

Rightful Resistance: A Discursive Third Realm?

Meşru Direniş: Söylemsel Bir Üçüncü Alan?

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Abstract

This article aims to bring a new angle to the literature by joining ‘rightful resistance’ of O’Brien and ‘third realm’ of Huang. It questions whether rightful resistance is a third realm or not. The main thesis is that rightful resistance is a discursive third realm. This thesis is expounded in five parts. After the introduction of ‘rightful resistance’ in the first part; in the second part, civil society and public sphere as first alternatives coming to mind are examined in terms of applicability and conceptualization. It is argued that such applications and conceptualizations have some difficulties preventing the accurate grasp of the reality because of the historical baggage and ambivalent definitions of the concepts. In the third part, Huang’s concept of ‘third realm’ is delineated. In the fourth part, it is explained how rightful resistance constructs a third realm. It is claimed that this is a discursive third realm since the construction is realized through the discourse. Besides, feasibility of rightful resistance’s operationalization is discussed. Fragmented authoritarianism is suggested to make an efficient third realm for resisters possible. In the last part, these arguments are demonstrated through the Wukan Incident. In the conclusion, some potential criticisms are handled.

Keywords: Rightful Resistance, O’Brien, Third Realm, Huang, China, the Wukan Incident

Öz

Bu çalışma, O’Brien’in Çin’deki bazı toplumsal hareketleri anlamak için ürettiği “meşru direniş” kavramıyla, Huang’ın yine Çin’deki kamusal alan tartışmalarında yeni bir yaklaşım olarak ortaya çıkardığı “üçüncü alan” kavramlarını beraber okuyarak literatüre yeni bir bakış açısı getirmeyi amaçlamaktadır. Bu bağlamda makale, meşru direnişin bir üçüncü alan olup olmadığını sorgulamaktadır. Makalenin temel tezi, meşru direnişin söylemsel bir üçüncü alan olduğudur. Bu argüman, makalede beş bölümde ele alınmaktadır. Girişten sonraki ilk bölümde “meşru direniş” kavramı sunulmaktadır. İkinci bölümde sivil toplum ve kamusal alan -akla ilk gelen alternatifler olarak- uygulanabilirlikleri ve kavramsallaştırmaları açısından tartışılmaktadır. Bu bölümdeki temel iddia bu tarz kavramsallaştırmaların ve uygulamaların tarihi mirasları ve net olmayan tanımlarından dolayı gerçeği anlamayı zorlaştıracaklarıdır. Üçüncü bölümde, Huang’ın “üçüncü alan” kavramı ele alınmaktadır. Dördüncü bölümdeyse meşru direnişin üçüncü alanı nasıl inşa ettiği izah edilmektedir. Bu inşa söylem yoluyla gerçekleştirildiği için meşru direnişin söylemsel bir üçüncü alan yarattığı iddia edilmektedir. Bunlara ek olarak, meşru direnişin işlevselliğinin mümkünatı da tartışılmaktadır. Bu bağlamda, Çin’deki bölünmüş otoriterliğin direnişçiler için işlevsel bir üçüncü alanı mümkün kıldığı iddia edilmiştir. Son bölümde de bu argümanlar Wukan Vakasıyla örneklendirilmiştir. Makalenin sonuç kısmındaysa bazı muhtemel eleştiriler ele alınmıştır.

Anahtar Kelimeler: Meşru Direniş, O’Brien, Üçüncü Alan, Huang, Çin, Wukan Vakası

Introduction

After the introduction of ‘rightful resistance’ concept by Kevin O’Brien in 1996, it has become one of the striking topics for social scientists especially who study China. While some have approached, and referred the concept in terms of civil society, social groups and movements, state and politics, and rights and rules, others have written on the methodology and implications of the study (Yang, 2002; Brandtstädter, 2006, Lee, 2007; Walker, 2008; Michelson, 2008; Perry, 2010; Li, 2010; Wu, 2013; Tria Kerkvliet, 2014; Chuang, 2014). In relation to these discussions, particularly the ones which focus on civil society, public sphere as a subtitle of civil society was touched in them. However, interestingly nobody has brought the ‘third realm’ of Philip Huang into the discussion. Third realm was proposed by Huang as a value-neutral category to understand the state-society relation in China, mostly as an alternative to the binary public sphere of Habermas. The main claim of the concept is the existence of a distinct ‘third realm’ in China which is neither state nor society but mostly a realm in which a constant negotiation is carried out between state and society. It is like a child between parents, s/he is influenced by both but also a distinct person (Huang, 1993b).

