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To cite this article: Meina Cai, Jennifer Brick Murtazashvili, Ilia Murtazashvili & Hui Wang (2020) Sugarcoating the bitter pill: compensation, land governance, and opposition to land expropriation in China, *The Journal of Peasant Studies*, 47:6, 1371-1392, DOI: [10.1080/03066150.2020.1824180](https://doi.org/10.1080/03066150.2020.1824180)

To link to this article: <https://doi.org/10.1080/03066150.2020.1824180>



Published online: 31 Oct 2020.



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Sugarcoating the bitter pill: compensation, land governance, and opposition to land expropriation in China

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ABSTRACT

China's rapid urbanization has been fueled by dispossession and subsequent commodification of villagers' land. We use interviews and an original survey of land-losing villagers to examine factors that influence their opposition to land expropriation. We find that villagers are less opposed to land expropriation when local authorities reduce the gap between land-taking compensation paid to them and the land's market value, distribute compensation expeditiously, publicize processes and procedures, and encourage public participation in the process of land expropriation. Our study, while acknowledging massive dispossession and displeasure with it, shows that autocratic governments can sugarcoat the bitter pill of land expropriation.

KEYWORDS

Property rights; land-taking compensation; land governance; perceptions of land expropriation; China

1. Introduction

China's rapid urbanization is characterized by commodification of land to benefit the state at the expense of impoverishing and marginalizing villagers, the original land users. The Household Responsibility System (HRS) implemented in the early reform era entitled rural households to the right to use land for a fixed period of time. According to Andreas and Zhan (2016), the HRS was the world's largest common-pool resource system, one that incorporated hundreds of millions of rural households.¹ It was also strikingly egalitarian – land allocation was strictly household based and the transfer of village land to outside investors was prohibited. Land commodification turns land into an asset that is alienable and allows investors – foreign or domestic, public or private – to obtain land use rights. This process of commodification provides the state with a main source of revenue and an instrument of macroeconomic management (Lin 2009; Hsing 2010; Rithmire 2015, 2017). Newly developed terms such as 'land fiscalization' and 'landed urbanization' (Lin 2014) underscore China's land-centered model of development and urbanization.

Around 66 million villagers were deprived of their land between 2003 and 2013, with around 3 million in each subsequent year (Chuang 2015). Many of these villagers

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¹The defining feature of a common-pool resource system is that rights to land and related resources are exercised collectively, rather than by individuals (Schlager and Ostrom 1992).

became ‘Three-Noes wanderers’ – those with no land, no job, and no basic welfare guarantees (Sargeson 2012, 764). Disputes arising from expropriation of land are the most important source of social unrest in rural and peri-urban China (Liu, Fang, and Li 2014; Cui et al. 2015). The issue of dispossession of land is concerning because access to land and security of property have significant implications for poverty reduction and economic development (Feder and Feeny 1991; Deininger, Ali, and Alemu 2011).

Our research examines the factors that influence villagers’ opposition to land expropriation in China. Specifically, we focus on the impact of land-taking compensation and the process of policy implementation on individual perceptions of land expropriation. Our key finding is that local authorities can sugarcoat the bitter pill of dispossession when they reduce the gap between compensation and land’s market value, distribute compensation expeditiously, publicize processes and procedures, and encourage public participation in the process of land expropriation. Our arguments are developed using semi-structured interviews with villagers and village cadres as well as an original household survey. The qualitative evidence enables us to develop our hypotheses, which are tested using our survey, as well as aids in our interpretation of the findings from the quantitative analysis.

Existing research on land expropriation in China finds that inadequate compensation is a main cause of grievances and conflict against land dispossession (Van Rooij 2007; Yep 2013; Song, Wang, and Lei 2016). Our study specifies that the problem of inadequate compensation lies in the discrepancy between the compensation paid to land-losing villagers and land’s market values. The findings echo Levien (2018), who argues that this discrepancy, which he refers to as ‘the rate of accumulation by dispossession,’ constitutes a main reason for farmers’ opposition to land dispossession in India. Complementing Mattingly (2016, 2019), whose research shows that informal institutions empower local elites to weaken property rights of villagers, we articulate how formal institutions – in particular, adherence to legal procedures and formal channels of public participation – influence perceptions of land expropriation. In this way, our analysis offers fresh insight into how formal rules governing land expropriation are implemented on the ground. These findings also support the broad conclusion of research in a special issue of *Journal of Peasant Studies* (2015, Vol. 42, Issue 3–4) which finds that an absence of legal protection disempowers land-dispossessed peasants (e.g. Grajales 2015; Hall et al. 2015). We provide evidence of this aspect of land governance using original evidence from China. Finally, our work complements the literature on collective action and resistance arising from land expropriation (O’Brien and Li 2006; Heurlin 2016) by pinpointing how local implementation of land expropriation may alleviate land grievances.

2. Land dispossession, compensation, and land governance

The process of dispossessing people of their land and other natural resources and subsequently privatizing and commodifying their properties has become a concern across the global South. Jiang, Sargeson, and Tomba in this volume show that land takings in China have an adverse impact not only on land-losing villagers’ subsequent livelihoods, but also on other dimensions, including a loss of village self-governing capacity, economic inequality within communities, social isolation and marginalization, and diminished sense of self-efficacy, among others. Levien (2018) finds that sub-national authorities in India

have increasingly acted as ‘land brokers’ who seize land on behalf of private capital. The resulting process of ‘dispossession without development’ is a defining feature of India’s post-liberalization economy and a source of ‘land wars’ involving farmers’ protests over land dispossession. Land dispossession generates a wide range of political reactions from below, ranging from organized or everyday resistance to reckless enthusiasm or cautious acceptance (Paik and Lee 2012; Hall et al. 2015; Mamonova 2015).

What explains individual perceptions of land dispossession? Perhaps the most straightforward hypothesis is that land-taking compensation received by land-dispossessed individuals and households influences the extent to which they oppose these practices. Both media reports and research show that inadequate compensation often lies at the heart of grievances and conflict against land dispossession (Van Rooij 2007; Yep 2013; Song, Wang, and Lei 2016). One of the implications of Levien’s findings referenced above is that farmer attitudes to land dispossession depends critically on the size of the price gap between what they receive as compensation payment and land’s ultimate value as residential and commercial real estate. Along similar lines, Mamonova (2015) found that land-dispossessed peasants in Ukraine are incorporated into land deals through various mechanisms such as receiving a share of land-generated income or the opportunity to work as a wage laborer, leading to the near-absent overt resistance against large-scale land acquisitions in Ukraine.

