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# Mediating the Mediation Debate

## Conflict Resolution and the Local State in China

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China's elaborate system of local mediation committees has piqued researchers' curiosity for decades and sparked an argument in these pages. Crucial questions—concerning how much mediation actually takes place, what kinds of disputes are mediated, who seeks mediation, and how successful it is—have gone unanswered for lack of data. This article addresses these issues using original surveys from Beijing and villages in six provinces, supplemented by participant-observation research on actual instances of mediation. We find that mediation is fairly common in the countryside while occurring in a narrow set of contexts in the city. Those who are actively involved in institutions of grassroots governance are much more likely than others to seek such remedies, and in rural China, women pursue it more than men do. Modernization may diminish the salience of this form of dispute resolution, yet it is far from extinct, even in contemporary society.

**Keywords:** *mediation; China; dispute resolution*

**A**s a series of articles has explained to readers of the *Journal of Conflict Resolution*, many Asian societies feature state-sponsored grassroots institutions for the mediation of interpersonal disputes. James A. Wall Jr. and his coauthors have done much to put this topic on the intellectual agenda (Wall and Blum 1991; Sohn and

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Wall 1993; Kim et al. 1993; Wall and Callister 1999; Wall, Stark, and Standifer 2001). China has been a particular focus of research, boasting as it does an especially extensive network of local mediation committees—no fewer than 870,000 such organizations with 6,800,000 mediators nationwide, according to official statistics for 2003.<sup>1</sup>

Wall and Blum's China research was criticized in these pages several years ago (Diamant 2000a; also see Diamant 2000b; Wall, Blum, and Jin 2000). In essence, the former portrayed mediation as omnipresent and highly important in the management of disputes in China. Diamant, in contrast, found the prevalence and importance of mediation to be minimal and emphasized the variety of approaches other than mediation through which Chinese address conflict. He also argued for attention to the ways in which popular views of these conflict-management institutions vary by gender, social class, and region.<sup>2</sup>

This exchange, while in itself inconclusive, suggested vital questions that deserve to be answered in the study of conflict resolution. Fundamentally, how prominent a role does mediation play in everyday life in China? Are government-provided mediators turned to at the drop of a hat, or are they seen as unwanted busybodies that are best avoided altogether? The research of Wall and his coauthors, including their work on China, has focused especially on analyzing the techniques that mediators use. This is salutary, but in many ways, it presumes that mediation is, in fact, an important and prevalent means through which conflict is addressed, which Diamant called into question. Moreover, establishing the place of mediation in the big picture of intrasocietal conflict has significance well beyond the Chinese case. It speaks to basic issues such as whether state-designated intermediaries can mitigate strife and whether such extrajudicial mediation inevitably fades away with modernization, as some suggest.<sup>3</sup>

Understanding the actual status of mediation in today's society also means quite a bit more than just asking "how much." What exactly is meant by mediation in practice? What kinds of disputes tend to be taken to mediation? Which types of people are most likely to seek it out? How well does it work; how satisfied are disputants with the outcomes of mediation?

Answering these questions accurately, we argue, requires going beyond methods of inquiry that center on the state and its designated mediators. While much can be learned by reading government archival accounts (the principal source for Diamant's article) or interviewing mediators themselves (as Wall, Blum, and Jin did), these sources have limitations and biases. In this article, we push the debate forward by bringing in two disputant-centered methodological approaches, one qualitative and one quantitative.<sup>4</sup>

The first uses participant observation of actual disputes, in many cases right as they played out in the offices of grassroots mediators. This yields a number of insights on the meaning and process of mediation as well as on the way the government elicits and manages data concerning mediation. The second uses surveys

conducted both in Beijing and in rural China to ask ordinary people about disputes they have experienced and which types of third parties, if any, they sought help from. This method has several advantages. It eschews altogether state information sources, with their inherent biases. It allows a more thorough consideration of the various responses that individuals may have to grievances, thus taking into account (for example) the many disputes that are never brought to any third parties, let alone mediators. In so doing, it permits rigorous statistical analysis of who seeks mediation, what sorts of disputes are mediated, and disputants' own assessment of the outcomes.

Our methodology is also innovative within the broader world of studies of disputing. Until now, survey research strategies have relied on fixed, closed-ended questions that privilege the courts over other channels (e.g., Curran 1977; Miller and Sarat 1980/81; Tyler 1990; American Bar Association 1994; Cantril 1996). Departing from this approach, we analyze data from surveys that capture a far wider array of third-party intermediaries—legal and extralegal, formal and informal, at various levels of the bureaucracy or outside the state altogether. At the same time, the existing research literature explains legal mobilization in terms of static properties of individual disputants, such as income, age, education, and race and ethnicity (Mayhew and Reiss 1969; Curran 1977; Miller and Sarat 1980/81; Tyler 1990; Genn 1999; Genn and Paterson 2001). By stepping back from the narrow issue of legal mobilization to consider the broader issue of forum choice in the disputing process, we consider not only such individual characteristics but also additional explanations including economic development and community participation.

Our findings may be summarized as follows: Mediation must be understood within the context of the vast network of grassroots administrative bodies established by the Chinese government in urban neighborhoods and rural villages. The choice of individual disputants to pursue mediation by these organizations—instead of handling the problem in other ways—is conditioned by several factors: the nature of the issue at hand, the possibilities for favorable resolution afforded by local authorities, the availability of alternative means of redress, and characteristics of the individual and community. In particular, people's embeddedness in local institutions matters a great deal. Those who participate frequently in neighborhood or village activities and are on familiar terms with authorities there are more likely than others to seek their help.

Mediation is sought more commonly from Villagers' Committees (VCs) in the countryside than from the Residents' Committees (RCs) in cities such as Beijing. The range of issues villagers take to their community leaders is much broader than in the urban context. The help of village authorities is elicited on a variety of matters involving property, injuries, and interpersonal relations in the countryside, while for the most part, only relatively low-stakes neighborly squabbles are considered appropriate for local mediation in cities these days. Contrary to some previous expectations, our rural figures show a somewhat larger percentage of women than

men to have reported seeking mediation. Some evidence shows wealthier villagers to be more likely to pursue this method of conflict resolution compared to their poorer neighbors, yet it is less frequently used in richer parts of the countryside with better access to formal legal institutions. Also in the rural context, those with less education are more likely than others to turn to mediation.

All in all, this form of conflict resolution is neither as pervasive in today's China as it seemed in the late 1980s to Wall and Blum nor as shunned and disdained as Diamant suggested it to be. Only small minorities of respondents acknowledged having ever sought this form of assistance, yet the data indicate that a substantial amount of mediation takes place nonetheless. Under the right set of circumstances, certain villagers and urbanites find it appropriate and worthwhile to summon the intervention of grassroots leaders. Mediation is nowhere near as effective as grossly inflated state statistics and mediators themselves would have one believe. When disputants look for help, they often turn to other people and venues, whether informal personal contacts, lawyers (in cities), police, or higher level state offices. Yet, local mediation efforts still play a nontrivial role in contemporary Chinese society.

### The Nature of Mediation

Wall and Blum's 1991 article drew on interviews with ninety-seven mediators in the city of Nanjing. A primary purpose of their study was to understand how these intermediaries try to resolve conflicts; it identified twenty-seven specific techniques and sorted them into four general strategies. In doing this, it sketched out an expansive picture of mediation in China. As Wall and Blum portrayed it, mediation was ubiquitous if not inescapable. "If a dispute—no matter how sensitive or personal the issue—exists, it *will* be mediated," they wrote (9, emphasis in the original). "All disputes there, any and every one—trivial or serious, simple or complex, sensitive or not—are mediated" (18).<sup>5</sup> To explain this seemingly overwhelming inclination, Wall and Blum pointed to aspects of Chinese history and culture, which they found fundamentally at odds with the ways of other countries such as the United States. In ancient times, Confucius articulated ideals of social harmony, and practices encouraged by both dynastic and later Communist leaders nurtured a "preference for persuasion and mediation," they wrote (4).

