

Grumble At Your Own Risk - Complaints and Public Information Flow Within the Communist Party

A 2014 article by the BBC China desk, titled *How Chinese petitioners keep hope for Justice alive*, discusses the stories of several “petitioners” that the journalist, Martin Patience, encountered in Beijing (Patience, 2014). The article briefly describes petitioning as an “appeal of the last resort”, a process that allows citizens who have been unsuccessful in the Chinese courts to have their grievances heard in the capital. While the system has a noble goal and is derived from imperial origins, only a tiny fraction of registered cases are ever resolved, and petitioners are often met with violence. Patience tells the story of a fifty-one-year-old petitioner lurking in a Beijing alleyway named Tan Zhonggang, who, after being injured on the job as a garage mechanic, lost his job without compensation. When Mr. Tan saw Mr. Patience, he dropped to his knees and clasped together his hands, “begging to be heard”. Another petitioner, Yang Qinghua, a thirty-one-year-old woman from the Hunan province, came seeking justice for her father, who was violently beaten by his neighbor, also a former policeman, after a land dispute. Ms. Yang has made 4 previous treks to the capital, in a 621 mile journey from her home. Each time, she registers her complaint with the central petitioning office, officially called the State Bureau for Letters and Calls. Each time, instead of having her case heard, she is “beaten and detained by government-hired thugs before being sent home”. The violence Ms. Yang has endured in her previous attempts at petitioning took place in “black jail”, a form of unauthorized detention that the central government often turns a blind eye to. Despite all of this, even in what is now her fifth visit to the capital, Ms. Yang still believes she will get justice. “‘The social situation is better than it was before’, she said. ‘President Xi has a good set of policies that will benefit the people.’”

While the article itself does not detail much information about the process of petitioning itself, further investigation reveals that the system has a complicated background. A modern version of an imperial tradition¹, the petitioning system legally allows citizens to report (or “petition”) local official or legal abuses to higher levels of government. Local courts often don’t accept or fairly prosecute cases against their own local officials, and for most citizens, petitioning is one of the only accessible ways of obtaining legal “justice”. The system is set up such that almost every government office in China has a petitions desk - citizens begin the process by submitting petitions at their local level petitioning office, and if they don’t find what they are looking for, they move up through the rungs of government

¹ The petitioning system has a long and storied history. Its first references were traced all the way back to the Western Zhou dynasty (1047 BC to 772 BC). Famed sinologist Arthur David Waley translated passages in the *Chou Li* that declared the following: “If anywhere far or near [...] wants to report a grievance to the higher authorities, but his headman will not transmit the complaint, such a one is to stand upon the lung stone for three days, and any gentleman who hears his words must report them to the higher authorities, and bring the blame home to the headman” (Waley, 1938). In modern times, after Chinese Communist leader Mao Zedong declared the creation of the People’s Republic of China in 1949 (State Department, 2017), the “Secretariat Office of the CCP Central Committee General Office” was created, which “specialized in handling letters from the public to Chairman Mao Zedong and other leaders of the Central Government” (Chen, 2022). Finally, the official creation of what we now know to be the National Bureau of Letters and Calls (*xinfang*, or, in English, the National Public Complaints and Proposals Administration) was in 1977 under the General Office of the CCP (Chen, 2022).

petition offices (up to the National Bureau of Letters and Calls, *xinfang*, or, in English, the National Public Complaints and Proposals Administration, or NPCPA). Petitioners must register their complaints first with the most local office and are penalized for bypassing local offices and directly appealing to higher authorities (Palmisano, 2016). (Those who attempt to bypass their local offices are often sent back to the same local officials against whom they were filing a petition in the first place.)

The system originated with good intentions, and is publicly supported by the central government. The March 2009 edition of the *South China Morning Post* includes a story where Wen Jiabao, the former Premier of the State Council, was quoted saying the petitioning system was an admirable and important "mechanism to resolve social conflicts, and guide the public to express their requests and interests through legal channels" (South China Morning Post, 2009). Several other officials have also praised the importance of the system, including Yu Lingyu, the director of the Supreme Court's Bureau of Implementation (Human Rights Watch, 2009).

Despite its noble goals, the petitioning system has broken to a point where it no longer serves the Chinese people. Firstly, the magnitude of China's population has put the system under immense strain. Among the 10,000,000 petitions submitted to offices from 2003 to 2007, only 0.2 percent of them successfully resolved their complaint or request (Jianrong, 2004). This results in petitioners remaining in Beijing in poor conditions for long amounts of time (Branigan, 2009).

