

China's Online *Xinfang* Channel: Absorbing Grievances through Institutionalisation

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ABSTRACT: *Xinfang*, as a major participation channel in China, sets social stability as its most important objective. The way it seeks to balance the participation-institutionalisation dynamic is thus key to understanding its function. Drawing on detailed interviews and archival sources, this study clarifies the practice and rationale of the new and important online *xinfang* channel which has not, to date, been amply examined. By integrating offline communication methods with the new online format, it achieves a subtler form of participation through field diversion, standardised settlement, and balanced evaluation, and thus partly corrects the offline *xinfang* channel's heavy reliance on non-institutionalised tactics to maintain stability. However, as long as *xinfang* still operates at the intersection of law and politics, the question of how to balance citizens' desire for participation and an appropriate level of institutionalisation remains a noteworthy issue, since stability is only achieved when these two elements are in equilibrium.

KEYWORDS: Online *xinfang* channel, public participation, political instability, social grievance, institutionalisation.

X*infang* (信訪, literally "letters and visits") can be described broadly as a method of "appealing to those at the top to clear up problems left unresolved by local authorities" (Li, Liu, and O'Brien 2012: 315). The practice has a long history in China and remains a popular channel for Chinese citizens to redress injustice (Cai 2004). However, the *xinfang* system seeks to achieve its function mainly through the intervention of Party leaders, rather than the authority of legal norms (Minzner 2006). Due to time and resource limitations, such intervention is often used selectively to settle more serious troublemaking situations rather than moderate appeals (Cai 2010). This may ultimately result in the escalation of citizen complaints and deeply entrap the system in a vicious circle: the more it is obsessed with social stability, the less it will have of it. Our elucidation of the "online *xinfang* channel" (*wangshang xinfang xitong* 網上信訪系統) is presented against this exact background. Relying on information and communication technologies (ICTs), the Chinese government is committed to establishing an online platform to accomplish *xinfang* collection, settlement, and evaluation in a more accessible, effective, and accountable manner. With this type of performance, it hopes to deliver an improved state-society interaction in the digital era.¹ Could this channel help to overcome the destabilising tendency inherent in the *xinfang* system? What are the structural potentials and limitations associated with its implementation?

Clarification of these issues has theoretical significance. As Huntington suggests, political stability "depends upon the ratio of institutionalisation to participation" (1968: 79). This means that "the greater the gap between participation and institutionalisation, the greater the likelihood of political instability" (Sigelman 1979: 210). The modern Chinese *xinfang* system, as "the most important mode of political participation" (Cai 2004: 427) and

which also "sets social stability as its highest goal" (Minzner 2006: 136), thus provides a suitable perspective from which to observe Huntington's illuminating insights. In reality, the *xinfang* system has attracted much attention in contemporary studies. These studies find that the system plays an indispensable role in monitoring the misbehaviours of local officials, addressing the grievances of injured citizens, providing useful information for policy adjustment, and assisting the regime to maintain social stability (Cai 2004; Minzner 2006; Chen 2012; Chen 2016). These findings greatly enrich our understanding of the system's multiple contributions to regime maintenance.

However, the issue they fail to address in detail is the inherent contradictions between these functions and the challenges they have brought to the institutionalisation of the system. In order to achieve a balance between regime responsiveness and social stability, the system must facilitate citizen complaints while restricting them to an acceptable upper limit. In order to motivate local officials to perform their duties, it must tolerate a certain level of misbehaviour while imposing appropriate discipline where necessary. To ensure adequate information flow with limited energy and resources, it tends to discourage routinised appeals while sophisticatedly rewarding disruptive ones. These tensions between law and politics have created abundant contradictions within the *xinfang* system, and thus have provided opportunities for petitioners and officials to maximise their own interests through non-institutionalised tactics.