Diamant's critique challenged this picture. It argued against such a broad cultural lens, questioning any simple image of a timeless tradition of mediation and instead discerning similarities in disputing behavior among certain groups in China and the United States. It pointed out the variety of ways in which Chinese have responded to conflict, including courts, lawyers, collective violence, and suicide.

Two points are most important for this discussion. First, Diamant argued that mediation was nowhere near as prevalent as Wall and Blum had indicated. Drawing on archival research on the 1950s and 1960s and interviews with lawyers,

judges, and others on the 1990s, Diamant found reasons to suggest that actual mediation was minimal if not wholly mythological. Mediators in the early years of the People's Republic of China (PRC) were "incompetent at handling disputes" (530), they "enjoy[ed] little legitimacy in the eyes of the local population" (531), sometimes "became infatuated with the small amount of power placed in their hands," used the state "to enforce unwanted settlements or settle personal scores" (531), or avoided mediation altogether as a thankless and hopeless task (533). Turning to the post-1978 reform period, Diamant suggested that little has changed, citing examples of mediators who were elderly and out of touch or "reluctant to bother" with disputes (540–43).

Second, Diamant argued that it is imperative to consider geographic and socioeconomic variation throughout China: the differences among regions and between city and countryside, working class and elites, and men and women. Women and members of lower classes, he argued, shunned local mediation and instead took grievances directly to courts and higher levels of government, or else resolved them through "overt conflict." It is elites who are more likely to pursue mediation, as "norms emphasizing highly 'civil' (quiet, rational, dispassionate) methods of settling interpersonal disputes are often those of the educated elite of a particular country" (536, 537, 540, 543).<sup>6</sup>

We strongly support Diamant's call for analysis of variation, and we assess hypotheses along lines that he suggests, as well as others. For example, this article examines whether elites (those with more wealth and education) tend more than others to take disputes to the local authorities. It also tests whether age is linked to mediation—as it would be, for example, if this practice were dying out and had only been experienced by older generations. Gender is carefully examined as well. Yet, in specifying hypotheses concerning gender, we note that alongside Diamant's argument, there are also reasons why women might be more likely to seek mediation than men, at least for certain types of conflicts. Anecdotally, women have tried to bring to bear the external authority of the RC or VC on frustrating intrahousehold disputes, notably between mothers-in-law and daughters-in-law. Traditionally subordinate to the men of the family, they may have particular reason to enlist support from state deputies outside the home. Finally, urban RCs are predominantly staffed by women, although men constitute the majority of most VCs.<sup>7</sup>

To provide a more precise sense of mediation's place in the world of Chinese disputing, it is necessary to clarify what is meant by mediation and who provides it. This article, like those discussed above, deals with grassroots mediation provided by Residents' Committees<sup>8</sup> in the cities and Villagers' Committees in the countryside. This excludes informal mediation by unofficial actors, along with the relatively infrequent mediation by higher level committees in the urban Street Offices and the rural townships—although our surveys explicitly assess these alternatives. We do not discuss judicial mediation used by courts (Huang 2005).

The RCs and the VCs together constitute a vast apparatus of local governance maintained by the Chinese state. Mediation is but one facet of the overall purpose of this system, and the handling of disputes must be considered within the context of its broader political and administrative role. According to Chinese law, these are “mass-type autonomous organizations” that allow people to “administer themselves, educate themselves, and serve themselves.” In fact, they are closely connected with and subordinate to the state and Party. In urban areas, the hierarchy runs from city governments down through district governments and Street Offices down to the RCs; in the countryside, the parallel structures above the VCs are provinces, counties, and townships. Westerners are generally not familiar with the type of ultralocal administrative body that the RCs and VCs represent, but similar organizations are found in many parts of East Asia, including in democratic countries such as Japan, Taiwan, Indonesia, and South Korea as well as other, authoritarian states such as Singapore.

China’s 77,431 urban RCs and 663,486 rural VCs, organizational cousins to one another, share certain key responsibilities such as facilitating the national family planning policy and working with the police.<sup>9</sup> Yet, they also differ significantly in the scope of their duties and their relationship to constituents’ interests. Except in times of major emergencies (such as the SARS epidemic of 2003) or political campaigns (such as the struggle against the dissident Falun Gong sect, which began in 1999), RCs operate quietly in the background of urban life in today’s China.<sup>10</sup> They work with welfare recipients, help maintain household registry records, put up billboards and chalkboards announcing government policies, and organize volunteer activities, along with a hundred and one sundry endeavors. Generally speaking, they do not control land or housing, nor do they affect residents’ jobs and employment; thus, many working urbanites interact with these organizations only rarely. VCs, on the other hand, play a critical part in the lives and livelihoods of villagers, as they allocate land, collect taxes and fees, provide for schools, roads, and other infrastructure, and in many cases, sponsor significant businesses.<sup>11</sup>

The Chinese government regularly publishes figures on mediation. In calendar 2002, we are told, 4,636,139 civil disputes were mediated (*China Law Yearbook* 2003, 1336). A 95 percent mediation success rate was claimed for the first three quarters of 2003, although only 70 percent of the parties involved were said to follow through on the resulting agreements. Impossibly precise figures are even put forward regarding the number of undesirable or calamitous events that were averted through this timely intervention. In calendar 2003, “139,000 conflicts were prevented from escalating, including 19,110 prevented suicides, involving 25,461 people; 45,895 instances of civil disputes prevented from becoming crimes, involving 126,372 people; 32,197 prevented group armed fights; and 41,518 prevented cases of group petitioning, involving 1,166,417 people” (*China Yearbook of Judiciary Administration* 2004, 24). Skeptical readers will question whether these numbers have any connection to actual facts.

One way of getting at the reality of mediation is to observe it firsthand. In the course of preparing a dissertation on the RC system, the first author spent fourteen months in 1999 and 2000 carrying out research in the offices of ten ordinary neighborhood committees in Beijing, unsupervised by government officials. Trips to six other cities, involving three to ten days of visits to RCs in each, allowed for comparing the capital city's RCs to those elsewhere.<sup>12</sup> During the course of this field study, it was possible to watch as constituents brought a variety of problems and grievances to the committees, some of which became the subject of mediation. (See the appendix on methodology.) Several representative examples are presented here.

In the Shuangqiao neighborhood in central Beijing, a man was carrying his child on a bicycle when he ran into an elderly resident and knocked her over.<sup>13</sup> Although the hospital found no major physical injury, she was bruised and offended and sought the RC's assistance. A few days later, three committee members accompanied the cyclist's brother to the woman's home to make amends with several bulging bags of fresh fruit. The incident was successfully smoothed over. However intangible its role, the committee had played a part in getting the two sides to reconcile with one another, and perhaps more importantly, had responded to its constituent's request and demonstrated its usefulness.

