

## **Law Dissemination Campaign in China: The Origin of Chinese ‘Rule of Law’ Policy**

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*This article analyzes the law dissemination campaign (pufa huodong) that China has implemented for almost three decades, and sheds light on recent development of the rule of law policy in China. It first examines the background of the campaign. Then, the article delves into the process of the campaign as well as the legal knowledge education of leading cadres as a case study. Third, it takes stock of the campaign’s achievements and limitations. This article suggests that the campaign has played a vital role in encouraging ordinary people’s legal practices. Furthermore, it argues that the campaign provided important experience by which China set the rule of law policy as a guiding principle of government at the 15th Party Congress in October 1997 and more recently the Fourth Plenum of 18th Central Committee of the CCP in October 2014.*

**Keywords:** *China’s political reform, rule of law, law dissemination campaign*

### 1. INTRODUCTION

The Chinese Communist Party (CCP) decided “governing the country according to the law” (*yifa zhiguo*) as an official guiding principle of government at the 15<sup>th</sup> Party Congress in 1997. Thereafter, the Party and state organs have formulated policies in order to implement the principle. The State Council, for example, has executed “administration according to the law” (*yifa xingzheng*) by promulgating the Decision on the Comprehensive Implementation of Administration according to the Law in 1999 while the CCP has implemented “ruling the country according to the law” (*yifa zhizheng*) since the 16<sup>th</sup> Party Congress in 2002. Likewise, the Supreme People’s Court has initiated judicial reform with the goals of judicial fairness and effectiveness by enacting the Outline on the Reform of the People’s Courts in the Next Five Years in 1999. In this way, the law became an important tool of the CCP to rule the country.

On the other hand, the law has also played an important role in Chinese society since the 1990s in relation to addressing social disputes. Notably the rights consciousness or “rule consciousness” of ordinary people based on legal awareness has been enhanced as Lianjiang Li and Elizabeth Perry suggested (Li, 2010: 47-68; Perry, 2008: 37-50; Perry, 2009: 17-20). At the same time, as a result of these changes, legal practice usage initiated by Chinese citizens have also rapidly increased, as illustrated by various court cases and legal action by workers in urban areas (Lee, 2007; Lee, 2010: 57-79; Gallagher, 2006: 783-816; Gallagher, 2007: 196-227; Gallagher, 2011: 204-233; Chen, 2004: 27-45). In a word, the law became a vital tool of ordinary people to further their legitimate rights and interests.

How has the law been able to become both an instrument of the CCP to govern the country and a weapon of Chinese citizens to defend their rights in the 1990s? In other words, first, how did the CCP decide the rule of law policy as a new ruling principle in 1997? Second, what factors facilitated the increases of ordinary people’s legal practises? In addressing these questions, some studies emphasize the transformation of socioeconomic

conditions, and the changes of popular consciousness and their behaviours (Shi, 1997; Shi, 1999; Tang, 2005). Others pay more attention to the state's efforts. For example, Mary E. Gallagher argues that Chinese workers have advisedly used the law to protect their legitimate rights and interests due mainly to the state's encouragement (Gallagher, 2005: 55-83). Hualing Fu and Richard Cullen similarly argue that the state has encouraged ordinary people to acquire legal knowledge by way of a legal enlightenment campaign (Fu and Cullen, 2008: 111-127). But these studies, except for Mechthild Exner, have not analyzed the state's attempts in depth (Exner, 1995: 68-102).

This article focuses on the law dissemination campaign (*pufa huodong*/hereafter LDC) to investigate the two questions. This is because, in my view, the LDC has close relations to both the rule of law policy initiated by the Party and the increase of legal action exercised by Chinese people. After the first five-year campaign from 1986 to 1990, China decided to continue it: the second and third five-year campaigns followed in the 1990s, and the fourth and fifth campaigns in the 2000s. The sixth campaign began in April 2011. The very fact that China has incessantly carried out legal enlightenment campaigns as an important national policy for almost three decades strongly indicates that it has played a certain role in enabling the CCP to adopt the rule of law policy as a new guiding principle of government, and in intensifying the legal practices of Chinese citizens.

To this end, first, this article examines the background of the LDC—that is, why did China launch the campaign at both central and local levels? Then it delves into the implementing method of the campaign and the process of legal knowledge education of “leading cadres” as a case study, because leading cadres have been designated as the “core” (*hexin*) target of the campaign from the start. Third, it analyzes the campaign's consequences including both positive achievements and critical limitations. The final section of the article summarizes this study's findings.

This study relies on a wide range of source materials, including both extant literature and interview documents that I collected in China. The materials include official documents released by the Party and governments, speeches and articles of higher-level leaders and officials, implementation and situational reports of local governments, and survey data and field reports by Chinese governments and non-governmental institutes. To compensate for materials, I interviewed with government officials and senior staff members of social organizations in Shanghai and Guangdong in the mid-2000s.