Another perspective focuses on rules and their implementation. The concept of ‘rightful resistance’ captures how citizens use laws and regulations as an instrument to defend their rights (O’Brien 1996; O’Brien and Li 2006). Implicit in the concept is that rightful resistance requires formal legal institutions that protect people’s rights to begin with. Hall et al. (2015) argue that the use of ‘rights’ and formal legal institutions is the most effective in collective resistance to large land deals, but not smaller and more localized ones. However, in many countries, land laws are established in a way that makes land dispossession legal and leave the dispossessed vulnerable. For example, most land acquisition in sub-Saharan African – or what Wily (2012) calls ‘land theft’ – is implemented through ‘perfectly legal means of dispossession or reallocation of lands’ (752). In fact, the land laws are arguably the most pernicious enablers of dispossession in the African context (Wily 2011). A similarly egregious example is the experience of American Indians on the frontier of the United States, as government policy established two tiers of rules: settlers were enabled to acquire land cheaply throughout the nineteenth century, while indigenous groups were forced to reservations governed by a constitutional framework that defined them as permanent wards of the state subject to massive inequities (Anderson and McChesney 1994; Murtazashvili 2013).

Formal legal institutions that are designed to protect citizen rights can suffer from overt or covert violation in practice. Through an examination of the process of land dispossession in Mozambique, Milgroom (2015) concludes that ‘[p]olicy is in fact not implemented, implying a linear process, but *enacted*’ [italic in original text] (586). This is because the policy process involves a range of actors, each with incentives to bend or interpret policies to serve their own interests. In India, to get around constitutional protections of private property, the government routinely justifies land dispossession by claiming that the projects serve the public interest (Levien and Upadhyay 2018). Some environmentally sound land-taking projects actually contain a hidden form of dispossession and exploitation – a situation referred to as green grabbing.

Informal institutions also matter, in some cases improving land governance and in others undermining its quality. In Afghanistan, for example, Murtazashvili and Murtazashvili (2015, 2016) find that community-based processes for adjudication of land disputes are more effective than formal processes because citizens do not trust government processes. These informal institutions, which in the Afghan contexts are based on custom, serve to defend rural residents from expropriation by the state and offer villagers a reliable alternative to government adjudication of disputes. In China, in contrast, informal institutions often serve as a handmaid to the state. Mattingly (2016, 2019) finds that lineage groups – an important type of informal institution – function as a means of political control for the Chinese Communist Party. Lineage leaders are central nodes in village social networks and a source of information and gossip about village politics. They are able to manipulate information about land expropriation and ultimately to elicit compliance. Local elites, by placing those lineage leaders into positions as village leaders, are better able to capture rents and implement unpopular policies such as land expropriation.

Our focus on compensation and processes complements analysis of the participants in land-related protest. For example, the notorious Wukan Incident in China, where more than 3000 villagers gathered in Wukan, a village in Guangdong Province, to protest confiscation of their land by village cadres, highlights how religious groups (Hou 2013; He and Xue 2014), migrants and returned migrants (Lu, Zheng, and Wang 2017), and foreign media (Hess 2015) each shape resistance to land expropriation. In contrast, we highlight the trigger – non-transparent and non-participatory process of land takings together with unfair compensation. The village cadre in Wukan *quietly* sold over 2000 acres of land since 1993, generating more than RMB 700 million while paying only 500 per household in compensation (He and Xue 2014, 129). Over the years, ‘none of the public affairs in the village – including land transactions, land-related income, and the construction of public buildings – were ever openly discussed, and the villagers were totally excluded from the decision-making process’ (He and Xue 2014, 129).

The Wukan Incident points to the significance of rules governing land and their implementation process, each of which are considered as important components of land governance. Land governance refers to as ‘the rules, the processes, and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, [and] the way that conflicting interests in land are managed’ (Palmer, Friccka, and Wehrmann 2009, 9). One of the points of emphasis in this literature is that the absence of democratic local land governance institutions constitutes a major stumbling block for vulnerable people to take action against land dispossession in the global South (Hall et al. 2015). Thus, by focusing on systematic variation in the characteristics of land governance, alongside compensation, we offer additional insight into how villagers experience the process of land expropriation.

3. Land expropriation in China

3.1. Monetary compensation

Following the insights from the literature on expropriation, a useful starting point is to consider how monetary compensation influences Chinese villagers’ opposition to land expropriation. By way of background, rural households are allowed to rent out their agricultural land provided that it remains for agricultural use. The creation of off-farm employment

opportunities as a result of economic reforms contributes to the development of land rental markets in rural China (Liu, Carter, and Yao 1998; Kung 2002). However, rural households are prohibited from transferring their agricultural land for non-agricultural use. The conversion from agricultural land to urban non-agricultural use must go through land expropriation, a process monopolized by the state. The amount of cash compensation is not market driven, but largely administratively determined. The Land Administration Law (LAL) (2004) – the highest law that provides a legal framework in land governance in China – requires that compensation for loss of land is distributed in the form of a one-time lump-sum cash payment, calculated on the basis of land's agricultural value prior to land expropriation (Art. 47). Local governments are given the autonomy to increase compensation under the principle of 'not making affected villagers worse off' (State Council 2004, Art. 12). The most recent LAL, which was revised in August 2019, removes compensation calculation details from the previous version (i.e. Art. 47 in 2004 version) and leaves the compensation policy-making power to local governments (Art. 48).

In reality, the cash compensation paid to land-losing villagers accounts for only a small fraction of land's market value, making inadequate compensation an important source of grievances against land dispossession. According to a recent survey of 1791 rural households across 17 provinces, the average cash compensation affected villagers received was approximately RMB 17,600 per *mu* (1 *mu* = 1/15 hectares), but local authorities resold land at the average price of 731,500 per *mu*, more than 40 times greater than the compensation paid to villagers.²

Our own survey of about 1200 rural households provides insight into how villagers perceive land expropriation and the resulting compensation in China. The survey asked survey respondents' level of agreement, measured on a five-point scale, with the statements detailed in Table 1. While land-taking compensation, as stated in land laws, is designed in a way that excludes villagers from receiving land's market value, about 76% of survey respondents either strongly agree or agree that villagers should receive land's market value as part of their compensation, as opposed to only 32% who find the current calculation approach is acceptable. On paper, land expropriation occurs only when it serves the public interest (LAL, 2004, Art. 2); in practice, however, a portion of expropriated land has always been allocated for private use – a situation also common in India (Kale this issue; Levien 2018; Levien and Upadhyay 2018). About 86% of survey respondents find it legitimate when land is expropriated for public use; however, only about two-thirds find it acceptable that land-taking compensation could be lower when expropriated land is devoted to public, rather than private, use.³ In our survey, public use is defined as expropriated land being used for public infrastructure and public service, while land used for industrial, commercial, and residential purposes are excluded. This definition was provided to survey respondents prior to seeking their opinions on the public-private distinction in the use of expropriated land.