Often, however, mediation cases do not end in reconciliation. In one of the buildings belonging to the Shimen neighborhood, the residents of apartments 401 and 501—the latter located directly above the former—were locked in a dispute that had persisted for six years.<sup>14</sup> The elderly man living in the lower unit accused the couple above of deliberately harassing him by stomping on the floor and even kicking his door on their way downstairs. He, in turn, would retaliate by pounding the ceiling with a set of poles wrapped in cloth on one end, one stationed in each room, which he had fashioned specially for this purpose (initially telling his wife that they were for smashing mosquitoes). The RC, represented by mediation officer Mrs. Tai, repeatedly applied its standard technique of meeting separately with each party, then bringing the two sides together for a joint counseling session. After each of these efforts, Mrs. Tai optimistically pronounced the matter resolved. But in this chronic case, even the involvement of the police station, the Street Office's judicial bureau, and the courts, in addition to the RC's work, failed to bring an end to the ongoing feud. The committee, and the other state agencies as well, simply had no real way to pressure the parties into a resolution. The commonality of this type of situation shows the officially tallied success rates to be entirely implausible.

Nonetheless, the kind of mediation that RCs do is far from meaningless. Property or expenses that are shared among multiple families frequently generate disputes that are brought to the RC. The use of common space in courtyards and hallways often causes friction, for instance, when one neighbor attempts to enclose such areas for use as a kitchen or for storage. In older buildings, there is great potential for conflict over how to split the cost of utility bills.



Even where living space is not shared, there are many ways for residents to impinge on each others' lives. In one alley, a new house had recently been built next to an older and shorter one, and rainwater from its roof was draining into the neighbor's window. The complainant initially went to the housing office, but the housing office refused to get involved, so he came to the RC. The committee's mediation officer talked to the person who lived in the new building, telling him, "If you lived in the other home, it'd be *you* who had water coming in your window." He eventually agreed to put up a gutter to catch the runoff.<sup>15</sup> In other cases, personal affronts can lead to the RC's being summoned, as in a spat that arose when one resident maligned her neighbor as "not having real work," implying that she was a prostitute. The committee succeeded in getting these two individuals to agree not to talk to one another, at least for a time.<sup>16</sup>

RCs are sometimes also alerted in cases of more ominous problems. One afternoon, a woman in her forties arrived at the Shimen office, announcing, "I want to look someone up and find out if he's sick." Another resident of the neighborhood, a thirty-year-old bus driver, had been stalking her for no less than five years. She explained that he would hide behind trees or cars, then come out and ask her to talk to him, also accosting her when she was hanging out laundry on her balcony. She expressed fear for the safety of her fifteen-year-old daughter. Her mother had spoken to the mother of the stalker, but to no avail. Obviously concerned, the RC staff members spent forty-five minutes with her, discussing details of the situation and the best way to handle it and eventually deciding that it should be brought up with the beat cop, Pan Yuan.<sup>17</sup> A crisis that arose elsewhere, in which an apparently deranged resident put glue in the locks of his neighbors' doors and attempted to stab one person with a knife, was even more directly referred to the police, as is the case with violence generally.<sup>18</sup> Even after such incidents have been passed to other authorities, the RCs continue to follow up on them.

Requests for mediation in disputes within a single family are in some respects the most remarkable of all. Like other societies, Chinese culture contains elements that are resistant to "washing one's dirty linen in public," as expressed in the phrase *jia chou bu ke wai yang*. Yet, people with grievances against their own kin sometimes seek help from RCs nonetheless. One afternoon in Xiyongjie, a man in his early forties came into the committee office, hopping mad. The sixth son in a family of seven children, he had inherited a nearby home from his father. There had been a probate fight over the residence, and the court had recently ruled in his favor. But on that day, his nephew (the loser of the probate case and the son of the third brother) had locked himself into the home and refused to come out. Old Six, as the elder members of the RC staff called him out of familiarity, emphatically demanded that Director Dong come and talk his nephew into opening the door. While the RC was still going over the details of the case with him, the man's wife came in and announced that the nephew had relented and opened the door, whereupon Old Six became all smiles and left.<sup>19</sup>

Discord between mothers-in-law and daughters-in-law occasionally leads residents to seek their RC's services. In one instance, an elderly woman suspected her daughter-in-law of stealing money that she had placed in a pillow; she refused to leave the committee office until the staff intervened. The daughter-in-law denied the allegation and said that the woman was imagining things. The RC staff asked the woman to check other places where she might have put the money. She eventually came back and admitted "I did put it in the wrong place. I'm confused. I can't remember things anymore." The RC staff brought both sides together for the woman to say the same thing to her daughter-in-law, in hopes that this acknowledgment would cement a broader reconciliation. But later, the old lady came back to complain that the daughter-in-law was not paying any attention to her. The staff went to the younger woman again to tell her to forgive the old lady; at least address her respectfully when you see her, they suggested.<sup>20</sup>

A number of conclusions can be drawn from these and other observed instances of interpersonal conflict brought to RCs. What is called "mediation" is in fact not a single, cut-and-dried phenomenon. It can take numerous forms and may not even be thought of as mediation *per se* by all participants. It commonly arises when one claimant makes an appeal to local authorities to take his or her side in a dispute and thereby put pressure on other parties. In other words, disputants are often not asking for mediation as such, they are asking for intervention. The RC, in fact, has little power to impose a settlement, yet its official status, its mandate to pacify conflicts, along with (in the case of some staff members) seniority and respect in the neighborhood afford it a degree of authority. Thus, going to the RC is different from taking a dispute to just any third party and from the two parties jointly seeking out a mediator.

Wall and Blum portrayed the mediation process as initiated by the mediators themselves.<sup>21</sup> This was generally not the case as of the year 2000 in Beijing; none of the instances of dispute-related involvement by the RCs observed during fieldwork originated with the committee itself. Interviews with Beijing residents, as well as RC staff, make clear that the committees are far less assertive in injecting themselves into constituents' disputes than they were in the Mao era (1949–1976). This transition to a more passive role is part of a general attenuation of their intrusiveness over the years as the system's emphasis on political campaigns and mobilization declined.<sup>22</sup> As Diamant noted, even with respect to the immediate postrevolutionary years, stepping uninvited into people's private matters is unpleasant for all involved. The case of divorce is an illustrative one. Where once the RCs were supposed to provide mediation to unhappy couples, this practice has long ceased to be mandatory and indeed is very rare.

Individuals cope with disputes by choosing among multiple venues within a complex thicket of diffused authority, including not just the committees but police, employers, and many kinds of government offices, sometimes trying more than one. The process can be protracted, often returning to the RC again and again. As

noted above, RC mediation sometimes seemed to help but often was just a temporary waypoint in the midst of a prolonged conflict.

Several of the committees in which fieldwork was conducted permitted the researcher to read some of the quarterly and annual reports that committees are required to file to their supervising Street Offices. Comparing these reports to observed facts indicated that the RC staff members are under pressure to give exaggerated accounts of the mediation they undertake. Their reports seemed to overstate both the incidence and the effectiveness of mediation and also give simplified accounts of what was in truth a messy and inconclusive process. As information that the judicial bureaucracy publishes is based on the data that grassroots mediators provide, this suggests another reason to be skeptical of official figures and points to significant flaws in state-centered approaches to the study of mediation.

### **Evidence from Survey Data**

The quantitative data for this study derive from two surveys, one conducted in Beijing and the other in the Chinese countryside. The urban component comprises 1,124 randomly selected adults in twenty-six neighborhoods of Beijing, interviewed in the summer of 2001. The rural portion was completed in January and February of 2002 in villages in six counties spread across Shaanxi, Jiangsu, Henan, Hunan, and Shandong Provinces as well as outside the city of Chongqing. We use data from 2,877 respondents in thirty-six villages. (See the appendix on methodology.)