1. "信息上網, 陽光信訪" (*Xinxi shangwang, yangguang xinfang*, Updating *Xinfang* Online, Handling Them Transparently), *Renmin ribao* (人民日報), 13 September 2017, <http://legal.people.com.cn/n1/2017/0913/c42510-29532731.html> (accessed on 5 September 2020).

How to balance these contradictions has therefore become the main focus of *xinfang* reform. On this point, strengthening legal channels can help in institutionalising state-society relations (Yu 2005), but at least for now it cannot completely replace the multiple functions undertaken by the *xinfang* system. Differentiating the various types of complaints may help in resolving them in a more standardised manner (Chen 2012), but how to formulate criteria to achieve this goal is still an issue that requires comprehensive analysis. Establishing “a fair procedure” could be a possible solution (Chen 2016: 169), but such a procedure should run through the entire settlement and evaluation process, rather than just involving parts of it.

In this sense, the online *xinfang* channel, as a brand-new facility built with the help of new ICTs, may provide us with the appropriate framework in which to continuously study the institutionalisation of the *xinfang* system. In 2005, the National *Xinfang* Regulations formally adopted email as a new form of appeal, which greatly encouraged the development of online *xinfang* across the country. In 2013, the “Third Plenary Session of the 18th Central Committee of the Chinese Communist Party” officially upgraded online *xinfang* construction from “local practice” to a key task of the central government. In 2015, the National Online *Xinfang* System was established and initiated into service. By 2017 the system had achieved its targeted five levels of connectivity with all provinces, cities, and counties, as well as more than 80,000 townships across the country.² Yet this new and demonstrably important *xinfang* channel has been accorded relatively little attention in academic circles, with some studies only discussing it in passing (Min and Heng 2009; Distelhorst and Hou 2017). One exception is the research on the “mayor’s mailbox” (Hartford 2005). However, the “mayor’s mailbox” is only a small part of the online *xinfang* channel and thus cannot provide the whole picture of its institutional arrangements.

We conducted semi-structured interviews with 52 informants in X County in Hubei Province from early June to late August 2018, and several subsequent telephone interviews with key interviewees in 2019 and 2020. The interviewees ranged from village cadres, township cadres, and county officials to petitioners and ordinary local people. Owing to the sensitive nature of the topic, they were chosen using convenient sampling. With good access to both local officials and petitioners, archival materials were also collected. These included official policies and regulations on online *xinfang* work, the messages of the online *xinfang* channel’s interfaces, work diaries, meeting minutes and *xinfang* reports written by local officials, internal monthly reports, and yearly reports of petitioning in the X County. In order to avoid information bias, attempts were made to crosscheck some interviewees’ statements with one another. This was supplemented with information on online petitioning from the media and academic articles. To better understand the changes associated with the online *xinfang* channel, this study also utilises a piece of analysis that allows comparison with the offline *xinfang* channel. The empirical sources of the latter stem from our fieldwork in Henan, Hubei, and Guangdong over the past few years, and the data collection follows the method described previously.

Drawing on detailed interviews and archival sources, this study attempts to fill the academic gap by analysing in-depth the institutionalisation of the online *xinfang* channel. The findings suggest that, by integrating offline communication patterns with the new online format, the online *xinfang* channel establishes a subtler form of participation through field diversion, standardised settlement, and balanced evaluation. These elements together shape a rationale that absorbs online appeals in a structured manner. It improves the balance between citizens’ desire for participation and

an appropriate level of institutionalisation, and thus partly corrects the offline *xinfang* channel’s heavy reliance on non-institutionalised tactics to maintain stability. However, its aim of defending citizen legal rights is but one element of a larger focus on how to effectively rule the state. While this remains the case, the same structures that enable citizens to participate may also be used to retain a regime governance.

