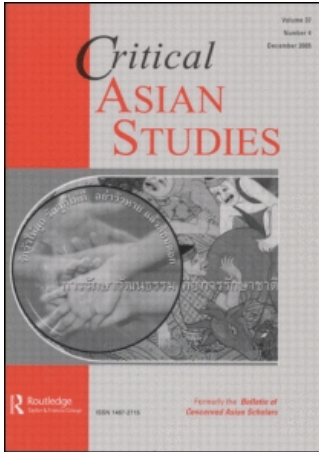


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Sally Sargeson

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FULL CIRCLE?

Rural Land Reforms in Globalizing China

Sally Sargeson

ABSTRACT: China's rural land rights regime is being reformed. Most explanations for the reforms focus on the efficiency effects anticipated from the strengthening of villagers' land rights. In contrast, this article argues that rural land rights reforms are intended to resolve the intra-state and state-society contention generated by China's market transition and globalization, and to mediate villagers' dispossession of their land and their transformation into a proletariat.

Introduction

With the exception of rural land, in the last quarter of the twentieth-century China's government liberalized factor markets and allowed private ownership of the means of production.¹ Rural land was excluded from the government's agenda for market expansion for several reasons, not least of which was that the Communist Party's redistribution of land to poor and middle peasants had legitimated, if not actually precipitated, the revolution that brought it to power in 1949. Land redistribution created a constituency supportive of the new Party-state. Proposals to alter villagers' rights to land were, perforce, ideologically and politically sensitive.

Moreover, it was unclear who actually owned rural land. Collectivization had ensued shortly after land redistribution was completed. A framework of villagers' collective ownership was created under the people's communes, but the government repeatedly altered the scale and structure of village administration and the organization of production.² In the post-Mao period, farming households were granted contractual use-rights to farmland. Rights of ownership,

however, lodged with the village collective and were inalienable unless the government first requisitioned the land. Shifts in policy and practice were reflected in successive legislation, including the 1982 Constitution, 1986 Land Management Law, 1993 Agriculture Law, and the 1987 Organic Law of Villagers' Committees, which stipulated that land is collectively owned, but gave contradictory definitions as to what administrative unit or organization represented the "collective."³ As Peter Ho has shown, this produced a situation where organizations, townships, village communities, contracting households, and individual villagers all had competing claims to land.⁴ Ho argues persuasively that the Chinese government preferred to operate with the resulting "legal indeterminacy," rather than exacerbate conflicts between competing claimants by specifying ownership.

Yet in the 1990s, the Chinese government incrementally introduced legislation and policies to strengthen farmers' contractual and property rights to collective land. Why? Much of the literature analyzing these changes to land rights suggests that they were motivated by the need to provide incentives for farmers to utilize land more efficiently and to encourage specialization and scale farming as China's agricultural sector internationalized. In contrast, the argument presented here shifts the focus from land rights reforms as an institutional prerequisite for agricultural efficiency to land rights reforms as a means of resolving complex domestic political conflicts and sustaining the country's competitiveness as a site of low-cost manufacturing. Specifically, it proposes that the transformation of villagers' contractual rights into a private property rights — and associated administrative, legal, and governance reforms — were directed toward defusing intra-state and state-society competition to use and dispose of rural land in emerging markets for real property, facilitating rural-urban labor



"In the long term, the central government is determined that recombinant land rights will facilitate the transfer of villagers from the land and their transformation into a contingent proletariat." (Credit: ILO)

flows, and individualizing the social adjustment costs that would be incurred by internationalizing China's agricultural sector. The land reforms entail an explicitly political program to reconfigure intra-state and state-society relations and adjust the terms under which both state and farmers will participate in world markets.

The argument is presented in four parts. The first explores the linkages between market liberalization, globalization, and political conflict in post-socialist states. This is followed by an analysis of the arguments for reforming rural land rights given by liberal policy lobbyists in China. China's policy advisors claimed that the main consequences of the reforms would be higher agricultural productivity and more robust land markets. However, an examination of legislative reforms introduced at the turn of the century, and a review of changes in press coverage, administrative procedures, and policy pronouncements relating to rural land rights in 2003 and 2004 presented in the third part of this article suggest that the reforms were part of a far-reaching political agenda. The conclusion considers the implications of the resulting rural land rights regime for villagers, the state, and China's future in the global political economy.