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This article aims to bring a new angle to this literature by joining these two native concepts.ⁱ It questions whether rightful resistance is a third realm or not. The main thesis of the article is that rightful resistance is a discursive third realm. This thesis is expounded in five parts. In the first part, the concept of 'rightful resistance' is introduced with its particular features. In the second part, civil society and public sphere as first alternatives coming to mind are examined. Rather than reaching a single clear-cut conclusion in terms of applicability and conceptualization, it is argued that such applications and conceptualizations have some difficulties preventing the accurate grasp of the reality because of the historical baggage and ambivalent definitions of the concepts. In the third part, Huang's concept of 'third realm' is discussed. In the fourth part, it is demonstrated how rightful resistance constructs a third realm. It is claimed that this is a discursive third realm since the construction is realized through the (means of) discourse. Besides, feasibility of rightful resistance's operationalization is discussed. Fragmented authoritarianism, a model developed by Lieberthal and Oksenberg (1988) and then updated by Mertha (2008) to explain disjointed and fragmented political system in China is suggested to make an efficient third realm for (rightful) resisters possible. In the last part, the Wukan Incident is examined to show how rightful resistance constructs a third realm mostly through discourse and how fragmented authoritarianism makes an efficient third realm for resisters possible. And in the conclusion, some potential criticisms are handled.

Rightful Resistance

'Rightful resistance' was introduced by O'Brien to conceptualize a specific kind of social movement in China, even though it is not claimed to be strictly exclusive to China.ⁱⁱ The concept mostly relates to how people protest as these people are generally from rural areas. In rightful resistance, people of China's countryside challenge the powerful head-on. Resistance is 'rightful' since resisters demand the rights they have already been granted (O'Brien & Li, 2006, p. xii). While demanding these granted rights, resisters deploy 'the policies, laws and commitments of the state to combat local officials who (are) ignoring those policies, laws and commitments' (O'Brien, 2012, p. 1). Unlike some other types of resistances, it is noisy, public, and open. Thanks to their pragmatic discourse, protesters scarcely take any risks and they are consequential. They employ a negotiatory way and they engage 'in a three-party game where divisions within the state and elite allies mattered greatly' (O'Brien, 2012, 1).

O'Brien lists four main features of rightful resistance. Firstly, it operates near the boundary of authorized channels. Secondly, it employs the rhetoric and commitments of the powerful to curb the exercise of power and it has a skillful use of the language of power. Thirdly, it hinges on locating and exploiting divisions within the state and lastly it relies on mobilizing support from the community (O'Brien, 2012, p. 1). After this brief introduction, we would better expand on these features.

Rightful claims appeal to first two characteristics of rightful resistance. Protesters do not challenge the system and its values. They demand the rights which are compatible with the state ideology since these rights have already been granted. However, this does not have to be the case always and the rights may not be granted. In such circumstances, if the protesters partially embrace the rights embedded in the value system of the regime or its laws and policies, they think that they themselves are also compatible with the state ideology, and they demand these rights as well. Then, the resistance is a 'partially sanctioned protest'. There is some kind of implicit approval (O'Brien & Li, 2006, p. 2). This kind of claims are also called 'boundary-spanning claims' due to their stress on loyalty to the Party instead of disputing with it (O'Brien & Li, 2006, pp. 50-63).

Furthermore, protesters benefit from legal tactics to convey these rightful claims. For instance, they petition and interact with some governors. Yet, they refrain from any sort of

violence. Despite the state's authoritarianism, this makes the resistance more tolerable in the eyes of the state. In other words, they utilize discursive opportunities which enable them to diffuse their messages in the public sphere (Koopmans & Statham, 1999; Ferree, 2003; Koopmans & Olzak, 2004).

When it comes to the third feature, protesters benefit from the multilevel political bureaucracy in China. This political structure generates some divisions within the system and enables protesters to exploit them. Multilevel hierarchy prevents the officials from monitoring problems. This creates a fragmented and then open structure in politics. Protesters exploit these divisions. For instance, while they challenge an official at one level, they can get support from another official at another, probably a higher, level. Because of the multilevel system, higher officials lack information regarding lower level local officials. Then, whenever any lower official violates any commitment of the Party, protesters get a chance to make their claims and reach a higher official. They frame their demands and statements separating between different officials and state actors. While some actors become allies for them, others are mere targets. This strategy named unpacking the state (O'Brien & Li, 2006, pp. 26- 28). Regarding the last feature, reliance on the community and obtaining allies, protesters have different strategies, as well. For instance, the use of media to reach more supporters and become more powerful before the government is one way (O'Brien & Li, 2006, pp. 61-62).ⁱⁱⁱ These two features, especially the third one also correspond to the fragmented authoritarianism which will be delineated later. It would be better to examine these on a case for a more detailed and comprehensive understanding of the theory. Yet, this is left to the last part of the paper in order to demonstrate the third realm and fragmented authoritarianism on the case, as well.

Difficulties with Civil Society/ Public Sphere Readings

While placing 'rightful resistance' between state and society, first alternatives coming to mind can be civil society and public sphere. These two concepts are appealed frequently to evaluate the social movements. However, applying these concepts to rightful resistance carries some problems which can prevent us from an accurate grasp of the rightful resistance. In this part, two of these problems are elaborated. While the first one relates the ambivalence of the concepts, the second problem considers the historical baggage of them.