Our fieldwork also reveals that cash compensation is an important consideration for land-losing villagers. We heard many complaints from land-losing villagers in wealthy coastal areas where land-taking compensation is among the highest throughout China.

²The survey was jointly conducted by Landesa Rural Development Institute, Renmin University, and Michigan State University. For more details, see Economy (2012).

³The survey did not ask about agreement with expropriation or compensation for private use, only public use.

Table 1. Individual perceptions of land expropriation in China.

Statement	Strongly agree or agree (%)
◦ Land-taking compensation should reflect land's market values; hence, as the land transfer fee increases, land-taking compensation that villagers receive should also be increasing accordingly.	76%
◦ It is state investment in infrastructure that makes expropriated land so expensive in the market; hence, land-taking compensation that villagers receive should be based on land's agricultural value rather than its market values.	32%
◦ Land used for public interest such as railroads and water conservancy projects should be obtained through expropriation.	86%
◦ Land-taking compensation under the situation when land is expropriated for public use should be lower than that when land is expropriated for industrial and commercial use.	67%

Note: Answers to all the questions above are measured on a 5-point scale: strongly agree, agree, neutral, somewhat disagree, and strongly disagree. Source: Authors' survey, $N = 1192$.

Even after the compensation is adjusted for the local real estate value, the coastal areas still provide a higher standard of compensation than many inland areas, yet dissatisfaction was often evident. We also heard many complaints from village cadres about the difficulty of implementing land expropriation. A village cadre states:

Land taking was easy before. Land was worthless...You can't make money by farming. They [villagers] all wanted to work in cities and earn more...For those who already had a better-paid job in cities, they had no time to till their land back home and didn't want to pay fines for leaving their land idle either. So they begged us and were even willing to pay us to take their land away...Nowadays things are opposite. They all know land is valuable and believe it will become more expensive in the future. To convince villagers to give up their land is such a daunting task! ...Even those who left villages for years and have already gained an urban *hukou*⁴ want to come back and gain a plot of land...Of course we won't accept their coming back...⁵

A possible explanation for this consternation is that the compensation villagers received is still below their expectation. While land's future market values are ignored and never provided to villagers during the process of calculating and distributing compensation, the local real estate market provides publicly accessible information about land's market values and serves as a benchmark against which to judge land-taking compensation. Villagers who observe an increase in local real estate values will accordingly update their beliefs of how much their land is worth, thereby forming a gap between the actual and the expected compensation amount. This gap is likely to be wider in places where land is more valuable, because land values in local real estate markets, which influence villagers' expected value of compensation, rise much faster than the value of cash compensation that local governments provide. While it is challenging to measure a villager's expected value of compensation, an observable implication of this reasoning is that villagers who observed higher local real estate prices will be harder to please as far as their compensation is concerned. Thus, we hypothesize that the higher the discrepancy between market price and compensation prices, the lower the satisfaction with land expropriation (Hypothesis 1).

⁴*Hukou* is the Chinese household registration system. It identifies citizens with a status (urban or rural) and a place of one's permanent residence (local or non-local).

⁵Interview with a village cadre in Zhejiang, 2013.

Following our logic, we expect that land-deprived villagers are more unsatisfied with land-taking compensation in wealthy coastal provinces with higher real estate values than in poor inland areas. This logic resonates with Heurlin's (2016) finding that social unrest is higher in high value real estate markets because compensation values depart more drastically from actual land values. It is also consistent with Jiang, Sargeson, and Tomba (this volume), who find that dispossessed villagers were worse off in Zhejiang, Shanghai, and Guangdong – all located in wealthy coastal regions.

3.2. Land governance

Land governance concerns the process of adopting and implementing policies defining and enforcing property rights, including those involving expropriation of land. Although all levels of government are implicated in land dispossession in China, our focus is primarily on the process of land expropriation at the village level. The village, despite having no legal authority to expropriate land, is extremely important for the well-being of land-dispossessed villagers because it is ultimately village cadres who confront villagers once land expropriation decisions are made by the state. Deng, O'Brien, and Zhang (this volume) finds that township government officials are deliberately absent from land expropriation spots, leaving village/community cadres to do the dirty work. In village-turned-communities, community cadres are increasingly integrated into the bureaucratic system and act as agents of the state by using their local resources to assist in land expropriation and demolition. In addition, local governments routinely pay land-taking compensation to the Village Committee, the village self-governing body, which in turn allocates the funds to affected villagers. Cai, Liu, and Wang (2020) find that political distrust in village cadres induces land-dispossessed villagers to favor one-time cash compensation payment over yearly dividends, an alternative compensation method that allows village cadres to manage land-generated income and distribute it among villagers on a yearly basis.

We consider three aspects of land governance that are expected to influence villagers' perceptions of land expropriation. The first is adherence to rules and regulations. O'Brien and Li (2006) show that the way laws are laxly enforced or even ignored, rather than lack of laws, is an important source of abuse of power in China. As far as land expropriation is concerned, the process of dispossessing villagers of their land is carefully regulated. The government is supposed to follow the following procedures, as detailed in Table 2. Generally speaking, state laws and regulations promote information transparency (as shown by steps 3–5 in Table 2), public participation (step 6), and institutionalized interaction between the state and affected villages/villagers (steps 6–7) in the process of land expropriation.

Our fieldwork finds that rule-abidingness varies locally. As shown in Table 2, public notifications serve as a key instrument with which to promote transparency in the process of land expropriation. Figure 1 shows two public notifications; both appeared in the public bulletin board located outside of the Village Committee Office. Picture (A) is a public notification of land expropriation in a village in Shijiazhuang, the capital of Hebei Province. It details the size, location, the future use, and the compensation standard of the land to be expropriated. Picture (B) is a public notification of land-taking compensation in a village in Shanghai municipality. It details each compensation component,

Table 2. Legal procedure of land expropriation.

- (1) Local governments^a make a proposal on land expropriation.
- (2) Local governments seek approval about their land expropriation proposal from the State Council or the provincial government.
- (3) Local governments announce land expropriation through a public notification in affected villages within 10 days upon the proposal approval date.
- (4) Affected rural collectives and households register for compensation for loss of land within the time frame prescribed in the public announcement by presenting their certificates of land ownership or land use right. For those who did not register, or register not timely, their compensation is subject to administrative investigation.
- (5) Local government announces a land-taking compensation plan through a public notification in affected villages within 45 days upon the date of land expropriation notification.
- (6) Affected rural collectives or households can question or call for a public hearing for further discussion if they have questions or disagree with the compensation plan within 10 days upon the compensation plan notification.
- (7) Local governments make necessary changes in response to disagreements raised by affected rural collectives and households.
- (8) Rural collectives implement land expropriation and allocate resulting compensation among affected households.