## 2. WHY DID CHINA START THE LAW DISSEMINATION CAMPAIGN?

According to its plans, the campaign had two purposes. The primary purpose was the dissemination of legal knowledge. According to the LDC's first five-year (1986-1990) plan, the campaign aimed to popularize “ten laws” (including the Constitution, Criminal Law, Criminal Procedural Law, Civil Procedural Law, and Marriage Law) and “one rule” (i.e., the Punishment Rule of the Maintenance of Public Order). The second purpose was the enlargement of legal practices. By adding it to the Second five-year (1991-95) plan, the campaign went beyond legal enlightenment with the goal of increasing public's legal knowledge, and instead started to become a political reform policy that shifted the mode of national governance from the rule of person to the rule of law (Sifabu, 2001a: 35-37, 46-48).

## **2.1 Establishing a Workable Legal System**

Viewed from the central level, it started as a policy to establish a socialist legal system which China has officially pursued since the Third Plenum of the Eleventh Central Committee of the CCP in December 1978. The CCP implemented the policy while dealing with the remaining socio-political chaos of the Cultural Revolution and restoring political stability. The decade of turmoil made political leaders feel keenly aware of the necessity and significance of a functioning legal system. They concluded that the rule of person was the main cause of the socio-political chaos in the Cultural Revolution (Cheng, 1999: 3-4; Renmin Daibiao, 2004: 73). With this consideration in mind, reformers in the CCP proposed the task of promoting a socialist democracy and perfecting the legal system, along with the reform and opening-up policies. That is, the CCP expected that establishing a legal system would secure social stability and consolidate social unity, and thereby guarantee long-term socio-political stability within which the Party could pursue the reform and opening-up policies without losing its monopoly on political power (Diamant, Lubman and O'Brien, 2005: 3, 7; Gallagher, 2005: 74-77).

The LDC in the 1980s was promoted as a vital step towards a functioning legal system. Enacting the law and restoring relevant state organs were not enough to establish a legal system and to make a habit of working in accordance with the law. To this end, more thorough reform was necessary that could profoundly transform the consciousness and practice of party cadres and state officials. Put differently, establishing and implementing a legal system on a national scale was possible only when party-state cadres, especially leading cadres, with a higher level of legal knowledge and consciousness, were willing to govern according to the law.

Upon reaching this judgement, the CCP decided to launch a large-scale political campaign to disseminate legal knowledge based on the previous local experiments and to change the mode of governing the country. And for this reason, the party designated leading cadres as a "core" target group of the campaign. In this sense, the LDC developed from legal enlightenment campaign into a political reform, in order to stimulate legal knowledge education for leading cadres, and thereby to elevate their law-abiding attitude and to realize legal practice at the local and basic levels.

## **2.2. Maintaining Public Order and Protecting Popular Rights**

Viewed from the local and basic levels, the campaign started as a countermeasure to deal with the unravelling of governance systems and the deteriorating public order at the local and basic levels in the early 1980s. Especially, the campaign was considered to be an effective measure that farmers and workers could employ to cope with the misbehaviour of party-state cadres and to protect their legitimate rights and interests.

With the dissolution of collective systems in rural areas in the early 1980s, China confronted urgent tasks: dealing with deteriorating public order and the collapse of its social governance systems. These resulted in a rapid increase in crime under the difficult economic conditions of the early reform era. Therefore, the party and the government made utmost efforts to maintain public order by launching mopping-up operations against crime (*yanta*) and to establish new governance systems at local and basic levels. The LDC started as an effective measure to cope with these problems. This is similar to the emergence of villagers'

committees in the countryside in the 1980s: they were voluntarily conceived to tackle the decline of former social governance systems in a few localities and became widespread over time under the guidance and support of some party leaders and government officials.

For example, at the National Work Conference on the Propagation and Education of the Legal System in June 1985, when it was officially decided to launch the campaign, the Minister of Justice, Zou Yu, argued that the campaign should be implemented to deal with deteriorating public order (Sifabu, 2001b: 1049-1055). In a similar vein, at the Second National Conference on the Propagation and Education of the Legal System in 1986, then the Chairman of Central Political-Legal Affairs Committee, Qiao Shi, also insisted that the campaign was a significant measure to resolve the deteriorating social public order. In his view, if citizens worked and regulated their actions and protected their rights and interests in accordance with the law, crimes would be prevented and decreased (Sifabu, 2001b: 1039-1040).

Furthermore, the LDC was also implemented as a measure to control the misbehaviour of local- and basic-level cadres and to protect ordinary people's legitimate rights and interests. The slogan of "use the law as a weapon" (*yong falü wuqi*) neatly captures this intention. For instance, at the same National Work Conference on the Legal System in June 1985, then the head of Central Propaganda Department, Deng Liqun, argued that the campaign should provide "one billion people with the law" so that "the law becomes a weapon in the hands of the people." Then people, by using the law, would fight against social crimes, especially political corruption and the encroachment of public rights, in order to protect their legitimate rights and interests (Sifabu, 2001b: 1040-1045). The slogan of "use the law as a weapon" was also inserted into the first and the third five-year plans in an indirect but explicit fashion (Sifabu, 2001a: 35, 36, 46-48). In this way, the LDC was promoted with the intention of presenting Chinese citizens with the legal means of fighting social crimes and cadres' infringement of public rights.