Both public sphere and civil society are ambivalent concepts in the West and China. There are no determined definitions and both are contested concepts. For example, although Chinese scholars generally refer to the 'public sphere' of Habermas, there are other models of public sphere provided by different approaches such as liberal-economistic model, republican-virtue model, feminist model and sociability model (Weintraub & Kumar, 1997, pp. 1-43). A plethora of scholars had come up with (e.g.: Habermas, Arendt, Sennett, Schimmel, Rawls, and Benhabib) different definitions for public sphere. In addition to these different approaches in West, Chinese scholars also have different definitions of public sphere stressing different functions that range from political to communicational and social (consumerism).

The concept of 'public sphere' within civil society was initially used for 1989 student movements in China by scholars such as Ostergaard and Calhoun (Yang, 2002, p. 2). However, these interests peaked in 1993 and resulted in a symposium. Articles of this symposium were published in volume 19 of *Modern China*. After these initial steps, public sphere has continued to occupy a significant place in the literature. Yet, the concept has become a more contested one. While some centered on civic communication and consumerism as elements of public sphere (Yang, 2002, pp. 5-7),^{iv} others focused on media, online networks, environment and intellectual activities (Yang, 2003; Bohman, 2004; Calhoun, 1998; Qian & Bandurski, 2011).^v

Civil society is a much more contested and flexible concept than public sphere in terms of its application and definition. In the Western intellectual mind the term civil society was

employed to delineate a variety of things: State dependent and independent social organizations, religious or moral associations or economic associations and all emphasized a different feature as its distinguishing character (Madsen, 1993, pp.187-9).^{vi} The case is not different in China.^{vii} For instance, Yang, while reviewing civil society studies in China, divided it into four central components with public sphere as one of them: social organizations, individual autonomy and popular resistance (Yang, 2002, p. 2). Although studies began with discussion of student movements like studies of public sphere, there are no strict definitions and conceptualizations. For instance, while Mary Rankin and William Rowe claim civil society and public sphere existed in late imperial China, Frederic Wakeman and Philip Huang reject this because of their different approaches (Yang, 2002). Discussions of civil society among Chinese intellectuals have different focuses varying from individual rights and freedom to challenging the state power (Yang, 2002, pp. 4-5) and moral/cultural transformation of the society (Madsen, 1993).

These ambivalences hinder an accurate grasp of the reality of rightful resistance. It is not very obvious which ‘definition’ should be applied for a better analyze. It would be claimed that each article can provide its own definition and apply it consistently through the article. However, this means that each article has an extra burden of conceptualization. Besides, concepts like civil society and public sphere are too much widespread ones to re-conceptualize in each article without falling in clashes with other alternatives. Moreover, that they are too much referred and applied brings the historical burden of these applications to deal with while re-conceptualizing them. Yet, historical burden of contested and ambivalent applications is not the only problem considering their historical baggage.

The second main problem considering these concepts is their historical baggage. This historical baggage makes their application to different societies difficult. These concepts were generated through Western history and norms, and they carry the ‘burden of European thought and history’ (Chakrabarty, 2009, p. 4). Because of this, ‘importing’ them to apply a different society of a different history is not easy and bears some problems of accuracy despite the claims of global history, universal norms and easiness of common reference. Their usefulness in non-Western contexts is highly discussed in this sense (Lewis, 2001). Difficulties generated from their application to African, Eastern European and Latin American cases have had an important place in the literature (Hann & Dunn, 1996; Sogge, 1997; Ferguson, 1998; Keane, 1998; Maina, 1998; Comaroff & Comaroff, 1999, Junghans, 2001;). However, with native/regional research and knowledge,^{viii} ‘a native using’ or ‘interpretation’ might be realized rather than a mere importation or application of certain categories to apply (Metzger, 1998). Application of ‘civil society’ as an imported concept illustrates this problem of inaccuracy. In its original usage through the Western history, ‘civil society’ has implied an ‘un-utopian political order in which morally and intellectually fallible citizens organize themselves to monitor and incorrigible state’ (Metzger, 1998, p. 1) despite its different interpretations. On the other hand, this kind of ‘bottom up’ order is not compatible with Chinese facts and tradition which exhibit authoritarian characteristics. Then, direct application of the concept does not seem very functional to analyze a native situation like rightful resistance. Concepts do not travel in this respect. However, some would argue that ‘a native using’ can enable us to grasp the reality without renouncing the potential advantages of the commonality of concepts such as benefiting from familiarity. Yet, despite attempts of regionalization of concepts, difficulties remain. If we continue with the same example of civil society, some Chinese scholars have regionalized the concept by replacing the citizens with intellectuals or a party which does not pursue selfish interests and the bottom-up process with a top-down one (Metzger, 1998). However, this is a utopia rather than a realist assumption for the future of China, at least a kind of wishful-thinking. And this kind of thinking is not a useful one to encounter with what it is going on, what rightful resistance is in its own reality.

