xiang Jiquan at the Central Normal University of China to write a training textbook about village citizenship. Local officials with responsibility for elections have been concerned about the controversial question of village status. Their concerns highlight the importance of this issue, which has not yet been fully studied in the English language literature on village elections and democracy.

Merle Goldman and Elizabeth J. Perry's (2002) new edited book has surveyed the development and changing meanings of citizenship from the later Qing dynasty to contemporary China. In particular, Goldman (2002: 159-186) highlights the importance of citizens' initiative and struggle in the post-Mao era, by individuals and groups asserting their political rights rather than waiting for them to be granted by the government. Indeed, it is through struggle that villagers now defend their village citizenship. Kevin O'Brien (2001, 2002) has been at the forefront in addressing the specific question of citizenship with regard to village elections. He has convincingly documented the daily political struggles for citizenship and correctly pointed out that citizenship is a claim to community membership. Nevertheless, his focus on political dimensions overlooks the political economy of village citizenship. More importantly, he fails to distinguish universal citizenship granted by the state from a particular form of village citizenship that is practiced in a small community.

This paper aims to examine the idea and practice, as well as the implications, of village citizenship. It spells out the context and content of village citizenship, describes struggles for village status, and addresses the puzzling question of why and how villagers seek to retain this status. It further examines the logic of how such struggles are leading to the establishment and improvement of village democratic institutions. The paradoxes and problems associated with village citizenship are also discussed. Finally, the paper explores the significance of village citizenship for achieving meaningful citizenship in general.

I selected Zhejiang as a case study and primarily because it is not regarded as the most successful area in China for village elections and democracy. Indeed, Zhejiang used to be well behind Jilin and other provinces in terms of the three yardsticks – a larger number of candidates than available positions, secret ballot and competition (a discussion of competitive village elections, see He 2003a) – set out by the Ministry of Civil Affairs to measure the soundness of elections. It must be made clear that the development of village elections and democracy in Zhejiang cannot be taken to represent China as a whole. It must also be stressed that although the case study of Zhejiang is not fully representative of

China, democratic elements present there may help us to come to grips with a peaceful and evolutionary model of village citizenship that might contribute to the future of China's political development.

A secondary reason for selecting Zhejiang was my ability to understand local dialects without much difficulty. Thus I was able to easily organize survey work and research teams. Having grown up in Hangzhou, the capital city of Zhejiang, gone to one village in Jiande county, Zhejiang, between 1975-77 as an intellectual youth and completed my undergraduate study in Hangzhou University (now a part of Zhejiang University) from 1977 to 1981, I was often seen as a native by local officials and villagers. This enabled me to gain access to and understand information and material quickly and easily. At the same time, I maintained an external point of view that prevented me from being involved in internal village politics and helped me to develop an objective perspective. This paper is not based on impressionist observations, rather it draws on ten years of research, conducted between 1993 and 2003, which has enabled me to track various trends and developments in the implementation of village elections and the rise of village citizenship.

II. The Concept of Village Citizenship

By definition, a villager or a peasant is one who resides and works permanently in a rural area and one who not only has household registration in the village, but also the ownership over some land in the village. Indeed, residence and land ownership are the two requisites for one to be a villager. While residence is an important condition for one to be a local villager, the ownership of land is a decisive factor. If someone has rights over some of the village land, s/he naturally becomes a member of the village and is granted household registration in the community, including full rights in the village elections.

Village citizenship refers to privileged village status and a set of rights enjoyed by villagers, including entitlement to collective land property and village welfare. Village citizenship also includes a set of duties, including the duty to pay taxes and fees and contribute to the village's development.

Village citizenship includes both rights and duties granted by law and by the Constitution to all citizens of China, and those that arise from village autonomy. Here it is important to distinguish *gonmin* (state citizenship) from *cunmin* (village citizenship). A villager enjoys the rights of a citizen in general and the rights of a villager in particular. In short, a villager's rights combine citizen rights as defined by the Constitution and villager rights as defined by China's Organic Law of Village Committee. It should be noted, however, that in reality Chinese villagers are treated as second-class citizens as they do not enjoy the same rights and benefits given to urban residents. For example, the Chinese residential (*hukou*) system is discriminative against Chinese rural residents; all Chinese peasants pay a compulsory tax (*nongye shui*) which Chinese urban residents do not pay;

and most Chinese urban state-employees are able to access to state-funded medical care to which Chinese peasants are not entitled.