Source: Compiled based on *Land administration law* (2004) and *Measures for public announcement of land expropriation* (2001).

Notes: ^aUnless otherwise specified, local governments refer to the government at the county level or above.

including land compensation fees and compensation for plant attachments and young crops on the expropriated land. Both notifications specified a time frame during which villagers could request a public hearing if they had questions.

One concern is that public notifications are for show and would not be of much use during land expropriation. To address this possibility, we asked about their significance. According to a villager who appeared to be in his 30s, they serve an importation function:

Absolutely useful. Otherwise people don't know what's going on...The old people care more about it than we do as we young people got a lot of other things to do...Public notifications are where all things [about land expropriation] get started. With a public notification, we ordinary villagers know that our land will be expropriated and for what use, [allowing us to] have a mental preparation about what to discuss when village cadres come to talk to us. When a village cadre arrives at an individual household's home, he starts by saying that the project of land expropriation has been publicly notified and discussed in the Village Committee. Otherwise, there is no basis to start the conversation [about the land expropriation].⁶

We also observed cases where rules are egregiously violated. A former village cadre told us a story in his village located in suburban Shanghai. A piece of land in his village was expropriated in 2000 without following the appropriate procedures including public notifications, though villagers were still compensated in a way that was comparable to other land-taking cases occurred in neighboring villages around that time. The expropriated land was later sold to a joint venture chemical company. Until 2003 when the Shanghai municipal government required an asset examination (*zichan pucha*) that reached to the township government level, village cadres found out that their township government had kept a land-taking compensation up to over 4 million that was supposed to be given to their villagers affected by the 2000 land expropriation. By the time when this secret was uncovered, the township government had spent the money and could not afford to repay it. A deal was reached in 2004 when the township government signed a money borrowing agreement with the village within which the township government promised to make interest payments starting from 2004. At the time when we did our fieldwork in 2019, the township was still paying its interest on debt, which becomes a stable source of

⁶Interview with a villager in Hebei, 2019.

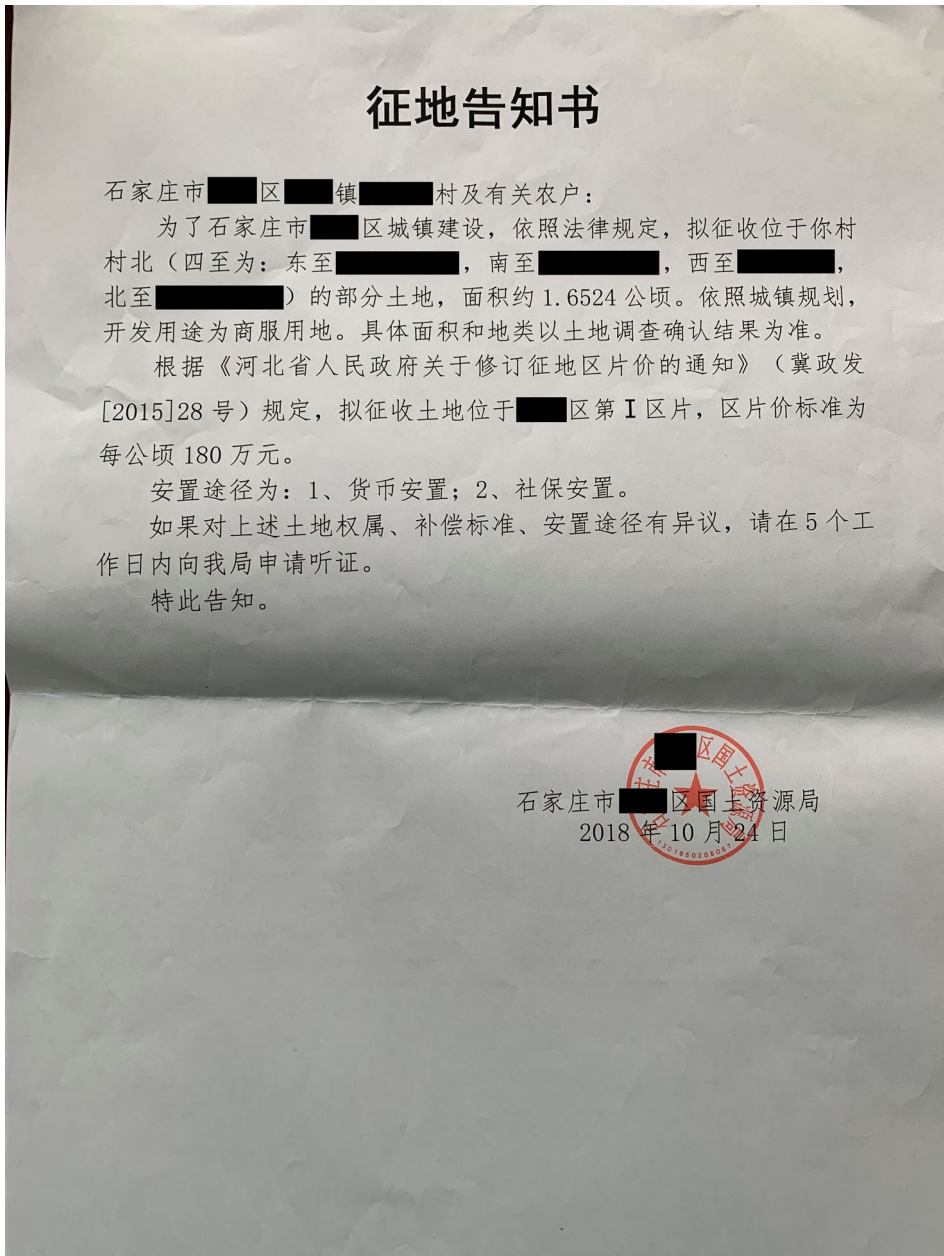


Figure 1. Public notifications of land expropriation. (A) Notification of land expropriation and (B) notification of land-taking compensation. Source: Pictures taken during fieldwork.

income for the affected village. Village cadres have kept it as a secret from their villagers. But they worry less as time goes by. The former village cadre predicted, 'Even if villagers will find out some day, they won't do much because it happened so long ago.'⁷

⁷Interview with a former Village Committee member in Shanghai, 2019.