### 3. HOW DID CHINA IMPLEMENT THE LAW DISSEMINATION CAMPAIGN?

The most important principle of implementing the LDC was an incremental and flexible application of the central plans to specific regions and agencies depending on their specific conditions. This principle was especially pertinent to rural areas where subjective and objective conditions for implementing the campaign were not well prepared. For instance, at the Second National Conference on the Propagation and Education of Legal System in 1986, the former Minister of Justice, Zou Yu, emphasized that "we should start from the realities clinging to the attitude of seeking truth from facts (*shishi qiushi*)" in the processes of evolving the campaign in rural areas. In other words, "the law dissemination activities should not apply one model and should not impose uniformity on all cases (*yidaoqie*)." In his view, if the campaign was implemented hastily in the absence of appropriate conditions, the campaign would be carried out *pro forma* (Sifabu, 2001b: 1059-1067).

This principle of incremental and flexible implementation has had a significant effect on the evolution of the campaign. That is, the principle has precipitated huge disparities between regions and agencies in terms of the campaign's speed and depth. For example, in one region, the party secretary, as a chief of a leading small group of law dissemination (*pufa lingdao xiaozu*), actively promoted the LDC as a significant party work; the secretary mobilized support and participation from all government agencies and organizations. In another region,

the vice-head of the political-legal affairs committee or the bureau chief of justice headed the leading small group, and the campaign was regarded as marginal. Even some regions, using the excuse of the principle, treated the campaign just as a formal necessity and even did not start it at all.

The campaign has employed two methods of legal knowledge education targeted at different groups. The first method is face-to-face education. This refers to crash courses or short-term training classes in legal knowledge prepared by party schools and administrative training centers, in which trainees study law and legal systems intensively. The face-to-face education method chiefly applies to party-state cadres, SOE managers, and students. In addition, citizens residing in metropolitan cities, such as Beijing and Shanghai, often attend law seminars, lectures and classes. According to a survey of Shanghai citizens in 2005, 59.9 percent of respondents attended the seminars, lectures and courses in legal knowledge prepared by party-state organs, social organizations, SOEs and resident communities during the campaign (Yin, 2005: 67-74). This means that legal knowledge education has been widely promoted at least in big cities such as Shanghai and Beijing.

The second method is indirect education and propagation by use of mass media, especially televisions and newspapers. This method applies to ordinary people such as residents in rural areas and small cities. For example, in the fourth five-year (2001-05) campaign, the Ministry of Justice, General Bureau of Broadcasting and Television, and other relevant central agencies, issued the Opinion on Strengthening Television's Works of Propagation and Education in the Legal System, and requested all pertinent agencies to implement the regulation. Thereafter, about 300 provincial- and municipal-level television stations started to make and release legal knowledge programs. Among them, 20 stations televised legal knowledge programs every day, and five stations opened new specialized channels for broadcasting. In addition, the National Office of Law Dissemination (i.e., a central ad-hoc coordinating organ for the LDC established in 1991) and *Legal Daily* jointly made television programs under the title of rule of law broadcasting; more than 50 stations nationwide released the programs simultaneously. This was further enlarged in the fifth five-year (2006-10) campaign period, so that about 430 provincial- and city-level stations and some 1,530 county-level stations provided regular broadcasts of legal knowledge programs (Zhang, 2004; Wu, 2011).

Finally, leading small groups and their administrative offices have led the campaign. The Minister of Justice is the director of the National Office of Law Dissemination with support of deputy ministers of Justice Ministry and deputy heads of Propaganda Department as deputy directors. In localities, there are also leading small groups of law dissemination and their offices at all levels. Regions differ in who holds the leading posts of the small groups, as mentioned above. LDC offices are generally led by the heads of justice bureaus in local governments with the staffers dispatched from party and government agencies. This form of leadership and executive staffers applies to all social organizations and SOEs as well as party and government agencies from the central to basic levels.

#### 4. A CASE OF THE CAMPAIGN: LEGAL KNOWLEDGE EDUCATION FOR LEADING CADRES

As mentioned above, leading cadres have been the "core" target group of the LDC. For this reason, we will analyze legal knowledge education for leading cadres as a case study to

understand how the campaign has been implemented. The CCP has tried to educate higher cadres about the law after the principle of the legalization of party leadership was established in 1982 as part of the new Party Constitution (Hou et al., 2004: 339-341). This principle means that the Party should wield its leadership within legal boundaries according to due legal procedures. These efforts accelerated with the launch of the first five-year campaign in 1986.

The CCP's top leaders took the initiative in conducting the legal knowledge education for high-level cadres. For instance, Hu Yaobang, then the General Secretary of the CCP, convened the first law seminar for the highest-level cadres in 1985, and he stressed the significance of legal knowledge study and legal practices for senior leaders. In 1986, Hu convened three more law seminars, which were attended by high-level leaders such as Qiao Shi, Li Peng, Tian Jiyun and Hu Qiaomu. At the same time, the Party Center organized "law study small groups of leading cadres" composed of higher cadres above division level (*chuji*), and these cadres began to study legal knowledge on a regular basis (Sifabu, 2001b: 1589-1596). These practices resulted in "collective study sessions" on the law that the CCP Politburo has convened regularly since 1994. According to a report, the Politburo held law study sessions 20 times in total for 12 years between December 1994 and March 2007. It means that the Politburo regularly held the law study meetings once or twice each year (Zhongyang, 2006).