In terms of participating in village governance, a villager has the right to vote, nominate candidates, elect the village head, deputy head, members of the village committee, village representatives, and leaders of branch villages, dismiss corrupt village leaders, participate in village decision-making processes and monitor village affairs. S/he has the right to attend village meetings and village representatives' meetings. Villagers' other rights include a role in formulating village regulations, rights to know about and supervise village affairs, to comment on and, where necessary, propose dismissal of village officials. During the process of elections, villagers choose candidates, cast ballots, count votes, and announce results. They thus enjoy extensive democratic rights in the village's decision-making and the running of village affairs. It should be pointed again that these rights exist on the book; and not all villagers enjoy or exercise these rights in reality.

The village meeting is an important institution that gives villagers an opportunity to voice their opinions before major decisions are made. According to the Organic Law of Village Committee, village meetings should involve all villagers aged 18 or above. The meeting should have a minimum quorum of half of those eligible to attend or, alternatively, two thirds of the household representatives of the village. The village committee is responsible to the representatives' meeting and is obliged to report to the meeting about its work. The meeting reviews the committee's work at least once a year. It is called by the village committee, but can also be summoned if demanded by at least one tenth of villagers.

According to Article 19 of the Organic Law, it is necessary to hold a village meeting to discuss and decide on any of the following issues: 1. levy and fee collection for the township government, or collection and allocation of village fees; 2. allocation of allowances; 3. allocation and distribution of gains and profits from the village collective economy; 4. collection of money for projects such as village roads and village schools; 5. village economic projects such as business deals and village construction contracts; 6. in-village business contracts, namely those between the village and individual villagers; 7. land allotted to villagers for building new houses; 8. other issues which the villagers' meeting believes are important and should be discussed and decided by the meeting. Beyond the rights and obligations specified above, villagers can demand transparency from the village committee in its handling of village matters.

Villagers must abide by laws and regulations in exercising election rights, participating in democratic decision-making, democratic management and democratic supervision. They also have a responsibility to carry out decisions or resolutions made at village meetings or village representative meeting.

Village autonomy also covers economic activities, as villagers are engaged in activities such as farming contracted lands, opening-up wastelands, work in village enterprises, and paying legal taxes and fees. Their economic responsibilities accordingly involve (1) taking care of public properties and respecting the legal rights of others; (2) an

obligation to make use of the natural resources in a reasonable way, maintaining and improving environmental conditions; and (3) timely payment of taxes and fees as defined by law.

Village citizenship functions as “a license to do business and a right of access to crucial institutions” (Popkin 1979: 46). Village residents are grouped into insiders and outsiders. Insiders have full citizenship within the village, although they do not necessarily play decision-making roles. By contrast, outsiders are allowed to reside in the geographic confines of the village, but have fewer rights and benefits than insiders. Village resources and jobs tend to be distributed among village citizens, and village shops are often run by insiders. Village citizenship also entails gaining a share of welfare distribution and favorable protection from outside competition.

With the introduction of democratic elections, village leaders confront the question of who eligible voters are. With economic development, urbanization and the increase in migrant workers, assigning village citizenship and defining the membership of villages have become increasingly problematic. Villages are confronted with the question of who should have village status and how village citizenship should be assigned. This involves the politics of inclusion and exclusion. If a village is poor, most villagers exercise their right to exit. If a village becomes rich, married-out women demand the right to vote, as do in-migrant workers who live for a certain period in the village. Forces demanding inclusion clash with forces seeking to impose exclusion.

III. Economic Basis of Village Citizenship

In Vietnam, Popkin (1979: 55) found that “a lack of land may mean not only denial of credit, but second-class citizenship as well.” In Thailand, Potter (1976: 55) found that while landless individuals were “really not full citizens of the community” and were “not considered of much account at village meetings.” In villages of Northern Italy between the 13th and the 19th century, village citizenship rules were established to protect property rights against outsider. The legal title to the common land and a form of village citizenship transformed the legal status of forests and pastures from open to closed access (Casari 2000: 4, 8, 13). In India, all village residents enjoyed the legal right to communal resources. Nevertheless, in recent years, legal rights have been based either on membership (as in the state-initiated groups) or on rules specified by specific communities (Agarwal 2001: 4).

Chinese village citizenship is based on collective ownership of land.⁴ The ownership of land is so important that it is the most essential characteristic of a villager. Both in the early PRC history and in the current reform era, villagers’ identity and membership have been closely linked to the land. After the 1949 Land Reform, peasants became owners of the land and other means of production. The establishment of cooperatives and people’s communes also entailed establishment of a collective ownership system, in which the peasants were entitled both to the land and the collective wealth yielded from the land.