Another problem related with historical baggage is value-laden reading. That these concepts are Western-rooted can lead some to read Chinese society normatively with the expectation of realization of Western cultural assumptions (Madsen, 1993, p. 187). In other words, while studying with imported concepts, we also have to handle the politics of historicism and the main statement behind the historicism: 'first in the West, and then elsewhere' (Chakrabarty, 2009, pp. 6-11). This kind of reading hinders an accurate grasp of the reality since, rather than an effort to comprehend what happens, it results in guidance towards what should happen. Besides, these concepts themselves also sometimes have been used from within a value-laden teleology like in the bourgeois public sphere of Habermas. While applying them to different societies, this baggage would also be carried in addition to the expectations of a future parallel to Western tradition (Huang, 1993b). For instance, if we apply Habermasian public sphere, China should follow a pattern similar to West in terms of its state society relations. Then, this makes the case more difficult.

Thus, because of the reasons mentioned above, placing (and naming) rightful resistance under the title of public sphere or in general civil society can prevent us from understanding the proper place of rightful resistance. Despite some potential advantages and efforts to regionalize them, it does not seem very easy, even possible to avoid the difficulties and problems which stem from application of imported concepts. These are Western concepts and studying with them, social scientists inevitably bear the Western history and thought as a guidance or checkpoint. 'The point...is that, fabrication or not, this is the genealogy of thought in which social scientists find themselves inserted' (Chakrabarty, 2009, p. 5).

Third Realm: Neither State Nor Society

Third realm is a value-neutral category proposed by Philip Huang to understand the state-society relation in China especially as an alternative to the binary public sphere of Habermas. Huang starts with the public sphere of Habermas. He mentions a binary opposition between state and society in the public sphere of Habermas. Yet, he thinks such a binary reading is inappropriate for China since there is a third space in between society and state in China which requires a trinary conception. Main characteristic of this third realm is some kind of an institutional form which has experienced some transformation through Imperial, Republican, and contemporary China. Huang demonstrates these with examples from civil justice and rural community.

Public sphere of Habermas is shaped by the power relation between state and society. In accordance with the balance of power between them, a state-ification or a societalization takes place. Thus, it is not an autonomous one. Yet, it is either regulated by the state bottom-up against public authorities or by private people against state. Then, it is either an extension of (civil) society or of the absolutist state when we look at Western history with the eyes of Habermas (Huang, 1993b, pp. 217-20.).

However, according to Huang, this reading is not appropriate for China. Therefore, he proposes the third realm as a new concept. This concept frees itself from value-laden public sphere of Habermas and its non-autonomous nature between state and society. Third realm of Huang is distinct from both state and society while public sphere of Habermas is like an extension of state or society. Huang resembles this to a child between parents. S/he is influenced by both, but also s/he is a distinct person (Huang, 1993b, p. 225). He begins with his own specialization as a scholar of law, the justice system, and shows how the justice system of late imperial China is a third realm in the form of 'a semi-institutionalised dialogue between magisterial opinion and community/kin mediation' (Huang, 1993b, p. 226).^{ix} This third realm is constructed by constant negotiation between state and society, and because of this, the justice system is formal as well as informal at the same time. This is not different for administration

since there are unsalaried semi-officials bringing state and society together. Thanks to these semi-officials of the third realm, it becomes the realm of interaction between the state and local people (Huang, 1993b, p. 227). During the late Qing and early Republican Era, third realm underwent some changes. With the late Qing period, 'modern state making' has started. For instance, in post-Taiping reconstruction process some regular offices were established for public activities such as water control and land reclamation which are *ad hoc* third realm activities. Besides, modern schools, courts, police force, agencies for agricultural and industrial development, and transport were started to be established or improved in the late Qing and the Republican period. However, this process also witnessed a modern societal integration with the rise of commercialization and merchant associations providing more social integration. These commerce organizations in third realm had nongovernmental, semi-governmental and governmental functions such as founding public security forces, managing urban services and mediation of disputes. However, these roles and interaction between state and society were at rural and local level rather than urban and national. It was different from bourgeois public sphere of Habermas. To sum up, in the late Qing and Republican China, third realm was institutionalized and expanded (Huang, 1993b, pp. 229-31).

When we come to contemporary China, state-ification of third realm overwhelmed the societalization. The party state tried to penetrate to whole system and society. Rural collectives were examples of state-ification and institutionalization of the third realm in the Collective Era. Although they were distinct from state units and owned by the community in theory, they were not independent of party in practice. On the other hand, the Reform Era witnessed de-state-ification of the third realm and negotiatory power of community enterprises have increased. Following student movements and with some sort of liberalization in the country, this negotiatory power has continued to increase. Yet, despite the de-state-ification, institutionalization of the third realm has been mostly a state-led institutionalization. For instance, work units are mostly state-imposed social organizations and even demonstrations against the state are organized mostly by these state imposed organizations rather than civil ones like in the 'Beijing spring' of 1989 (Huang, 1993b, pp. 232-7).

Briefly, third realm is a native concept which is created by Huang as an alternative to Western public sphere of Habermas. The central argument is that China has a distinct realm between state and society and this realm is constructed through constant negotiation between state and society. Despite its state-ification or societalization over the time, it has some nongovernmental, governmental and semi-governmental functions and these functions make it a realm of interaction between state and society especially at rural and local level.