In addition, the CCP instructed all party schools, cadre schools and administrative schools to include the study of the law in their curriculum in order to strengthen legal knowledge education for higher-level cadres and government officials. This was partially practised in the first five-year LDC and disseminated nationally with the start of the second campaign. Specifically, in August 1985, the Central Party School convened the National Conference on the Courses of Legal System where it requested all party schools to open legal knowledge courses as a requirement for trainees (Sifabu, 2001b: 1059-1067). As a consequence, the study of the law became a required course of party schools, cadre schools, and administrative schools.

At present, the Central Party School has "Three Basics" and "Five Contemporaries" as required courses. The Three Basics refers to Marxism-Leninism, Mao Zedong's Thoughts, and Deng Xiaoping's Theory, while the Five Contemporaries refers to the contemporary world economy, world science and technology, world law and establishing a Chinese legal system, world military and Chinese military construction (i.e., "modernization"), and world ideational trends. This arrangement illustrates that higher cadres are required to take a legal knowledge course when they study at the Central Party School (Wibowo and Fook, 2008: 139-156; Shambaugh, 2008: 143-148).

This policy has continued until recent years. For instance, the Central Organization Department, Propaganda Department, Political-Legal Affairs Committee and the Ministry of Education jointly issued the Notice on Studying *A Reader of Socialist Rule of the Law Ideas* in September 2009. The Notice ordered that studying socialist rule of law ideas be included in leading cadres' study sessions and party schools' curriculum. It also required that higher cadres should correctly understand and put into practice a socialist rule of law in terms of its theoretical aspects as well as individual laws and institutions (Zhonggong zhongyang, 2009: 1-5).

Legal knowledge education for leading cadres has been widely implemented in localities as well. The Guangzhou City of Guangdong Province is a case in point. According to a report on this matter, Guangzhou established a legal knowledge education system for leading

**Table 1.** Different Methods of Acquiring Legal Knowledge between Groups in Guangdong Province, 2005 (Percentage)

Groups	Broadcasts	Newspapers & magazines	Study sessions in campaign	School education	Others
State organs workers	23.8	24.2	30.5	16.9	4.6
Business unit workers	33.2	24.6	24.2	13.2	4.8
SOE workers	34.5	20.0	25.5	14.6	5.4
Students	23.5	12.9	11.8	47.8	4.0
Farmers	38.0	20.2	13.1	11.8	16.9
Foreign company workers	30.2	24.9	15.5	20.0	9.4
Private company workers	35.9	25.0	13.6	19.8	5.7

Source: Deng Shibao, ed. 2006. *Zhongguo fazhi jin Cheng diaocha baogao 2005 (An Investigation Report on Rule of Law Progress in China in 2005)*. Beijing: Falü chubanshe.

cadres above the vice-bureau chief level (*fujuji*) in 1993. First, the Law Dissemination Office of the city assumed responsibility for running the study sessions, and study of the law was made a compulsory subject of leading cadres' study lists so that cadres had to study the law in their regular meetings. Furthermore, all leading cadres had to attend intensive training courses on the law for at least three full days each year. In all, 25 classes were held for four years from 1994 to 1997, and more than 3,700 leading cadres in total enrolled in the classes (Sifabu, 2001b: 2000-2002).

We can see how widely the legal knowledge education for leading cadres was implemented in Guangzhou by examining the results of a survey conducted in 2005. Table 1 shows that there was a clear difference between groups in relation to how they acquired legal knowledge. First, "Broadcasts" was the most important channel through which all groups except for state organ workers and students acquired legal knowledge. Notably, the rate of "Broadcasts" for farmers (i.e., 38.0 percent) was much higher than any other group, and this means that propagation by television and radio was a main method to disseminate legal knowledge to farmers. And it is natural that "School education" marked the highest rate (i.e., 47.8 percent) in the case of students.

State organ workers (i.e., cadres and officials), however, were distinguishable from other groups in that "Study sessions of the campaign" (30.5 percent) was the most important channel through which they acquired legal knowledge. In addition, the rates for business unit workers and SOE workers, 24.2 percent and 25.5 percent respectively, were much higher than those of other groups (all below 15 percent). This means that relatively intensive study sessions have evolved for workers of state organs, business units and SOEs during the campaign. This survey result confirms that the designation of "core" target groups in the campaign was actually implemented on the ground, even though we are wondering how much it actually changed the mind and behaviours of party cadres.

Furthermore, local regulations have gradually institutionalized law study sessions for leading cadres. According to a 2009 report by the National Office of Law Dissemination, 16 provincial-level local people's congresses promulgated regulations which make it compulsory for state officials to study the law and to take examinations in order to evaluate their level of legal knowledge. That is, local rules stipulate that higher officials, who should receive approval or appointment from local people's congresses, must take legal knowledge

examinations before submitting personnel bills, and those who do not pass the tests should not be approved or appointed (Quanguo Pufa, 2009: 33-38). Likewise, according to a 2004 report by the Minister of Justice, 12 provincial-level administrative units founded such institutions as “certificates of law dissemination” and “examination and evaluation of legal knowledge study,” by which they regularly checked the legal knowledge study of higher officials and reflected the results of examinations in the consideration of cadres’ career promotion (Zhang, 2004).