Under the collective system, all villagers, men and women, old and young, enjoyed rights over the collective wealth. Differences among villagers regarding these rights were matters of degree rather than quality. While some people might have more and others less, there was no serious difference between the haves and have-nots. Collective land-based interests and benefits formed dividing lines both between rural and urban societies, and within the rural, differentiating one village from another. These interests and benefits were distributed only among members of a certain village community. Without a collective consensus, an outsider, individual and organization alike, could by no means share or take any part in collective village wealth.

Collective land ownership has remained unchanged despite the emergence of the household-based production model in China's reform era. Changes in modes of production did not eliminate common interest based on the village's collective land. Even in villages where land uses have changed with economic development to accommodate industrial zones or residential areas, this sense of common interest has not disappeared. Furthermore, ownership of land distinguishes a villager from a non-villager, bringing with it acceptance as a member of the collective, with full rights to land and land-related benefits as well as to management of village affairs.

Viewed in this light, village citizenship is significant in an economic sense. In the more developed coastal areas and in inland areas where urbanization has started to show its effects, the land has become even more valuable, living standards higher, and transportation easier. In these areas, village membership has in turn become more desirable, appealing to migrant workers, non-resident investors, those who in earlier times had left the village to become government employees, as well as laid-off urban workers and unemployed, who all have an eye on the benefits associated with village membership. Village members and officials, by contrast, have sought to carefully balance the costs and benefits from their standpoint, welcoming investors, paying migrant workers, and generously rewarding those who have made significant contributions to the local economy. They nevertheless tend to be cautious in according such outsiders full rights and benefits of village citizenship.

IV. Village Citizenship, Eligibility and Registration

As defined in the Constitution of the People's Republic of China, "All citizens of the People's Republic of China, who are eighteen years old and above, regardless of race, ethnicity, gender, profession, family background, religion, education, economic status, period of residence, have the rights to elect and to be elected, with the exception of those who are legally deprived of political rights."⁵ The Zhejiang Provincial Regulations on the Implementation of the Organic Law of Village Committee Elections (1988) defines voter and candidacy eligibility in line with the national law. Provisional 1999 Village Election Regulations in Zhejiang specifically defines the eligibility of electors as follows:

Firstly, an elector's age is defined on the basis of the elector's date of birth as recorded in his/her identification card or household registration, and the date of election in the village. Secondly, electors should register in the village in which their household registration is lodged. In some exceptional cases, an elector can register in a village regardless of his/her household registration condition. However, an approval from the village election committee must be obtained in such cases. Thirdly, those who suffer from a mental disorder and are consequently unable to exercise their election rights can be excluded from the electors' list.

In the township of Laofangqiao, where an election was held between March and April 1999, village election regulations stipulate that those eligible electors who have lived in the village for a year or longer because of marriage or other family ties, and who have carried out duties as villagers, should register, even if their household registration has not yet been transferred into the village. Those who have had no contact with the village for a year or longer and have not carried out village duties are not eligible for registration, even though their household registration is still in the village. Those who suffer from a mental disorder and consequently are not able to exercise election rights can be exempt from the electorate list, if approved by the village election committee. Those who have been working away from the village for more than two years but meanwhile have carried out their duties in the village, should either come back to the village at least two days before the election or ask others to exercise their rights for them; otherwise they are not counted as electors. Non-villagers who work in village enterprises or other economic organizations are not eligible for registration.

Registration of electors involves three stages. The first covers the counting of the electorate, a check of names and dates of birth of individual voters, and registration. The check of individual electors involves verifying those who are deprived of election rights as a result of legal sanctions and those who are not able to exercise elector's rights for reasons such as mental health conditions. All justifications for deprivation or suspension of election rights are to be examined carefully before the village election committee draws a conclusion on each individual case.

The second stage entails publishing the electoral list. The 1987 provisional Organic Law does not stipulate when the electorate list should be made public. Neither have we found such stipulation in our search of provincial implementing laws of twenty-six provinces, including Zhejiang. Article 12 of the 1998 New Organic Law overcame this deficiency, asserting that "the list of all eligible electors should be published twenty days before the voting day." Our survey finds that while 69.4% of the voters say the list was published in their respective villages, 95.5% of village heads and 97.4% of township leaders shared that view. There is thus a marked difference between what villagers say and what the village and township leaders say. One reason might be that some villagers simply did not see the actually published list and thought it was not published. In general, the

responses of village heads and township leaders are credible and backed up by our interviews and document sources.

