

A summary of relevant theories to understand China's rural residents' disputes

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Summary

Disputes, as an objective social phenomenon, have always been valued by people all over the world, and they have also been widely included in the research system by domestic and foreign scholars. Dispute resolution as a way to deal with disputes has also been increasingly concerned by sociology, law, political science and other disciplines at this stage. In Chinese society, traditional rural residents' dispute resolution methods are more complicated and diversified. The main purpose of this article is to find relevant theories of rural residents' disputes from relevant documents in China and other countries, in order to help understand the disputes of Chinese rural residents and their impact mechanisms.

Keywords: rural residents, disputes, theoretical review

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Disputes, as an objective social phenomenon, have always been valued by people all over the world, and they have also been widely included in the research system by domestic and foreign scholars. As a way to deal with disputes, dispute resolution has also been increasingly concerned by sociology, law, political science and other disciplines at this stage.

In recent years, the number and degree of disputes among rural residents have been increasing, and the form of rural stability has become increasingly severe. Properly resolving these disputes has become a social problem that needs to be resolved urgently. In Chinese society, when we look at the dispute resolution of rural residents from the perspective of rural social changes, we find that the traditional rural dispute resolution method based on "primary relationship" is also increasingly being impacted by formal judicial means, and is gradually losing its dominance. Status, which makes the dispute resolution methods of rural residents more complicated and diversified. This article focuses on finding relevant theories of rural residents' disputes from relevant documents in China and other countries, so as to help understand the Chinese rural residents' disputes and their impact mechanisms.

For the research on rural dispute resolution, Western scholars are in the forefront of the research, and contemporary Chinese academic circles' research on rural dispute resolution mechanisms can be traced back at least to the 1990s. Although the focus of each researcher is different, they have made important contributions to the comprehensive understanding and improvement of the problem.

I. Model development of rural residents' dispute resolution

Since the "dispute pyramid" theory was proposed by Sarat et al. in the early 1980s, this model has become an important interpretation method for this type of problem. The theory believes that various dispute resolution channels are interrelated and coexist. The model structure depends on the specific circumstances of dispute resolution at various levels, and there is a purposeful path to the court. On the basis of the "dispute pyramid" model, the American scholar Ethan Michelson proposed the "dispute pagoda" model based on the investigations in China. He believes that although various dispute resolution methods coexist but are mutually exclusive, the change in the proportion of different dispute resolution methods is used. Other aspects of the model structure do not necessarily have an impact. On the basis of previous research, Chinese scholar Chu Huijuan put forward the concept of "lost disputes" through empirical research on prisons in a certain city in Northeast China, thus perfecting the dispute resolution model, pointing out that there are some disputes caused by "real weak people" that cannot be routinely tested. After digestion of the means of settlement, the "overflow" dispute resolution mechanism has become the object of national violence governance.

From the perspective of dispute resolution models, the three models are interconnected and developed differently, but they provide a very intuitive perspective for our understanding of this problem, but these three models also have certain shortcomings. The "dispute pyramid" model is not suitable for Chinese residents at this stage. For the "dispute pagoda" model, some scholars have pointed out that its presupposition is so strong that it

ignores the interaction between different levels of the dispute resolution system. The entire system appears to be static rather than dynamic. The "Lost Disputes" model is only a further improvement on the basis of the "Dispute Pagoda" model, but the object of interpretation is narrow, and a complete structural system has not been formed.

II. The choice of dispute resolution methods for rural residents

Regarding this aspect, the previous literature mainly researched from the macro and micro perspectives separately or crosswise. Here I also sort out the previous literature according to similar divisions.

2.1 Macro perspective

The macro perspective is mainly to look at the choice of rural residents for dispute resolution from the level of the whole society. It does not clearly involve the impact of specific factors and variables on the choice of residents' methods. At this level, domestic and foreign scholars have made unremitting efforts. s hard work. The American scholar Scott started from the perspective of the bottom of the society, and based on fieldwork in rural Malaysia, he found that for disadvantaged farmers, the way they fight against disputes is more manifested in their daily behaviors, such as being lazy, working hard, pretending to be crazy and selling stupid, etc. There are very few open and organized struggles. Ynguesson's research on the choice of disputes among different classes in the United States found that when disputes arise between neighbors or relatives and friends, the middle class generally uses avoidance to resolve disputes, while the lower-level worker groups are more willing to use the law to resolve disputes. In rural areas, people try to avoid litigation. Similarly, some researchers have found that different social classes have significant differences in their response to disputes. Vulnerable groups are at a disadvantage in legal proceedings, making it easier for members of the upper class to adopt legal channels, while members of the middle and lower classes rely more on government channels. solve the disputes.