The survey instrument obtains measures of mediation in two general ways. One is through closed-ended questions that, without prompting about specific incidents, asked respondents whether they had ever taken particular categories of disputes to neighborhood or village officials. The other is based on a battery of questions inquiring whether the respondent or a member of his or her household had experienced one or more of a series of very specific types of disputes within the previous five years. If so, the respondent was asked how the dispute was handled and which third parties, if any, were sought for help. Here, the questions about third parties were open-ended.<sup>23</sup>

These surveys are a step forward not merely in the study of mediation but more generally in sociological research on disputing and in political research on how local governments interact with constituents. They bypassed state information channels and instead asked ordinary people about conflicts in which they were involved. Moreover, rather than selecting on the dependent variable by looking only at disputes that were mediated, they assessed a range of possible dispute types and outcomes. This method obtained information on the full course of a dispute, with mediation as one of many possible directions the process can take, thus providing greater objectivity and perspective. It makes it possible to derive empirically well-grounded insights on the nature of mediation and its role in contemporary society.

## Incidence

How much mediation takes place in China? As we indicated earlier in the article, the seemingly discrete concept of mediation in fact has ineluctably fuzzy edges; any one approach to getting at it will necessarily capture some cases while omitting others. Although they are more comprehensive than any other measures we know of, our questions could not apprehend every mediation experience that respondents may have had. For example, in the closed-ended questions, interviewees were only asked about mediation that they themselves sought out, not about mediation that may have been initiated by state agents or by other disputants. In this sense, the data understate the extent of mediation and the number of people who are, one way or another, involved with it.

We also do not know whether, in cases in which the RC or VC was approached for help in a dispute, the committee in fact went through all the steps of full-blown mediation, talking to both parties and trying to reconcile them. In this sense, the data may overstate the extent of mediation. Yet, the demand for mediation is arguably the most important way to measure this institution. After all, if no one wanted such intervention in their personal business, it would be much less deserving of our attention. All in all, the data here provide a rough estimate of mediation and a basis for comparison and analysis.

The closed-ended questions found that 8.6 percent of the Beijing respondents and 18.8 percent of the rural respondents had sought help from the RC or VC in response to two general types of problems at least once in their lives (see table A in the online supplement). In both the urban and the rural sample, the closed-ended questions captured more mediation than the open-ended disputing questions. There are at least two reasons for this. In general, one would expect more instances of just about any behavior to be reported in response to a yes/no question that asks about it directly than to questions that leave it up to the interviewee to volunteer an answer. The closed-ended questions also imposed no time limits, whereas the open-ended questions specifically inquired about disputes that took place within the past five years. Pooling the open- and closed-ended questions indicates that 9.3 percent of households in the Beijing sample and 22.9 percent of those in the rural sample had taken disputes to community leaders.

Clearly, mediation is sought much more frequently in the countryside than in Beijing. There are likely several reasons for this difference. First, the population in the countryside is poorer, and in less developed settings with vaguely defined institutions such as property rights, there may be more occasions for quarrels. Second, as previously mentioned, the primary institution providing mediation in the countryside, the VC, is more powerful and more closely tied to constituents' lives than is the RC, whose links to urbanites are much more subtle. Third, Beijingers have a greater variety of other channels through which to address grievances; for example, the legal system is more accessible to them. Overall, these figures suggest that

mediation is far from a common occurrence for most Chinese; indeed, a majority of the population never experiences it. Even so, the numbers also show that quite a bit of mediation takes place nonetheless.

We follow Diamant's lead in exploring how different kinds of respondents seek local government intervention in disputes. Diamant identified gender as an important predictive variable, arguing that women were less likely than men to pursue mediation. We found no support for this contention, and indeed, some of the data favor the opposite hypothesis (see table B in the online supplement, for example). For example, rural women are more likely than men to report having sought village mediation in cases of intrafamily strife. This gives credence to the idea that women in these settings have special reasons for availing themselves of this institution, perhaps seeking the authorities' help in situations in which their traditionally lower social status disadvantages them.

More generally in the urban data, we find somewhat surprisingly that demographic characteristics of the individual tend not to be statistically related with a propensity to seek mediation. table 1 presents the results of logistic regression on requesting mediation as measured through the closed-ended Beijing survey questions.<sup>24</sup> Separate models were estimated for disputes with neighbors and disputes with other members of one's own family.<sup>25</sup> As noted previously, we might have expected that wealthier and more educated people would be partial to taking problems to a relatively "civil" and rational third party. But that does not turn out to be so. Age, as well, is found to have no linear relationship with mediation.

Instead, engagement with the Residents' Committees themselves, as well as some measures of political orientation, turn out to be better predictors of having sought mediation from the RCs. The respondent's degree of interaction with these organizations positively affects seeking mediation in the case of neighbor disputes, and (in both cases) so does active participation in the committees' volunteer programs (e.g., serving as the equivalent of a block captain). In other words, you are more likely to seek out these local authorities for help in a dispute if you already are familiar with them. There could be multiple reasons for this: such people could be more cognizant of the fact that the RCs are available for this purpose; they could be more comfortable bringing personal matters to their attention; or they might expect more favorable treatment from them. Regardless, this finding highlights a previously unexplored social dimension of mediation.<sup>26</sup>

In the rural survey's closed-ended questions, about 14 percent of the respondents reported that they had sought the VC's assistance in a dispute with neighbors and 10 percent for an intrafamily dispute. Contrary to the notion that elites in particular pursue this form of conflict resolution, lesser educated respondents were somewhat more likely to do so, at least in the case of neighbor disputes (table 2). Women are significantly more likely than men to seek out the VC in both types of dispute, as discussed above.

**Table 1**  
**Logistic Regression on Having Sought Mediation (Beijing)**

	Sought RC Because of Dispute with Neighbor	Sought RC Because of Dispute within Own Family
Age	-0.016 (0.014)	0.007 (0.019)
Female	0.177 (0.259)	0.508 (0.414)
Household income (log)	-0.048 (0.251)	-0.489 (0.320)
Education (years)	-0.002 (0.044)	0.005 (0.055)
Trust in police and courts (index)	0.753*** (0.213)	0.525 (0.341)
Instances of contact with RC (log)	0.310*** (0.072)	0.191 (0.121)
Satisfaction with RC (index)	0.045 (0.164)	0.186 (0.288)
Participation in RC activities	1.485*** (0.292)	1.276*** (0.468)
Constant	-3.509 (2.171)	-2.285 (2.818)
Observations	986	984
Pseudo <i>R</i> -squared	0.200	0.150

Note: Robust standard errors in parentheses. This abridged table omits coefficients for the following control variables: Communist Party membership; years lived in neighborhood; sociability; correct household registration; living in a high-rise apartment building; and neighborhood average income. RC = Residents' Committee.

\* $p < .1$ . \*\* $p < .05$ . \*\*\* $p < .01$ .

As with the Beijing data, the factor that matters most has to do with one's relationship to the community as opposed to one's demographic characteristics. People who actively participate in the village's affairs and frequently interact with its leaders are much more likely to report having sought mediation (in either type of dispute).<sup>27</sup> So here again, the more engaged one is with the community, the more disposed one is to seek village-level solutions to these types of problems.

### Where Do People Take Their Disputes?

People respond to disputes in a variety of ways, as Diamant noted and as our ethnographic evidence shows. Even our relatively detailed surveys cannot capture the twists and turns of every dispute in all its complexity, of course. But they take a big step toward putting mediation in perspective by spotlighting its place among a number of possible "channels" through which conflict is taken.