Hebei Province is a representative case. The Provincial People’s Congress enacted the Work Regulation on the Propagation and Education of the Legal System in Hebei Province in December 1995. This regulation included several measures such as the main duties of the propagation and education of the legal system, and legal knowledge study and its evaluation for officials at various levels. Among them, the most important thing is the evaluation system for officials regarding their legal knowledge study and practices. According to this regulation, “personnel agencies should include a legal knowledge test as a part of employment examination for recruiting officials, and those who fail to pass the test must not be appointed.” In addition, “state organs exercising authority to appoint and dismiss officials (i.e., people’s congresses) should regularly conduct the examination of legal knowledge and inspect the performance of law enforcement of officials, and those who fail to pass the examination and inspection should not be promoted. State officials holding leading posts should be dismissed if they fail to pass the inspection twice consecutively” (Sifabu, 2001b: 927-928).

A caveat is in order here: there is a huge difference between regions in terms of the effectiveness of law study sessions. Zhejiang Province is a case in point where law study sessions have not been seriously organized due to the lack of support from the local party leadership. According to a report in 2007, the province’s Office of Law Dissemination proposed to evaluate leading cadres’ legal knowledge study, in which the results of their legal knowledge examination and of law-enforcement inspection were to be taken into account in their career promotion. But the Provincial Party Committee rejected the plan after deliberation. Consequently, some leading cadres occasionally sent proxies to take legal knowledge tests in their stead, and submitted reports on their legal study written by other persons. Furthermore, absentees and disqualified cadres of legal knowledge tests were not seriously punished because of the absence of relevant regulations. In short, Zhejiang’s law study sessions lost authority among higher cadres (Zhongguo Fazhi, 2007: 221-240).

## 5. POSITIVE OUTCOMES OF THE LAW DISSEMINATION CAMPAIGN

The LDC has had several explicit and implicit consequences. Among them, the establishment and extension of legal-aid systems and the increased use of legal action by citizens are most notable.

### 5.1 Facilitating the Establishment of Legal Aid Systems

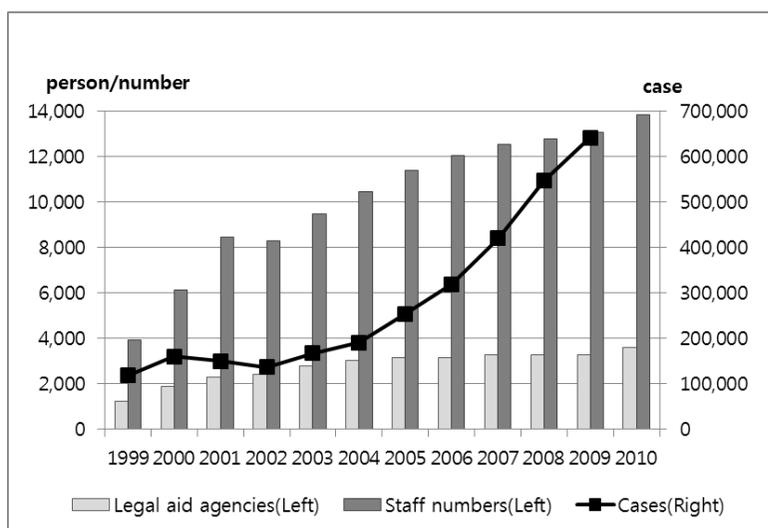
The LDC has performed a vital role in establishing and spreading legal aid systems, which had not existed before in China. As the campaign stressed from the beginning, it is indispensable to establish and disseminate easily-accessible legal aid systems so that ordinary citizens can protect their legitimate rights and interests by using the law as a weapon. In

particular, the CCP has emphasized the importance of educating people about the Constitution in the process of the campaign, and the Constitution itself clearly stipulates that “all persons are equal before the law.” To realize this principle, the state should make legal aid available to Chinese citizens (Sifabu Falü, 1998).

The term “legal aid” (*falü yuanzhu*) was almost unknown in China before the Director of the National Office of Law Dissemination and Minister of Justice, Xiao Yang, argued that “China should establish a legal aid system with Chinese characteristics” in the process of the second five-year (1991-95) LDC (Sifabu Falü, 1998). Xiao raised this matter privately in late 1993 and officially in January 1994 when he considered the draft of the Lawyer Law. After he asked how legal aid systems should be established, officials in the Ministry started to widely discuss the issue with local legal officials.

In an attempt to realize Xiao’s instruction to establish legal aid systems, several “trial points” (*shidian*) were experimented within designated regions including Beijing, Shanghai and Guangzhou. As a result, the Guangzhou City Legal Aid Center, China’s first state legal aid agency, was founded in November 1995. For reference, a few social organizations and individuals established legal aid agencies earlier than the state. For example, the Guangdong Women’s Federation founded the Guangdong Provincial Women and Children’s Legal Office in 1993.<sup>1</sup> Also with the promulgation of several related laws, such as the Criminal Procedural Law and Lawyer Law, the legal grounds for establishing legal aid systems were laid. Based on these efforts, the Ministry of Justice announced in 1996 that legal aid systems would be established across China (Funü Falü, 1997: 78-84, 95-103). In this way, China became the only socialist country where the state took the initiative in establishing legal aid systems on a nationwide scale (Liebman, 1999: 211-286).

