

How Much Does Law Matter in Beijing?*

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Introduction

The goal of this paper is to open a much needed path to empirical research on disputing in China. To the best of my knowledge, no systematic attempt has been made to assess empirically the demand for, utilization of, and satisfaction with competing dispute resolution forums in China including the courts. To date, research on rights consciousness, attitudes towards legal institutions, and dispute forum preferences have relied on literature from official government sources and the media (e.g., Clarke 1991), on qualitative data from small numbers of interviews or observations (e.g., Cheng and Rosett 1991; Michelson 2002b; Woo, this panel), and on survey data produced from vignettes and hypothetical scenarios—"what if" questions (e.g., Xia 2000). While qualitative interview data can provide insights, depth, and detail that no survey can hope to achieve, there are limits to how broadly we can generalize from interview data; small numbers

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further problematize the researcher's ability to compare subsets of interviewees. With respect to the important theoretical and policy issue of the value and popularity of formal legal institutions versus more traditional, indigenous dispute resolution institutions, rancorous debates have been waged in the absence of data capable of sustaining the various arguments advanced (e.g., the ongoing debate between Zhu Suli and He Weifang; see Su 1996, 2000). Indeed, even such basic knowledge about Chinese courts as the number of judges and other personnel and how courts are funded remains elusive (Clarke 2003).

This paper represents a first attempt to remedy what I believe is an excessive reliance on data generated from questions posed in the abstract about support for the law and the choice to mobilize the law when faced with some sort of hypothetical dispute. For example, in Potter's (1994: 64) 1993 survey of 50 *getihu* (small-scale business owners) and 154 ordinary residents in one street committee in Shanghai, a seemingly high 41 percent of the *getihu* respondents and a similarly high 38 percent of the ordinary residents said they would approach a lawyer for help in the hypothetical situation of difficulty collecting a personal debt. In a much larger 1993 survey spanning several cities, Xia (2000: 869) reports that of the 723 large-city respondents (in Beijing, Guangzhou, and Zhengzhou), 25 percent said they "definitely would" and 56 percent said they "possibly would" "hire a good lawyer" if seriously injured. Similarly, 50 percent of these 723 respondents said they would "go to a legal institution and file a formal complaint" if "beaten up and injured by an ordinary person" (p. 866). Survey questions that ask about attitudes and behavior outside a specific context and without direct relevance to the respondent will tend to evoke answers framed *in principle* and *in general* and will therefore tend to grossly exaggerate support for the law and a willingness to utilize legal institutions in real life. If we are interested in real attitudes and real behavior, survey data of this type are not particularly helpful.

In this paper I analyze data from the 2001 Beijing Law & Community Survey (BLCS) on actual grievances and disputes, actual behavior, and evaluations of actual experiences with competing dispute forums. My hope is that the BLCS survey data can, at best, help establish some sort of empirical baseline, or, at worst, establish a frame of reference for how often and under what circumstance people choose particular disputing forums and for how they evaluate their experiences with these particular disputing forums.

The Virtues of Counting Disputes

The BLCS was significantly influenced by the American "legal needs" and "disputing" surveys of the late 1970s (e.g., Curran 1977; Felstiner, Abel, and Sarat 1980-81). Legal needs research has been criticized for serving a hidden agenda of expanding the jurisdiction of formal law; it has been accused as merely thinly veiled market research on behalf of lawyers. My goal, however, is not to promote formal law; I remain agnostic on the issue of the relative superiority or desirability of any particular dispute forum. Rather, my main concern is with what appears to be a general imbalance between the demand for dispute resolution and the supply of dispute forums. One of the explicit purposes of the BLCS is to gauge the relative "market shares" of the various competing dispute forums including formal law; concerned about any "unmet legal need," an apparent disequilibrium between the demand for dispute resolution and the supply of dispute processing services, the BLCS was motivated by pragmatic concerns, not an ideological agenda.

As Stanley Lubman (1999) points out, in the wake of the post-Mao reforms the overall volume of disputes has risen. There is simply more to fight about. Privatized housing means such property becomes hotly contested in divorce and inheritance situations. Growing wealth means more purchases of durable goods which, in turn, give rise to consumer disputes, property damage disputes, criminal disputes such as theft, and so on. At the same time as the need for their services seems to be increasing, the numbers of mediation committees, mediators, and the volume of their cases they handle are shrinking (Lubman 1999: 224-38). Problems, grievances, and disputes are rising while mediation caseloads are diminishing. Although the courts are catching some of this dispute spillover, they are clearly unable to catch all of it (Zhu 1999). The foregoing suggests a supply-demand imbalance in the market for dispute processing. In the context of such a disequilibrium, I believe there are virtues to counting disputes. How many grievances of what kind are "lumped"? Under what circumstances do different kinds of people seek the help of different dispute forums?

This paper is concerned with needs, preferences, and performance: what people choose, what people want, and what people get when they encounter and try to deal with everyday problems and difficulties. In so doing it tries to test whether Beijing residents differentiate procedural justice (desirable procedures) and distributive justice (desirable outcomes) in their grievance

redressing experiences (see Tyler 1990). Are the determinants of satisfaction with procedures different from the determinants of satisfaction with outcomes? How does this satisfaction vary according to dispute forum and third-party intervention? These questions are of particular significance insofar as China remains characterized by legal pluralism—the simultaneous operation of multiple legal or lawlike systems, including customary law, a formal community mediation system, work unit mediation, labor arbitration, administrative procedures, and formal state law.

In addition to trying to answer specific questions about the nature of disputing and popular evaluations of the behavior of competing institutions and actors involved in dispute processing, this paper also offers methodological lessons for future research on this topic. Given limitations and flaws with the BLCS data, all conclusions presented here must remain tentative pending confirmation or invalidation by future research.

Data and Methods

In this paper I analyze data from the BLCS on 1,124 individuals aged 20–75 in 26 neighborhood committees in 7 urban districts of Beijing interviewed in the summer of 2001. Each individual respondent was presented with a list of 17 "problem" types (plus an open-ended "other dispute" category, totaling 18 problems or potential disputes). The 17 fixed problem items are (1) housing property rights, (2) home renovation, (3) eviction, (4) other landlord issue, (5) consumer problem, (6) divorce, (7) neighbor, (8) collecting pay from an employer, (9) being refused a job or promotion, (10) spouse collecting pay from an employer, (11) spouse being refused a job or promotion, (12) dealings with government agency, (13) personal injury (plaintiff), (14) property damage/loss, (15) personal injury or property damage (defendant), (16) traffic citation, and (17) inheritance. Question skip patterns were imposed on most items to ensure that only respondents to whom a particular problem or difficulty was relevant was asked about that problem. For example, only respondents in rental housing were asked about problems with a landlord; only respondents who were employed were asked about problems with an employer; and so on. Of course some problems are, at least in principle, relevant to all respondents. All people, to greater or lesser extents, should be at risk of a personal injury, property damage, or a burglary or theft,

for example. Insofar as all people in Beijing have neighbors, all people should be at risk, albeit to differing degrees, of a difficulty with a neighbor.

The "fixed list" nature of our questionnaire was significantly influenced by Barbara Curran's (1977) "legal needs" research. The questions after each item eliciting the respondent's level of satisfaction with both the *procedure* (the way a third party handled the process of disputing) and the *outcome* (the outcome obtained by the third party) were borrowed from Tyler's *Why People Obey the Law*.¹ A similar design was incorporated by the well-known Civil Litigation Research Project (CLRP) to which an entire issue of *Law and Society Review* was devoted in 1980-81. Unfortunately, however, we did not adequately study the CLRP before designing our questionnaire. Serious and embarrassing design flaws that could have easily been corrected were the result of this neglect. Perhaps the most serious defect is the inability to identify the "claim" level of the dispute pyramid—the move from identifying a grievance to asserting a claim (cf. Miller and Sarat 1980-81; Felstiner, Abel, and Sarat 1980-81). In our design, after identifying a grievance, we jumped directly to asking about third-party intervention. We have no way of estimating the incidence of "lumping it" (cf. Felstiner 1974); at the same time we have no way of estimating the number of claims asserted that did not lead to third-party intervention.

As if this were not bad enough, the word "dispute" (*jiufen*) appears in 4 of the 18 "problem/difficulty" items: neighbor, dealings with a government agency, inheritance, and "other." In other words, there is an inconsistent wavering between "problem" and "dispute" in the question wording that may or may not result in an undercount of grievances. A problem or difficulty with a neighbor that was resolved privately and directly with the neighbor and that therefore did not evolve into a full-blown dispute with third-party involvement may not have been captured by our instrument.