On top of its ineffectiveness, the petitioning system has also led to tragic acts of violence against petitioners. Unlike those of politicians in democracies, the careers of China's local officials are completely dependent on the decisions of the central CCP government (Yang, 2022). A 2005 study showed a clear link between political promotion and economic performance of local officials by studying 254 provincial leaders from 28 provincial units from 1979 to 1995 (Li & Zhou, 2005). An additional metric in this promotion-demotion tournament is the petitioner incentive. In the tournament, the central government has incentivized local officials to prevent petitioners from escalating their inquiries by deducting points from their performance evaluations for *each* petitioner who travels to the capital, as was made clear by a 2007 directive obtained by the Human Rights Watch (Human Rights Watch, 2009). The incentive structure set up by the promotion-demotion system, therefore, leads to tragic and savage acts of violence by local officials, who will often hire thugs to harass, violently attack, and detain petitioners going to Beijing to escalate their inquiries. This is a tragic example of the catastrophic effects of incentive structures that are set up without the well being of citizens in mind.

Additionally, an argument could be made that this violence is a partial consequence of China being a very decentralized state. 94% of political officials in China work in local government, and local governments have large amounts of leeway in terms of policy implementation and discretion in all local matters (Yang, 2022). The central government has little incentive to prevent local officials from hauling petitioners into *black jails*, a network of *extralegal* detention centers. Local governments have the power to impose *laojiao*, or "re-education through labor", which allows forces to arbitrarily impose sentences of up to 3 years on detainees without judicial oversight (Human

Rights Watch, 2009). Tracking black jails is often a highly complicated task, as they operate with incredible secrecy and often involve *jiefang renyuán*, or plainclothes thugs hired by local officials. Detainees are often illegally abducted and placed into black jails, where they experience horrifying physical and sexual violence, are denied medical treatment, and are deprived of food and sleep (Human Rights Watch, 2009). The central government's only goal is the appearance of public peace, and with respect to the petitioning process, they delegate the specifics to local governments to deal with by the means they deem necessary, no matter how violent it may be.

One's first reaction to learning about the horrific violence associated with the petitioning system might simply be to wonder why local officials don't just "do a better job". Indeed, the ideal purpose of the petitioning system is to create a "check" and "reform" system for local government. Zhou Benshun, the secretary general of the Political and Legislative Affairs Committee, seemed to echo this when he tasked local officials in 2009 to "ensure that petitioners not seek solutions by visiting Beijing" by "setting up weekly and monthly meetings with petitioners at grassroots levels to resolve petitioners' grievances" (Branigan, 2009).

The true mechanics of the mammoth petitioning system, however, reveal that a smooth and efficient process is almost impossible. Overall, analysis has shown that China is slightly below average in its administrative / statistical efficiency, when compared to other countries (Yang, 2022). Applied to the petitioning system, and combined with the truly massive number of petitions being circulated across the provincial and prefectural government layers (Yang, 2022), the system is left gunky and inefficient. Most petitioners (and officials, in reality) are not confident which bureau or level of government they should file a complaint in. Many petitions are transferred in circles from bureau to bureau (Human Rights Watch, 2005). These, along with several other inefficiencies, ostensibly lead petitioners to become frustrated and eventually take their queries to Beijing. This is an outcome which is less than ideal for local officials, who often resort to violence and *black jails* to prevent a loss of standing in the promotion-demotion tournament.

After diving into research into the petitioning system, I was initially struck by the contrast between its effect on central and local governments. This system, no matter how violent or ineffective, seems to have great benefits for the central government of the CCP - namely in that it provides a way of information collection not usually afforded by an autocracy and it bolsters the central government's reputation in the eyes of the people.

Elections are, for democratic countries, a key information aggregation mechanism for leaders, and without them, government systems are frequently faced with symmetric-asymmetric-information problems (Yang, 2022). The Chinese government operates without elections, prohibits mass public polling of their constituency, *and* engages in mass censorship to limit anti-government sentiments in various media outlets, which essentially eliminates any chance of tapping into public opinion. (A possible alternative to this is social media, described in *Informational Autocrats* - "if censored sparingly, social networks can be used by the state as a tool of surveillance" (Guriev & Treisman, 2019). China, however, has not necessarily censored its social networks "sparingly" - the Cyberspace Administration of China (CAC) periodically launches "clean-up" campaigns, in one 2020 instance pressuring Baidu to

delete over 51.6 billion items that it deemed “harmful information”. This “harmful content” extends not only to “socially harmful content” but also to content that “endangers national security” or is “politically harmful” (Freedom House, 2021). Baidu shut down a total of 200,000 social media accounts during this period²). The petitioning system, therefore, provides an alternative method of information and sentiment collection for the central government, and, in doing so, handles (in a way) one of the main challenges faced by autocracies - a lack of information flow. According to recent official government statistics, petitioning offices across the country received 895,362 letters and visits, along with more than 160,000 calls on the hotline service (The Supreme People's Procuratorate, 2022). While the volume of petitions must place strain on the system, it also provides a massive amount of information on local governments and the overall sentiments of the people. Especially given the advent of AI and Machine Learning, the government can perform mass text analysis of these petitions that lead to detailed reports of public opinion - in a 2020 study, for instance, scientists used text scraping and data analysis to find that the topics of Beijing petitions were split between household registration (30.3%), illegal construction (22.6%), education (13.4%), demolition (11.8%), city management (9.8%), housing (7.7%), and traffic (4.4%) (Wang & Zhong, 2020). This information could be incredibly helpful as the CCP aims to shape messaging / propaganda aimed at soothing public grievances and boosting morale.