Rightful Resistance as a Discursive Third Realm

As stated before, rightful resistance is a social movement that uses the language of power and has some peculiarities which stem from 'China'. In this sense, because of the aforementioned reasons, placing it in public sphere or in general civil society is not very appropriate. On the other hand, third realm of Huang is a native concept taking consideration both the Chinese reality and Western alternatives. It does not neglect the discussions of public sphere. These make it a more appropriate tool to interpret the place of rightful resistance between state and society in China. The question is that: is rightful resistance a movement in the third realm, does it construct a third realm and if it does, how does it? This paper claims that rightful resistance constructs a third realm and it does this mostly through discourse and to get results, it benefits from the fragmented authoritarianism in China.

Third realm is a place of neither state nor society. It is something distinct, in-between and both parties have some influence on it in different portions. Similar to third realm, rightful resistance is also in-between when we look at its language. Although resisters are mostly non-

state actors, society, they use the language of state. If we summarize its four main characteristics: it ‘operates near the boundary of authorised channels’ (1) and ‘employs the rhetoric and commitments of the powerful to curb the exercise of power’ (2) (O’Brien, 1996, p. 33). These two features make it closer to state, especially in terms of discourse. Besides, this discourse enables protesters to hinge on locating and exploiting divisions within the state, among the powerful (3) (O’Brien, 1996, p. 33). They are not civil in this sense, they are not part of the society at the discourse level since they use ‘an approved discourse’ (O’Brien, 1996, p. 34), the discourse of state and power. On the other hand, as a movement organized by local people, part of the society, it ‘relies on mobilizing support from the community’ (4) (O’Brien, 1996, p. 33). And both the identity of resisters and their reliance on community make rightful resistance closer to society. Then, ultimately it is completely neither a part of society nor of state. Rather, it is something in-between and this enables it to construct a third realm. Since this third realm is constructed through discourse, we can name it as a discursive third realm.

In the construction of third realm by rightful resistance, discourse plays the most important role. As stated before, one of the particular features of third realm is constant negotiation between state and society. As talking about the justice system in late imperial china, Huang mentions ‘the ongoing negotiations toward a settlement’ (Huang, 1993b, p. 226) between magisterial opinion and community/kin mediation and he describes it as ‘a kind of negotiatory relationship’ (Huang, 1993b, pp. 226-7). While discussing the Reform Era, he claims that ‘de-state-ification’ of third realm resulted in an increase in the negotiatory power of the community cadres, entrepreneurs against state officials (Huang, 1993b, pp. 234-6). For rightful resistance, this constant negotiation is mostly carried out through discourse. In order to keep the negotiation open and sustainable, they use an approved discourse. Actually, this is the language of power and this language considerably decreases the risks for resisters. They exploit the potent symbolic and material capital provided by modern states. That means they benefit from the vocabulary of the regime, official values, party policies and granted rights. They accomplish this via framing and this framing is a product of their statist, approved discourse (O’Brien, 1996, pp. 34-5). Resisters ‘cite laws, regulations, and other authoritative communications when challenging all sorts of cadre malfeasance, particularly misconduct related to economic appropriation and autocratic work style’ (O’Brien, 1996, p. 36). They act loyal to the party, and against the local officials who do not obey the party they take the side of the party and demand from them to obey the rules and the party by ensuring their already granted rights by the party. Although, we do not know whether this is sincere or tactical (O’Brien, 2012, p. 11), the statist discourse which is embedded in these acts does not change. And it is obvious that this discourse enables them to negotiate with state and to get some results.

In terms of getting results, an important question following the discourse of rightful resistance might be about the practical side and feasibility of it. How does this discourse operate and can this statist discourse operate in the system to get results? Or how does an authoritarian state like China allow this? Here, we can apply to the concept of the political opportunities structure theory which occupies a significant place in the discussion of social movements (Tarrow, 1994; McAdam, 1996, 1999; Meyer & Minkoff, 2004; Hooghe, 2005). According to this literature, the success of the social movements depends on the opportunities offered by the political-system in which they operate (McAdam, 1996; Hooghe, 2005). ‘Opportunities’ can vary with the case such as elite division, the composition of the government and electoral competition, and they can be understood as the openness of the political system in the broadest sense (McAdam, 1996; Beyeler & Rucht, 2010). When we look at the particular case of rightful resistance, we can see that it also benefits from the *opportunities* created by the state in addition to its reliance on community. If we state by referring to the third characteristic of rightful resistance, we can say that it ‘hinges on locating and exploiting divisions within the state’ (3)

(O'Brien, 1996, p. 33). Thus, despite its authoritarianism, political system in China provides some opportunities –openness- with resisters for their success and these opportunities are the divisions within the state. This corresponds to ‘fragmented authoritarianism’ in the literature on China. Then, rightful resistance utilizes ‘fragmented authoritarianism’ to get results.