There are many other questionnaire design problems. One such problem is the alternation between "you" and "you or any other family member living with you" in the question wording. Therefore it is difficult to determine the extent to which our estimates apply to the individual or

¹ The questionnaire and more information about the survey are available here:
http://www.abfn.org/~emichelson/law_&_community_in_beijing.htm .

to the household level. Inconsistent alternation between "within past five years" and the lack of any time boundedness further problematizes the degree to which we can extrapolate our estimates. An additional design weakness undermining our ability to provide authoritative grievance and dispute estimates is our failure to measure consistently the at-risk population. Because skip patterns were not applied consistently and uniformly to our problem/difficulty items, it is impossible to determine in every case whether the failure to report a grievance reflects smooth sailing through shark-infested waters or merely sailing through waters uninhabited by sharks. For example, when asking about consumer disputes, we failed to identify respondents who had made a major consumer purchase within the specified time period. This shortcoming applies equally to divorces (we failed to identify respondents who had been married within the past five years), problems in dealings with government agencies (we failed to identify respondents who had any dealings with government agencies), and inheritance problems (we failed to identify respondents with inheritance matters over the previous five years).

Even in the absence of the foregoing design flaws, the methodological framework we adopted—the "fixed list" approach—has been severely criticized for the bias it introduces into any attempt to assess the prevalence of problems/difficulties and choices made with respect to remedy (cf. Marks 1976, Kidder 1980-81). No list can be exhaustive, and items that are legally actionable tend to be overrepresented while items that may not be defined as falling under legal jurisdiction tend to be underrepresented. This approach has been further criticized for focussing on individualistic matters while ignoring collective grievances such as municipally mandated demolition and relocation (*chaiqian*) projects affecting all residents of an entire building or neighborhood. (Some *chaiqian* difficulties may have been captured by our "housing property rights" item, but certainly many slipped through the cracks.) Not only did we fail to capture such grievances of a collective nature, but even within the scope of individualistic matters we missed some obvious ones. The most notable omission is debt problems. Anyone who has spent time talking with ordinary Chinese people will appreciate the salience of debt problems (between friends and relatives) in contemporary Chinese society. The magnitude of this omission is further reflected in official statistics on the work of courts: In 2000, debt cases accounted for 32 percent of all civil litigation in Beijing (first instance cases) (BSB 2001: Table 20-17).

A problem that may exert the opposite effect concerns two items on our list that may not even be grievances and that may therefore serve to inflate our estimates: divorces and traffic citations. Some respondents may not regard their divorces as grievances or difficulties, especially when the divorce was uncontested and amicable. In any event, only five respondents reported getting divorced within the previous five years—a number so low as to evoke a separate set of methodological concerns.² Similarly, traffic citations are inappropriately treated in an *a priori* manner as grievances. It is entirely possible that some respondents reporting traffic citations readily acknowledged breaking traffic regulations and felt they deserved punishment. At the same time, some respondents may have felt like patsies, unfairly targeted by traffic police. Some of these self-perceived victims may have pursued redress through third-party assistance. However, we failed to give respondents an opportunity to report such third-party assistance in cases of traffic citations.

On top of the litany of design flaws itemized above must be added problems stemming from survey execution and administration. Inconsistencies between variables—the same or similar questions asked at different points in the questionnaire—are evidence of sloppiness at best and interviewer fraud at worst. Interviewer sloppiness resulted in dirty data. Indeed, we did catch some cheating. After collecting a total of 1,394 survey questionnaires, we developed a quality control scheme that combined information from follow-up interviews, handwriting analysis, and missing value patterns. On the basis of this data sleuthing, we purged from our data set 270 questionnaires submitted by six interviewers determined to have fabricated data.

Do the data have anything going for them? Did we do anything right? Can we believe anything the data tell us? Despite their problems, I believe the data are a good start for assessing both the prevalence and degree of satisfaction with competing methods of redressing grievances. Even if they are not a *good* start, at a minimum they are a *first* start insofar as no comparable body of data exists.

² According to information provided elsewhere on the questionnaire (Section A1), 16 respondents reported remarrying after a divorce (none reported being single after a divorce), and 17 respondents reported the divorces of other household members. Based on anecdotal evidence, this seems like a severe undercount, possibly the consequence of a lingering stigma attached to divorce.

More concretely, I believe a concern expressed among critics of the "fixed list" approach may not be applicable to China. Some skeptics may ask about bias introduced by respondents choosing what they perceive to be the "right" answer, a form of bias that may serve to suppress the reporting of behavior or experience that does not correspond to the "correct" model. The popular perception that the formal legal system is the "correct" way in the West may result in underreporting of extra-legal methods of redressing grievances (Marks 1976). However, the "correct" way to redress grievances in China is far less clear. The virtues of using formal legal channels are extremely ambivalent in China. On the one hand, an aversion to litigation was a prominent feature of Maoist China (cf. Li 1977). Everyday difficulties and disputes were processed (and to a considerable extent are still processed) through a wide array of extra-legal organizations in neighborhoods and at the workplace. But on the other hand, the Chinese government is currently actively promoting the expansion and greater utilization of formal legal institutions. Official discourse reflects the state's promotion of formal law: China has an official Law Day (December 4, the anniversary of the promulgation of the *Constitution*), a very prominent "popularization of law" (*pufa*) campaign, and an official Consumer Rights Week that straddles March 15. Subdistrict Offices (*jiedao banshichu*) often organize mass legal consultation events in which rice roots legal workers (*fali gongzuozhe*) provide free legal advice to local residents. Given these mixed signals both inhibiting and promoting the mobilization of formal law, I am not particularly concerned about bias introduced by respondents carefully constructing their answers according to a prevailing model of "correct behavior." The point is that the model for "correct" behavior is currently being shaped and contested.

Another redeeming feature of the data is the open-ended nature of the responses to questions about third parties and dispute forums respondents sought for help. When respondents reported a grievance, they were asked if third-party assistance was sought, in which case they were asked to describe in detail the third party. The raw responses were entered verbatim as text. This method is clearly superior to restricting responses to a set of closed-ended categories imposed by the researchers. On the basis of the commonalities and differences that emerged naturally from the raw data, I collapsed the 174 unique responses into 9 categories of people and forums sought for help: (1) work unit (*danwei*)/over the head of the offender, (2) court, (3) lawyer, (4) police, (5)

government agency, (6) family/friend/neighbor, (7) merchant/contractor, (8) neighborhood committee (*juweihui*), (9) and miscellaneous.³

Another piece of good news is that the data appear to be representative. As the survey instrument records information about every member of the respondent's household (Section A1 in the questionnaire), we are able to construct a data set of the sum total of all members of the 1,124 households (N=3,501). Household size and gender and age distributions are virtually identical to official information published by the Beijing Statistical Bureau. Despite differences in categories that make direct comparison difficult, employment profiles seem to correspond closely: for example, 77 percent of our sample's household members are employed in state-owned enterprises, compared to 81 percent in the 1,000 household sample surveyed by the Beijing Statistical Bureau (BSB 2001: Table 19-2). The only notable differences are with respect to income and education; our sample appears to have lower than average income and lower than average levels of education.

How Many Grievances Are There?

Of course this question is impossible to answer definitively with the BLCS data. Obviously we cannot extrapolate the total population of grievances from our data given the limitations of the "fixed list" approach we adopt and given the more specific design flaws I discussed above. The data are better suited to providing a baseline for discussions of actual grievances and preferred modes of redress available in China.

Before analyzing the grievance data, the first problem one faces is how to treat responses to the final, open-ended "other grievance" item. I decided to keep them together as an "other" category rather than collapse them into existing categories or create new categories. First, only 13 respondents reported such "other" disputes; of these 13 respondents, 9 provided descriptions: (1) dispute with children over caring for elderly parents, (2) romance dispute, (3) childcare costs, (4)

³ The "miscellaneous" category includes individual actors (as opposed to corporate entities) with an ambiguous or unspecified relationship to the respondent. This category includes 9 responses: "office worker; light industry technician," "publishing house editor," "unemployed worker," "self-employed [*geti hu*]; light industry worker," "factory worker," "company office worker," "soldier," "worker in small motor factory," and "employee of oil pump factory." These responses constitute a separate category because it is impossible to determine whether these actors are friends, colleagues, former classmates, neighbors, or are related in another way to the respondent.

financial dispute, (5) dispute between taxi driver and taxi company, (6) work dispute (problem between teacher and head of student's household), (7) housing property rights, (8) tenant renting private housing not paying rent, and (9) civil. The only item overlapping with an existing category is "housing property rights." However, since this respondent also indicated a housing ownership problem on Item 1 on the fixed list of grievances, I did not want to preclude the possibility that these were separate grievances. Table 1 contains a list of all items on the fixed list of problem types and a list of recoded channels of redress (dispute forums and third parties approached for assistance) used in this paper.

For all problems (including traffic citations), of all 1,124 respondents, 397 (or 35.3 percent) reported 676 "problems" or "grievances." The average number of grievances was .60 for the whole sample and 1.70 among those who reported at least one grievance. 101 respondents reported two grievances and 64 reported more than two. Excluding traffic citations, 343 respondents (or 30.5 percent) reported some kind of (i.e., at least one) problem. Thus, excluding traffic citations the average number of problems is .50 for all respondents and 1.69 among those who encountered some kind of problem. That is, there are 54 people (or 4.8 percent of the sample) who report traffic citations as their only problem.