In the third stage, that of revising and issuing of elector cards, errors found in the list and disputes concerning the list are reported to the village election group. Corrections are made when errors are confirmed. The last task in the registration process is the issuing of elector cards. So far, Zhejiang does not have a provincially uniform elector card. In 1993, the Ministry of Civic Affairs suggested that in order to achieve a high-quality election, it is necessary to print a uniform Elector Card for the village election, which is to be issued at the end of registration. Voters should produce the cards in order to receive ballot papers. Our survey finds that 69% of villagers say the village election committee issued elector cards to them. Meanwhile, 87% of village heads and 86% of township leaders say voters in their respective villages get elector cards.

If implemented, the measures discussed above would ensure “no multi-registration, no error, no one left-out.” One significant development in village elections during the reform era was the development of well-regulated processes of registration. In the past, the elections of village chiefs in some villages under Mao’s era were conducted without registration when peasants used soybeans to vote.

V. Politics of Village Citizenship

Fighting for village citizenship

The following people are most likely to apply for village citizenship:

- * Retired cadres, who were members of a village, had household registration in a city but who are now living in his/her home village, demand the right to vote.
- * These who have gained household registration in cities, after their collective lands were appropriated by the government or other agencies in the cities, demand their original villager status and their right to vote.
- * Married-out women demand their right to vote in many townships, as they attempt to retain their household registration in their native village and refuse to acquiesce to the village leaders’ demand that they should re-register their household in their husbands’ villages. One woman who did not have proper marriage registration and was therefore deprived of her right to vote, demanded its restoration.
- * Migrant workers demand their right to vote in the village where they have worked for a long period.

* Ordinary villagers demand the right to vote. During the 1998 village election in Tianli, Huiping township, votes from one household were somehow left uncounted. Though the electoral working team tried to convince the family that it was due to a technical mistake, the family was very angry. They went all the way to the township leaders to protest against “being unlawfully deprived of voting rights.” The leaders had to apologize profusely before the family’s anger was appeased.

* Those who were deprived of their right to vote, due to their breach of state laws under the one child policy, have fought for their right to vote and the right to run for election.

* Ordinary villagers demand the right to run for election. Zhang Yubin who was deprived of his right to vote by township leaders appealed to a local court and won back his right to contest the village election in 1998 (Ding Dakang 1999:32-34).

* Even family members whose parents died in the wake of the village’s first round of elections argue that their parents should have the right to vote in the second round of elections (Wei Ronghan 2001: 65).

The above events, related to electoral processes, highlight the importance of village status and citizenship.

The Politics of exclusion and inclusion

The Election Regulations of Yangxia Village, written in September 1997, stipulate that those who are defined as psychiatric patients by hospitals at the county level or above, and consequently are deemed unable to exercise their rights to vote, can be exempt from elections. The same applies to those who have been away from the village for business or for other reasons and who have had no contact with the village for one year or longer.

Provincial regulations specify that one is not an eligible elector unless one meets four conditions in terms of age, residence, political qualification and behavioral ability. Of the four conditions, the one of residency is the most likely to trigger a dispute. This is because, since the start of economic reforms, the household system has been seriously challenged by the ever increasing social mobility of Chinese individuals. The household system makes elector registration difficult and affects the exercise of electors’ rights, particularly for those who work away from the village. The law stipulates that they should register in the village of their household registration. But voting for those who have moved away is essentially meaningless. Asking others to vote for them would achieve little beyond a higher voting turnout, and might lead to irregularities or conflicts during elections.

The residence issue both affects those who leave the village to work elsewhere and has a bearing on those who come from elsewhere to work in the village. In recent years

many villagers have left their home villages in provinces like Sichuan, Hubei and Henan for work in better developed provinces like Jiangsu, Zhejiang, Fujian and Guangdong. For example, in Wuyan township of Wenzhou municipality, the local population of 40,000 is outnumbered by 50,000 migrant workers. A survey shows that many of the migrants have worked there for years without visiting their home village. Some have married locals, and for these people the chance to return to the home village is low. They have formed close ties with the villages where they live and work. But, because they do not have household registration, they have no election rights.⁶ Naturally, the problem of guaranteeing democratic rights to these individuals has become a significant issue.