Fragmented authoritarianism relates to the state side of rightful resistance and third realm. Heretofore, we discussed the society side of third realm in the case of rightful resistance. However, as a movement in the third realm or constructing a third realm it is influenced by the state in addition to society. And this influence is realized through a fragmented authoritarianism.

The concept of fragmented authoritarianism was created by Lieberthal and Oksenberg in order to explain the working and structure of the fragmented political system of China (1988). According to this, the system is disjointed and fragmented and this has been escalated just after the early 1970s. There is a division of authority among various bureaucracies which does not allow authority of one single body over other (Lieberthal, 1992, pp. 8-10). Then, policy making requires the cooperation of many political actors. This need for cooperation motivates people to interact with higher level officials to get through local bureaucratic blocks in politics (Lieberthal & Oksenberg, 1988, p. 22). Besides, this fragmentation in the system has gone hand in hand with political pluralization in the policy process, especially after the early 1980s. Thereupon Mertha (2009) revised the fragmented authoritarianism of Lieberthal and Oksenberg with a stress on political pluralization. In Mertha’s work, fragmented authoritarianism is defined as:

Policy made at the centre becomes increasingly malleable to the parochial organizational and political goals of various vertical agencies and spatial regions charged with enforcing that policy. Outcomes are shaped by the incorporation of interests of the implementation agencies into the policy itself. Fragmented authoritarianism thus explains the policy arena as being governed by incremental change via bureaucratic bargaining. (Mertha, 2009, p. 996)

This ‘bureaucratic bargaining,’ the negotiation process in other words, is an outcome of relatively pluralized and more responsive process of policy making. With lowered barriers to entry, ‘policy entrepreneurs’, such as NGOs, the media and some displeased officials have begun to enter policy making process by adopting strategies such as benefiting from agency slack, and aggressive lobbying of pressure groups. Like in rightful resistance, issue framing is a significant part of this entrance process. Articulation and amplification are two key components of this framing. However, different from rightful resistance, political entrepreneurs are not local peasants but journalists, NGOs and officials within government who oppose to some policies. For us, the important point is about the state side of this entrance rather than the ways utilized by entrepreneurs. Here, we have three important aspects of fragmented authoritarianism which lower barriers to entry by lowering authoritarianism. First one is proliferation of leadership. Leaders have started to delegate some responsibilities of them to others. Secondly, new state actors have recognized the need for experts and special information for policies. Thirdly, success of early experiences in such bureaucratic bargaining has triggered new ones (Mertha, 2009).

Considering the relation between rightful resistance, and fragmented authoritarianism, fragmented authoritarianism enables them to operate. Rightful resisters who locate and exploit divisions within the state fill ‘spaces that the state and its reforms create’ by using a statist discourse (O'Brien, 2012, p. 4). Undoubtedly, these spaces and divisions suitable for exploitation are results of fragmented authoritarianism or at least explained by it. Increasing malleability of central policy goes hand in hand with these divisions. And rightful resisters utilize these divisions, indeed render them opportunity by using an approved discourse. They use ‘approved channels’ and have some legal tactics to benefit from the conflicts of interests

among local officials (O'Brien, 1996, pp. 33-41). Also, they try to gain the support of some higher-level officials and bureaucrats (O'Brien, 1996, pp. 43-4) and this is feasible because of the policy entrepreneurs in fragmented authoritarianism such as officials who do not agreed with the party on some policies. Also, journalists as another political entrepreneur in fragmented authoritarianism are aimed by rightful resisters to be supporters and they are good at this. They attract the attention of journalists (O'Brien, 1996, p. 44). Indeed, O'Brien perfectly summarizes how rightful resistance operates through fragmented authoritarianism although he does not call it directly 'fragmented authoritarianism':

They recognise that state power nowadays is both fragmented and divided against itself, and they know that if they search diligently, they can often locate pressure points where elite unity crumbles. They are perfectly aware that their resistance hinges on exploiting the divergent interests of officials both in different systems (xitong) and at different levels in the same system, and they astutely align themselves with benefactors (enren) who are disposed to take their charges seriously and who have the authority to ensure that a cadre is disciplined or prosecuted. (O'Brien, 1996, p. 44-5)

When we come to the relation between third realm and fragmented authoritarianism, it is not very difficult to recognize that lowering barriers of entrance implies a de-state-fication for third realm. Huang states that '[T]he loosening of vertical controls in the party-state has created much greater room for negotiatory relations between state officials and community entrepreneurs and cadres within the collective units' (Huang, 1993b, p. 236). Rightful resisters of third realm are examples of those who negotiate with state thanks to loosening of vertical control in fragmented authoritarianism. And they achieve operating in fragmented authoritarianism through their discourse. In other words, they benefit from both political and discursive opportunities (Koopmans & Statham, 1999; Ferree, 2003; Koopmans & Olzak, 2004). Thus, fragmented authoritarianism creates an efficient third realm for society in China by lowering barriers to entry policy-making process. Rightful resisters who locate and exploit divisions within the state fill 'spaces that the state and its reforms create' by using a statist discourse.