**Table 2**  
**Logistic Regression on Having Sought Mediation (Rural)**

	Sought VC Because of Dispute with Neighbor	Sought VC Because of Dispute within Own Family
Age	0.001 (0.005)	-0.011** (0.006)
Female	0.263** (0.124)	0.403*** (0.142)
Household income (log)	-0.021 (0.078)	-0.064 (0.082)
Education (years)	-0.046** (0.023)	-0.043 (0.026)
Trust in police and courts (index)	0.020 (0.089)	0.082 (0.097)
Participation in village affairs (index)	0.523*** (0.067)	0.406*** (0.076)
Instances of contact with VC (log)	0.250*** (0.053)	0.146** (0.062)
Satisfaction with VC (index)	-0.084 (0.064)	-0.023 (0.072)
Constant	-2.957*** (0.707)	-2.098*** (0.763)
Observations	2,567	2,575
Pseudo <i>R</i> -squared	0.062	0.032

Note: Robust standard errors in parentheses. This abridged table omits coefficients for the following control variables: sociability and village average income. The rural survey did not contain a question about Communist Party membership. VC = Villagers' Committee.

\* $p < 0.1$ . \*\* $p < .05$ . \*\*\* $p < .01$ .

In answering the open-ended disputing questions, Beijing respondents reported a total of 432 grievances (table 3). In more than half of these cases, the respondent either dealt with the problem bilaterally with the other party (which we term "direct response") or else reported taking no other action, most likely because he or she "lumped it," accepting the problem without resolving it. Accounting for these very common outcomes is important for understanding the full picture of disputing and putting into perspective the much smaller number of cases that are taken to forums such as mediation or courts. Fifty-five percent of the time, the respondent reported having taken no action in response to the grievance. In particular, disputes involving employers (over the collection of pay, or hiring discrimination) and consumer products were often deemed so intractable as not to be worth pursuing. On the other hand, 172 respondents, about 40 percent, did pursue third-party assistance. In twenty-six cases, or 15 percent of those taken to third parties, it was the RC, with its mediation functions, that was sought.

**Table 3**  
**Types of Dispute by Channel Pursued (Beijing)**

Type of Dispute	Cases	Breakdown of Those Seeking Third-party Help						
		“Lumping It” (%)	Direct Response (%)	Seeking Third-party Help (%)	Informal Third Party (%)	Residents’ Committee (%)	Work Unit or Government (%)	Police, Lawyer, Court, or Other (%)
Neighbor	46	43.5	4.3	52.2	12.5	54.2	8.3	25.0
Consumer	32	68.8	18.8	12.5	50.0	25.0	0.0	25.0
Other	11	27.3	0.0	72.7	12.5	25.0	25.0	37.5
Property damage, loss	81	50.6	1.2	48.1	2.6	12.8	10.3	74.4
Home renovation	27	33.3	25.9	40.7	45.5	9.1	27.3	18.2
Property title or deed	51	47.1	0.0	52.9	7.4	7.4	22.2	63.0
Personal injury	22	36.4	0.0	63.6	14.3	7.1	28.6	50.0
Hiring discrimination	55	72.7	0.0	27.3	26.7	6.7	26.7	40.0
Collecting salary	68	77.9	1.5	20.6	35.7	0.0	57.1	7.1
Landlord/tenant	25	44.0	16.0	40.0	20.0	0.0	60.0	20.0
Will or inheritance	9	33.3	0.0	66.7	0.0	0.0	0.0	100.0
Divorce	5	60.0	40.0	0.0	0.0	0.0	0.0	0.0
Total	432	54.9	5.3	39.8	15.7	15.1	22.7	46.5

Note: Because of rounding error, not all rows sum to 100.0 percent. Table is sorted by the percentage of those who sought third parties who went to the Residents’ Committee.



The raw percentage of disputes taken to the RC is a number whose meaning is difficult to interpret. After all, there is no such thing as an “average” dispute; they vary tremendously depending on what is at issue. The rows of table 3 show variation across dispute type. This gives insight into which kinds of disputes end up being mediated, which is crucial for comprehending the way mediation fits into social praxis today. As the table shows—confirming the conclusions that were drawn from qualitative fieldwork—the RC is the major forum of choice for only one type of dispute, those cropping up among neighbors. In such cases, more than half of the respondents seeking third-party help went to the RC. The neighborhood organization was also sometimes sought in property cases (in these instances, lost bicycles and damaged cars) and occasionally in several other kinds of disputes. But in cases of property damage and theft, people are most likely to report going to the police, while lawyers and courts were the most consistent choice for conflicts involving property title. In many circumstances, respondents reported taking disputes to what we call “informal third parties,” such as neighbors and friends.

In short, the RC can be useful for disputes arising within a fairly narrow set of conditions: those involving relatively low-stakes matters relevant to the immediate residential context, in which the committee members’ local knowledge, relationships with the parties, and modest yet state-sanctioned authority can come into play. Conversely, for big-ticket disputes with potentially major material or legal consequences, more authoritative and professional intermediaries are sought. Notably, disputes arising from eviction, divorce, and inheritance were not taken to the RC.

In the rural data, we see that as in Beijing, the majority of the 3,470 total grievances were never taken to third parties—rather, the respondent either “lumped it” or else approached the other party privately (table 4).<sup>28</sup> But of the 655 disputes that were taken to third parties, 248, or nearly 38 percent, were eventually brought to village authorities. Although informal channels such as friends or relatives were also a frequent choice, the VC was the most commonly pursued among these major categories. This suggests that in the countryside, mediation takes place on a quite regular basis to the current day. Even so, in 15 percent of these cases, levels of government above the village (such as the township or the county) were sought; thus, it is not unusual for villagers to seek redress at higher levels. Police and the legal system, at about 6 percent and 11 percent, respectively, are less frequently sought out than in Beijing.<sup>29</sup> Rural respondents were only slightly less trusting of the police and courts than Beijingers were, but they turn to these institutions significantly less often, whether because of geographic distance, expense, low expectations for success, or other reasons.<sup>30</sup>

In the rural data, as in Beijing, neighbor disputes were very common fare for local mediation. For this type of squabble, more than 68 percent of those who went to third parties sought VC intervention. Unlike in the capital, however, in the countryside, the local committees were a fairly frequent choice for a wide swath of other dispute types as well. Conflicts over water use, property titles, and debts all were

**Table 4**  
**Types of Dispute by Channel Pursued (Rural)**

Type of Dispute	Cases	Breakdown of Those Seeking Third-party Help						
		"Lumping It" (%)	Direct Response (%)	Seeking Third-party Help (%)	Informal Third Party (%)	Villagers' Committee (%)	Higher Government Office (%)	Police, Lawyer or Court (%)
Neighbor	850	32.7	47.5	19.8	21.4	68.5	2.4	7.7
Water use	495	41.0	52.1	6.9	20.6	61.8	11.8	5.9
Property title or deed	335	30.1	36.4	33.4	14.3	42.9	38.4	4.5
Other	72	34.7	31.9	33.3	20.8	33.3	20.8	25.0
Divorce	43	18.6	25.6	55.8	20.8	29.2	4.2	45.8
Debt collection	229	26.6	59.4	14.0	40.6	28.1	9.4	21.9
Property damage or loss	251	34.3	46.2	19.5	6.1	26.5	10.2	57.1
Personal injury	130	28.5	33.1	38.5	10.0	26.0	12.0	52.0
Collecting salary	250	41.6	46.8	11.6	41.4	13.8	24.1	20.7
Accused of personal injury or theft	37	16.2	32.4	51.4	31.6	10.5	10.5	47.4
Within own family	440	45.5	38.6	15.9	85.7	10.0	2.9	1.4
Consumer	338	26.6	60.4	13.0	56.8	2.3	40.9	0.0
Total	3,470	34.6	46.6	18.9	29.5	37.9	15.3	17.4

Note: Because of rounding error, not all rows sum to 100.0 percent. Table is sorted by the percentage of those who sought third parties who went to the Villagers' Committee.

quite likely to be brought to the village authorities. The VC clearly plays a prominent role in facilitating or perhaps dispensing some form of justice in the countryside. At the same time, villagers strongly favored informal channels for resolving intrafamily disputes and commonly sought help from police in cases such as property damage or from higher levels of government for consumer conflicts. Courts were sought for a substantial fraction of disagreements, including divorce, personal injury, or being accused of personal injury or theft. Nonetheless, it is clear that in villages, a broad spectrum of dispute types goes to mediation.