征地补偿安置方案公告

沪■征地补告〔2019〕第■号

根据《中华人民共和国土地管理法》、《中华人民共和国土地管理法实施条例》、《征收土地公告办法》和《上海市实施〈中华人民共和国土地管理法〉办法》等有关规定，依据上海市人民政府沪府发〔2019〕238号批准的征地方案，现将拟定的《征地补偿安置方案》公告如下：

一、本次征收土地的范围：
 ■■■■■（村队组）；征收农用地 338.4 平方米、建设用地 3627.4 平方米，未利用地 — 平方米，合计征地面积 3965.8 平方米。

二、土地补偿费补偿标准、支付对象和支付方式：
 土地补偿费标准，按《上海市征地土地补偿费标准（2017）》（沪规土资综规〔2017〕321号）执行，标准为 71.5 元/平方米，补偿费支付给被征地的农村集体经济组织，支付方式为转账。

三、地上附着物和青苗补偿标准、支付对象和支付方式：
 地上附着物补偿标准按《上海市征地财物补偿标准（2017）》（沪规土资综规〔2017〕321号）执行，补偿费支付给所有者，支付方式为转账。

青苗补偿费标准按《上海市征地青苗补偿标准（2017）》（沪规土资综规〔2017〕321号）执行，标准为粮棉地 4.2 元/平方米，蔬菜地 6.6 元/平方米，补偿费支付给所有者，支付方式为转账。

四、征地补偿金额汇总表（单位：平方米，元）

序号	被征地村组	被征土地面积	土地补偿费	青苗补偿费	地上附着物补偿费	非居住房屋（非共同举办企业）	其他	小计
1	■■■■■	3965.8	283753.1	—	—	—	—	283753.1
2	■■■■■	—	—	—	47376.1	—	—	47376.1
3	■■■■■	—	—	—	—	—	—	—
4	■■■■■	—	—	—	—	—	—	—
合计		3965.8	283753.1	—	47376.1	—	—	331129.1

五、征地范围内涉及居住房屋和非居住房屋（共同举办企业）补偿的，详见《征地房屋补偿方案公告》。

六、有关征地劳动力安置补偿按市人民政府相关文件规定执行。具体安置方式另行公告，由人力资源和社会保障部门负责实施。

七、被征地农村集体经济组织、农村村民或其他权利人对本公告内容不同意见的，请于公告之日起30日内，即 2019 年 7 月 19 日前提出书面意见，送达 ■■■■■ 逾期未提出的，视为无意见。

八、被征地农村集体经济组织、农村村民或其他权利人对本公告内容要求举行听证的，请于 2019 年 6 月 27 日前按征地听证有关规定提出书面申请，送达 ■■■■■ 逾期未提出的，视为放弃听证。

九、《征地补偿安置方案》在征求意见后，报■■■■■区人民政府批准后组织实施。根据《中华人民共和国土地管理法实施条例》第25条规定，征地补偿、安置争议不影响征收土地方案的实施。

特此公告。
 联系人：■■■■■ 联系地址：■■■■■
 联系电话：■■■■■ 监督电话：■■■■■

上海市■■■■■区规划和自然资源局
 2019年6月20日

Figure 1. Continued

Soon we realized that this was not the worst case scenario. When we briefly mentioned this case, anonymously, to village leadership in another village in Shanghai, the village communist party secretary was not surprised. Similar things also happened in his village around the same time. Moreover, he indicated some jealousy because in comparison to the village just mentioned that received interest payments, his village got nothing from

the township government after the embezzlement of compensation funds was uncovered.⁸

The cases above also raise a concern that dispossessed villagers may not know the rules in the first place and consequently are unable to recognize transgressions when they occur. Our fieldwork finds that villagers – despite the fact that many are illiterate or poorly educated – become increasingly sophisticated and recognize and act on transgressions as they better understand their land's asset value. Many of the villagers we interviewed displayed a surprisingly good understanding of land laws and regulations, while others knew none. However, an individual's knowledge also appears to have features of a public good. Information can spread rapidly in a small community like Chinese villages where people are connected through dense informal ties (Tsai 2007; Deng, O'Brien, and Zhang this volume). Indeed, one villager responded to our concern, 'It's not a problem that we don't know the laws. We can always find someone who knows them in our village. If not, we will hire a lawyer!'⁹ Our fieldwork observation is also consistent with the literature. John Kennedy (2002) finds with survey evidence that villagers are sophisticated enough to distinguish real village elections from cosmetic ones.

In short, implementing land expropriation in accordance with legal procedures promotes information transparency and fights corruption (e.g. illegal land seizure, embezzlement of compensation funds). Hence, we expect that adherence to procedural rules will improve individual satisfaction with land expropriation (Hypothesis 2).

The second factor we consider is opportunities for public participation. Public participation provides opportunities for communication between decision-making agencies and the public, and has the ability to improve citizens' sense of self-efficacy, increase citizens' tolerance toward opposing views, make collective decisions morally justified, lower policy implementation costs, and enhance policy legitimacy (Braithwaite and Levi 2003; Ryfe 2005). Ordinary Chinese have been given votes, voice, and some rights in certain areas – for example, village elections, public hearings, deliberative polls, and online comment portals. China is creating 'consultative authoritarianism' whereby the regime establishes formal channels to aggregate citizens' preferences and take them into account in decision making (He and Warren 2011). While these public participatory channels are limited and primarily serve to stabilize and strengthen the Communist Party (Manion 2016; Truex 2016), citizens still show greater satisfaction with the regime, improved perceptions of government responsiveness, and more willingness to comply with regulations (Truex 2017).

In the context of land expropriation, village cadres have significant discretion over the allocation of land-taking compensation (Cai 2003; Chen 2015). Their discretion includes, but is not limited to, the ability to exclude land-losing villagers from decision-making processes. Such exclusion can be profitable, as it provides village cadres with opportunities to pursue personal gains through illegal and corrupt practices. Once such practices are caught by the public, however, there is a potential danger for social anger and unrest. Alternatively, village cadres can transform such closed-door decision making into more transparent processes by opening channels for public participation. We observed during our fieldwork that in some villages, the Villagers' Representative Assembly (VRA) – the

⁸Interview with a village communist party secretary in Shanghai, 2019.

⁹Interview with a villager in Zhejiang, 2015.

formal village-level decision-making body often referred to as the ‘village People’s Congress’ (Zhong 2005, 90) – serves as a platform that allows affected villagers to discuss their compensation package.