Theorizing Conflict, Post-Socialist Transition, and Globalization in China

All leaders of Leninist states with centrally planned economies who are intent on creating markets must confront the challenge of how to divest government organizations of their assets and economic controls without simultaneously eroding state power and capacity. It thus has become a commonplace for scholars to posit that the transitional socialist state is not a unitary actor; that various components of the state have conflicting economic and policy interests; and that the process of market transition necessarily entails a reconstruction of the bases of state power and capacity.

One of the most elegant attempts to link those propositions was developed by Gryzmala-Busse and Jones Luong, who defined post-socialist transition as a process of state formation propelled by "elite competition over the authority to create the structural framework through which policies are made and enforced."⁵ State leaders, sections of government, business groups, social coalitions, and international agencies compete to forge policy-making arrangements that, while facilitating market expansion, will not disadvantage their interests. In pursuing those ends, Gryzmala-Busse and Jones Luong argue, competing elites draw on old as well as new ideologies, political and administrative models, and resources to create hybrid, or "recombinant" forms of governance.

Certainly, China's state is comprised of disparate interests that have been nurtured by transition and globalization. However, the competitive bargaining that provides the dynamism in Gryzmala-Busse and Jones Luong's formulation implies the existence of negotiating fora and a degree of political equality unfamiliar to students of the Chinese state. Instead, struggles over policy direction in China often assume localized, covert forms. China's post-Mao leaders propelled market transition partly by opening the country to international trade, investment, and organizational exchanges. Initially these processes were driven

by aggressive competition for markets and investment funds among lower levels of government.⁶ The strategy was spectacularly successful. China became one of the most favored destinations in the world for foreign direct investment (FDI), and foreign investment generated as much as half of the economy's 8 to 9 percent annual growth rates.⁷ When the central government's reforms stalled in the face of opposition from state enterprises and emergent government-business coalitions, as well as a surge in collective protests in the mid 1990s, the leadership responded once again by accelerating globalization. Yet the global economy had slowed. Industrialists, politicians, and unions in China's most important export market, the United States, were cautioning that unless China's growth was "contained" it would undermine the United States' global ascendancy and American jobs.⁸ The challenge for China's central leadership was to retain policy autonomy in the face of domestic and international resistance.

In explaining how China's leadership has attempted to quell domestic conflicts and, *inter alia*, pacify its trade partners, I link Gryzmala-Busse and Jones Luong's notion of "recombinant governance" to Peter Ordeshook's proposition that the constitutional specification of economic rights "should be viewed as an attempt to remove issues from the domain of politics so as to reduce the opportunities to create unstable political outcomes."⁹ Scholars including Cammack and Jayasuriya have illustrated how the legal clarification of property rights and participatory local governance agendas reduce opposition to the extension of markets into new realms of public and social life because they help to obscure the role of states and international agencies in fostering capitalism.¹⁰ People newly endowed with private property are likely to assist policy elites in defending the further privatization of public goods, and might voluntarily provide the public services governments and businesses eschew. Local participation in policy implementation also helps to deflect attention from substantive questions of justice and equity, and absolve the leadership from responsibility for the adverse impacts of liberalization. Hence as Jayasuriya argues, programs for local "self governance" became techniques in de-politicizing market liberalization and globalization.¹¹

In the argument that follows, I draw on these ideas to interpret rural land reforms in China as the simultaneous subject of intra-state and state-society contention, a mechanism for defusing conflict, and the consequence of institutional recombination. I argue that the recombinant rural land rights regime created at the turn of the twentieth century began to fuse the traditional tools of central planning and vertical line management with classic liberal institutions such as legally protected, individualized, commoditized property rights, "transparency" requirements, and enhanced community participation in governance. Media pronouncements popularized the central government-designed land rights regime through promises that rights-bearing villagers would be better equipped to protect their interests against the predatory lower echelons of the government bureaucracy. In encouraging and organizing villagers to report on infringements of their land rights, central leaders reconfigured the distribution of power and resources within government and between governments and the governed. But the land reforms also began to dismantle the collective property

institutions that provided sustenance, income, and security to villagers, facilitated the transfer of vast tracts of farmland onto urban markets and transformed landless villagers into contingent workers.