**Figure 1.** Increase of Legal Aid Agencies, Staffers and Cases



Source: *Zhongguo falü yuanzhu wang (China’s Legal Aid Network)*, <http://www.chinalegalaid.gov.cn> (accessed August 10, 2011).

<sup>1</sup> Interviews with senior leaders of the Federation, August 10, 2004 and February 22, 2006 in Guangzhou.

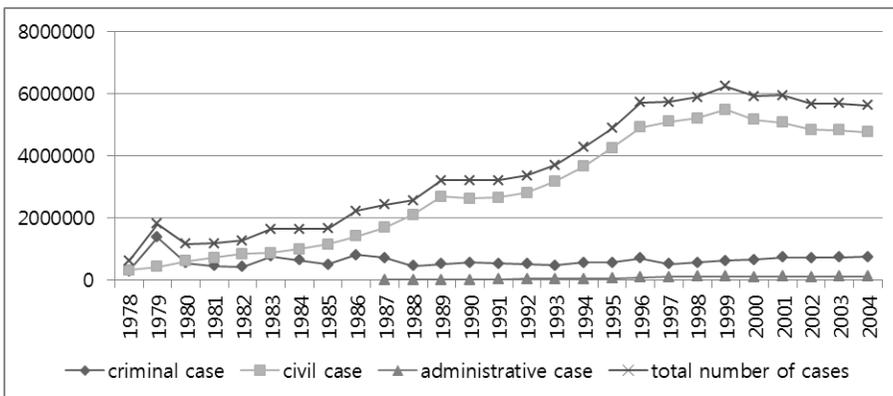
Figure 1 illustrates the development of state-operated legal aid systems since 1999. The number of agencies increased quickly, from 1,235 in 1999 to 3,573 in 2010. The number of staff members also increased in a similarly fast fashion: it increased three and a half times for the same period, from 3,920 in 1999 to 13,830 in 2010. Lastly, cases that the agencies treated increased 5.3 times over 10 years, from about 120,000 cases in 1999 to 640,000 cases in 2009. By way of reference, these figures cover just the state agencies, and if we include all legal aid organizations run by social associations and individuals, the total number would be much larger. By one estimate, there were about 5,000 legal aid organizations of all sorts in 1999 (Funü Falü, 1997: 78-84, 95-103).

Due to the rapid expansion of legal aid systems since the 1990s, Chinese citizens have been able to take part in legal action such as litigation and arbitration as we will discuss below. In other words, if the state did not try to establish legal aid systems nationwide, the public could not easily participate in legal action. This is because legal action calls for both expertise in the law and also substantial financial resources to employ legal experts. Conversely, if the state did not propagandize the slogan of “use the law as a weapon” and encourage citizens to use the law on a huge scale in the process of the LDC, the people would not widely and properly use legal aid systems. As Mary E. Gallagher, and Hualing Fu and Richard Cullen argue, urban workers have been able to acquire legal knowledge relating to labor rights in the process of the LDC and have used the law actively because they seriously believed in the slogan (Gallagher, 2005; Fu and Cullen, 2008: 111-127).

**5.2 The Increase of Rights Protecting Activities by Using the Law as a Weapon**

After the start of the LDC, an increasing number of Chinese citizens has attempted to resolve disputes by using the law, and consequently legal action has become an important mode of addressing disputes. For instance, according to Yongshun Cai, legal action became the second-most significant channel (27 percent) only after the letters and visits system (*xinfang*: 40.2 percent) in 2005, through which Chinese citizens aired their complaints. This indicates that taking legal action to deal with disputes has become a universal mode of action

**Figure 2. Increase in Court Cases during the Reform Era**



Source: Zhu Jingwen, ed. 2007. *Zhongguo falü fazhan baogao: Shujuku yu zhibiao tixi* (A report on China’s Legal Development: Data and Index System). Beijing: Zhongguo Renmin daxue chubanshe.

for Chinese citizens in the 2000s (Cai, 2010). David Zweig confirms this fact (Zweig, 2010: 123-147).

The rapid increase in lawsuits since the mid-1980s illustrates this new trend in Chinese people's legal action. As Figure 2 notes, lawsuits increased some ten times from a half million cases in 1979 to five million cases in 2004 (an annual rate of increase of 10.2 percent). The rapid increase in cases started in the mid-1980s, when the first five-year campaign was launched. That is, the total number of court cases recorded over two millions in 1986 for the first time and since then it increased rapidly. Two factors brought about the swift increase in court cases. First, with the extension of public legal knowledge and the elevation of legal consciousness as a result of the LDC, people's desire to protect their rights and interests by using the law has increased. Second, the state has exhorted Chinese citizens to resolve social disputes by using legal channels instead of unconventional measures such as demonstrations and riots, and the result has been an increase in court cases (Liebman, 2005: 1-157). That is, as Pierre Landy shows, one of the most significant causes of the rapid increase in court cases is the CCP's efforts to disseminate legal knowledge and encourage people to use them (Landy, 2008: 207-234). In brief, above-mentioned two factors are the results of the LDC.