Regression analysis was used to explore in more depth factors that influence the choice to seek mediation as opposed to other channels and to test these factors for robustness to controls.<sup>31</sup> First, the twelve types of civil disputes in the rural data set were grouped into eight categories, shown in table C in the online supplement. The categories were disputes over property ownership; liability for matters such as property damage, injuries, or theft; disputes involving businesses and concerning wages or consumer goods; divorce; disputes within one's own family; disputes with neighbors; disputes over water use rights; and disputes over debts. This categorization was created on the basis of logical coherence and empirical consistency.<sup>32</sup>

Second, a multinomial logistic regression model was estimated with the disputant's chosen course of action as the dependent variable (table 5). This analysis indicates the ways in which a number of predictor variables influence the odds of choosing any of five ways disputes were handled: "lumping it," pursuing direct resolution through discussions with the other party, summoning an informal third party such as a friend or family member, seeking village-level mediation, or what we call "spilling over" by eliciting help from higher level authorities such as township officials or courts.

The next two illustrations help make the raw regression results interpretable. table 6 displays, for each of the eight different categories of disputes, the predicted probability of the disputant's seeking mediation from village authorities. The table shows that in no case is the predicted probability of seeking mediation greater than one in six. Divorce-related disputes are most likely to be taken to the VC (with a predicted probability of .15), although the certainty of this prediction is lowest because of the relatively small number of such disputes in the data set. Disputes with neighbors and those over property also have well over a one in ten chance of being brought to the village. Conversely, problems concerning businesses and conflicts within one's own family are the least likely to result in efforts to find redress at either the village or higher levels; instead, these are mostly either "lumped" or dealt with by directly confronting the other party.

Rather than holding other variables at their means, the graphs in figure 1 show what happens to the predicted probability of seeking mediation as several household-level variables are allowed to change. This illustrates the effects of factors that were hypothesized to affect mediation. As the graphs make clear, families with more income and those more frequently in contact with members of the VC are more likely

**Table 5**  
**Multinomial Logistic Regression Results on**  
**Channels Through Which Help Was Sought (Rural)**

	Direct Resolution vs. Lumping It	Informal Third Party vs. Lumping It	Village vs. Lumping It	Spillover vs. Lumping It
Education (mean of household adults, years)	-.060*** (.023)	-.128** (.051)	-.093** (.044)	.002 (.053)
Household income (log)	.150*** (.051)	.649*** (.091)	.332*** (.097)	.320*** (.113)
Instances of contact with VC (log)	.023 (.041)	.262*** (.073)	.217*** (.076)	.337*** (.080)
Village income (log)	-.036 (.106)	-1.148*** (.203)	-.655*** (.224)	-.536** (.226)
Constant	-.815* (.461)	-4.622*** (.961)	-4.912*** (.900)	-7.829*** (1.200)
Observations: 3,311				
Pseudo <i>R</i> -squared: .073				

Note: Robust standard errors in parentheses. This abridged table omits coefficients for the following control variables: mean age of household adults and dummies for seven dispute categories. VC = Villagers' Committee.

\* $p < .1$ . \*\* $p < .05$ . \*\*\* $p < .01$ .

to seek village-level assistance for all types of disputes.<sup>33</sup> A plausible reason for this pattern is that those who are relatively wealthy or familiar with the local authorities feel more confident that they will receive a sympathetic hearing. Meanwhile, families with higher levels of education were less likely to seek mediation. This may be driven by status considerations (along one of the lines that Diamant suggested), with better schooled families avoiding the perceived indignity of having village leaders sort through their personal disputes. Finally, mediation becomes a less popular choice in more affluent villages, presumably because formal legal remedies are more accessible in better developed settings.

### How Successful Is Mediation?

Up until this point, the evidence presented has concerned the seeking of mediation. But what about disputants' assessments of these experiences afterward? Was the response of village and neighborhood intermediaries seen favorably, or did it prove a disappointment? Survey respondents who went to third parties for help in disputes were asked to evaluate the "manner in which the third party resolved the problem," indicating whether it exceeded, met, or failed to meet their expectations.

**Table 6**  
**Predicted Probability of Responses to Disputes, by Category (Rural)**

Probability of Seeking Village Mediation Compared to Four Other Responses					
	Lump It	Direct	Informal	Village	Spillover
Divorce	0.194	0.270	0.128	0.153	0.255
Property ownership	0.300	0.357	0.044	0.149	0.150
Neighbor	0.319	0.484	0.041	0.137	0.020
Liability	0.319	0.422	0.030	0.064	0.165
Water	0.398	0.535	0.013	0.041	0.012
Debt	0.272	0.605	0.045	0.038	0.040
Within own family	0.448	0.403	0.129	0.016	0.005
Business	0.340	0.550	0.055	0.008	0.047

Note: Predicted probabilities are calculated with all other variables set at their means. Because of rounding error, not all rows sum to 100.0 percent. Dispute categories are ordered by probability of seeking village mediation. "Spillover" refers to any response involving higher levels of authority, such as the township, county, or police.

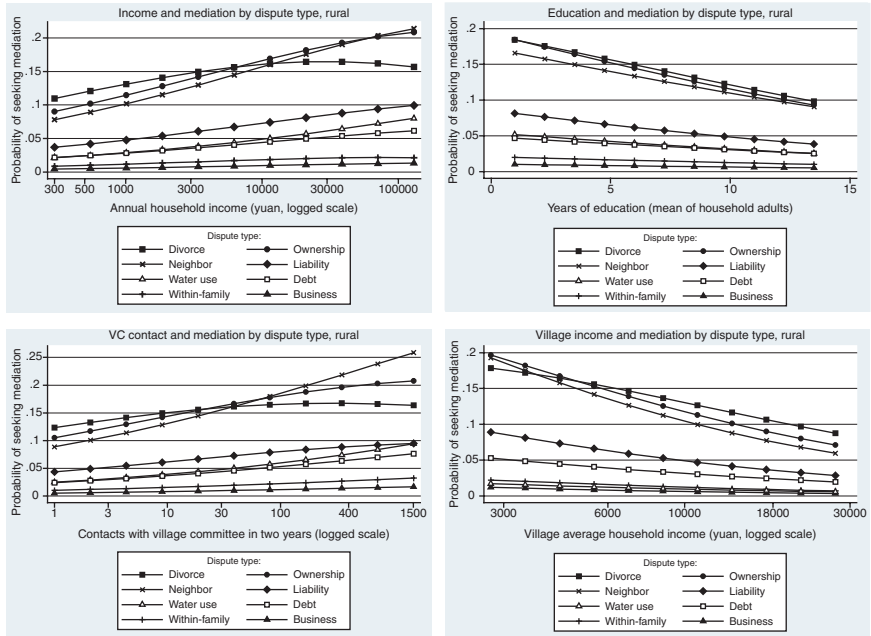
We refer to this as an assessment of the process.<sup>34</sup> table 7 presents data from these evaluations, allowing us to compare respondents' feelings about having gone to local mediators (RCs and VCs) as opposed to other types of third party.