Traffic citations represent a surprisingly high proportion of "problems": 13.3 percent of all 676 reported problems (Table 2). This is the second most prevalent item next to property damage and theft, which accounts for 14.9 percent of all reported problems. Not surprisingly, almost half (45.2 percent) of all at-risk respondents (the 199 respondents who indicated driving a car within the past five years) reported a traffic citation. There are two noteworthy points here: First, owing to the rapid expansion of the private automobile market, traffic citations represent a growing point of interface between ordinary people and formal law, a source of increasing encounters with legal institutions. At over 520,000, the number of private vehicles in Beijing surpassed the number of enterprise and government vehicles in 2001 for the first time ever. Of all households in Beijing, 12 percent owned a private car in 2001 (Xie 2002). This is consistent with 18 percent of our survey respondents (199/1,124) reporting having driven a car within the previous five years. Second, a consequence of these rapidly growing rates of private car ownership is the generation of more grievances and disputes. According to official statistics, 137.8 million *yuan*

(about US\$17 million) in damages was caused by 30,121 traffic accidents in 2000, or about 100 *yuan* (or US\$12) per capita, which must be a conservative estimate given how many accidents are undoubtedly settled privately. These traffic accidents killed or injured 12,042 people in this single year. These 1,070 deaths represent a mortality rate of .98 people per 1,000 motorized vehicles, or .08 people per 1,000 population (BSB 2001: Table 20-28). Clearly the growing popularity of private cars, which reflects growing wealth and consumerism more generally, is a dispute-generating engine.

High levels of grievances surrounding housing are also noteworthy. Over 10 percent of the at-risk population reported problems with housing ownership, home renovation projects, or an eviction (attempted or successful) (Table 2). Of the 579 respondents at risk for any of these three housing items, 100 (or 17 percent) reported at least one as a problem. As the housing reforms deepen, we can only expect an increasing number of disputes in these areas to develop.⁴

Finally, the incidence of reporting work problems is significant. Over 1 in 20 at-risk respondents (those who were employed in the previous 5 years) reported a difficulty collecting pay. A similar number reported being unfairly denied a job or promotion (Table 2). Of the 845 at-risk respondents, 86 (or over 10 percent) reported at least one of these work problems. Adding spouse work problems to the respondent's own work problems, over 13 percent of at-risk respondents reported some kind of work problem.

How Many Disputes Are There?

Unfortunately the BLCS questionnaire was poorly equipped to measure disputes. According to Miller and Sarat (1980-81: 527), a dispute is "when a claim based on a grievance is rejected either in whole or in part." Within the limitations of the BLCS questionnaire, we can identify some but not all claims. When a respondent reports a grievance and reports seeking third-party intervention, we assume a claim has been made and/or a dispute initiated. However, when a

⁴ In estimating the at-risk population for housing ownership problems, I discovered a data problem caused by interviewer sloppiness, confused respondents, or both. Of the 54 people who report housing ownership difficulties, a problem that should have been limited to privately owned housing, only 15 reported actually ever living in privately-owned housing; the remaining 39 reported living in danwei housing (N=17), housing authority housing (N=12), private rentals (N=9), and borrowed housing (N=5). (These numbers do not add up to 39 because of multiple housing units reported.) Perhaps respondents got thrown off by the addition of "use rights" in the question wording.

respondent reports a grievance and reports not seeking third-party assistance, we have no way of knowing if this means the grievance was lumped or the grievance was resolved privately and directly without third-party intervention. In other words, we are unable to observe "self-help" situations in which action was taken but not involving a third party. This could include some kind of private settlement, vengeance, and so on. For example, a 39 year old male reported a landlord who tried to evict him. This respondent indicated not seeking third-party help, but in the box in which he would have specified the third party whose help he solicited, the interviewer wrote, "beat him up myself" (*ziji da*). Self-help situations like this are indistinguishable from situations in which the respondent lumps it. This is a major design flaw. An additional difficulty with respect to interpretation is the excessive amount of missing data. Of the 586 reported non-traffic problems in the sample, the solicitation of third-party assistance was reported for 211 (or 36 percent). Not seeking third-party assistance was reported in 254 of these problems (or 43 percent). Thus, whether or not any third-party assistance was pursued is missing for a whopping 121 problems (or 21 percent). This massive amount of missing data renders impossible any attempt to offer precise estimates. I am therefore forced to resort to providing estimate ranges, an issue that will reappear in the next section when I present dispute pyramids.

Given these data limitations, I am reluctantly forced to include within the scope of "disputes" all problems in which third-party help is solicited. Again, this is the problem of conflating claims and disputes. It is entirely possible that reporting a third-party or so-called "dispute forum" reflects asserting a claim that was ultimately honored rather than contested. Therefore what I call "disputes" should really be called "claims/disputes." Indeed, many of these so-called "third parties" are actually "second parties"—the source of the problem, the adversary, or the offender. Of the 211 grievances for which third-party assistance was specified, 37 (or 18 percent) appear to be instances of approaching the offender directly: 7 home renovation disputes were taken to "construction team," 4 home renovation disputes were taken to "other company/store" (which are clearly home renovation companies), 7 consumer disputes were taken to "other company/store," 5 neighbor disputes were taken to "friend/family/neighbor," 6 disputes with a government office were taken to "housing authority," 2 other disputes with a government office were taken to the same government office, 3 disputes over collecting salary were taken to the respondent's work unit, 2 disputes over hiring discrimination were taken to the work unit, 4 disputes over a spouse's

collecting salary were taken to the work unit, and 1 dispute over a spouse's hiring discrimination was taken to the work unit. These 41 instances of approaching the offender directly should be thought of as claims rather than disputes.⁵

Despite the foregoing problems, a pattern nevertheless does emerge clearly from the data presented in Table 3 on seeking third-party assistance. This table shows that respondents reporting work problems are far less likely than average to report seeking third-party assistance (17 percent compared to the 36 percent overall average) and far more likely than average to report not seeking third-party assistance (54 percent compared to the 43 percent overall average). This may be evidence of a greater than average likelihood to lump work problems. Alternatively this is evidence of a greater than average likelihood to keep work problems within work units, to assert a claim directly with work unit leaders. In either case, work problems are more likely than average to be contained, to remain either suppressed or within the scope of work unit jurisdiction. This finding supports the argument that the Chinese work unit continues to internalize disputes and suppress the mobilization of formal law (Michelson 2002a; Rosenthal 1998).

Where Do People Go For Help?

This question is really about legal pluralism. To what extent do the BLCS data reflect the simultaneous operation of multiple legal or lawlike systems? Is the Chinese work unit truly a separate lawlike system (Michelson 2002a)? Is formal law even a *system*? Or is it a fragmented, splintered, scattered collection of disparate institutions? The classic works of legal scholars such as Stanley Lubman (1967) and Victor Li (1977) taught us about the importance of extra-legal institutions at the neighborhood and workplace in Maoist China. Sociologists such as Gail Henderson (Henderson and Cohen 1984) and Andrew Walder (1986) have taught us about the extreme degree to which the necessities of urban life in China, including dispute and conflict

⁵ The channels in this list total 41; multiple channels were specified for some of these 37 grievances. One could make a case for the addition of the following to the list of claims made directly to the offender: housing ownership/deed problems taken to the respondent's work unit if her current housing is owned by work unit (N=1), housing ownership/deed problems taken to the government housing authority if her current housing is owned by the housing authority (N=2), and problem in dealings with government agency taken to police if the problem is with the police (N=1). Unfortunately the wording of the question about housing ownership/deed problems does not specify a time frame in which the problem occurs, so we are unable to determine if the problem in question is with

resolution, were controlled by work units well into the 1980s. Thanks to their strong Maoist legacy, the legal functions of extra-legal institutions remain significant in contemporary urban China.

Not surprisingly, therefore, when faced with a grievance, lawyers and law are among the last choices to which people resort. An administrative solution—taking a problem to the agency, bureau, or office overseeing the individual or entity allegedly responsible for the problem—is typically preferable to a legal solution. Examples of seeking an administrative solution include taking a work problem to work unit leaders, taking a complaint about a school teacher to the Bureau of Education, or taking a grievance with a local business to the Bureau of Industry and Commerce. Consequently, jurisdiction over dispute processing overlaps considerably between competing forums. The same grievance or dispute could be entertained by a multitude of forums, including the administrative office (including the work unit) overseeing either the complainant or the offender, the Office of Letters and Visits (*Xinfang Bangongshi*) (see Chan 1989), a neighborhood committee (*juweihui*), a mediation committee, the Women's Federation (*Fu Lian*), and, of course, lawyers and courts.