Two cases in the 1999 election are particularly revealing. In one instance a migrant had set up a factory in a village of Xianju county. Besides job opportunities, he brought many other benefits to that village. During the 1999 village election, the villagers wished to elect him as village head, and the man himself was interested in running. However, by law, he was not eligible for the local election, and the local leadership insisted on his ineligibility. The disappointed man removed his investment in the village elsewhere.⁷

The other case occurred in the better developed Yuyao municipality. Shunyu was a well-known and prosperous company with a large number of employees. In the 1999 election, the general manager of the company, who was not a local person, wished to run for the post of village head, and it seemed that the villagers would be happy to have him as the village head. However, the man gave up when he could not overcome the problem of household registration. However, he did not withdraw his investment.⁸

The provisional 1999 Zhejiang Village Election Regulations stipulates in Article 11, "in some exceptional cases, with the approval of the village election committee, one can register as an elector even if his/her household registration is not in the village." Viewed in this light, the above two cases could have easily been solved, because in both cases villagers and village election committees would certainly have granted an approval. In general, a non-villager asking for exceptional treatment in electoral registration may either gain approval if villagers and the village election committee think this is in the interests of the village. Alternatively, the request may be refused, even if the non-villager has close ties with and has carried out his/her duties in the village. There are many reasons for such refusal, perhaps the most important of which are concerns among villagers that non-villagers will gain entitlement to welfare and economic benefits if accepted as eligible voters. Here, the reasoning behind both approval and rejection is rooted in villagers' concerns for their own economic interests. In both cases, the democratic rights of non-villagers are treated as secondary.

Who defines village citizenship?

In most cases, governments at the township or higher levels decide who is eligible to participate in an election. The working team of village elections in Fuyang municipality

issued a directive before the 1997 village election, laying down that “all those who by household registration and identification card are eighteen years old or above (i.e. born before 12 p.m. 30 September 1978) should register, with the exception of those who are legally deprived of political rights. Lists of electors should be made public and measures must be taken to avoid errors” (Office of the Leading Group of Village Elections in Fuyang municipality).

In facing different kinds of disputes over the right to vote, one township leader made an “arbitrary” decision that all who do not have household registration in villages are ineligible as electors (Wei Ronghan 2001: 64). This decision excluded retired cadres who were village members but had a household in the cities, migrant workers, and married-out women. It aimed to solve all disputes over citizenship quickly and prevent the issue from being manipulated by trouble-makers. However, the administrative decision invited criticisms and complaints by villagers. Soon, township leaders discovered an effective and democratic way of delegating their responsibility.

Faced with increasing disputes and difficulties in deciding whether villagers who work outside for more than one year or migrant workers living in the village for a long time have the right to vote, township leaders decided to shift their burden to the village assembly/village representative assembly (for a discussion of how village elections impact on township leaders and lead to direct township elections, see He, 2001&2002). As criteria for village citizenship are always subject to dispute and each individual case often takes too much time, township leaders preferred to let the villagers decide the matter by and for themselves through discussion and voting at village assemblies and representative assemblies. In the case of the village assembly, the vote can be seen as a sort of village referendum over the membership question.

Such democratic practice sometimes leads to decisions disfavoring minority groups, who then appeal to local courts. In turn, local courts are expected to play an independent role in settling disputes, defending minority rights and interests, and constituting a counterbalance to the majoritarian rule of village representative assemblies. It is interesting to note, by way of comparison, that , in Vietnam, “such conflicts over village membership serve to emphasize the importance to villagers of control and access to courts, both within the village and at higher levels of authority” (Popkin 1979:45).

Majority rule and minority rights of women

In Zhejiang, married-out women in rich villages desire to retain village status in their home villages and refused to register in their husbands’ residential area. These married-out women are frequently denied their right to vote and entitlement to economic benefits by village assembly or village representative assemblies, which act democratically but in majoritarian fashion against these women’s interests. In Zhejiang, several villages where I visited held village representative assembly meetings to decide the tough question of

whether these women should retain their status. The decision was often made that if a woman marries out, she loses her village citizenship. In one village in Wenzou, even if a divorced woman returns to her home village and is registered there, she is still denied the right to vote.⁹ Only those who marry in are entitled to village status. In 2002, however, in Shuangqiao village, it was decided that a married-out woman can retain her right to vote within one year of her marriage.

Twenty-two women in Simen Village at Anyang township demanded the economic right to village wealth. Their request was denied by the village representative assembly. They appealed to county leaders who did not want to take any responsibility and only requested the village representative assembly to reconsider the case. The women also approached the local newspaper to publish their stories. Finally, they went to the local court, which decided that the question of village status is a matter of village autonomy and should only be decided by the village representative assembly.¹⁰ By contrast, in Guangdong, a few women challenged such a decision through judicial appeal and won the case. The local court in that instance decreed that the village assembly had no right to make a decision that denies women their political rights, which are protected by national law.

Equality and differences

Village citizenship has normative requirements that demands equal treatment within a village. The citizens of a village have the right to share equally in a portion of village wealth. In turn, the differentiated treatment sometimes imposed by the majority of villagers upon a minority challenges this fundamental aspect of village citizenship. Systematic injustice committed by a majority through the democratic process is, in a broader sense, undemocratic. A village democracy must be morally committed to substantial justice as part of what it means to be democratic. I will now examine a detailed case to illustrate this theme.