Regarding the dispute resolution of Chinese rural residents, Li & O. Brien proposed the concept of "rightful resistance" based on the survey of contemporary Chinese farmers. Later, they put forward the theory of "resistance according to law", pointing out that contemporary Chinese rural residents mainly rely on the authority of laws and central policies to deal with the infringement activities of local governments and officials, and their behavior is mainly to solve individual specific problems by appealing to external forces. Interest disputes. From the perspective of time, Yu Jianrong distinguished the Chinese farmers' choice of the bottom-level protest form and the "law-based protest" form at different time periods. In the stage, it is pointed out that farmers are more organized, use laws and central policies as weapons of resistance, and resolve and deal with disputes through their own strength. After that, some scholars started from the subject of the "weak", the peasant, and found through investigations that in specific operations, the symbol of the "weak identity" of the peasant also penetrated into the dispute resolution as a "weapon". Similar to the above point of view, "fighting with one's body" as another strategy for the resistance of the bottom people in contemporary China during the transition period has also been put forward by scholars. Together with the "legal struggles" from outside, two explanatory sociological analysis frameworks of contemporary Chinese people's struggles have been formed.

In addition to the above-mentioned research, some scholars have also pointed out from the perspective of Chinese history: Since ancient times, Chinese rural residents have had the habit of "wearing suit" and are reluctant to go to court. Similarly, some scholars have found that Chinese people are unfamiliar with and repelled from litigation, which affects the choice of dispute methods, and thus chooses letters and visits with lower conflicts. In addition, petition as a dispute resolution method with Chinese characteristics has also been studied by some scholars.

2.2 Micro perspective

Different from the above-mentioned macro-level perspective, the research at the micro-level focuses more on the impact of specific factors and variables on the choice of residents' style, focusing on the way choices of different subjects in different situations. From this perspective, there are also a lot of research results. The following will briefly explain different aspects.

2.2.1 Human capital

In this respect, researchers mainly study the choice of dispute resolution methods by different human capitals by investigating different human capitals of residents. Studies have pointed out that people who are more educated are less likely to resort to government channels for their problems and use legal channels. However, some scholars have pointed out that: to some extent, there will be a situation of "informed disenchantment", that is, with the continuous acquisition of legal knowledge, the individual's sense of efficiency in using the law is improved, and the fairness and effectiveness of the law will be improved. Negative reviews are also increasing, which leads to disappointment with the law and reduces the use of legal means to solve problems.

2.2.2 Social capital

The concept of social capital first appeared in the 1970s. As sociologists such as Bourdieu, Coleman, and Lin Nan conducted in-depth research on social capital, it gradually attracted the attention of academic circles. Since then, social capital has been widely used by domestic and foreign scholars in all aspects of society, such as job hunting, education, and social participation, and a large number of constructive research results have been obtained. As a social phenomenon, dispute resolution is bound to be affected by social capital to a certain extent.

Here, social capital refers to a broad concept, including the network relationships and trust that people have in the entire society. From the entire microscopic perspective, this perspective is more valued by the majority of researchers. Network relationship is the focus of research. Due to the close relationship between people in rural areas, rural residents pay more attention to their future relationships when resolving disputes, and many civil disputes are coordinated and resolved through this informal relationship. Similarly, Black used the relational distance theory to propose that people in traditional society live in an area for a long time and have close relationships, which are suitable for resolving disputes between each other through non-legal means such as mediation and the authority of parents and patriarchs; while in modern society, with the flow of population, strangers are encountered everywhere, so the law plays a greater role in dispute resolution. Of course, in the study of formal dispute resolution systems, Ethan Michelson's research found that once a dispute occurs, if rural residents have a close relationship with the government, then residents will be more inclined to adopt an official justice system. Moreover, many appeals through the formal judicial system also enter this system through private networks. Some scholars have also found that the influence of the relationship network on the process of rural disputes is not significant. In addition to the above two perspectives, some scholars' research on the impact of rural groups on dispute resolution has also provided us with a new perspective. In their research, it is found that the existence of civil organizations provides a favorable environment for enhancing communication among residents, and has a positive effect on reducing the occurrence of large-scale movements and maintaining social stability.

In addition to the above two aspects, researchers also explore the impact of different income levels on dispute resolution from the income of rural residents. Studies have shown that rich people are more likely to take action on disputes than poor people. At the same time, some researchers pointed out that due to the existence of various costs, rural residents will also be measured when choosing different solutions. Of course, some researchers have conducted research from the perspective of sociodemographic characteristics and found that women are less likely to be involved in disputes than men, and they tend to adopt peaceful dispute resolution methods in dispute resolution. But at the same time, women accounted for an important part of the petitioners.

The above has sorted out the methods of rural dispute resolution from different perspectives and aspects. Although they are different, we can clearly see the importance and efforts of scholars on rural dispute resolution. Paying attention to the settlement of rural residents' disputes is of great significance to the establishment of a fair operation and institutionalized dispute resolution mechanism, the promotion of public security and order in rural society, and the construction of a socialist harmonious society.

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