In the context of this multitude of overlapping dispute processing institutions, it should not be surprising that so few people in Beijing report encounters with lawyers. Only 19 of the 397 respondents (or 4.7 percent) reporting at least one grievance also reported approaching a lawyer to help redress the grievance. This is only 1.7 percent of the 1,124 individuals interviewed. An additional 31 respondents reported seeking lawyers for business and work reasons, and an additional 33 respondents reported seeking lawyers for other reasons. This totals 83, or 7.4 percent of the total sample reporting some kind of encounter with a lawyer regarding a legal matter. These numbers are generally consistent with what other fragments of information are available. According to a survey conducted in 1994 in six urban districts of Beijing, 19 out of 615 had ever hired a lawyer (3.1 percent); an additional 20 respondents had family members who had ever hired a lawyer (Xie 1994). In a 1998 survey of Beijing urban residents, 52 of 312 (26.6 percent) reported that they themselves, a friend, or their work unit had hired a lawyer within the

respect to current housing or prior housing. Furthermore, the grievance with the police station contains too much missing data to be usable. Therefore I do not add these four situations to the list of claims.

previous three years (Bai 1999). According to a survey conducted in late 1993, 10.5 percent of the subsample of urban residents of large cities (Beijing, Guangzhou, and Zhengzhou, N=724) reported some contact with a lawyer for any reason (which presumably includes friends, relatives, or colleagues who are lawyers) (Xia 2000: 763).

A low incidence of encounters with lawyers is partly a function of their historical novelty, partly a function of a cultural aversion to litigation, partly a function of their few numbers, and partly a function of the ease at which ordinary people can approach the courts and other dispute processing institutions directly without legal counsel. For a city of 13.8 million residents in 2000, Beijing had only 5,495 licensed lawyers in 345 law firms (BSB 2001: Tables 2-1, 20-9). According to official government data, these 5,495 lawyers handled a total 37,617 cases. The distribution of these cases clearly reflects the dominance of lawyers' economic function. Of these 37,617 cases, 40 percent are out-of-court, non-litigation cases. Furthermore, while civil cases comprise the overwhelming majority of all court cases (73 percent), they account for only 24 percent of all cases handled by lawyers. Only 9 percent of all civil cases accepted by the courts have legal representation (9,094/98,756). This means over 90 percent of people bringing their civil cases to court do so on a *pro se* basis or through other channels with the help of other people outside the legal profession (see Table 4). Meanwhile, 36 percent of economic cases are processed in court with lawyer representation. I draw two conclusions from these numbers: First, compared to the courts, lawyers concentrate on matters with relatively high economic stakes. Second, Chinese courts seem to function largely in the absence of lawyer participation.

The generally low levels at which legal institutions are mobilized are reflected in my attempt to construct dispute pyramids based on the BLCS data (Figures 1 and 2). (For a discussion of dispute pyramids more generally, see Miller and Sarat 1980-81.) Of course my dispute pyramids are less than ideal given the conflation of claims and disputes in the data. Another concern is the volume of missing data. Instead of assuming missing data mean one thing or another, two sets of bands are plotted for each dispute pyramid to show estimate ranges; for each problem type, two dispute pyramids are overlaid to show how estimates vary according to how missing data are treated. Despite these caveats, the dispute pyramids show that for most problem areas formal legal institutions are very rarely mobilized. Overall, only 15 percent of claims/disputes are

brought to formal legal channels, a category that includes both lawyers and courts. Furthermore, this estimate is possibly inflated because it includes other legal experts besides lawyers (a notary and a law student, for example) and because it includes cases that were brought to but not necessarily accepted by the courts. Rather than separating them as Miller and Sarat (1980-81) do, I collapse lawyers and courts into a single category in the dispute pyramids because, as I just explained, many people in China file cases in court without any legal representation. Indeed, in the BLCS sample, of the 12 cases that went to court, only 2 involved lawyers at some point in the disputing process. Even when lawyers are hired, they are often hired only after the petitioner first files in court (Michelson 2002b).

The claims/disputes that are processed through formal legal channels consist of a high proportion of housing property rights problems. While only 3-5 percent of consumer, property theft, and work-related claims/disputes were taken to formal legal institutions (10/220 or 4/125) (Figures 1B, 1C, and 1D), a somewhat surprisingly high 52-57 percent of housing property rights claims/disputes were pursued through formal legal channels (14/27 or 17/30) (Figure 1A). A similar pattern exists with respect to matters brought to public security authorities. While 1-5 percent of housing property rights, consumer, and work-related claims/disputes were taken to police authorities (1/125 or 10/220) (Figures 2A, 2B, and 2D), 58-88 percent of property theft matters were brought to police authorities (35/40 or 35/60) (Figure 2C).

The concentration of housing ownership and property theft matters among instances of seeking the help of formal legal institutions is also observable in Table 5. Of all instances of approaching lawyers and law firms, 54 percent are accounted for by housing problems. Of all instances of approaching public security authorities, 78 percent are accounted for by property theft/damage issues. Similar concentrations exist with respect to other dispute forums. Of all instances of seeking the help of work unit authorities, 37 percent are accounted for by the four work problem types. Of all instances of approaching a merchant or contractor, 86 percent are accounted for by home renovation and consumer problems. Of all instances of approaching a government bureau or agency for help, 52 percent are accounted for by problems in dealings with government offices.

The associations both between lawyers and housing property rights problems and between police and theft cases reveal less about the law than they do about the expansive jurisdiction enjoyed by other, extra-legal dispute forums. Similarly, rather than focus on the association between work-related grievances and seeking work unit assistance, I believe it is far more significant that 63 percent of instances of seeking work unit assistance are over problems not intrinsically related to work. Our survey respondents report seeking work unit help over housing issues even when the housing in question is unrelated to the work unit (i.e., not currently or formerly owned by the work unit). These respondents sought work unit assistance over neighbor problems, difficulties in dealings with government offices, personal injuries, and so on. Neighborhood committees are similarly approached for a wide array of problems spanning housing, consumer, work, and personal injury, and theft problems. Administrative solutions are pursued over an equally disparate assortment of problems.

Formal law is thus forced to compete with dispute forums that are not only extremely popular, but able to operate in a diffuse way over an expansive social terrain. Furthermore, formal law does not appear to operate as a unified institution; it appears fragmented. Lawyers are hired without going to court. Petitions are filed in court without hiring lawyers. Personal injuries and property damage and theft matters are handled in the almost total absence of lawyer and court involvement. Public security organs, courts, and lawyers overlap far less than one might assume on the basis of their technical functions.

When Are People's Expectations Satisfied?

The associations between problem type and third-party intervention are somewhat difficult to observe in the rather unwieldy 10 x 17 cross-tabulation presented in Table 5. Multiple correspondence analysis (MCA) offers a more intuitively interpretable graphical representation of the associations in this large table. Furthermore, MCA offers the ability to introduce additional variables into the analysis. Figure 3 shows the results of an analysis including problem type, third party sought for assistance, whether or not expectations regarding the *manner* in which the third party handled the matter met or violated expectations (procedural justice), and whether or

not expectations regarding the *outcome* of the third-party intervention met or violated expectations (distributive justice).⁶

The first finding to note is that the data points for both procedural and distributive justice overlap perfectly. Our survey respondents do not differentiate between the fairness of the process and the desirability of the outcome. Therefore they are labeled as a single variable with two values: (1) expectation met or exceeded, and (2) expectation violated. In Figure 3, variation along Axis 1 is driven significantly by the expectations met/violated variables. Data points toward the left of the graph are associated with third party involvement meeting or exceeding expectations with respect to both outcome and process; conversely, data points toward the right of the graph are associated with third party involvement violating expectations with respect to both outcome and process. The distribution of the data points clearly shows that a violation of expectations is associated with the involvement of lawyers, government agencies, and public security authorities. Administrative solutions are typically disappointing, as are lawyers. Meanwhile, meeting or exceeding expectations is associated with the mobilization of personal connections and direct confrontations with merchants and/or contractors. Networks and self-help solutions typically afford relatively satisfactory experiences.

While MCA can display associations, it does not offer tests of statistical significance. In order to test whether the gap between administrative solutions and lawyers on the one hand and self-help and personal connections on the other hand are statistically significant, I calculate probit models for the determinants of whether expectations are met or exceeded regarding outcome and process respectively.

As we saw in the previous section, a significant number of respondents reported approaching offenders directly. Insofar as asserting a claim directly with the offender (the second party) is more likely to yield a satisfactory experience than soliciting third-party intervention, failure to

⁶ The precise wording was as follows: Distributive justice: "Was the outcome of your contact with this third party (or these third parties) what you thought it would be when you sought it out, or was it better or worse than you expected?" Procedural justice: "Did the third party (or the third parties) you sought out handle your problem in the manner that you expected they would, or did you receive better or worse treatment than you expected?" For each question three answer categories were provided: (2) as expected, (1) better than expected, or (3) worse than

control for whether or not the offender was approached directly may show a spurious relationship between satisfaction and a particular type of problem or type of third party. However, if we control for whether or not the offender was approached directly, then we know that a positive effect of a particular problem type or third party type on whether or not expectations were met is not merely a statistical artifact of approaching the offender directly. For these methodological reasons, it is clearly essential to control for whether or not the third party reported was actually the offender.