The Logic of Rural Land Reforms

Processes of policy-making in China are far from transparent. Legislative and policy changes are debated in the closed arena of leading small groups, Politburo, State Council, ministry research offices, think tanks, and the Legal Committee of the National People's Congress. Yet insofar as competing policy recommendations are revealed in the Chinese media, they tend to align with the ideological orientation of top leaders.¹²

Not surprisingly, then, the three key sets of proposals for reforming collective land rights given prominence during the 1990s oscillated according to leadership preferences.¹³ In the immediate aftermath of the Tiananmen demonstrations, when Jiang Zemin and Li Peng balked at continuing economic reforms, policy advisors floated a proposal to nationalize rural land.¹⁴ Critics of the proposal argued that the cost to the state of land resumption would be prohibitive, and derided the assumption that state ownership could be more efficient than collective ownership. Deng Xiaoping reinvigorated the reform program by calling for experimentation with "capitalist methods,"¹⁵ and journals and newspapers duly published proposals to combine collective ownership with market mechanisms. A third proposal, to gradually privatize rural land, initially was deemed ideologically and politically unacceptable.¹⁶ Nevertheless, by the end of the decade when it became obvious that Premier Zhu Rongji was determined to press forward with market transition, there was an emerging liberal consensus among the government's economic advisors, as Naughton remarks: "Most economists share a common worldview, and look for practical approaches to opening markets, and improving property rights."¹⁷

But how to open agricultural markets and improve farmers' property rights? In the 1990s, Chinese producers of grain, soybean, edible oil, cotton, and sugar sold their crops for up to 70 percent more than they could command in a deregulated market.¹⁸ The reduction in tariffs and agricultural subsidies that was stipulated in China's accession agreement with the World Trade Organization (WTO) was expected to "impose some powerful disciplines on China's agricultural trade policies" and increase China's \$1 billion deficit in agricultural trade with the United States.¹⁹ Yet even before China's agricultural producers were exposed to competition from bulk imports, some 230 million Chinese farmers were classified as "poor" or "near poor."²⁰

Liberal economists in government-affiliated think tanks pointed to collective land ownership as a major obstacle to the structural changes necessary if Chinese agricultural producers were to compete successfully in an open market. Chi Fulin, of the China Institute for Reform and Development (CIRD), and Wang Xiyu, of the State Council's Development Research Centre, reasoned that optimal economic outcomes would only be produced by farmers responding rationally to the opportunity and incentive structures of secure property rights.²¹ The legal specification and enforcement of property and contractual rights

were considered necessary to reduce transaction costs, encourage investment in fixed and human capital and productivity-improvements, and set prices that would resolve the conflicting demands of land owners, alternative land-users, and the consumers of agricultural produce.²² Chi also predicted that secure land rights would create collateral that could be used to access credit, thereby facilitating the development of financial markets, the liquidity of land resources, and its transfer from less efficient to more efficient producers.²³ Working in collaboration with the Legal Affairs Commission of the National People's Congress, the Central Policy Research Office, State Council Development Research Centre, Ministry of Agriculture, and UN Development Program (UNDP), Chi proposed that the government accelerate the transformation of land rights, and "realize the capitalization of farmers' long term land use rights as rights in rem."²⁴ Additional arguments in favor of reforming rural land rights were advanced by labor market researchers, who linked collective land ownership to the uncontrolled mass migration of unskilled people from the countryside. Some 200 million villagers were estimated to be surplus to the requirements of a mechanized, commercial agricultural economy.²⁵ Lacking vocational training, villagers were judged to be ill equipped to compete in China's bloated urban labor markets, but in the absence of a rural land market, they could not sell off their land-use rights and invest in the acquisition of skills desired by employers.²⁶ The sale of rural land-use rights might fund improvements in the "quality" (*suzhi*) of migrant labor.

Economists were not alone in advocating liberal reforms to rural land rights. Li Sheng, deputy head of the Legal Affairs Office in the Ministry of Agriculture, stepped beyond the role of farmers' advocate traditionally assumed by the Ministry's spokespeople when he complained that collective ownership promoted egalitarianism and led to unscientific and undercapitalized farming. Crops planted to suit the subsistence requirements of small-holding households could not match international standards in price, quality, and variety.²⁷ Planners at the Ministry of Land and Natural Resources also weighed into the debate, arguing that lower-level cadres and farmers should adopt a more economically rational approach to land development.²⁸

It is not entirely coincidental that Chinese policy advisors' support for stronger individual property rights reflected the agendas of the major multilateral lending and development agencies. After all, for more than a decade advisors from the World Bank, Asian Development Bank, and Washington-based Rural Development Institute (RDI) had been providing Chinese research institutes, including CIRD, with training on land and natural resource legislation, consultancy partnerships, and research contracts. Chinese lawmakers and ministries similarly had been supplied with policy recommendations, technical training programs, and a mechanism for reviewing draft legislation relating to land and natural resource management. Hence, although the lending and development agencies exerted little direct leverage over central government decisions, they nevertheless interacted closely with the organizations and epistemic communities that informed Chinese policy processes. It therefore is important to understand their recommendations regarding land reforms in China.