In Beijing, those who asked the RC for help reported that the process met or exceeded their expectations about 48 percent of the time, failing to meet expectations the other 52 percent of the time. In the rural areas, these figures were 69 and 31 percent, respectively. We cannot know for certain why the Beijing RCs seem to compare unfavorably to the rural VCs in this regard, but one part of the story may well be that as we have seen, the RCs have a much narrower scope of authority than the VCs and thus are more limited in their ability to intervene on residents' behalf. We also find that both these institutions held up well in comparison to other types of third parties; RCs outperformed all other channels, while VCs came in only slightly lower than informal and higher government third parties.<sup>35</sup> In sum, villagers assess their mediation experiences mostly favorably, while urbanites are mixed, with slightly more than half coming away unimpressed. In both cases, though, local mediation holds its own in comparison to other sources of help in disputes.

## Conclusion

This article has endeavored to push forward a discussion begun by previous contributors to this journal who presented widely divergent pictures of mediation in China. Wall and Blum (1991) followed other Western researchers in portraying

**Figure 1**  
**Predicted Probability of Seeking Mediation by Several Variables (Rural)**



local mediators as intervening commonly and aggressively in interpersonal conflicts, whether they were asked to or not. Diamant (2000a) presented evidence casting doubt on the prevalence of mediation and suggested that whether in the early decades of the PRC or the present day, the institution was little if ever used. While unable directly to address the historical question, we present evidence indicating that today's reality falls somewhere in between these sharply contrasting images.

In major cities, or at least in Beijing, mediation is relatively rare, yet it unmistakably remains a resource that ordinary people turn to in certain types of conflicts, particularly those involving neighbors. In the countryside, our data suggest, it is comparatively common for individuals to ask the VC for help in sorting out altercations. Rural people seek VC intervention on a substantially wider range of problems as compared to their urban counterparts, even as they also address conflict through a resourceful variety of other channels.

Diamant justly demanded that researchers assess variation among individuals, specifically suggesting that the dimensions of gender and class be explored. We found that in some circumstances, more women than men reported seeking

**Table 7**  
**Respondents' Assessment of How Their**  
**Dispute Was Handled, by Third Party**

Beijing		Rural	
Third Party	Met or Exceeded Expectations (%)	Third Party	Met or Exceeded Expectations (%)
Residents' Committee	47.8	Higher government	73.6
Informal	45.0	Informal	72.6
Lawyer or court	40.0	Village Committee	68.9
Misc. government	35.7	Legal system	47.1
Work unit	30.8	Police	44.7
Police	25.8		
<i>Total disputes: 126</i>		<i>Total disputes: 606</i>	

Note: Third parties are ranked in order of assessment.

mediation. In the analysis of rural disputes, it also emerged that members of better educated families tended to avoid bringing village leaders into their troubles, while data from the open-ended questions showed wealthier families are more likely than others to do so. Importantly, we also found that individuals who possess existing relationships with local authorities or who participate in neighborhood or village activities are substantially more likely to seek out authorities at this level for help. All these findings highlight the effect of social context on mediation. A person's choice to make use of this institution depends in part on who she is and how close she feels to those who would be doing the mediating.

Both Wall, Blum, and Jin (2000, 550) and Diamant (2000a, 526) strongly state that research on mediation ought to use information gathered from disputants themselves, and that is a key part of what we have done. Our data and our conclusions, of course, have their limitations and are not the final word in this discussion. Yet, we hope that this article has pointed the way to useful advances in research on mediation in China and in disputing generally. It has done so by moving away from potentially biased state sources and instead assessing actual behavior through direct observation of disputes as brought to local authorities and through surveys of ordinary people. The design of the questionnaires allowed us to go well beyond considering only disputes that were brought to mediators but also to take into account those that were not. It explicitly measured the (very common, as it turns out) incidence of responding to disputes by doing nothing at all; directly confronting the opposing party; enlisting the support of friends, relatives, and connections; and going to higher authorities, all of which are alternatives to the official mediation system. Finally, this article also assessed variation among different types of disputes.

Wall and Blum wrote that China was “the most heavily mediated nation on earth” (1991, 4), and this may still be true, even if urban mediation is far less frequently used today than it seemed to them in the late 1980s. But does mediation really matter? We argue that there are at least two ways in which it does. First, as observers of conflict have noted and readers may have personally experienced, there are certain kinds of disputes that are serious enough to cause real distress for the aggrieved parties yet are insufficiently weighty to justify the involvement of police or the legal system (Baumgartner 1988). For at least some individuals in China who find themselves enmeshed in such unpleasant conflicts, whether with neighbors or even their own relatives, the RCs and VCs provide one venue in which to seek redress.

Second, Chinese citizens’ interactions with the mediation system provide a window on broader questions of the individual’s relationship to the state and how this is shaped both by the structure of institutions and by culture. We agree with Diamant that the cultural distinctness of a country such as China should not be seen in absolute or essentialist terms, nor should internal homogeneity be assumed. Moreover, the role of culture in this case should not necessarily be thought of as a “preference for mediation.” What disputants in China, as anywhere, prefer is to prevail in whatever conflict is troubling them, whether that means getting a noisy neighbor to quiet down or winning the right to use water that someone else claims. The Chinese state maintains a pervasive network of ultralocal organizations, and in some cases, people turn to these institutions as a potential source of help for problems they face. Government agency should be given at least as much weight as societal demand in considering the reasons why mediation occurs.

Even so, to the extent that people choose to seek the help of these organizations in what are sometimes highly personal matters, this does suggest a certain degree of comfort with the system of local authority that is established by the state. As research by Wall and his coauthors has highlighted, this kind of phenomenon is not confined to China but can be found in a number of East and Southeast Asian societies. In our view, citizens’ perceptions of the legitimate role of states and their local intermediaries is worthy of sustained study in its own right, and responses to conflict provide perspective on those roles.

China’s institutional continuity and change offer a window on the broader question of to what extent mediation persists in a context that is both modernized and postsocialist. According to Max Weber (1978, 976-78), capitalism demands that rational, uniform law replace irrational, discretionary, local, customary justice, termed *khadi* justice (Kronman 1983, 76-77; Sterling and Moore 1987). And in China, a commonly portrayed picture is of an inexorably transforming institutional landscape in which all socialist remnants are being torn asunder and replaced by “rational bureaucratic” structures (e.g., Guthrie 1999).

In the end, is mediation merely a dying anachronism, as some researchers suggest? Will the use of this institution evaporate with continuing modernization or with



the reform of the socialist state? In support of this proposition, we have seen that less community-level mediation takes place in more modern and affluent contexts and also that the more educated people are, the less they look to local mediators for help, at least according to the rural data. At the same time, mediation remains a resource that certain people turn to, particularly in the countryside but even in the cities. The state's motivations for providing local mediators—including bolstering its own legitimacy, minimizing the workload of more expensive conflict-resolution bodies such as courts, and increasing the salience of its governance apparatus—continue to apply. Most importantly, people confronting a variety of grievances continue to turn to these grassroots institutions, among other venues, in hopes of receiving help. Thus, mediation seems unlikely to become extinct soon.

## Appendix

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*Participant-observation data.* The ten neighborhood sites in Beijing were dispersed throughout most of the city's eight core urban districts. They include a mixture of prerevolutionary neighborhoods, socialist-era housing blocks, and new private apartment complexes. Only two of the ten RCs were initially contacted through official channels; the other sites were developed informally on the basis of a letter of introduction from a Chinese research institute. A total of 116 half-day visits were conducted, allowing for observation of many aspects of the committees' work and their interaction with constituents, including the cases of mediation reported here. The cities outside Beijing (Shanghai, Guangzhou, Qingdao, Shijiazhuang, Benxi, and Hengyang) were chosen to maximize variation on several dimensions: city size, geographic location, and economic prosperity. The relatively short duration of each stay did not allow for the kind of long-term participant observation that was conducted in Beijing, but staff members of at least four RCs were interviewed in each case. With the exception of Benxi and Qingdao, these visits were also unaccompanied by government officials.