The variables used in the probit analyses are summarized in Table 6. The results of probit analyses estimating the determinants of meeting or exceeding expectations with respect to distributive justice are presented in Table 7; the results of probit analyses estimating the determinants of meeting or exceeding expectations with respect to procedural justice are presented in Table 8. It is worth pointing out that individual background characteristics such as gender, age, education, employment information, income, and household composition do not offer any explanatory leverage whatsoever; not a single background variable is statistically significant. In the models presented here the dependent variable is explained exclusively in terms of information about the grievance and about the third party or dispute forum approached for help.

The first noteworthy finding is that the models for distributive justice are virtually identical with the models for procedural justice. This is further evidence that our Beijing respondents do not differentiate between the process and the outcome. Of the 204 observations with non-missing information on both procedural and distributive justice, the answers are identical in 187.⁷ Since the models are so similar, there is no reason to discuss both sets of findings. The following discussion will be with respect to procedural justice (Table 8).

expected. This design technique as well as the wording of these questions and answers were borrowed from Tyler (1990).

⁷ In 10 observations, expectations were "exceeded" with respect to both procedural and distributive justice; in 65 observations expectations were "met"; and in 112 observations, expectations were "not met." Of the remaining 17 observations with differences between procedural and distributive justice, 7 reported greater satisfaction with the process than with the outcome, while 10 reported greater satisfaction with the outcome than with the process.

The next noteworthy finding is with respect to problem types. Compared to the items in the reference group, problems collecting pay and property theft/loss are the only items that differ to a statistically significant degree. Compared to the reference group, a problem collecting pay reduces the probability that third-party intervention will meet or exceed expectations by 37.9 percent; property theft reduces this probability by 48.1 percent. Housing property rights problems and personal injuries also erode satisfaction with a claiming/disputing experience, but not to a statistically significant degree (Table 8, Models 1 and 2). In Model 3 I examine third-party effects. Seeking the help of police authorities reduces the probability that expectations were met or exceeded by 35.7, seeking the help of a government office reduces this probability by 31.6 percent, and the intervention of a lawyer reduces this probability by 28.7 percent. Interestingly, when the nature of the problem is controlled for (Model 5), the negative effect of seeking public security authorities disappears. Low levels of satisfaction with the police is therefore not attributable to police behavior per se, but rather to the kinds of matters people take to the police—property loss, theft, and so on. These matters are intrinsically upsetting and no amount of procedural justice can change that. To some extent police are getting a bum rap simply because of the work they do. This is not to say that the police are not arbitrary, alienating, rude, and so on. It is only to say that their practices are unable to remedy the inherent distress of being victims of crime. In contrast to the case of police authorities, controlling for problem type does not change the negative effects of seeking the help of lawyers and government offices. Why are expectations with lawyers so seldom met? Why do lawyers so often disappoint? One might argue that this tendency to disappoint is caused by their tendency to handle housing property rights disputes: 42 percent of claims/disputes taken to lawyers are about housing property rights (Table 5). Housing ownership disputes may pit plaintiffs against powerful government offices or government-sponsored real estate developers, or may be connected to nasty intra-family struggles over housing resources. However, even when we control for the nature of the problem, experiences with lawyers remain very negative. In other words, the nature of the problem makes no difference; lawyers disappoint across the board.

Predicted probabilities for each problem type and each third-party derived from the probit models are presented in Table 9. Again, since the results for distributive justice and procedural justice are virtually identical, I will only discuss the predicted probabilities for procedural justice.

Not surprisingly, the lowest levels of satisfaction are reported for property theft/loss matters and problems collecting pay, and the highest levels of satisfaction are reported for home renovation, consumer, and inheritance problems. While the overall predicted probability that expectations are met or exceeded is 41 percent, when choosing a lawyer the predicted probability is a mere 16 percent, the lowest of all third parties approached for help. Meanwhile, among those choosing to go to court, the predicted probability of 57 percent is considerably higher than average. At 41 percent ($57-16=41$), the gap between lawyers and courts is not only statistically significant, but socially and legally significant insofar as it reflects the fragmented nature of formal law in China.

Summary and Conclusions

With unprecedented data on actual problems and actual experiences trying to resolve these problems, this paper set out with the perhaps overly ambitious goal of evaluating the relevance of formal law to the lives of ordinary residents in Beijing. As the courts and legal profession continue to expand and as China's institutional conformance to Western practices imposed by the WTO and other global pressures becomes more apparent, many observers, foreign governments, international financial organizations, and international foundations are working to promote more formal law and less extra-legal behavior. Law is equated with restraints on state authority, with democracy, and, it would seem, with everything else good and fair. Therefore, when observing disputing behavior in China, many observers in the West tend to look for (and hope for) popular confidence in, support for, and mobilization of formal law. As with Alford (2002) and Clarke (2003), I question the motives, utility, and empirical basis of this largely American legal ideology. I see no necessary reason why formal law is better than the other existing alternatives.

Obviously the law matters for ordinary people in Beijing. Clearly Beijing's 6,000 lawyers are doing *something*, and the 135,000 cases accepted by Beijing courts are making *some* dent in the overall volume of disputes. However, the evidence from the BLCS data suggest that the law remains relevant only in a very limited way. Meanwhile traditionally mainstay dispute processing forums such as work units and neighborhood-level mediation committees continue to operate in a significant and highly diffuse manner. Even when formal legal institutions are mobilized, patterns of mobilization and evaluations of experience using these institutions reflect the fragmented nature of law in China. There appears to be very little overlap between lawyers,

courts, and public security offices. People who approach courts do so without lawyers, and people who approach lawyers do not go to court. Furthermore, the data show that people do better in court (typically alone) than with lawyers (typically outside the courts). Perhaps people have higher expectations when they pay high fees for legal counsel. In any event, the kinds of claims/disputes processed by lawyers are quite different from those handled by courts. Meanwhile, the police overwhelmingly handle criminal matters in almost total isolation from both lawyers and courts.

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Table 1. Definitions of Grievance/Dispute Items and Third Parties Sought for Help

Variable	Label	Definition
DISPUTE TYPE		
real estate (housing)	real estate	ownership or use rights of private housing (not time bound)
home renovation	renovation	work or billing problem over home renovation work within past five years
eviction	eviction	landlord tried evicting respondent from rental housing within past five years
landlord	landlord	other disagreement with landlord over rental housing within past five years
consumer	consumer	consumer problem over major purchase within past five years
divorce	divorce	divorce within past five years
neighbor	neighbor	any kind of dispute with neighbor within past five years
collecting pay	get pay	if employed within past five years, any trouble collecting pay from employer within past five years
hiring discrimination	discrim	if employed within past five years, ever denied a job or promotion for reasons unrelated to work abilities
spouse collecting pay	get pay spouse	if married and spouse has been employed within past five years, spouse any trouble collecting pay from employer within past five years
spouse hiring discrimination	discrim spouse	if married and spouse has been employed within past five years, spouse ever denied a job or promotion for reasons unrelated to work abilities
dealings with gov't office	gov't	any difficulties or dispute in dealings with government agency
personal injury (plaintiff)	PI plaintiff	personal injury caused by another person within past five years
property damage/loss	property theft/loss/damage	property damaged or stolen by another person within past five years
accused of PI or theft	PI/theft defendant	accused of injuring another person or damaging or stealing the property of another person within past five years
traffic citation	--	--
will/inheritance	inherit	inheritance dispute within past five years
other	other	any other type of dispute

(continued on next page)

Table 1 (cont.)

THIRD PARTIES SOUGHT		
danwei/up a level	SEEK DANWEI	work unit or over the head of the offender (up an administrative level)
court	SEEK COURT	court
lawyer	SEEK LAWYER	lawyer, law firm, legal worker, or law student
police	SEEK POLICE	police, local police substation, 110 (emergency telephone), neighborhood security
government office	SEEK GOV'T	one of an assortment of government offices/agencies
family/friend/neighbor	SEEK FAM/FRND/NGHBR	family, friend, neighbor, coworker, former classmate
store/contractor	SEEK STORE/CONTRACTOR	merchant, company, office, contractor
juweihui	SEEK JUWEIHUI	neighborhood committee
miscellaneous	SEEK MISC ACTOR	individual actor with unspecified relationship to respondent (see note 3)
missing	SEEK MISSING	unspecified

Table 2. Estimated Number of Grievances

	grievances (N)	% all grievances	households/ individuals at risk of grievance (N)	% all households/ individuals at risk reporting grievance
real estate (housing)	54	8.0%	458	11.8%
home renovation	33	4.9%	319	10.3%
eviction	29	4.3%	244	11.9%
landlord	7	1.0%	244	2.9%
consumer	49	7.3%	--	--
divorce	5	0.7%	--	--
neighbor	51	7.5%	1,124	4.5%
collecting pay	52	7.7%	845	6.2%
hiring discrimination	43	6.4%	845	5.1%
spouse collecting pay	44	6.5%	719	6.1%
spouse hiring discrimination	33	4.9%	719	4.6%
dealings with gov't office	39	5.8%	--	--
personal injury	22	3.3%	1,124	2.0%
property damage/loss	101	14.9%	1,124	9.0%
accused of PI or theft	2	0.3%	1,124	0.2%
traffic citation	90	13.3%	199	45.2%
will/inheritance	9	1.3%	--	--
other	13	1.9%	--	--
TOTAL	676	100.0%	9,088	

Note: Empty cells represent grievance/dispute items for which the at-risk population cannot be estimated due to questionnaire design flaws.