The World Bank's Country Assistance Strategy for China explicitly aims to facilitate the country's transition to an urban, industrial society integrated with global markets. Global markets are assumed to require secure property rights.²⁹ Throughout the 1990s, the main criticism leveled by the Bank at China's land tenure regime was that it allowed village committees to override 30-year contracts and readjust land holdings to accommodate changes in the size of villagers' households. Accordingly, Bank loans for poverty alleviation and environmental rehabilitation projects were conditional on the registration and issuance of guaranteed long-term land-use contracts to individual farmers.³⁰

RDI, which acts as the main foreign policy advisor on land tenure issues to the Chinese government, shares the World Bank's views on the economic utility of private property rights in general and its criticism of Chinese villagers' penchant for readjusting land among contracting households in particular.³¹ Indeed, its website advertises RDI's commitment to helping to provide "land ownership or owner-like rights" to people in developing countries.³² The desire to demonstrate farmers' preference for secure long-term contracts has patently influenced RDI's research agenda in China, even to the extent that when survey results failed to verify that point,³³ the organization's spokespeople continued to assert that Chinese farmers want "ownership-like rights."³⁴ Although studies published by the Bank and RDI stress the economic utility of strengthening farmers' property rights, following the classical liberal traditions of thought represented by Locke and Madison, they also reason that land reforms could improve villagers' political rights.³⁵ Brian Schwarzwald, staff attorney with RDI, elaborated on anticipated links between land reform and democratization in China and the geopolitical and trade interests of the United States when he addressed the 2003 Congressional — Executive Commission on China:

Land reforms that provided secure, individual tenure rights for small family farmers were part of the U.S. policy agenda in postwar Asia. In Japan, Taiwan and South Korea, these land reforms played a crucial role in achieving grass-roots development and the stabilization or evolution of democratic institutions. They were also a vital part of the economic transformations that made these three societies strong and reliable economic and political partners of the United States.

The adoption of the Rural Land Contracting Law presents a new opportunity for U.S. policy to engage with China to promote the importance of respect for private property.³⁶

Some Chinese economists have demonstrated that liberal analysts overestimate the productivity gains that can be achieved solely by making institutional changes, and understate the significance of other barriers to agricultural productivity growth and commercialization.³⁷ And although China's rural land reforms indirectly will boost its agricultural imports from the United States, the prediction that farmers' property endowment will trigger political democratization appears naive in view of Chinese leaders' expertise in deploying market institutions to authoritarian ends. Of greater relevance to the argument in this article, however, is that liberal reform proposals overlook the fact that another group of actors, far more influential than farmers, have an interest in rural land.

Land is the most valuable asset controlled by Chinese governments.³⁸ Their control derives from their monopoly over the requisitioning of collective land, its transformation to state ownership, and its release onto the market.³⁹ National laws stipulate that villagers' collectively owned land can only be requisitioned by governments if requisitioning is in "the public interest." That caveat offers even less protection in China's transitional economy than it might elsewhere, because governments not only monopolize the transfer of land onto the market, but also own real estate, construction, and industrial ventures, provide public infrastructure, and are major employers. Thus, the entrepreneurial interests of governments are easily conflated with "the public interest."

As China opened to foreign investment and the market in urban real property boomed throughout the 1980s and 1990s, lower-level governments embarked on extensive land enclosures.⁴⁰ Their requisitioning and leasing of land, creation of development zones, and the use of land as collateral for loans and as in-kind investment in township and village enterprises and joint ventures, was a critical ingredient in the expansion of China's rural industrial sector.⁴¹ Chen Xiwen and Han Jun of the State Council's Development Research Centre, estimate that lower-level governments earned hundreds of billions of yuan in profit from the taxation and sale of land leases.⁴² Escalating fiscal pressure on local budgets in the late 1990s further increased governments' reliance on land enclosure as a source of revenue. In 2000, taxes on land conversion and leaseholds accounted for more than 60 percent of revenue in some government jurisdictions.⁴³ The 2004 decision to rescind agricultural taxes to compensate for the impact of tariff reduction threatened to exacerbate budgetary shortfalls and spur another round of expropriation.