Field diversion from offline agencies to online platform

The most significant change introduced by the online *xinfang* channel is the establishment of an information platform, connecting upwards to Beijing and downwards to townships, thereby moving the communication between state and society from offline agencies to an online platform. This field diversion is designed to replace the “upward flow” of petitioners with an upward flow of information. In this way, it hopes to alleviate the anxiety of petitioners and to ease the pressure on *xinfang* cadres to control offline visits, stimulating them to devote more energy to the institutionalised operations of online appeals. Online registration is the first step to achieve these goals.

The first advantage of online registration is to enable submission through multiple channels. In order to complete an online submission, it is necessary firstly to access the County Government homepage and locate the County Magistrate’s prominently displayed mailbox. It is then necessary only to click on the “I want to send mail” icon and follow the prompts to fill in the required information, including name, phone number, home address, and principal elements of the complaint. All these operations can be easily completed at home. Even petitioners without internet skills or keyboard experience can complete registration with the help of relatives or friends (interview, 12 July 2018, Hubei).

Meanwhile, the online channel also allows for appeals that leapfrog administrative levels, termed “skip-level *xinfang*” (*yueji shangfang* 越級上訪). This behaviour is tightly controlled in the offline channel, since unfettered visits may carry huge political risks for higher-level authorities. By contrast, “The flow of information alone will not cause social instability and therefore it is meaningless to ban skip-level online appeals” (interview, 22 July 2018, Hubei). This means that petitioners can report problems to the online platform at any level, or at different levels concurrently, thereby greatly facilitating their participation. Some unyielding petitioners even launch appeals simultaneously through multiple channels to immediately involve higher-level authorities in their complaints. A retired teacher, with the help of her daughter, reported her problems via the online channels at all levels on an almost weekly basis over an extended period of time (interview, 15 July 2018, Hubei). Prior to the advent of the online channel, petitioners could also lodge complaints through letters and telephone calls, thereby avoiding travel hardships and bypassing interception by grassroots officials. However, “Given that visits are often ignored, the chances of these gentler complaints receiving a response is rare. Most of the time they are like pebbles dropping in the sea” (interview, 6 August 2018, Hubei).

By contrast, another advantage of online registration is reflected in the establishment of a traceable electronic file for each case. In practice, every registered case is automatically assigned a number, upon entry of which all case information immediately appears on the interface of X County’s online platform. This will include the petitioner’s name, contact, ID card number,

2. *Ibid.*

home and email address, the contents of their appeal, and the "registration unit" (*dengji danwei* 登記單位) and "processing unit" (*zeren danwei* 責任單位) of their case. Utilising this extensive data, relevant agencies at all levels can interrogate the case at will.

Furthermore, relying on new ICTs, online registration is also capable of documenting some cases that the offline channel would normally choose to ignore. One example is "re-registered cases" (*chongfang* 重訪), a fairly common occurrence because of skip-level appeals. Usually, superior agencies will firstly identify whether or not an appeal is re-registered based on keywords research (e.g. name, contents of an appeal). If it is, it will be marked as such, but this will not cause it to be rejected. These agencies then assign the cases to local agencies, the latter only handling one of the registrations while passing over the others. In the past, petitioners relied mainly on the tactic of persistent visits to bring renewed attention to these cases. Now the system will automatically accumulate their repeated online submissions and provide the necessary visibility. "Although one re-registered case may be disregarded, the residual record it leaves on the system is not without utility. When the superiors come down to inspect the work, they often give priority to these old, difficult-to-resolve cases accumulated in the system" (interview, 17 August 2018, Hubei). Some petitioners were acutely aware of this opportunity, jokingly observing, "Doing something is always better than doing nothing. Since there is no cost for reregistration, why not give it a try?" (interview, 9 July 2018, Hubei). Another example is simple cases. Due to limited manpower, grassroots agencies in the past rarely filed simple cases after they had been resolved, but documenting these cases becomes easier now with the help of new ICTs. Realising that this could be an opportunity to showcase governance achievements, superior agencies, by making it an important performance indicator in subordinates' year-end assessments, began to direct them to focus more closely on the task. For the same reason, the online channel also files those cases carrying incomplete information, such as incorrect contact details or an unclear claim. Rather than directly rejecting these cases, the online channel will temporarily retain them for future improvement (interview, 13 June 2018, Hubei).