Table 3. Estimated Percentage of Grievances Eliciting and not Eliciting Third-Party Assistance

	seek 3 rd party help	not seeking 3 rd party help	whether or not help sought missing	N
real estate (housing)	50%	44%	6%	54
home renovation	55%	27%	18%	33
eviction	28%	38%	34%	29
landlord	71%	14%	14%	7
consumer	20%	45%	35%	49
divorce	20%	80%	0%	5
neighbor	51%	39%	10%	51
collecting pay	17%	58%	25%	52
hiring discrimination	28%	51%	21%	43
spouse collecting pay	14%	52%	34%	44
spouse hiring discrimination	9%	55%	36%	33
dealings with gov't office	46%	38%	15%	39
personal injury	59%	36%	5%	22
property damage/loss	40%	41%	20%	101
accused of PI or theft	50%	0%	50%	2
traffic citation	--	--	--	90
will/inheritance	67%	33%	0%	9
other	62%	23%	15%	13
TOTAL	36%	43%	21%	676

Note: 4 work items: average "seek"=17%, average "didn't seek"=54% (missing=28%). Empty cells represent an item for which information about third-party intervention was not elicited. Rounding is the reason some rows do not total 100 percent.

Table 4. Work of Courts, Lawyers, Notaries, and Mediation Committees, Beijing, 2000

	cases handled by lawyers in Beijing	cases accepted by courts in Beijing	notarial matters	cases mediated by mediation committees
Civil	9,094	98,756	76,563	
	24%	73%	25%	--
Economic	8,836	24,220	26,711	
	23%	18%	7%	--
Administrative	207	1,136		
	1%	1%	--	--
Criminal	4,300	11,501		
	11%	8%	--	--
Out-of-court, non-litigation	15,180			
	40%	--		--
Foreign matters			205,982	
	--	--	67%	--
TOTAL	37,617	135,613	309,256	115,000
	99%	100%	99%	

Source: BSB 2001: Tables 20-9, 20-16, 20-17, 20-18, 20-22. Rounding is the reason some columns do not total 100 percent.

Table 5. Cross-Tabulation (Contingency Table) of Third-Parties Sought for Help, by Dispute Type

	work unit/up a level	court/ judge	law firm/ lawyer/ legal worker	public security admin	neigh- borhood commit- tee	gov't office	friend/ family/ neighbor	comp- any/ store/ contrac- tor	misc actor	missing	TOTAL
real estate (housing)	2	3	11	1	1	5	1	0	4	3	31
	6%	10%	35%	3%	3%	16%	3%	0%	13%	10%	99%
home renovation	0	0	0	0	1	4	4	11	0	2	22
	0%	0%	0%	0%	5%	18%	18%	50%	0%	9%	100%
eviction	2	0	2	0	0	2	1	1	1	0	9
	22%	0%	22%	0%	0%	22%	11%	11%	11%	0%	99%
landlord	1	0	1	0	0	1	1	0	1	0	5
	20%	0%	20%	0%	0%	20%	20%	0%	20%	0%	100%
consumer	0	0	0	0	1	0	0	7	1	1	10
	0%	0%	0%	0%	10%	0%	0%	70%	10%	10%	100%
divorce	0	0	0	0	0	0	0	0	1	0	1
	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	100%
neighbor	2	1	1	10	13	2	5	0	0	0	34
	6%	3%	3%	29%	38%	6%	15%	0%	0%	0%	100%
collecting salary	3	1	0	0	0	2	4	0	1	0	11
	27%	9%	0%	0%	0%	18%	36%	0%	9%	0%	99%
hiring discrimination	2	1	0	0	1	0	2	0	2	4	12
	17%	8%	0%	0%	8%	0%	17%	0%	17%	33%	100%
spouse collecting salary	4	1	1	0	0	2	0	0	1	0	9
	44%	11%	11%	0%	0%	22%	0%	0%	11%	0%	99%
spouse hiring discrimination	1	0	0	0	0	1	0	0	0	1	3
	33%	0%	0%	0%	0%	33%	0%	0%	0%	33%	99%
dealings with gov't office	3	0	2	2	1	11	0	1	0	1	21
	14%	0%	10%	10%	5%	52%	0%	5%	0%	5%	101%
personal injury	3	1	2	5	1	1	1	1	0	1	16
	19%	6%	13%	31%	6%	6%	6%	6%	0%	6%	99%
property damage/loss	2	0	0	39	5	2	1	0	1	0	50
	4%	0%	0%	78%	10%	4%	2%	0%	2%	0%	100%
accused of PI or theft	0	0	0	0	0	0	1	0	0	0	1
	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	100%
will/inheritance	0	2	2	1	0	0	0	0	0	1	6
	0%	33%	33%	17%	0%	0%	0%	0%	0%	17%	100%
other	2	2	4	2	2	2	2	0	0	0	16
	13%	13%	25%	13%	13%	13%	13%	0%	0%	0%	103%
TOTAL	27	12	26	60	26	35	23	21	13	14	257
	11%	5%	10%	23%	10%	14%	9%	8%	5%	5%	100%

Note: N=257 disputes/claims and channels of redress. Multiple channels of redress were taken for some disputes. These 257 instances of seeking redress are clustered among 211 disputes, which in turn are clustered among 140 individuals. Rounding is the reason some rows do not total 100 percent.

Table 6. Descriptives of Variables Used in Probit Analysis

	Predicting Expectations of Outcome		Predicting Expectations of Process	
	Mean	St. Dev.	Mean	St. Dev.
meet or exceed expectations	.422	.495	.434	.497
direct	.180	.385	.171	.377
CLAIM/DISPUTE TYPE				
real estate (housing)	.123	.329	.127	.334
eviction	.024	.152	.024	.155
home renovation	.100	.300	.102	.304
neighbor	.137	.345	.141	.349
consumer	.047	.213	.049	.216
collecting pay	.033	.180	.034	.182
hiring discrimination	.052	.223	.054	.226
spouse collecting pay	.028	.167	.024	.155
spouse hiring discrimination	.014	.119	.015	.120
dealings with gov't office	.090	.287	.083	.276
property damage/loss	.190	.393	.195	.397
personal injury (plaintiff)	.052	.223	.044	.205
inheritance	.024	.152	.024	.155
landlord, divorce, accused of personal injury/theft, and other dispute	.085	.280	.083	.276
THIRD PARTY				
danwei/up a level	.100	.300	.098	.297
court	.052	.223	.054	.226
lawyer	.109	.312	.107	.310
police	.223	.417	.229	.421
gov't office	.123	.329	.122	.328
store/contractor	.090	.287	.093	.291
juweihui	.118	.324	.112	.316
missing	.047	.213	.054	.226
friend/family/neighbor and misc actor	.137	.345	.132	.339
N	211		205	

Table 7. Binary Probit Models Predicting Probability of Meeting or Exceeding Expectations of Distributive Justice

	Model 1	Model 2	Model 3	Model 4	Model 5
approach offender directly		.093			.058
claim/dispute type					
real estate (housing)	-.191	-.191		-.110	-.111
eviction	.044	.044		.166	.168
home renovation	.168	.122		.130	.128
neighbor	-.101	-.116		-.118	-.130
consumer	.274	.215		.178	.171
collecting pay	-.339#	-.344#		-.351#	-.352#
hiring discrimination	-.095	-.110		-.143	-.152
spouse collecting pay	.115	.054		.105	.072
spouse hiring discrimination	.115	.088		.188	.176
dealings with gov't office	-.215	-.239		-.123	-.133
property theft/loss/damage	-.427**	-.428**		-.415**	-.418**
personal injury (plaintiff)	-.010	-.010		.005	.003
inheritance	.044	.044		.091	.086
other disputes (cf.)					
channel of redress					
seek danwei			-.027	-.010	-.015
seek court			.087	.101	.110
seek lawyer			-.227#	-.258#	-.253#
seek police			-.322**	-.105	-.095
seek gov't office			-.259#	-.253#	-.256#
seek store/contractor			.264#	.061	.015
seek juweihui			-.106	-.036	-.022
seek missing			-.050	-.078	-.068
other channels (cf.)					
Predicted Probability	.401	.402	.416	.401	.401
Pseudo R ²	.151	.153	.101	.184	.184
N	211	211	211	211	211

Note: # p<.10 * p<.05 ** p<.01

The dependent variable is whether or not expectations with respect to the "outcome" of the third-party involvement was met or exceeded. Standard errors are adjusted for nonindependence (clustering of disputes within individual respondents). N=211 third parties for 175 disputes/claims for 114 individuals. "cf." means comparison group. Reference groups: channels: friend/family/neighbor, misc actor; claims disputes: other landlord, divorce, accused of PI/theft, other.