Land requisitioning triggers conflicts of interest between levels of government, as well as among lower-level governments. Central government efforts to take 30 percent of the revenue earned from new land leases meet with local obfuscation of accounts.⁴⁴ Within jurisdictions such as a municipality or county, planning quotas for the preservation of farmland have been filled primarily in remote towns without regard to agricultural productivity, while quotas to zone land for construction have been granted to towns favored by developers.⁴⁵ Neighboring towns therefore contend for land development quotas and to offer cheap land to investors. Within each level of government, bureaus responsible for finance, construction, and industry and commerce tend to promote land requisitioning.⁴⁶ Their goals prevail over those of the bureaus of agriculture and land and resources, which are charged with farmland conservation and upholding farmers' use-rights. Intra-state conflicts result in the concealment of development plans.⁴⁷ For example, in 2002, Longtian town (Fujian Province) planned to utilize all the land owned by Shangqian village. However, the land-use plans the town Bureau of Land and Resources lodged with its superior office in Fuqing city showed that 735 mu of Shangqian village land would be conserved as basic agricultural land.⁴⁸

Even more intense than intra-state conflicts, however, are confrontations between local governments and villagers over land requisitioning.⁴⁹ The loss of land affects villagers in multiple ways. In poorer areas, access to land guarantees

caloric intake as well as monetary income.⁵⁰ It is the sole source of social security for most farmers, underpinning the intergenerational reciprocity that provides welfare for the elderly and support for rural migrant workers during cycles of recession and unemployment. Land is more than an economic asset; it also connects the living with their ancestors, as the poignant adage “*Ye luo gui gen* [Leaves fall to the roots of the tree]” suggests.⁵¹ But it is the inequitable terms of requisitioning that generate the most intense opposition from villagers. According to law, villagers whose land is requisitioned receive compensation calculated according to a multiple of the crop value of the previous three years, a contribution toward labor redeployment, payment for unharvested crops, and the replacement cost of fixed assets. No variation in the calculation should be made for the location, infrastructural conditions, or market value of the plot of land.⁵² Moreover, the amount of compensation is depressed by low farm-gate prices and the exclusion of rural housing stock from urban real estate markets. Baiguan town, Shangyu city, in the wealthy coastal province of Zhejiang, illustrates the resulting differential between villagers’ compensation and lower-level governments’ profits from land requisitioning. Baiguan town government requisitioned 100 mu of Liangjiashan village land and paid villagers 25,000 yuan per *mu* in compensation. After transferring the land into state ownership, the town government leased it at 1 million yuan per *mu*, reaping more than 100 million yuan in profits from the lease and associated taxes.⁵³ Adding salt to the wound is the fact that only about 10 percent of compensation payments ever reach those who have been dispossessed. Town and village administrators siphon off the remainder.⁵⁴

Conflicts over land requisitioning that are rooted in the institutional legacies of central planning and magnified by the emergence of real estate markets have become highly destabilizing in the context of China’s accession to the WTO. For China’s central government, then, I contend that the utility of land reform lies not just in the possibility of creating incentives for increased agricultural productivity. It also lies in the opportunity to resolve competition over land resources between different levels of government and government and villagers, and redirect profits from land development to offset the painful social adjustment costs of villagers as they became exposed to international agricultural markets.

Legislating Recombinant Land Rights

While one could point to many other legislative attempts to defuse tensions generated by China’s market transition and globalization, the revised 1999 Land Management Law (LML), the 2003 Rural Land Contracting Law (RLCL), and associated institutional changes offer particularly instructive examples of how China’s leaders have synthesized centralist organizational principles and socialist discursive traditions with liberal property reforms and strategies of civic empowerment to insulate expanding markets from contestation. In so doing, they have created a recombinant land rights regime and reconfigured relations within government, and between government and villagers.

The LML aimed to stem the loss of arable land to construction, clarify the ownership of land, and remedy shortcomings in land administration and man-

agement. The LML was also intended to moderate conflicts between the central government's economic and food security aims and lower-level governments' fiscal needs; between the goals of different government departments; and between town governments and villagers over land use and income from the requisitioning of rural land.

The LML hinged on a dual strategy of strengthening macro and micro management.⁵⁵ In the first instance, the central government asserted its controls through a combination of old socialist central planning tools, "scientific" monitoring, and new transparency requirements. At each ascending administrative level from the county to the province, land-use plans had to be approved by Departments of Land and Resources and then submitted to higher levels for examination and approval. Land-use plans of provinces and major cities were to be examined by the State Council. The plans had to stipulate the percentages of farmland that would be conserved or requisitioned for nonagricultural use. Farmland conversion could only be approved by governments at and above the county level. The larger the area of land to be converted, the higher the level of government required to authorize the transformation. By this means, the LML sought to wrest control over planning and development from township governments. The Ministry of Land and Resources embarked on national land-use surveys and satellite monitoring. Criminal and civil sanctions for infringements of the law were spelled out. The LML also stipulated that plans for the requisitioning of rural land, including full information about compensation payments and the resettlement of dispossessed villagers, had to be publicized within towns and villages.