The use of new ICTs allows the *xinfang* system to transfer its workplace from offline agencies to an online facility. This enables local officials to establish traceable electronic files for all cases, thereby providing the necessary precondition for them to respond to citizen complaints in a more transparent and reliable way. However, to achieve good state-society interactions, field diversion is only the basic premise. Transparent processing through standardised procedures is the next crucial step.

Transparent processing through standardised procedures

As illustrated above, the channel allows skip-level and re-registered cases. It also files simple cases and cases with incomplete information. This means that the channel hardly sets rigid standards for the rejection of cases. As long as a petitioner is allowed to repeatedly lodge online complaints, the accumulation of their cases sooner or later will trigger intervention from above. Consequently, any rules regarding inadmissibility will always have an exception. As the famous saying goes, "a big disturbance leads to a big solution, a small disturbance leads to a small solution, and no disturbance, no solution" (Cai 2010: 112). This is actually a common dilemma encountered by both the offline and online channels. The difference is that an online facility with its standardised

operations is more capable of tackling the issue.

The channel first calls for disclosure of the entire handling process of every case. At the interface of X County's online platform, the relevant details of each case can be easily seen, including date of *xinfang*, time of acceptance, processing unit, handling options, relevant documents, and delivery status. This transparency enables petitioners to view the progress of the cases without leaving home and can thus partly alleviate the anxiety caused by unclear information. It also places constraints on the irregularities of *xinfang* cadres, forcing them to deal with appeals in a more standardised manner (interview, 16 July 2018, Hubei).

The channel further advances cases through three types of standardised processes: "simple procedure" (*jiandan chengxu* 簡單程序), "conventional procedure" (*putong chengxu* 普通程序), and "specialised procedure" (*teshu chengxu* 特殊程序).³ These three kinds of procedures are used to handle three types of cases respectively. "Simple cases" normally include mediation of small neighbourhood conflicts, clarification of ordinary policy questions, and correction of common administrative omissions. "Conventional cases" mainly embrace corruption of village cadres, salary arrears owed by enterprises to employees, and unreasonable compensation for illegal construction. The main issues resulting in "specialised cases" include the failure to determine jurisdiction, the lack of a policy basis for settlement, and the inability to trace evidence because of the passage of time. These cases are often issues left over from history and have already been handled by relevant agencies. However, when petitioners remain dissatisfied with the resolution, they keep on lodging online complaints with superior agencies; the latter then hand them over to local agencies via the online channel. It is worth mentioning that the boundaries between the three types of cases are not fixed. The working style of *xinfang* cadres and the personal attitude of petitioners may cause a small issue to evolve into a major concern, and vice versa. Even so, exposing them to the sun is much better than hiding them in the shadows. On this point, appropriate procedures may be an effective way to reduce conflicts. The following content thus focuses on the two procedural elements: processing time and formalised requirement.

The simple cases must be accepted and solved within three to ten working days. The cases handled through conventional procedure often require a longer period of investigation, so the time limits for acceptance and resolution are 15 and 60 days respectively; the resolution time can be extended by another 30 days if necessary. Specialised procedure is mainly used to handle persistent complaints where petitioners continue to be dissatisfied despite years of ongoing processing. The time limit for this procedure is the same as that for conventional procedure, but it may be cycled many times between the "assigning units" (*jiaban danwei* 交辦單位) and "processing units" by recognising their difficulty to resolve.⁴ The requirements for the simple procedure are not very strict. Processing units only need to determine their options on how to proceed, communicate these to the petitioners either in person or telephonically, and then enter the details into the system to establish a basic record. By contrast, conventional procedure requires uploading an "acceptance notice," "handling option," and "deferred notice;" the handling option must be delivered to the petitioner in writing. If targeted cases are about to reach their processing deadline, the system will give the processing unit an "overdue warning." If they have exceeded the deadline, the system will document them

3. The *Xinfang* Bureau of Hubei Province 湖北省信訪局, 2017, "網上信訪工作規範化檢查通知" (*Wangshang xinfang gongzuo guifanhua jiancha tongzhi*, Notice on Conducting Standardised Inspection on Online *Xinfang* Work).