Jianshe village in Wuyun township in Lishun city has a population of 872 (400 are male, 472 female) and consists of six village teams. It has 171 *mu* of land (one *mu* is equivalent to 6.667 acres), of which 109 *mu* are to be contracted to the villagers, and 62 *mu* are managed by the village committee. In 2000, the total income of the village was 625,000 *yuan* (one US\$ is equivalent to 8.3 *yuan*), and total expenses 697,000 *yuan*. Its annual average per capita income is 3,366 *yuan*.

On 18 August 1999, the first village representative assembly was held to discuss the contract. The task was completed on 18 March 2000, taking seven months. The proposal that the first contract be continued for another 30 years with a few modifications was passed with the support of 72.7% of votes in the second village representative assembly.

A dispute occurred during the process. The key issue was whether the fifth team should be treated equally. Historically, the fifth team was amalgamated into Jianshe village

in 1958 by an administrative order. Geographically, it is located on the top of a mountain, far away from the rest of the village and the site of Wuyun township, so that its lands have little commercial value and contribute little to the collective wealth of the village. For these reasons, the other five village teams demand that the fifth team maintain their old contract and that it should not enjoy the same benefits as all other village teams. While the villagers of all other five teams are given the amount of money equal to 12.5 kilogram rice, the fifth team is denied this benefit.

Subsequently, village representative meetings were held ten times. Each time the fifth team lost its appeal because its four village representatives were outnumbered among the 36 representatives. It then appealed to the township authority and local newspapers. In the end, through compromise and persuasion inside and outside village representative meetings, a deal was reached. While the villagers of the fifth team are entitled to the most benefits, a differentiated policy towards contracting and village welfare provision was also adopted.

In this case, the fifth team demanded a fair share of collective benefits. Village elections, village representative assembly, and majority rule proved insufficient to protect the interests and rights of the minority group. At the same time, basic village citizenship and the right to appeal enabled the minority group to defend its rights and interests.

This case reveals that village democracy is making progress in which compromises can be made, a balance struck, and relative fairness achieved. Despite the dominance of majorities, village assemblies provide forums in which minority groups can express their needs and dissatisfactions, and ultimately reach accommodations. As Ross Zucker (2001: 273) argues, "Though morally supreme, justice has no authority without democracy. Since its rules are not self-enforcing, justice must come under democracy's dominion in order to be actualized."

The separation approach

One increasingly adopted approach in settling disputes over village citizenship is to separate villager's economic right from voter status and to distinguish a villager (*cunmin*) from a voter (*xuanmin*). A villager is generally referred to as a natural person who resides and has household registration in the village. S/he could be a young person under 18 or an adult 18 years or over, who therefore may or may not have full rights in elections. A villager who is deprived of political rights is still a villager. A voter, on the other hand, is defined more narrowly. To become an eligible voter in the village, one must meet a number of conditions. Following this distinction, some villages make a differential policy. While married-out women who managed to retain their household registration in their home village are denied the right to vote, their children are entitled to village benefits but do not have the right to vote.

There is also a distinction between a villager and a citizen. "Citizen" is a legal concept, referring to someone having the nationality of a country, enjoying the rights granted by the national constitution and laws while undertaking corresponding responsibilities. Within the village, a villager and a citizen mean practically the same—a villager is a citizen and vice versa. Outside the village, however, the concept of citizen goes beyond that of villager. This is because "citizen" covers not only villagers in a particular village, but also anyone who holds Chinese nationality. For this reason, migrant workers, as Chinese citizens, are entitled to vote everywhere within China, but are not entitled to village welfare. In my field trips to several villages, I found that those who lived and grew rice in the village for more than 3 to 5 years are in fact granted the right to vote, but denied the economic right to village welfare.¹¹ A person who has political rights is not necessarily entitled to economic benefits because the right to vote is granted for political reasons. Village self-governing rights are inherently linked to village collective economy and have certain boundaries.

Solutions to disputes over village citizenship tend to exhibit a pattern, although there are regional and local variations. Married-out women usually lose the right to vote and economic rights although they deliberately retain their household registration in their home village. By contrast, migrant workers who have made substantial contributions to the village economy have increasingly gained their right to vote. For example, on December 8, 2001, in Dacheng township, Yiwu city, Zhejiang province, 5000 migrant workers were, for the first time, allowed to cast their vote in the local election for deputies, and seven migrant workers were elected as people's deputies.¹² Nevertheless, new regulations now separate the right to vote from rights to previously accumulated collective wealth, so that immigrants' voting rights can be guaranteed without violating villagers' economic rights.