Micromanagement was strengthened by clarifying the ownership rights of rural collectives and the contractual rights of farmers. Land-use contracts were guaranteed for thirty years and villages were discouraged from making major readjustments. By the same token, village collectives legally were constrained from using their farmland for construction.

Promulgation of the law was preceded by months of intense debate over which levels of government would approve land-use plans, which would receive revenue from the leasing of land, how land conversion would be monitored, what actions could be taken against unauthorized developments by governments, and how villagers' property and contractual rights might be enforced. The LML went through three readings in the National People's Congress Standing Committee and, in a notable departure from usual practice, the draft law was published in national newspapers to elicit public comment. In the weeks before the LML and associated regulations came into effect, local governments ignored the central government's freeze on requisitioning and worked around the clock to approve noncomplying developments on farmland. Development applications were backdated, and parcels of land were allocated to nonexistent enterprises, investors, and projects.

However, after the law took effect on 1 January 1999 land conflicts actually increased.⁵⁶ Clause 43 of the LML stipulated that any enterprises and individuals requiring land for construction should apply for state land. Applications flooded in. Ministry of Land and Resources statistics showed that the area of

farmland expropriated and converted to nonagricultural use grew annually after 1999, with the area of land lost in 2002 doubling the figure for 2001. The Ministry paper, *Zhongguo tu zi yuan bao* [China land and resources news], published a steady stream of letters from grassroots officials protesting illegal land transactions.⁵⁷ Other press organs detailed how villagers had been evicted from their plots by baton-wielding police and denied lawful compensation.⁵⁸ Moreover, under cover of restructuring and diversifying, villages continued to readjust land holdings among households.⁵⁹ By 2001, 40 percent of all complaints lodged in government appeal offices related to land rights infringements⁶⁰ and litigation over land administration overtook public security and industry and commerce to become the most common type of administrative case dealt with in courts.⁶¹ Spokespeople for the Ministry of Land and Resources frankly conceded that the land market was “chaotic.”⁶²

Against this backdrop, the government pressed ahead with further legislative reform. In 2001 CIRD had completed a five-year UNDP-funded study that was endorsed by the current premier, Wen Jiabao. Many of CIRD’s proposals were subsequently incorporated into the Chinese Communist Party Central Committee document no. 16, which restricted land readjustments, and the 2003 RLCL.⁶³ The RLCL, which took effect in March 2003, retained rural collective land ownership and contracting to households and failed to include the CIRD proposal to approve the mortgaging of land-use rights. Yet the law commoditized the contractual land-use rights of villagers that, for the first time, were defined as rights in rem.⁶⁴ Land-use contracts were guaranteed for a minimum of thirty years. Villages were prohibited from altering or annulling contracts to reallocate land. Rural land-use rights could be circulated through farmers’ voluntary inheritance, transfer, lease, and assignment of use rights for the remainder of a contract term. Thus, explained Xiang Zhaolun of the State Council’s Finance and Economic Development Leading Group, “farmers who are reluctant to work on the land can turn their burden over to those who like farming, and it can help develop large-scale production and accelerate urbanization.”⁶⁵ In short, the RLCL and associated regulations legally empowered individual contract-holders as property owners and laid the institutional foundation for a market in rural land-use rights.⁶⁶

To enforce compliance with the law, central administrative controls were combined with mechanisms allowing property owners to defend their rights. The Ministry of Agriculture and Ministry of Land and Resources began lobbying for a national registry of land contracts and for rural land management to become a “hard” target, meaning it would figure as one of the criteria for evaluating the job performance of leading officials.⁶⁷ Villagers were encouraged to report on local governments’ implementation of the law and associated regulations, and hot lines were opened to deal with complaints. Those whose contractual land-use rights were violated were given access to the judicial system and clear penalties were spelled out for infringements of their rights.