*Survey data.* In the Beijing survey, the twenty-six neighborhoods were sampled randomly and fall into twenty-two "street offices" or wards (*jiedao banshichu*) in seven districts. Households were sampled randomly from household registry lists within each neighborhood, and adult respondents were chosen randomly within each household. The rural survey took place in one county of each of the six provincial-level units mentioned in the text. The six counties were not selected randomly but purposively, with the goal of maximizing regional and economic variation. All villages within each county are clustered within a single township. Households were randomly sampled within each village, and adult respondents were randomly sampled within each household.

As mentioned in the text, the questionnaires assessed demand for mediation through both closed-ended and open-ended questions. The closed-ended questions asked the following:

[Beijing] “Have you ever sought the Residents’ Committee staff members for the following reasons? . . . (8) A dispute among neighbors (for instance, because of noise, splitting water and electricity bills, misusing shared space, or other kinds of conflicts)? (9) A family dispute (for instance, between mother-in-law and daughter-in-law or between husband and wife)?”

[Rural] “Have you ever sought the Village Committee staff members for the following reasons? . . . (8) A dispute among neighbors? (9) A family dispute (for instance, between mother-in-law and daughter-in-law, or between husband and wife)?”

The open-ended questions inquired, for each of several types of dispute, whether the respondent or a member of his or her family had experienced a dispute of that kind in the previous five years. (In the Beijing survey, these screening questions were asked at the beginning of the survey, and interviewers followed up with later questions about the disputes at the end. In the rural survey, all questions about specific disputes came at the end of the questionnaire.) There were fifteen types of civil dispute in the Beijing survey and eleven in the rural survey, plus an “other” type in each. By civil dispute, we mean grievances involving other citizens, as opposed to those between the respondent’s household and the authorities, such as over family planning or children’s education. With any type of dispute for which the respondent answered affirmatively, further questions about the dispute were asked, including whether a third party had been approached because of the dispute, who the third party was, and whether the third party’s assistance had met, failed to meet, or exceeded expectations. Full lists of the specific types of dispute that the surveys asked about can be found in the unabridged versions of tables 3 and 4 in the online supplement.

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## Notes

1. See the *China Yearbook of Judiciary Administration* (2004, 24). Other studies of mediation in China include Lubman (1967), Clark (1989), Lubman (1997), Huang (2005), and Guo and Klein (2005).

2. Our use of the terms *dispute* and *grievance* requires clarification. Miller and Sarat (1980/81, 528) define a grievance as the presence of a “belief that one is entitled to a resource controlled by another party.” A dispute is defined as a situation in which a claim made to this other party (or a demand that this party relinquish control of the resource in question) is rejected. Our use follows these definitions.

3. For one such argument, see Lubman (1997, 294-95).

4. Focusing explicitly on the parties to a conflict has roots in legal sociology going back to Felstiner, Abel, and Sarat’s (1980/81) call for a “disputant-centered approach” to dispute analysis.

5. Of this sentence, Wall, Blum, and Jin (2000) later stated that they meant all *types* of disputes are mediated and wrote that “it seems obvious that all disputes—in terms of frequency—are not making their way to the mediator” (550). Regardless of how this line is understood, the strong position that Wall and

Blum took in the 1991 article is undeniable. In addition to the passages cited, they also wrote that “Almost never does a civil dispute go directly to court, and rare is the dispute that escapes the mediator’s assistance” (8) and “during his or her life, the average citizen is continually exposed to mediation” (8).

6. Diamant also found a second tendency among the elite: to keep conflicts quietly to themselves rather than suffer the indignity of revealing embarrassments to others (2000a, 537, 540, 543).

7. Internal figures from the Beijing city government, on file with the first author, show that 81.9 percent of RC staff in the eight core districts in 2000 were women. Levy (2007, 25) gives the figure of 18.4 percent female VC members based on 2001 data from many provinces.

8. Now often called Community Residents’ Committees (*shequ jumin weiyuanhui*).

9. The total numbers of RCs and VCs are given for the year 2003 in the *China Civil Affairs Statistical Yearbook* (2004, 82–83).

10. Recent English-language studies of China’s RCs include Choate (1998); Read (2000); Benewick, Tong, and Howell (2004); Derleth and Koldyk (2004); and Read and Chen (2008).

11. Recent English-language studies of the VCs include Choate (1997); Oi and Rozelle (2000); Kennedy (2002); Unger (2002); and Tsai (2007).

12. Space does not permit a discussion of the nuances of between-city variation in the management of the RC system, but committee staff members in each city, asked about their mediation duties, reported stories that were broadly similar to what was observed in Beijing.

13. Shuangqiao, like other neighborhood names here, is a pseudonym. Information about the episode related here was acquired during a visit on September 5, 2000.

14. Visits of November 12, 1999, and March 3, 2000.

15. Xiyijingjie, March 31, 2000.

16. Shimen, May 18, 2000.

17. Shimen, January 24, 2000.

18. Xianningjie, February 21, 2000.

19. Xiyijingjie, March 31, 2000.

20. This particular case was not witnessed firsthand but was described in detail a few weeks after the fact in a private interview (on July 1, 2000) by an RC staff member of Duzhuang neighborhood.

21. They wrote: “Chinese mediators initiate their investigations, snoop out disputes, and launch the mediations as they see fit. Unlike mediators in the United States, they do not wait for the parties to trigger the process. Rather, they promptly find and insinuate themselves into the dispute before positions harden” (Wall and Blum 1991, 9).

22. Lubman (1997) discusses the depoliticization of mediation.

23. Unlike the closed-ended questions, for which the unit of analysis is the individual respondent, for the specific-dispute questions, the unit of analysis is the respondent’s household.

24. Robust standard errors were calculated, here and elsewhere in the article, to compensate for cluster effects.

25. The analysis in this article calculates probabilities of seeking mediation given the presence of a grievance. Probabilities of having grievances are not separately modeled, as our primary substantive interest lies in the choices made by aggrieved parties rather than why they came to be in the position of facing such a choice.

26. An index of trust in police and courts is a significant and positive predictor of having sought mediation for a dispute with neighbors, although not of having sought mediation for an intrafamily dispute. Taking this as a proxy for people’s general attitude toward the state, it suggests that those more favorably disposed toward the government overall are more likely to seek help from its local agents.

27. Our measure of participation in village affairs is built from two questions assessing the frequency with which respondents attend village meetings and discuss village matters.

28. Because of refinements to the survey instrument made after the Beijing survey, the rural data include explicit measures of both “lumping it” and directly responding by approaching the other party.

This makes it difficult to compare these categories with the corresponding categories in the Beijing survey.

29. The legal system here refers overwhelmingly to courts themselves; lawyers are mentioned only five times in the rural data set in connection to civil disputes.

30. On a scale of -2 to 2 for an index measuring trust in police and courts, rural respondents averaged 0.32 compared to 0.52 for Beijing residents.

31. This analysis was only conducted on the rural data set, as the relatively small number of disputes spread over multiple categories in the Beijing data makes this type of regression problematic.

32. Alternative categorizations have been tried, and the basic findings remain robust.

33. In the case of divorces, the predicted effects of income and VC contact both decline slightly after reaching a peak.

34. Respondents were also asked about their assessment of the final outcome of the third-party intervention. In the great majority of cases (about 80 percent in the rural data and 88 percent in the Beijing data), the two assessments were the same.

35. In other work, the second author has found that when grievances involving village officials themselves are taken into consideration (in addition to the purely civil grievances covered in this article), VCs are assessed more favorably than higher authorities.

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