The separation approach is likely to face challenges in the near future. Voting rights sooner or later lead to demands for economic rights. For example, migrants who contest and win elections to become village head, deputy head or members of village committees are likely to demand that village policy about who is entitled to village welfare be changed.

VI. Meanings of Village Citizenship

Villagers' willingness to fight for status and the right to vote signals a broad trend towards development from peasants to citizens beyond narrow clan and kinship (for a discussion of village elections and kinship, see He 2003b). It might be argued that village democratic institutions have turned peasants into modern citizens, as villagers empower themselves by using democratic institutions and procedures to defend their interests. They are simultaneously active in establishing, consolidating and entrenching the democratic institutions of the village assembly or village representative assembly.

Villagers are fighting to realize their political, social and economic rights and to force local cadres to respect and honor these rights. They equally defend their rights against the misuse of power by village cadres. For example, a widow defended her right to inherit the

properties of her husband against the village leaders' decision that the properties should go to her son. An ordinary villager who contracted to run a village enterprise defended his right against the decision of the village committee to end the contract before the term expired. Increasingly some villagers know much more about electoral laws than village and township cadres and use them to advance their interests and defend their rights. In short, the increasing importance of village citizenship is changing local political culture and establishing a rights-based political morality. In such a context, we should use the term of "villager" seriously and give up the older term of "peasant," which seems inadequate to describe people in rural China.

Thus, economic interests have driven villagers to fight for village status and economic rights, as well as for the right to vote. Their struggles have raised the question of who and which institution should be able to settle the dispute. To avoid their responsibilities, township leaders have allowed the village assembly or village representative assembly to decide this difficult and controversial matter, thus turning them into key democratic institutions in solving disputes over the question of village membership. This has consolidated democratic processes in some villages. But ironically, the village representative assembly has occasionally violated minority rights of women, who in turn have appealed to the local courts for justice. This has pushed local actors to consider the tension between majority rule and minority rights and created a demand for local courts to intervene and counterbalance the majoritarian tendencies of democratic institutions.

It is important to stress the contribution of migrants' fighting for village citizenship. In some villages, the decision on whether or not to grant village membership to a migrant is made by village meetings on a case-by-case basis. Some village committees respect and guard the legal rights of migrants in the running of their business and consult them when migrant affairs are involved. In village enterprises, migrant workers participate in management through their representatives. In Beicun, Wuyan township, the local population is outnumbered by migrants. Taking this fact into account, the village has set up a system of multi-level consultations with the aim of collecting opinions from various groups, including migrant workers and business people in the village. All these models of decision-making contain democratic elements

Charles Tilly once remarked that citizenship can be thin where it entails few transactions of rights and obligations and thick where it occupies a significant share of all transactions (see Faulks 2000: 10). To be thick, village citizenship should be about both economic rights and the right to participate in decision-making and village supervision. Indeed, village citizenship entails the people's power to make village leaders responsive to them. Meaningful village citizenship is evidenced by the capacity of villagers, empowered by democratic institutions and procedures, to influence collective decisions. Political participation is the key to realizing this objective.

While celebrating the development of village citizenship, we should be aware of some of its inherent limits and deficiencies. There are problems of gender inequality and of two-

class citizenships within a village based on distinctions between insiders and outsiders. Village citizenship raises the question of fairness towards outsiders. Conversely, outsiders who fight for and obtain village citizenship pose problems of 'free riders' and associated issues of balancing duties and rights.

Finally, issues of village citizenship have political ramifications for the overall development of Chinese citizenship. As B. Turner (1986: xii) observes, "Citizenship can be conceived as a series of expanding circles which are pushed forward by the momentum of conflicts and struggle." As experience with village citizenship shows, rights written in the constitution or laws must be married to concrete interests and mechanisms and linked with the continuing struggles of ordinary citizens seeking to defend their interests through democratic institutions, in order to develop meaningful, democratic citizenship.

Notes

¹ The early version of this article has been published in *Citizenship Studies*, Vol. 9, No. 2, pp. 205-219, May 2005. This version has made some changes and revisions.

² Similarly, following an election pledge of donating one million baht (\$24,000) to every village by Thai Prime Minister Thaksin Shinawatra, the government has received a flood of applications from communities requesting village status. An Interior Ministry source said the request of district community leaders to establish new villages tripled in 2001 to 3,000 in Thailand, where there were more than 70,000 villages. *BBC News*, January 31, 2001.

³ See <http://www.schwenkidaho.com/index13.htm>

⁴ For a discussion of the importance and persistence of corporate landed property, see Sulamith Potter and Jack Potter 1990: 252-262).