It is commonplace in China for new legislation to be accompanied by a massive public information campaign. Yet the media blitz following promulgation of the RLCL focused not on land contracting, but rather on the problems posed

by local governments' land grab.⁶⁸ In 2003, the press and websites began publicizing the reemergence of a population of landless farmers. Conservative estimates indicated that some 35 million farmers already had lost their land, and each year their numbers swelled by 3 million. One report predicted that by 2030, 110 million farmers would be landless.⁶⁹ Journalists coined a new term: "*san wu youmin*" (literally, "three no-have vagrants") to refer to farmers who had no land, occupation, and source of social security.⁷⁰ To underline the significance of the problem to urban readers, the "san wu youmin" were described as a lumpen proletariat who constituted a grave threat to China's economic growth and social stability.

Government spokespeople conceded that it was inevitable that agricultural land would be lost in the course of urbanization and industrialization. But with a clarity and vehemence rarely conveyed in official statements, they laid the blame for the conversion of farmland and the reemergence of landless villagers on the laxity of officials in the Ministry of Land and Resources and the venality of lower echelons of the bureaucracy. The Minister of Land and Resources, Tian Fengshan, was sacked and the government froze the requisitioning of land for development zones.

The furor accompanied leadership succession. The incoming president, Hu Jintao, and Premier Wen Jiabao committed their new administration to developing the rural economy and reducing government corruption and wealth differentials. They began with a legal move that has wide political appeal and profound economic implications. China's Constitution was amended to make private property rights, including villagers' rights in rural collective land, inviolable.⁷¹ Legislators began drafting another revised Land Management Law. The Chinese Communist Party Central Commission for Discipline Inspection and the State Council established working groups to investigate illegal developments on farmland and the nonpayment of compensation for expropriated land.⁷²

The central government also set about restructuring lower echelons of the state. The Ministry of Land and Resources bid to extend vertical control over its local bureaus and create a strong law inspection team. As a land administrator from Fuyang, He Changhong argued, "replacing local government's people with upper government's people would ensure that whenever there is a conflict between local and state interests, local administrators actually would represent the interests of the state."⁷³ While the ministry lacked the capacity to replace grassroots personnel, in 2004, officials in Land Management Bureaus were ordered to obey directives from departmental line managers rather than local leaders. With the purported aim of resolving the fiscal pressures on governments and farmers, the State Council announced that in 2004 the number of township level governments would almost be halved and the remaining governments would reduce their personnel. Functions shed by the leaner township governments were to be assumed by villagers' representative organizations.⁷⁴ In 2004, new land regulations stipulated that processes of requisitioning would be opened to greater scrutiny by villagers, land expropriations should be negotiated "on an equal basis" between village economic organizations and the req-

quisitioning body, compensation payments to villagers for expropriated rural land would be increased to reflect local economic conditions and villagers could appeal if dissatisfied with their compensation.⁷⁵ Although compensation was still well below the market value of land, the regulations presaged a cautious move toward integrating rural and urban land markets.

The promise of defensible property rights, enhanced participation in governance and higher compensation payments did not resolve the thorny question of how the government would address the social security implications of detaching villagers from their land, as Huang remarked:

If we launch nationwide land privatization in the hope of increasing efficiency through building large-scale modern farms, what will be the escape route for hundreds of millions of rural residents? Should they be condemned to repeat the tragedy that already has been played out in many third-world countries, where numerous farmers became landless, then jobless, then homeless, and eventually hopeless?⁷⁶

Planning for a new round of land enclosures and urban construction post-WTO, the government responded by proposing that the solution was to equip villagers to enter markets. The welfare function of land would be substituted by investing a proportion of the profits from land leases in vocational training and social insurance.⁷⁷ Central leaders committed funds to train some 60 million of the 300 million villagers that it anticipated would move into urban areas before 2020. Lower-level governments were instructed to create a social insurance network and pay 30 percent of individuals' contributions "for farmers forced to lose their farmland."⁷⁸ Endowed with land rights that could be turned into liquid assets, trained to compete in labor markets, and enrolled in pension plans, villagers would manage their own risks.

The consequences of such a large-scale program are impossible to predict. Previous efforts by the central government to prune its grassroots have not succeeded.⁷⁹ Nor is it clear whether promises to empower villagers to safeguard their own interests against governments will be honored, for other attempts to establish farmers' representative associations have been stymied by bureaucratic opposition.⁸⁰ The proposal to increase villagers' participation in government resonates with liberal populist visions of villagers as rights-bearing citizens calling governments to account. Yet what central policy-makers appear to have in mind is the mobilization of village associations to monitor lower-level governments' interventions in land markets. Even in wealthy provinces such as Zhejiang, some governments are unable or unwilling to fund comprehensive training and social insurance schemes, and only subsidize programs to train landless villagers as semiskilled workers or to process outsourced materials. Although villagers over the age of forty are considered "unemployable," few receive sufficient social insurance payments to meet their needs. In Caozai town, on the outskirts of Jinhua, the fastest growing city in the province, in mid 2004 I found that villagers whose vineyards were requisitioned for a real estate development were denied any contribution toward social insurance. Their appeals to government bureaus, hot lines, and the media have all been ignored. Finally, even adherents of market reforms question whether improved productivity is a