There are trade-offs for encouraging public participation within villages. On the one hand, state laws promote public participation. The Property Law (2007) stipulates that the use and distribution of land-taking compensation *should* be discussed among members of the rural collective (Art. 59). Dismissing public participation has a potential to ignite rural anger. What Perry (2008, 2009) calls ‘rules consciousness,’ or what O’Brien and Li (2006) label ‘rights consciousness,’ may each fuel grievances and protest against village cadres who eschew public participation. On the other hand, public participation facilitates public disclosure of information and thus jeopardizes rent-seeking opportunities for village cadres. Even if it is not for personal gain, some village cadres fear that doing so will open a Pandora’s Box of opposition and grievances from dispossessed villagers, resulting in a significant delay in implementing land expropriation.

Understandably, there are no safeguards to guarantee that opinions resulting from public participation will be incorporated into the final decision formulation. Empirical research shows that the VRA functions as a crucial decision-making body and an effective monitoring instrument over village governance in some villages, while it is rarely convened or it is held to rubber-stamp the decisions already made by village cadres in other villages (Oi and Rozelle 2000; Zhong 2005). These serious shortcomings notwithstanding, efforts to establish formal opportunities for public participation allow dispossessed villagers to make their voices heard and facilitate public disclosure of information. Thus, we hypothesize that public participation in the land-taking compensation decision-making process improves individual satisfaction with land expropriation (Hypothesis 3).

The third factor relates to promptness of distributing compensation payments. Self-interested land-losing villagers have incentives to receive their compensation payments sooner rather than later. Therefore, we hypothesize that quicker payments of cash compensation will increase individual satisfaction with land expropriation (Hypothesis 4).

4. Empirical analysis

4.1. Data and measurement

We conducted an original survey of villagers to understand how land expropriation is implemented on the ground in China in 2009. Our targeted population of interest is land-dispossessed villagers. To maximize the size of the targeted population, we deliberately conducted the survey in suburban areas where urban sprawl is more vibrant and land expropriation occurs more often than in remote rural areas. Provinces and cities were purposefully selected to highlight the issue of land expropriation. Below the city level, all selections were made at random. We first selected four regions with rapid urbanization. Within each region, we first stratified cities by size of population into three strata and selected one city from each stratum into the sample.¹⁰ This process yielded a total of 12 cities, including Ningbo, Wuxi, and Yueqing in the Yangtze River Delta; Guangzhou,

¹⁰Cities are broadly defined in the survey. They include provincial-level megalopolis, prefectures, and county-level cities.

Dongguan, and Zhongshan in the Pearl River Delta; Chongqing, Chengdu, and Nanchong in the Chengyu Region; Jinan, Weifang, and Sanhe in the Bohai Bay Area. Within each city, we selected 5 villages, resulting in a total of 60 sample villages. In large cities, five villages were randomly drawn from one district. In small county-level cities, five villages were randomly drawn from their entire villages. We randomly selected 20 households within each village. This process yielded a total of 1209 observations, among which 756, or 63% of selected population, had experienced land expropriation. It should be noted that because we disproportionately selected peri-urban areas located in economically more developed regions, the proportion of households experiencing expropriation is higher in comparison with the national average. Of the 756 land-losing villagers surveyed, 79%, 17%, and 4% had experienced land expropriation once, twice, and three times, respectively.

A research team comprising graduate and undergraduate students whom we had trained prior to the survey conducted face-to-face interviews with one member of each selected household in the individual respondent's house and recorded the answers in a paper format questionnaire. The survey was completely anonymously. When a survey respondent was not available, we made a second (occasionally third) visit to complete the questionnaire. With these efforts, the response rate was nearly 100%.

The outcome of interest is individual perceptions of land expropriation, which is measured by self-reported satisfaction with the land-taking compensation using the following survey question: 'Generally speaking, how satisfied were you with the land expropriation compensation you received?' Answers to this question were measured on a 5-point scale with 1 for very dissatisfied and 5 for very satisfied. For those who had experienced land expropriation multiple times, we asked the level of satisfaction with respect to the land expropriation that, according to respondents' own judgment, had the greatest impact on their life.

We measure *Cash compensation*, one of our independent variables, in two ways. We first consider the amount of cash compensation that affected households received, measured by taking the logarithm of cash compensation per *mu* of land (Measure 1). We constructed the variable by taking the ratio of the total compensation amount to the size of expropriated land. Both the numerator and denominator are individual self-reports, based on the two questions as follows, 'How much land-taking compensation did your household receive?' and 'How much land was expropriated?' We also consider the relative value of cash compensation, measured by taking the ratio of cash compensation that villagers received to the local (i.e. prefecture) real estate value of the year when their land was expropriated (Measure 2). Ideally, the real estate data at lower levels (e.g. township or county) better reflects land's local market values and produces a more accurate measure for relative compensation. However, the prefecture is the lowest level of real estate data that we could find.

We focus on three variables on land governance. The first is *Adherence to rules*, which is constructed as an index measure from three questions as follows: (1) Did you see a formal and public notification from the local county (or county-level city/district) government with respect to this land expropriation? (2) Was your household required to register your land expropriation compensation? (3) Did you see a formal and public notification from the local county (or county-level city/district) with respect to the land expropriation compensation package? Answers to all three questions were measured dichotomously (1 for yes and 0 otherwise). We assign equal weight to the three answers and sum them up to form the index ranging from 0 to 3.

Table 3. How individual satisfaction varies with respect to key indicators.

Indicator	Yes	Satisfaction with land expropriation		
	(%)	Mean (indicator = 1)	Mean (indicator = 0)	Difference in means
<i>Adherence to rules</i>				
(1) notification on land expropriation	45.7%	3.41	2.95	0.46***
(2) registering compensation	41.2%	3.45	2.96	0.49***
(3) notification on compensation	52.6%	3.46	2.82	0.64***
<i>Public participation</i>				
(1) VRA held	53.5%	3.47	2.79	0.68***
(2) affected households allowed to attend VRA	52.3%	3.47	2.82	0.65***
(3) meeting among affected households held	28.0%	3.51	3.02	0.49***
(4) signature required	63.7%	3.35	2.83	0.52***
<i>Public use</i>	30.4%	2.98	3.23	−0.25

Note: Satisfaction measured on a 5-point scale. * $p < .10$, ** $p < .05$, *** $p < .01$. Source: Authors' survey, $N = 736$.

The second variable, *Public participation*, is also constructed as an index measure from four questions as follows: (1) Was a Villagers' Representative Assembly (VRA) held to discuss the compensation package with respect to this land expropriation? (2) Were affected households allowed to attend this VRA? (3) Was a meeting among affected households held to discuss the compensation package with respect to this land expropriation? (4) Was your household, as an affected household, required to sign in an agreement for this land expropriation? All these practices are not required by rules; instead, we observe from our fieldwork that they are implemented in some places. Answers to all four questions were measured dichotomously (1 for yes and 0 otherwise). We assign equal weight to the four answers and sum them up to form the index ranging from 0 to 4.