4. *Ibid.*

separately as “unaccepted cases,” so as to flag the need for inspection by higher-level authorities.⁵ In the case of specialised procedure, in addition to the documents required by conventional procedure, the processing unit also needs to upload “investigation reports” and “summary reports.” The former is the response to the County *Xinfang* Bureau, which must provide detailed investigation and handling options.⁶ The bureau then reviews the handling procedure, policy basis, and literal expression of the report. Those not meeting the requisite standard will be returned for revision. As a *xinfang* cadre added, “In many cases, it is difficult to meet the requirements of these procedures at once. The upside is it gives the responsible unit extra time to do a better job, at the same time helping its employees to improve their vocational skills on normalised issues” (interview, 14 July 2018, Hubei). For those that qualify, the bureau will make a summary report containing the same information and submit it to an assigning unit which then conducts a formalised check of the report followed by telephonic contact with the petitioner.⁷ Where the petitioner is dissatisfied with the result, the assigning unit will often try to deflect attention from their unwillingness or inability to resolve the issue by focusing instead on documental and procedural enhancements within the system. As a *xinfang* cadre explained, “Their main purpose is to further improve the professional skills of their subordinates; although the work is necessary, this process will inevitably breed sloth like administration” (interview, 25 August 2018, Hubei).

In practice, most cases are handled through simple or conventional procedures. In 2018, for example, X County received a total of 2,255 online appeals, 2,235 of which were processed through these two channels, and more than 90% were resolved successfully.⁸ While most appeals were already resolved smoothly through the offline channel, the advantage of the online channel lies in the fact that, by leaving a record in the system, it not only allays the worries of petitioners but also exhibits an exemplary role to the public. It thus encourages greater public participation and alleviates the pressure exerted on the offline channel. As for the small number of complex cases, standardised procedure can also ease petitioner’s anxiety to a certain extent. Most of all, its more relevant role is to restrict the irregularities of *xinfang* cadres and strengthen their motivation to standardise the procedure (interview, 18 July 2018, Hubei). As one leader added, “Before using the online channel, we had to employ some non-institutionalised means to intercept visits, but now the channel provides an alternate path to achieving a good job, namely, to complete relevant operations online in accordance with the specifications” (interview, 9 August 2018, Hubei).

However, local officials also use standardisation to evade responsibility, thereby spawning lazy administrative practices. As one official admitted, “Our work is boring but safe; to continuously replenish various kinds of documents, upload them to leave traces, and then use it as a strategy to hold petitioners down” (interview, 10 August 2018, Hubei). Petitioners, however, will certainly not accept this situation without complaint. Some petitioners told me privately, “These cadres test our patience by deliberately building delays into the procedures, but since they are operating in accordance with the regulations, it is difficult for us to get the goods on them” (interview, 2 August 2018, Hubei). Even so, petitioners still have their own countermeasures: they can continuously launch online appeals, and make targeted visits to higher-level authorities. The former action helps to elevate their cases to “accumulated cases” (*ji’an* 積案), i.e. old, difficult-to-resolve cases demanding greater focus, while the latter serves as a supplementary measure to further exert pressure on local authorities (interview, 11 July 2018, Hubei). By using these methods in tandem, more often than not will they capture the attention of superior officials. Veteran

petitioners know clearly that these are the rules of the online *xinfang* game. As most have exhausted all the avenues available via the offline *xinfang* process, it provides them with a welcomed new option (interview, 29 June 2018, Hubei). However, even if the two sides reach a type of tacit agreement, avoiding the escalation of conflict is still a significant issue. To this end, it is necessary for lawful termination to be anchored in the rationale of a structured process.