commensurate return on the cost of dispossessing hundreds of millions of villagers and transforming them into a proletariat. In an impassioned letter published in *Nanfang zhoumo*, the Guangdong paper renowned for its provocative reportage, Li Changping, editor of the journal *Zhongguo gaige* [China reform], charged that the only thing that the reforms had achieved was to consolidate officials' power and land tenure by sacrificing the rights of the poor:

We confront numerous problems. The most important is that the power and rights of the weak will be whittled away, leaving rural society with no equality to speak of... At present in Beijing, people discuss theories from the United States and Japan, draft laws to put on track domestically, in the belief that villagers are backward fools, that urbanites will save the world by "managing farmers and villages according to the law." This is because so many legislators are "celestials" who view problems from an urban perspective and always prioritise "increased productivity."... In drafting laws and regulations, how can we prioritise "increased productivity" over the human rights of villagers?⁸¹

Inevitably, disputes over rural land will continue in the near future. Central attempts to ensure that governments and businesses do not engage in unauthorized expropriations are unlikely to succeed so long as lower-level governments face fiscal pressures, and the potential profits from land developments are so high while the chances of detection and punishment for infringing villagers' land rights are slight. Promises to empower villagers to protect their property rights in land will not redress the enormous power imbalance between government and citizens. Villagers who have bitter experience on the merry-go-round of government land reforms, a deep, enduring distrust of local administrators, and little confidence that internationalized markets will provide them with jobs and social security will continue to resist being deprived of their land rights.⁸²

China's government has almost traveled full circle. Just as in 1949, the rural land reforms it launched at the end of the twentieth century were intended to elicit political support from newly entitled individuals. But this time, the aims were not socialist. Villagers were granted rights to alienable property, to monitor and negotiate "on an equal basis" with government, and to litigate in defense of their rights against predatory local governments so they could fund their entry as contingent workers into a globalized economy.

Conclusion

The recombinant rural land rights created in China at the turn of the century were integral to a new model of statecraft that synthesized centralized planning tools and vertical command structures with such iconic liberal institutions as legally defined and protected property rights, norms of transparency and "civil" empowerment and participation in governance. In asserting the central government's macro-control over the policy arena and eroding local governments' ability to use land as a means of increasing investment and revenue, the leadership had reconfigured the allocation of power and resources between levels of government. Relations between local governments and villagers were also transformed, as vil-

lagers' contractual and property rights were enlarged and specified and, as rights-bearers, they were enjoined to participate in programs to "make the market work" and reduce the costs and improve the quality of local governance.

In the longer term, the central government is determined that recombinant land rights will facilitate the transfer of villagers from the land and their transformation into a contingent proletariat. In that role, they are destined to sustain China's attraction as a site for foreign investment and the manufacture of cheap exports. It is an irony that implementation of the liberal policies prescribed by organizations like the World Bank and RDI will contribute to realizing the fears of conservative politicians in the United States: China's rise as a global trading power.

The broader theoretical significance of the argument presented here is that it illuminates the political utility of implementing liberal institutional reforms in an authoritarian, post-socialist state. That political utility did not lie in the potential of reforms to foster the democratic impulses anticipated by RDI researchers. On the contrary, the foregoing analysis has illustrated how liberal institutions can be employed in what Jayasuriya refers to as a strategy of "antipolitics."⁸³ The reforms were intended to moderate conflicts that were obstructing internationalization of the agricultural sector and to camouflage the leadership's role in establishing capitalist relations of production. Representing itself as a crusader protecting the rights of farmers against greedy local bureaucrats, the central leadership has created a recombinant land rights regime that encourages villagers voluntarily to divest themselves of their land rights. History will record that it was China's villagers, not its Communist government, that implemented the privatization of the country's most valuable, and ideologically and politically significant, collective good.

Notes

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- problems and resolutions], *Jingji tizhi gaige* [Economic System Reform] 2 (2001): 65-68, and Gao Shangquan, *Two Decades of Reform in China* (Singapore: World Scientific Press, 1999).
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