To get a better idea of the contours of land expropriation in China, Table 3 presents the mean for those who reported positively to each indicator and for those who reported negatively. We also conducted *t*-test for the difference in means. As shown in Table 3, the difference in means is positive and statistically significant for all land governance indicators, suggesting that those who reported positively to land governance indicators are more satisfied than those who reported negatively. We also included the indicator of whether expropriation of land was for public use. The mean for cases where land was expropriated for private use is higher than the mean when land was expropriated for public use. However, the difference is not statistically significant (p -value = .0143).

We constructed both individual and aggregated measures for *Adherence to rules* and *Public participation*. Strictly speaking, villagers living in the same political jurisdiction and affected by the same land expropriation should experience similar quality land governance. Thus, we aggregated individual self-reported answers to the village level based on when and where (i.e. village) land expropriation took place. We use proportion to formulate our aggregate. Our survey experience suggests that the year of land expropriation contributes to measurement errors in the process of aggregation because not all survey respondents remembered clearly when their land was taken. Those who forgot the time were asked to provide an estimated year during the survey. Due to potential measurement errors associated with the aggregation process, we provide both individual self-reported answers (Measure 1) and the aggregated outcome (Measure 2).

The third variable, *Waiting time*, describes the promptness of distributing compensation. It is based on the survey question, 'How quickly did your household receive your

Table 4. Summary statistics.

Variable	Mean	Std. Dev.	Min	Max	N
Satisfaction	3.159	1.297	1	5	736
Cash compensation (Measure 1)	10.406	1.439	6.215	14.645	736
Cash compensation (Measure 2)	0.064	0.138	0.001	1.727	736
Adherence to rules (Measure 1)	1.394	1.171	0	3	736
Adherence to rules (Measure 2)	1.393	0.715	0	3	736
Public participation (Measure 1)	1.976	1.399	0	4	736
Public participation (Measure 2)	1.970	0.950	0	4	736
Waiting time	1.168	0.514	1	4	736
Public use	0.304	0.460	0	1	736
Pension benefits	0.311	0.463	0	1	736
Demolition	0.313	0.464	0	1	736
Age (years)	53.11	10.886	27	92	736
Age squared	2939.023	1188.711	729	8464	736
Sex (male = 1)	0.092	0.29	0	1	736
Education (years)	7.22	3.087	0	16	736
Education squared	61.642	44.129	0	256	736
Household income (log)	10.627	1.171	4.605	14.094	736
CCP member (yes = 1)	0.239	0.427	0	1	736
Clan (yes = 1)	0.493	0.5	0	1	736
Village cadre (yes = 1)	0.724	0.447	0	1	736
GDP (log)	7.344	0.776	5.175	9.013	736

Source: Authors' dataset.

compensation?' Answers are measured on a 4-point scale with 1 for payments received immediately and 4 for payments never received.

We consider three sets of controls. The first set relates to land expropriation. We include an indicator, *Public use*, to capture whether land was expropriated for a public purpose. The indicator is constructed based on the survey question, 'What was your expropriated land used for?' Answers include the following categories: (1) public infrastructure and public service such as school and hospital; (2) industrial use; (3) commercial and residential use; (4) others (please specify). Those who answered Category (1) were coded as 1 (1 = yes) and 0 otherwise. In addition to cash, land-taking compensation also takes the form of a pension insurance that guarantees eligible affected villagers a monthly pension payment for life (Cai 2016). We include an indicator, *Pension benefits*, to capture whether a pension insurance is provided as a form of compensation. Villagers generally have two types of land: agricultural land and homestead land. We add another indicator, *Demolition*, to control for the situation where homestead land was expropriated and house demolition was involved. The second set of controls captures individual characteristics including age, sex, education, household income, Chinese Communist Party (CCP) membership, family membership belonging to a large clan within the village, and experience as a village cadre. Finally, we also control for local GDP measured at the prefecture level at the year when self-reported land expropriation took place. Table 4 provides summary statistics.

4.2. Results and discussion

Table 5 reports the OLS regression results. Fixed effects are included in all model specifications to capture locality-specific characteristics and the effect of time when land expropriation took place.

Table 5. OLS regression estimates of satisfaction with compensation.

	(1)	(2)	(3)	(4)	(5)	(6)
Cash compensation (Measure 1: Absolute measure)			−0.024 (0.035)	−0.033 (0.035)		
Cash compensation (Measure 2: Relative measure)	−0.762** (0.343)	−0.789** (0.311)			−1.002*** (0.334)	−1.044*** (0.311)
Adherence to rules (Measure 1: Individual level)	0.174*** (0.039)		0.166*** (0.040)		0.171*** (0.040)	
Adherence to rules (Measure 2: village level)		0.268*** (0.074)		0.260*** (0.078)		0.274*** (0.078)
Public participation (Measure 1: Individual level)	0.188*** (0.034)		0.174*** (0.035)		0.172*** (0.035)	
Public participation (Measure 2: village level)		0.288*** (0.057)		0.263*** (0.059)		0.257*** (0.057)
Waiting time	−0.306*** (0.094)	−0.294*** (0.092)	−0.288*** (0.092)	−0.278*** (0.090)	−0.290*** (0.094)	−0.281*** (0.091)
Public use			0.101 (0.099)	0.102 (0.101)	0.112 (0.099)	0.112 (0.101)
Pension benefits			0.142 (0.111)	0.155 (0.112)	0.148 (0.110)	0.163 (0.111)
Demolition			0.290** (0.112)	0.299*** (0.112)	0.337*** (0.108)	0.340*** (0.108)
Age			−0.057** (0.029)	−0.058** (0.028)	−0.057** (0.028)	−0.057** (0.028)
Age squared			0.001** (0.000)	0.001** (0.000)	0.001** (0.000)	0.001** (0.000)
Sex (male = 1)			−0.090 (0.127)	−0.051 (0.138)	−0.073 (0.125)	−0.034 (0.137)
Education			0.091* (0.051)	0.088* (0.052)	0.098* (0.051)	0.094* (0.052)
Education squared			−0.006* (0.003)	−0.006* (0.004)	−0.007* (0.003)	−0.006* (0.004)
Household income (log)			0.046 (0.039)	0.060 (0.041)	0.043 (0.039)	0.057 (0.041)
CCP member			0.014 (0.105)	0.012 (0.106)	0.009 (0.106)	0.007 (0.106)
Clan			0.041 (0.092)	0.067 (0.094)	0.045 (0.092)	0.074 (0.093)
Village cadre			−0.058 (0.095)	−0.058 (0.096)	−0.037 (0.095)	−0.037 (0.096)
GDP (log)			0.137 (0.524)	0.287 (0.497)	0.255 (0.491)	0.420 (0.465)
Constant	1.860*** (0.346)	1.540*** (0.354)	1.689 (3.547)	0.434 (3.404)	0.739 (3.274)	−0.727 (3.144)
City fixed effects	✓	✓	✓	✓	✓	✓
Year fixed effects	✓	✓	✓	✓	✓	✓
N	736	736	736	736	736	736
R ²	0.28	0.27	0.30	0.29	0.31	0.30

Note: Robust standard errors in parentheses. * $p < .10$, ** $p < .05$, *** $p < .01$. Source: Authors' dataset.