Additionally, the petitioning system seems to have tarnished the reputation of local government while bolstering and glorifying the image of the central government. There is a deeply ingrained belief in the “relative goodness of the central government as opposed to local authorities” (Chen, 2022), and many petitioners persevere in their violence and hardship ridden journeys because of an inherent faith that if they reach a high enough official in the party, their grievance will be heard. Despite being a Communist country, many of the values and traditions rooted in the hearts of Chinese people are derived from Confucian traditions. The values of Confucianism dictate trust and belief in the integrity of highly ranked individuals and their obligation to behave with generosity towards lower class people (Encyclopedia Britannica, 2022), which may give a reason for the continued persistence of petitioners despite the many obstacles in their way.³⁴

The central CCP government seems to fuel this narrative - the state owned media outlet *People's Daily* itself reported that “local governments [use] violent means to intercept petitioners from reaching higher levels of government” (Human Rights Watch, 2009). Another state run media outlet, *China News Online*, published a report in 2014 that stated that the CCP received 1.95 million complaints about local officials. Interestingly, instead of criticizing this volume, the outlet called “2013’s anti-corruption efforts the strongest in thirty years” (Patience, 2014). To me, this suggests that the Chinese Communist Party views local government as an expendable resource in the court of public opinion and prefers mass citizen participation in the petitioning system because it paints local government as the culprits of any dissatisfaction. Giving citizens an outlet to complain about their local leaders acts as a token of faith in

² In a particularly comedic example of Chinese social media censorship, a 2017 New York Times article details the CCP’s attempt to censor Winnie the Pooh after Xi Jinping grew sensitive to comparisons of the two. This, of course, led to spikes in searches for Winnie the Pooh (Hernández, 2017).

³ This might also explain why Mr. Tan from the original BBC article reacted to the sight of Mr. Patience, a foreign, white, wealthy British journalist, by “dropp[ing] to his knees and clasp[ing] together his hands, begging to be heard” - he might have viewed Mr. Patience as a higher-placed individual than him in the class hierarchy and thought Mr. Patience would assist him in his quest for justice.

⁴ The incredible persistence of many petitioners could also be explained by a type of “social score” they feel they are judged on in their societies. Work by Jean Tirole finds that “bundling prosocial activities and compliance with the government’s objective into a single score exploits agents’ interest in each other’s score to promote political compliance” (Tirole, 2021). By returning home unsuccessful in their petition pursuits, individuals might feel that their community and peers respect them less (a kind of social score).

the larger central government, mimicking a very far and twisted aspect of democracy in “public participation” and keeps the wheels of modern autocracy (which relies on public support and satisfaction (Yang, 2022)) running. Indeed, recent polls show that a far greater percentage of the Chinese population thinks that their country is going in the “right direction” than the American population (Fukuyama, 2011).

The Chinese petitioning system is long overdue for reform. Scholars at Human Rights Watch have proposed reforms such as government admissions and closure of black jails, mass public education about the legal rights of petitioners and criminality of efforts to abuse them, and the establishment of an independent commission to investigate and publicly report on the existence of black jails (Human Rights Watch, 2009). The public nature of these proposals, however, will likely prevent them from ever taking place. Additional recommendations, including “the government should remind officials and security forces of their obligations to protect the legal rights of all citizens, including petitioners, and the potentially severe legal penalties that abuse of those rights entails”, seem to naively misunderstand that officials and security forces are incentivized to serve their superiors, not protect citizens.

One possible reform of the petitioning system that might lead to less violence and greater effectiveness for the people involves the way the petition system itself is run. While one could initially place blame on the promotion-demotion system for incentivizing local officials to resort to violence to hinder petitioners, I think that the presence of the petitioners clause in the tournament system is a good thing. It helps set a sort of “checks and balances” system for local officials and, in theory, encourages local officials to perform well and help their constituents. Something that could help prevent the violence that is often associated with this, then, involves modifying the *xinfang* system to include anonymous petitions. The online complaint submission system was put in place in 2013, followed by WeChat and smartphone based channels, and by October 2019, 80% of all petitions received by the NPCPA were made on mobile devices (Xinhua, 2019), and so as we move into a more digital world, it should be relatively straightforward to give users the option to hide their personal identifying information from officials about whom they are complaining. The Chinese government is not typically aimed towards privacy, so officials in Beijing could still keep track of this information, but the obstruction of identifying details from local officials might prevent them from seeking retribution or hindering the petitioners, and might encourage them to fix the problems that are causing inquiries.

In conclusion, although in theory, the petitioning *xinfang* system allows a mechanism for external check of local government, the system often leads to inefficiencies and violence due to local officials being disincentivized to process complaints about their mistakes. And although the central government seems to come out of this system relatively unscathed, it doesn't directly benefit the people it was meant to help. Especially given the advent of the digital transformation in China, steps should be taken to ameliorate several of the challenges associated with the petitioning system.

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