The increasing mobilization of the law in popular resistance and the intellectual movement in the 1990s is also closely related with the campaign: that is, the LDC played an important role in disseminating legal knowledge among Chinese citizens and encouraging them to use the law under the slogan of "use the law as a weapon." This includes farmers' protests known as "rightful resistance," in which rural protesters skilfully use laws and central policies (O'Brien and Li, 2005: 31-53; O'Brien and Li, 2006; O'Brien and Li, 2008: 1-23; Tang, 2005: 24-49), workers' increasing use of the law as a weapon (Lee, 2007; Lee, 2010: 57-79; Gallagher, 2006: 783-816; Gallagher, 2007: 196-227), increasing legal-based women's movements (Lee and Regan, 2009: 541-565; Funü Falü, 2002: 266-268), the rights-protecting activities of lawyers (Michelson, 2006: 1-38; Young, 2005: 1133-1149; Pils, 2007: 1209-1287), and intellectuals' dissident movements (Pei, 2010: 31-56) and environmental movements based on the law (Yang, 2005: 46-66).

Social organizations, for example, have taken legal action to further their members' rights and interests after the start of the LDC (Cho, 2009: 113-142). All social organizations have taken the new principle seriously, and strived to further their rights and interests by use of the law. But their "use the law as a weapon" is different, depending on their political status and their actual capabilities to undertake effective works, including budget and organizational strength. Viewed in this perspective, social organizations that have relatively close relations with the CCP and governments and cooperate with them can be divided into two categories.<sup>2</sup>

The first category includes trade unions and women's federations, which enjoy comparatively higher political status with strong organizational capacity. They can participate in various legal practices promoted by the state. In particular, they have promoted three policies in relation to legal action. One is to take part in the lawmaking process in order to "protect their rights and interests from the origin" (*yuantou weiquan*) by suggesting legislative agendas, drafting regulations alone or jointly, and attending legislative hearings. Another is to conduct oversight with government agencies and legislative committees to

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<sup>2</sup> Interviews with senior leaders of trade unions, women's federations, the federations of industry and commerce, and consumers' associations in Shanghai and Guangdong: February 13, 17 and 18, 2004 in Shanghai; August 10, 11, 13 and 17, 2004, and February 14, 16, 21 and 22, 2006 in Guangzhou.

check how laws are implemented and to resolve related problems. Trade unions take part in supervisory activities when government agencies and legislative committees oversee labor-related laws such as the Trade Union Law and Labor Contract Law. Similarly women's federations attend when they supervise women- and youths-related laws, such as the Youth Rights Protection Law and Women Rights Protection Law. Still another is legal aid for affiliated members. They have their own legal aid centers in which full-time lawyers and staffers provide legal services to their members.

The second category includes social organizations such as consumers' associations, the federations of industry and commerce, and communist youth leagues. Because they have a relatively lower political status and generally lack the capacity to undertake serious work compared to the previously-mentioned organizations, they cannot take part in, or do not have enough authority to ask to join, the lawmaking and supervisory activities of the government agencies and legislative committees. For these reasons, they tend to focus on legal aid for their members. These associations, with the approval of the party and government and their encouragement to use the law, have helped their members protect and advance their legitimate rights and interests by use of law. To sum up, using the law as a weapon has become an important and effective mode of action for social organizations, regardless of the first and second categories. And the main driving force making this possible is the LDC.

## 6. SERIOUS PROBLEMS IN IMPLEMENTING THE LAW DISSEMINATION CAMPAIGN

The LDC has very critical limitations, and the most significant of which are: state initiative and the exclusion of civil society, and insufficient motivation for local- and basic-level officials to promote the campaign. Due to these problems, the LDC has not radically changed the lack of rule of law in China.

### 6.1 State Initiative and the Exclusion of Civil Society

The Party Center and State Council have continued to take the initiative in planning and executing the LDC. In localities, local party branches and governments have played a key role in implementing the campaign. The campaign is thus a top-down movement driven by the state. It is appropriate for the state to take the initiative, given that traditional conceptions of the law and legal nihilism are still strong in China. But the state is both one of the main targets that the LDC intends to reform and also the main agent promoting the campaign. The state should thus be the main implementer of the LDC, but it should also be supervised and pressured to transform by other forces: that is, civil society.

Experience suggests that there are other ways and methods for popularizing the law and affecting the legal awareness and consciousness of people. For example, some rights-protecting lawyers (*weiquan lishi*) have launched lawsuits against government agencies and received prominent media coverage; in the process of adjudicating and reporting, legal knowledge education and propagation can take place widely and effectively. The Hepatitis-B lawsuits in 2002-03 were a case in point: about 40 job-seekers sued companies and state agencies because they were rejected on the grounds that they had contracted Hepatitis-B, and the media reported their cases. In the process, Chinese citizens had a chance to consider their basic rights prescribed in the Constitution and the reality of these rights being violated

without any legal grounds (Kellogg, 2011: 340-379).

However, the state has frequently oppressed the legal action of intellectuals and civil associations, by which they protect public rights and interests and change related laws and regulations. The suppression of rights-protecting lawyers is a case in point. A few examples might suffice. For one, the state suppressed and forcibly stopped the work of defense lawyers who prepared a class action against the government in 2008 on behalf of parents who had lost children due to the shoddy and faulty construction of schools in the Wenchuan earthquake; for another, lawyers who launched a class action in 2009 against the makers of products that were found to have killed hundreds of babies by toxic formula; and for still another, lawyers who defended the rights of victims of enforced demolition in urban areas. Some lawyers and law firms which had not succumbed to state oppression had their licences revoked (Amnesty, 2011).