The coefficients for *Cash compensation* are statistically insignificant when it is measured in the amount of cash received (i.e. Measure 1), but becomes negative and statistically significant when accounting for the local real estate value (i.e. Measure 2). It suggests that the relative, but not absolute, value of cash compensation explains individual satisfaction, consistent with Hypothesis 1. Our explanation is that the rapidly growing real estate prices reveal land's market values, inducing villagers to increase their expectation of land-taking compensation. Villagers become harder to please when their compensation payments (i.e. the numerator) fail to keep up with the pace of increase in the local real estate market (i.e. the denominator).

The implementation process of land expropriation also matters. Both *Adherence to rules* and *Public participation* have a positive and statistically significant impact on individual satisfaction with compensation. This relationship exhibits a high degree of consistency across all model specifications, providing support to Hypotheses 2 and 3. Holding everything else constant, a one unit increase in adherence to state laws and regulations will increase individual satisfaction with land expropriation by 0.16–0.25 and a one unit of increase in the level of public participation will increase individual satisfaction by 0.18–0.3, depending on how the two variables are measured. The coefficients for *Waiting time* are negative and statistically significant, suggesting that villagers become less satisfied when their compensation cannot be distributed in a timely fashion, consistent with Hypothesis 4.

The positive and statistically significant coefficients for *Demolition* suggest that villagers whose homestead land was expropriated are more likely to be satisfied. The *Regulation on the Expropriation of Buildings on State-owned Land and Compensation* (2011) is designed specifically for expropriation of state-owned non-agricultural land and buildings. In practice, expropriation of homestead land often follows this regulation. Unlike expropriation of farmland where compensation calculation overlooks land's market values, compensation for houses built on homestead land takes market values into account. Market values of houses to be demolished are evaluated by a qualified real estate price assessment institute (Art. 19). As a result, expropriation that involves homestead land and house demolition is associated with much higher compensation than expropriation of agricultural land. The implementation process is also more transparent and participatory. While village cadres can secretly sell collectively owned farmland without informing their villagers, it is unlikely that houses can be demolished without first seeking an agreement from the occupying households.

The negative coefficients for *Age* and positive coefficients for its quadratic form suggest that as age increases, the level of satisfaction first decreases before increasing. We vary model specifications by performing bivariate analysis where all controls are excluded, flexible control specifications where *Age*, *Education*, and *Household income* are measured in different forms, and ordered-logit analysis to account for the ordinal characteristics of the dependent variable. The main results remain robust.

5. Conclusion

A defining feature of China's land property regime is selective enforcement of property rights whereby land rights for urban residents are better protected than for rural residents (Cai, Murtazashvili, and Murtazashvili 2020). Within this institutional context, it is less appropriate to refer to villagers as having choice in the regime as complying with it. Nonetheless, there is significant debate about how villagers experience the process of dispossession. Some studies find that land-dispossessed villagers are direct victims of land expropriation and oppose it (Sargeson 2012, 2013), while others find that villagers want their land to be expropriated (Paik and Lee 2012). We find that compensation for loss of land explains the variation in individual opposition to land expropriation. Specifically, a widening gap between the actual compensation and land's market values formulated from the local real estate markets contributes to negative perceptions of land expropriation. Land governance also matters. A lawful, transparent, and participatory implementation process and promptness of compensation payment increase satisfaction with

land expropriation. Our findings suggest that within an overall discriminatory property regime, local governments can sugarcoat the bitter pill of expropriation by closing the gap between compensation and land's market values and by improving the quality of land governance.

Our study also echoes Popkin's classic rational peasant model (1979) by demonstrating that villagers are complex and rational in contemporary China. China's decentralized policy-making process provides local governments with autonomy to design policies that fit local needs and encourages local government entrepreneurship (Montinola, Qian, and Weingast 1995; Heilmann 2008a, 2008b; Heilmann and Perry 2011; Teets and Hurst 2015). We found that land-dispossessed villagers prefer local governments to stick with the rules that commit to transparency and public participation during the implementation process of land expropriation; however, the very same people also prefer local governments to exercise their discretion to provide close-to-market compensation when it comes to determining compensation amounts. Villagers' preferences over the degree of local discretion in policy implementation suggest that they are rational, self-interested, and sophisticated enough to use state rules *selectively* to best serve their interest.

One of the questions raised for future research is why some localities have paid more attention to legal procedures and public participation in land expropriation while others have not. Our household survey involved a small number of localities (60 villages in 12 cities), thereby limiting our ability to test the following hypotheses. One possibility is that certain characteristics of village cadres may motivate them to improve land governance. This line of thought is informed by studies on Chinese village elections. Research shows that due to ambiguous attitudes from the Communist Party Organizational Department at the time when village elections were first introduced, local cadres who were old and were not expecting career promotion were most active in promoting high quality village elections (O'Brien and Li 2000). Another possibility is to examine the pressure from below. We expect that localities where villagers have more resources for mobilizing public resistance are more likely to impose a credible threat on village cadres and push them to improve land governance.

Acknowledgments

We are grateful to the guest editors and anonymous reviewers for valuable suggestions to improve the manuscript. We thank Dan Berkowitz, Iza Ding, Wilson Law, Wanlin Lin, Dan Mattingly, Lynette Ong, Kay Shimizu, Fubing Su, Weiping Wu, Dali Yang, Julie Zeng for helpful comments on earlier drafts. The earlier draft was presented at the Urban China Forum at Columbia University, the Land Governance workshop at the University of Pittsburgh, and the 2017 Association for Asian Studies Annual Conference. We thank the participants of the workshops for their comments and valuable discussions regarding land expropriation in China. We thank Dan Mattingly for sharing his forthcoming book manuscript, and Guoli Dong for helping us in the fieldwork. We also thank Yuting Yao for her excellent research assistance.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by the University of Connecticut.

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