⁵ <http://www.qis.net/chinalaw/prcon3.htm>.

⁶ The author's interview with cadres of Beicun village (November 1998).

⁷ The author's interview with Ren Yiqui, the manager of general office of Zhejiang Provincial People's Congress (September 8, 1999).

⁸ Discussion between Lang Youxing & Xiang Hui with Qian Ging, section head of Party Organization Dept. of Yuyao municipality (August 18, 1999).

⁹ The author's interview in Wenzhou on 4 June 2001.

¹⁰ Ibid.

¹¹ The author's interview with village officials in Wuhan on October 13, 2000.

¹² *Zhejiang Daily*, <http://www.zjonline.com.cn>, accessed on December 8, 2001.

References

- Agarwal, B. (2001). "The Hidden Side of Group Behavior: A Gender Analysis of Community Forestry Groups," *QEH Working Paper Series*, no. 76 (University of Delhi).
- Casari, M. (2000). "Emergence of Endogenous Legal Institutions: The Rural Charters in Northern Italy," *Social Science Working Paper*, 1105 (Californian Institute of Technology).

- Ding, D. (1999). "I Still Wants to Run Elections after being Released from Jail," *Democracy and the Rule of Law*, no. 5, pp. 32-34.
- Faulks, K. (2000). *Citizenship*. London: Routledge.
- Goldman, M. (2002). "The Reassertion of Political Citizenship in the Post-Mao Era: The Democracy Wall Movement," in Goldman and Perry, eds., *Changing Meanings of Citizenship in Modern China*. Cambridge: Harvard University Press, pp. 159-186.
- Goldman, M. and Elizabeth J. P., eds., (2002). *Changing Meanings of Citizenship in Modern China*. Cambridge: Harvard University Press.
- He, B. (2001). "China's First Direct Election of the Township Head: A Case Study of Buyun" (with Youxing Lang), *Japanese Journal of Political Science*, vol.2, No. 1, pp. 1-22.
- He, B. (2002). "Village Elections, Village Power Structure and Rural Governance in Zhejiang," *American Asian Review*, Fall, No. 3, pp. 55-89.
- He, B. (2003a). "Are Village Elections Competitive?" in *China's Challenges in the Twenty-First Century*, ed., by Joseph Y. S. Cheng, Hong Kong: the City University of Hong Kong Press, pp. 71-92.
- He, B. (2003b). "Kinship, Village Elections and Structural Conditions in Zhejiang," in *Damage Control: The Chinese Communist Party in the Jiang Zemin Era*, eds., by Wang Gungwu and Zheng Yongnian, Singapore: Times Media Private Limited, pp. 142-172.
- Heady, P. (2001). "Kinship, Courtship and Conscription: Levi-Straussian Aspects of Some Alpine Village Rituals," Working Paper no. 23 (Max Planck Institute for Social Anthropology).
- Mackenzie, W. J. M. (1995). *Free Elections: An Elementary Textbook*. New York: Rinehart and Company.
- O'Brien, K. J. (2001). "Villagers, Elections, and Citizenship in Contemporary China," *Modern China*, vol. 27, no. 4, pp. 407-435.
- O'Brien, K. J. (2002). "Villagers, Elections, and Citizenship," in Goldman and Perry, eds., *Changing Meanings of Citizenship in Modern China*. Cambridge: Harvard University Press, pp. 212-231.
- Office of the Leading Group of Village Elections in Fuyang municipality 1997. "Fuyangshi cunminweiyuanhui huanjie xuanju xuexi ziliao" ("Study Materials for Village Election in Fuyang").
- Popkin, S. L. (1979). *The Rational Peasant: The Political Economy of Rural Society in Vietnam*. Berkeley: University of California Press.
- Potter, J. (1976). *Thai Peasant Social Structure*. Chicago: University of Chicago Press.
- Potter, S. H. and Jack M. P. (1990). *China's Peasants: The Anthropology of a Revolution*. Cambridge: Cambridge University Press.
- Sandel, M. J. (1996). *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge: Harvard University Press.
- Turner, B. (1986). *Citizen and Capitalism*. London: Allen and Unwin.
- Wei, R. (2001). *Fengfeng Yuyu Xuan Cungan (Electing Village Leaders in the Teeth of Wind and Rain)*. Taiyuan: Beiyue wenyi chubanshe.
- Zhe, X. (1996). "Pluralization of Village Boundaries," *China's Social Sciences*, no. 3.
- Zucker, R. (2001). *Democratic Distributive Justice*. Cambridge: Cambridge University Press.