The Wukan Incident

In this part, the Wukan Incident is examined to clarify and expand the thesis of the paper. After a brief summary discussing the whole incident a specific section of the unrest which is between September 2011 and March 2012 is presented as an example of rightful resistance. Since the aim of the paper is to show how rightful resistance constructs a third realm and how fragmented authoritarianism renders third realm efficient to operate, a possible discussion and objections about how much the Wukan Incident does not represent rightful resistance are mostly left aside.^x

Resistance of villagers in China's Wukan village has a history of at least 20 years. Wukan is a self-governing township in the Guandong province. With the rapid economic development and the establishment of new companies in the early 1990s, land conflicts between Wukan villagers and the village committee have started. Despite the very high profit from the collective land which is sold by the Wukan village, villagers have been given very little compensation. This situation has generated intractable resentments among the villagers. The greatest incident occurred on September 21, 2011. About 4,000 villagers gathered outside the village committee with a demand of transparency, return of their farmland and dismissal of corrupt officials. The unrest grew, but villagers could not get satisfactory answers to their questions. Then the unrest turned into some kind of riot. Police came to the village and clashes took place between police and villagers which resulted in injuries. Villagers demanded re-election for the local village committee. They claimed the previous elections had violated the Organic Law. This demand led to a self-governance period. Petitions to responsible offices and negotiations continued in the meantime. Finally, in March 2012, villagers elected a new village

committee, but the problems and negotiations continued between villagers and the government despite some sort of peaceful settlement (Lie, 2014, pp.17-22; Zeng, 2013).

The Wukan case seems to be a good example of rightful resistance. Firstly, while demanding re-elections, to complain about the local government and to solve land disputes, villagers submitted several petitions and they visited many higher-level officials. These efforts through legal channels continued on for many years. They claimed that the previous elections had violated the Organic Law and Administrative Litigation Law. They tried to prove the fraudulence of the elections. Also, they linked elections to land dispute against local officials. Despite their challenge to the local government, they acted loyal to the party and the government policy. They were a loyal opposition in this sense (Lagerkvist, 2015). They interacted with higher officials to gain their support. For instance, they announced the demonstration before to attract the attention of the higher officials in a positive and supportive manner and to legitimize it in their eyes. Besides, in the interviews, villagers did not accuse the party of land corruption. Local officials were responsible according to them. Furthermore, they thought their actions were legal and justified since the local government was corrupted and they already tried to convey this to the central government. Even, they deliberately stated their support to the party in some cases. Then, they benefited from the multilayer bureaucracy and divisions in the state (Lie, 2014, pp. 66 -73).^{xi} These acts of villagers correspond to the first three features of rightful resistance. When it comes to the last one, media played the most important role in gaining public support. Invitation of the journalists, and active use of social media were great examples of these efforts.

Villagers argued that their already granted rights were violated. They framed their claim in a way that they took sides with the state against the local officials who disobeyed the state. For instance, they preferred to refer 'to lawful settling of the land dispute', not a revolutionary rhetoric (Lagerkvist, 2015, p. 142) and mentioned the violation of laws for the elections. These also demonstrate how a rightful resistance constructs a third realm through discourse. The statist discourse of villagers, a part of society made them closer to state. Most importantly, this discourse enabled them to carry out negotiations with the state since under an authoritarianism, even under a fragmented one, such kind of discourse is almost necessary to reach the state, and maintain negotiations. While this was more societal side of the third realm in terms of negotiations, the role of Wang Yang, the Governor and Party Secretary of Guangdong Province was the state side of the negotiation. He sent his deputy to Wukan by by-passing Lufeng and Shanwei officials to engage in negotiations with the villagers. This step of the party played a very positive role in the settlement (Lagerkvist, 2015, pp. 141-2). Thus, despite a short period of riot, the process was handled through constant negotiations between state and society, and this was managed mostly thanks to the statist discourse of the villagers. The Wukan Incident as an example of rightful resistance constructed a third realm mostly by the help of discourse. Yet, this discourse could operate through fragmented authoritarianism which also emphasizes discourse and issue framing.

As mentioned above, fragmented authoritarianism motivates people to interact with higher level officials to get through local bureaucratic blocks in politics (Lieberthal & Oksenberg, 1988, p. 22). In Wukan, both the frequency of petitioning and efforts affords to visit higher-officials illustrates this. Besides, the attitude of Wang Yang was a good example of responsiveness. Yet, the fragmentation in the state was not the only factor here. Issue framing and policy entrepreneurs play a crucial role in fragmented authoritarianism. The importance of discourse and framing in the Wukan Incident was already demonstrated. Their rhetoric was anti-local official and corruption, but not against the party (Vukovich, 2015, p. 2136). This enabled them to enter the process and gain the support of the higher officials. As an example of policy entrepreneurs, we had journalists and media. One of the most mentioned successes of

the villagers was their effective use of media. In addition to the active use of social media, they established a media center to host the journalists (Lagerkvist, 2015, p. 142). Not only foreign media, but also national editorial media reported the protest in a supportive manner (Vukovich, 2015, p. 2135). These facilitated their entry to the process and the process itself.