Table 8. Binary Probit Models Predicting Probability of Meeting or Exceeding Expectations of Procedural Justice

	Model 1	Model 2	Model 3	Model 4	Model 5
approach offender directly		.123			.062
claim/dispute type					
real estate (housing)	-.236	-.236		-.159	-.159
eviction	-.048	-.048		.087	.090
home renovation	.021	-.039		-.083	-.085
neighbor	-.156	-.174		-.199	-.211
consumer	.184	.102		-.018	-.025
collecting pay	-.379*	-.385*		-.398*	-.399*
hiring discrimination	-.099	-.121		-.211	-.218
spouse collecting pay	-.048	-.115		-.087	-.116
spouse hiring discrimination	.021	-.014		.035	.022
dealings with gov't office	-.257	-.281		-.195	-.201
property theft/loss/damage	-.481***	-.482***		-.479**	-.481**
personal injury (plaintiff)	-.184	-.184		-.208	-.209
inheritance	-.048	-.048		.025	.021
other disputes (cf.)					
channel of redress					
seek danwei			-.042	-.009	-.015
seek court			.045	.031	.040
seek lawyer			-.287*	-.341*	-.337*
seek police			-.357**	-.143	-.133
seek gov't office			-.316*	-.306*	-.307*
seek store/contractor			.224	.108	.060
seek juweihui			-.110	-.058	-.043
seek missing			.045	.014	.025
other channels (cf.)					
Predicted Probability	.413	.414	.427	.412	.412
Pseudo R ²	.148	.152	.123	.203	.203
N	205	205	205	205	205

Note: # p<.10 * p<.05 ** p<.01 *** p<.001

The dependent variable is whether or not expectations with respect to the "process" in which the third party handled the problem was met or exceeded. Standard errors are adjusted for nonindependence (clustering of disputes within individual respondents). N=205 third parties for 172 disputes/claims for 114 individuals. "cf." means comparison group. Reference groups: channels: friend/family/neighbor, misc actor; claims/disputes: other landlord, divorce, accused of PI/theft, other.

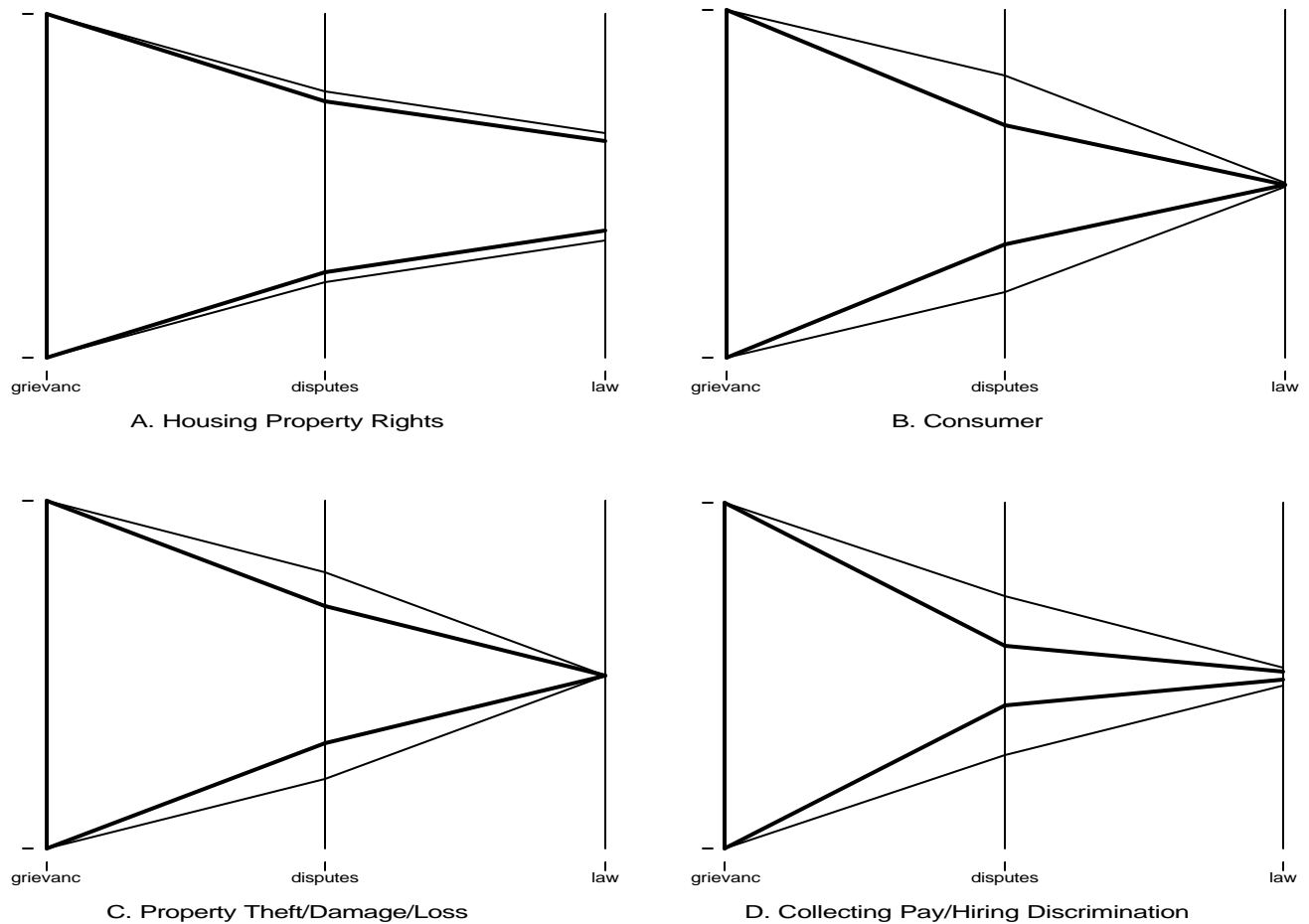
Table 9. Predicted Probabilities of Meeting or Exceeding Expectations of Seeking Help with Third Parties (calculated from Model 5)

<u>OUTCOME (DISTRIBUTIVE JUSTICE)</u>		<u>PROCESS (PROCEDURAL JUSTICE)</u>	
OVERALL AVERAGE.....	40%	OVERALL AVERAGE.....	41%
CLAIM/DISPUTE TYPE		CLAIM/DISPUTE TYPE	
property damage/loss.....	10%	property damage/loss.....	11%
collecting pay.....	12%	collecting pay.....	11%
hiring discrimination.....	38%	hiring discrimination.....	42%
dealings with gov't office.....	40%	personal injury (plaintiff).....	43%
neighbor.....	41%	neighbor.....	44%
real estate (housing).....	43%	dealings with gov't office.....	45%
landlord, divorce, accused of personal injury/theft, and other dispute.....	55%	real estate (housing).....	50%
personal injury (plaintiff).....	55%	spouse collecting pay.....	55%
spouse collecting pay.....	62%	home renovation.....	58%
inheritance.....	63%	consumer.....	64%
home renovation.....	67%	landlord, divorce, accused of personal injury/theft, and other dispute.....	67%
eviction.....	70%	inheritance.....	69%
spouse hiring discrimination.....	71%	spouse hiring discrimination.....	69%
consumer.....	71%	eviction.....	74%
THIRD PARTY		THIRD PARTY	
lawyer.....	22%	lawyer.....	16%
gov't office.....	22%	gov't office.....	20%
police.....	39%	police.....	39%
missing.....	42%	juweihui.....	49%
juweihui.....	47%	danwei.....	52%
danwei.....	48%	friend/family/neighbor and misc actor..	53%
friend/family/neighbor and misc actor.	49%	missing.....	56%
store/contractor.....	51%	court.....	57%
court.....	60%	store/contractor.....	59%

Note: In making the above calculations, with the exception of the particular variable of interest, the other variables were held constant at sample means (as presented in Table 6). For example, in the case of predicting "property damage/loss," this variable was assigned a value of 1, the remaining claim/dispute type variables were assigned values of 0, and all remaining variables were held constant at their sample means. In the case of predicting "gov't office," this variable was assigned a value of 1, the remaining third party variables were assigned values of 0, and all remaining variables were held constant at their sample means.