In a similar vein, civil associations that provide legal aid to Chinese workers, farmers and migrants have occasionally provoked party and government agencies and have been suppressed. March 25, 2010, for example, the Ministry of Education closed down the Center for Women's Legal Research and Service (*Funü falü yanjiu yu fuwu zhongxin*) located in the Law School of Peking University, along with three other institutions in the school. A lawyer who was trained in Peking University, Guo Jianmei, established the Center in 1995 as China's first civil organization for legal aid. The Center, called "the first NGO in China," had 11 full-time lawyers, numerous part-time lawyers and five full-time staffers. Notably, the Center established a "cooperative network for Chinese legal aid" in 2000, in which about 100 lawyers from 28 provinces took part, and took the initiative of civil associations' legal aid activities.

Two reasons were reportedly given for the closure of the Center. First, the Center received financial support from international NGOs. Second, the Center participated in sensitive legal cases and initiated the establishment of a national legal aid network. In short, the Center was closed because it was "politically very dangerous." If state oppression of civic associations which help the social weak by using the law continues, the LDC will remain a limited movement led by the state alone.

## **6.2 Local Cadres' Lack of Motivations to Implement the Campaign**

A huge regional disparity has appeared in the evolution of the LDC. Most serious has been the disparity between urban and rural areas: that is, the campaign has not been properly implemented in the countryside. The most critical reason is that the campaign is contrary to the interests of local- and basic-level cadres, and they are reluctant to pursue it.

First, the campaign aims to increase the legal awareness and consciousness of farmers. As their legal knowledge and consciousness increases, peasants use the law to raise questions and complain about illegalities or evasion of the law by cadres. In addition, along with the wide implementation of governance according to the law at the local and basic levels, cadres are afraid that the law may constrain their authority and actions. Viewed from the perspective of these cadres, because they have to follow the orders and instructions of higher governments through every means, both the aims and consequences of the campaign squarely collide with their interests. In this way, cadres have motivations not to support the campaign and to oppose it. At best, they carry out the campaign in a *pro forma* manner; at worst, they use every means, including physical force, to obstruct it.

Most studies on the implementation of the campaign in rural areas, by both Chinese

government agencies and scholars, confirm this fact. For example, one study on the campaign in Fujian Province in 2002 found that many basic-level cadres thought that if they implemented the campaign too rigorously, farmers' legal knowledge would increase, and it would be difficult to control farmers and accomplish government work. They strongly resisted the campaign because they thought it would deprive them of power. For this reason, they did not seriously pursue the campaign, and they just pretended to comply when higher-level agencies urged them to do so (Fujiansheng, 2002: 35-36). There were similar findings in Henan and Hunan provinces (Henansheng, 2002: 24-25; Chen and Xiao, 2008: 77-79).

Other studies also confirm these regional disparities, especially the poor implementation of the campaign in rural areas. For example, according to a survey of rural counties in Yunnan Province in 2003, about 25 percent of respondents said they had never heard of the LDC and about 75 percent said they had heard of it but never received any legal knowledge education. In fact, 95 percent of respondents had never received legal knowledge education (Zhao and Sun, 2004: 53-57). By way of reference, as of 2003, the campaign had already been in operation for 18 years. Other research findings on popular protests in rural areas strongly indicate that local governments and cadres tend to obstruct the spread of legal knowledge among farmers (Bernstein and Lü, 2003; O'Brien and Li, 2006; Tang, 2005: 24-49)

## 7. CONCLUSION

When the CCP launched the reform and opening-up policy, it needed to establish a workable legal system and to maintain public order especially in the rural area. China decided to launch the LDC in 1985 as measure to deal with these problems. The campaign has been seriously implemented for "core" target groups, such as the legal education for higher government officials and party cadres. The campaign has demonstrated both achievements and shortfalls. The most notable gains include establishing legal-aid systems and encouraging the ordinary citizens to engage legal actions to protect their legitimate rights and interests. At the same time, the campaign illustrates serious problems such as state initiative and the exclusion of civil society, and insufficient motivation for local- and basic-level officials to promote the campaign. Due to these problems, the campaign has not dramatically changed the lack of rule of law in China.

The above illustrates that the Chinese state has taken the initiative in developing a legal system and the rule of law policy as well as the economy in the reform era. According to the plans, the LDC started as a kind of legal enlightenment campaign with two purposes: one was disseminating necessary legal knowledge to society, the other encouraging law-abiding practices of government officials and party cadres. Later in the process of campaign implementation, it gradually developed beyond legal enlightenment campaign. The decision of rule of law policy as a ruling principle at the 15th Party Congress in 1997 and at the Fourth Plenum of 18th Central Committee of the CCP in 2014 was a culmination of this development. In other words, the campaign provided the CCP with valuable experiences and confidence on which the Party decided the rule of law as a guiding principle of government. All in all, the rule of law policy has penetrated into all the Party and state reforms, including administrative (i.e., administration according to the law), judicial (judicial justice and fairness), and party reforms (ruling the country according to the law) (Cho, 2014: 21-36). It thus remains to be seen to what extent the CCP can actually realize it and change the

operation of Chinese political system as a result.

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