In brief, in the Wukan Incident, we observe how rightful resistance constructs a third realm mostly through discourse and how fragmented authoritarianism makes an efficient third realm possible for resisters.

Conclusion

As suggested before, rightful resistance constructs a third realm and this article claims that this is a discursive third realm since resisters construct it or become a part of it mostly through their discourse. Fragmented authoritarianism in China makes an efficient third realm for resisters possible.

One potential criticism to this study might be about its limitedness considering the ample work in the literature. For instance, it would have been better to discuss political opportunity structure and discursive opportunity structure theories in more depth which may help to expand on the topic. Accordingly, ‘passive revolution’ of Gramsci (2011) could be introduced into the discussion in relation to the ‘rightful’ discourse of the resistance. Furthermore, a comparative analysis of the resistances in other authoritarian states might be provided while discussing the place of rightful resistance. Besides, other alternative state theories namely of Poulantzas and Jessop which do not construe state-society relation as that much separate entities could be offered to discuss. However, considering the limited scope of the paper, all these discussions, especially the theoretical ones, require more than such a paper can accomplish. On the other hand, these enquiries can provide fruitful discussions for future studies.

Considering civil society and public sphere discussion, a potential objection can argue that the claims of the article underestimate the universalizing effect of modernity. ‘Global modernity’ thesis would be a good example of such criticisms. Global capitalism has shaped the world structure so much so that the world has become integrated and effects of modernity are unavoidable. All our discourses including criticisms like alternative modernity theses are embedded in the transcontinental, global modernity (Dirlik, 2013, pp. 5-36). ‘Euromodernity—have become integral to the consciousness not only of the Europeans who produced it but the world at large—as is suggested by the claims to alternatives’ (Dirlik, 2013, p. 37). Or in other words, being ‘modern without becoming more Western is difficult; the two are not wholly separable. The West has left a mark on ‘the rest,’ and it is not simply a legacy of technology and material products. It is, perhaps most profoundly, in the realm of ideas’ (Zakaria, 1994, p. 126). On this ground, concepts like civil society and public sphere can be applied to all societies including China since modern China and rightful resistance are also products of Euromodernity like these concepts. However, as a response to this criticism, we can state that it is not very realistic to anticipate that influence of the traditions of millennia disappears before the influence of modernity of centuries. Although universalizing effect of modernity is undeniable, it also has its limits and these limits show up as studying society. The argument of ‘difficulty of application preventing proper grasp’ stems from these limits. While asserting that such Western concepts do not explain anything is unjust due to the mentioned universalizing effects of modernity, claiming that they have not any limits and difficulties as explaining different societies of different traditions are also unjust. Here, third realm looks as a better alternative one more time since it takes the local realities into consideration. Even it is founded on them. On the other hand, it does not ignore civil society and public sphere. Huang starts from Habermas and instead of leaving his public sphere aside; he uses it as a foil- rather than a guide (Huang, 1993b, p. 221). Then, ‘global modernity’ is not rejected in the article but its limits are recognized.

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ⁱ Here, 'native' is used in the sense that the concepts are created as a result of regional concerns or studies which focus on regional concerns and problems. That means they were born in China. For instance, the concept of rightful resistance was created to explain a specific kind of rural unrest in China just as the third realm of Huang which was created to explain a specific realm in China.

ⁱⁱ For instance, O'Brien and Li consider the 1980s and 1990s women worker resistance in the USA as examples of rightful resistance (O'Brien & Li, 2006, pp. 18-23).

ⁱⁱⁱ Despite their mention of media, O'Brien and Li do not provide many examples regarding media, even though they state that media is not very keen on this unless the case is very dramatic.

^{iv} As examples of the first group, Yang reviews *The Consumer Revolution in Urban China* and *Civic Discourse, Civil Society, and Chinese Communities*.

^v For ones with special focus on environmental issues: Yang & Calhoun 2007; Yang 2010; Sima 2011.

^{vi} For a review of it with a special focus on 'global civil society' concept see: Kumar 2007.

^{vii} Shu-Yun Ma provides a comprehensive review of these discussions in his relatively early article 'the Chinese Discourse on Civil Society (1994)' with reference to historical background of the concept.

^{viii} Bayat (2013) discusses this problem of 'importing certain categories to apply to regions' (260) by referring his own studies and gives the example of 'Muslim societies' term against the concepts such as 'Islamic world' or 'Islamic society' which are totalizing and normative singular abstract categories implying 'should'.

^{ix} For more information on third realm and the justice system, look at another article of Huang in the same volume: 'Between Informal Mediation and Formal Adjudication: The Third Realm of Qing Civil Justice.'

^x For one of the objections against the argument that the Wukan Incident is a case of rightful resistance see: (Hua, Hou, Deng, 2015)

^{xi} Lie has detailed interviews with protesters in which they deliberately differentiate between the local and central governments and blame only local one while expressing their loyalty to the central government.