Rank order correlations: R=.87 for dispute type (p<.01); R=.88 for third party (p<.01)

Figure 1. Disputing Pyramids: Use of Formal Legal Channels



Note: Thick lines show minimum use of formal law: (1) Assumes that missing information on whether or not third party was sought means no third party was sought; and (2) assumes that missing third party information means legal channels were not sought:

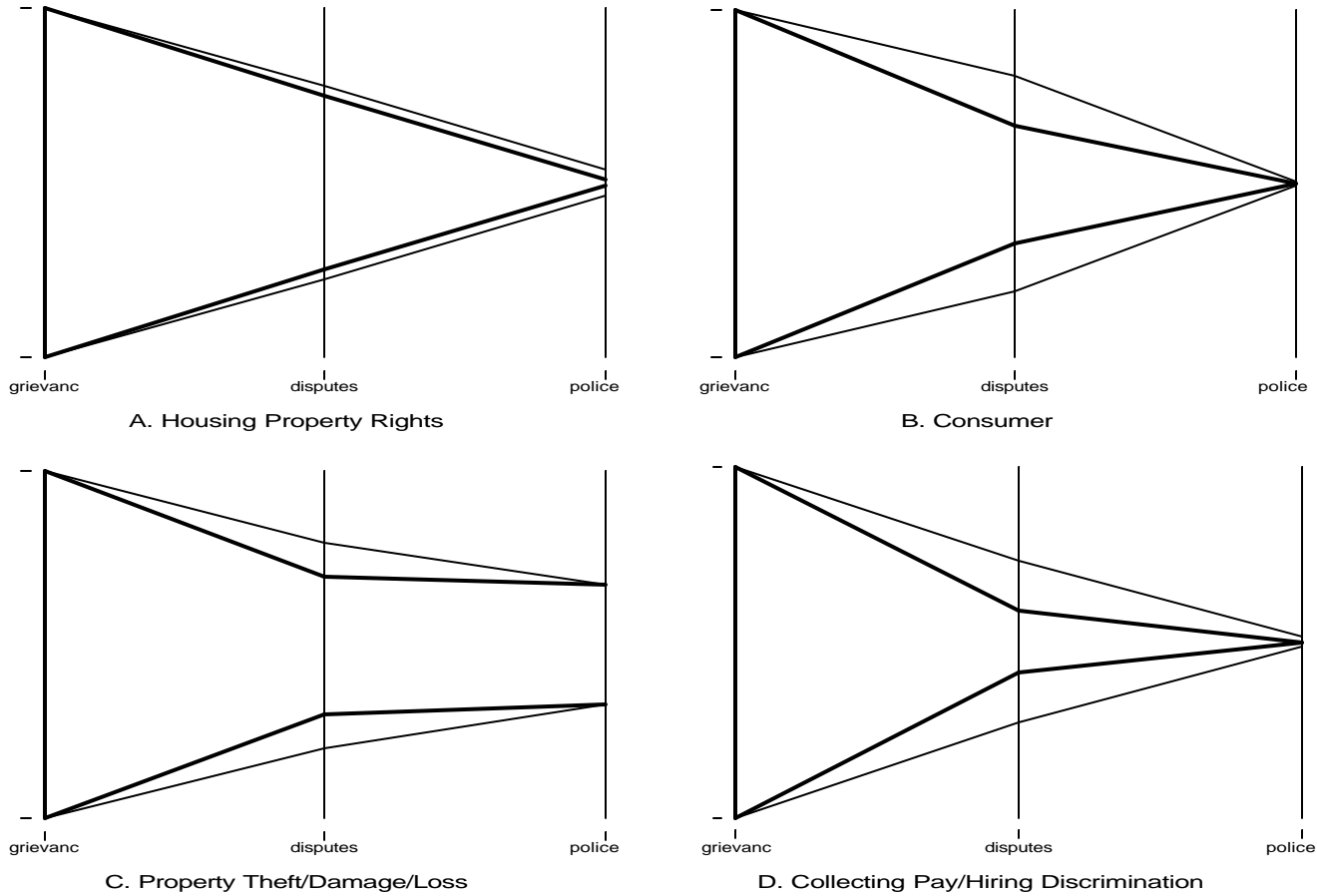
	property rights	consumer	work	property loss
grievance	54	82	172	101
claim/dispute	27	28	30	40
law	14	0	4	0

Thin lines show maximum use of formal law: (1) Assumes that missing information on whether or not third party was sought means formal legal channel was pursued, and (2) assumes that missing third party information means formal legal channel was pursued:

	property rights	consumer	work	property loss
grievance	54	82	172	101
claim/dispute	30	51	79	60
law	17	1	9	0

"Work" includes all four types: collecting pay and discrimination for both self and spouse.

Figure 2. Disputing Pyramids: Use of Police



Note: Thick lines show minimum use of police channels: (1) assumes that missing information on whether or not third party was sought means no third party was sought; and (2) assumes that missing third party information means police channels were not pursued:

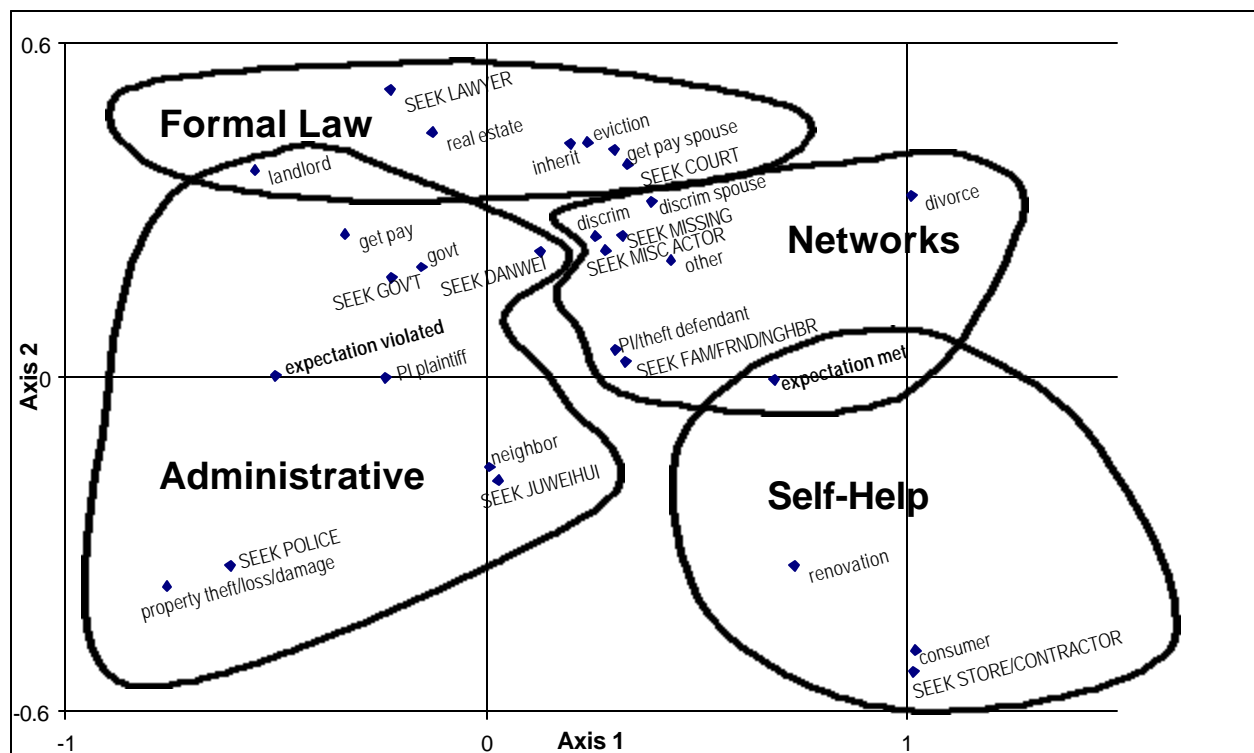
	property rights	consumer	work	property loss
grievance	54	82	172	101
claim/dispute	27	28	30	40
police	1	0	0	35

Thin lines show maximum use of police channels: (1) assumes that missing information on whether or not third party was sought means police channel was pursued, and (2) assumes that missing third party information means formal police channels were pursued:

	property rights	consumer	work	property loss
grievance	54	82	172	101
claim/dispute	30	51	79	60
police	4	1	5	35

"Work" includes all four types: collecting pay and discrimination for both self and spouse.

Figure 3. Multiple Correspondence Analysis of Third Parties Sought for Help, Dispute Type, Satisfaction with Process, and Satisfaction with Outcome



Note: N=204. The MCA algorithm was calculated using methods detailed in Greenacre (1984).

Total Inertia : 0.478

Principal Inertia Components :

	Inertia	Share	Cumul
Dim1	0.291	0.608	0.608
Dim2	0.054	0.112	0.720

This means 72.0 percent of the total spatial variance is explained by these two dimensions. We would get an additional 8.1 percent from a third dimension, an extra 5.7 percent from a fourth dimension, a further 5.0 percent from a fifth dimension, and another 3.8 percent from a sixth dimension.