Lawful termination combining soft and hard measures

How to deal with repeated complaints has always been the biggest headache for local officials. The offline *xinfang* channel often adopts a set of non-institutional tactics to frustrate persistent petitioners, ranging from repression to filtration to concession (Li, Liu, and O’Brien 2012; Lee and Zhang 2013; Gui 2017b). The process nevertheless brings great suffering. Only those with a huge amount of courage and determination are capable of seeing this lengthy appeal through to the end. However, local officials are equally exhausted by the process, even though they might sophisticatedly manipulate expedient concession to give the appearance of an acceptable result. What is even worse is that unprincipled compromise, regardless of size, will simply encourage more pestering behaviour (Minzner 2006).

By contrast, the online *xinfang* channel aims to halt stubborn petitioners through lawful termination, combining soft and hard measures, while also warning others against trying to reap benefits through troublemaking acts. This process, termed “tackling accumulated cases” (*ji’an huajie* 積案化解), is generally led by higher-level authorities and coordinated by local governments. A distinctive feature of the action is the continuous implementation of the idea of institutionalisation. This can be demonstrated by its two elements: online improvement of documents and offline settlement of accumulated cases.

The online improvement of documents, at this stage, is just an upgraded version of the specialised procedure discussed above. Its principal concern is to ensure the input information is complete, the acceptance is timely, the reply is clear, the applicable regulations are appropriate, and the relevant documents are uploaded, and documents are promptly delivered to petitioners.⁹ In many cases, the focus of this work is to review the form and content of the investigation report and summary report. Superior officials first ask their subordinates to conduct self-examination and then put forward suggestions for further improvement. As a cadre elucidated, “Since these cases are too complicated to be resolved satisfactorily, a more fruitful strategy is to continuously showcase our performance through this superficial formalised work” (interview, 21 July 2018, Hubei).

In addition, superior officials must visit local agencies to listen to reports, check files, meet with petitioners and then hold on-site seminars to appropriately deal with these cases. This is termed offline settlement of accumulated cases. Its working guidelines are summarised as “three

5. Similar practices also appeared in Jiangsu. The local government set red, yellow, and green signs in the online *xinfang* channel to remind the processing unit to handle the cases in a timely way (Zhang, Tong, and Ni 2016).

6. The *Xinfang* Bureau of Hubei Province 湖北省信訪局, 2017, “網上信訪工作 (...)” (*Wangshang xinfang pinyin gongzuo* (...)), Notice on (...) Online *Xinfang* Work), *op. cit.*

7. *Ibid.*

8. The *Xinfang* Bureau of X County X 縣信訪局, 2018, “網上信訪工作年度總結” (*Wangshang xinfang gongzuo niandu zongjie*, Annual Summary of the Online *Xinfang* Work).

9. The *Xinfang* Bureau of Hubei Province 湖北省信訪局, 2017, “網上信訪工作 (...)” (*Wangshang xinfang gongzuo* (...)), Notice on (...) Online *Xinfang* Work), *op. cit.*

appeasements and one punishment" (*san daowei yi chuli 三到位一處理*). Superior officials and their subordinates must first seek to appease the petitioners through "pacifying" (*anfu daowei 安撫到位*), "explaining" (*jieshi daowei 解釋到位*), and "assisting" (*jiuzhu daowei 救助到位*). Consistent with these, they must also "punish the petitioners (*chuli daowei 處理到位*) strictly in accordance with the law (*yifa chuli 依法處理*)" if they do commit illegal acts (interview, 23 July 2018, Hubei).

Based on the aforementioned description, the soft measures entailed in ending accumulated cases mainly include perfecting documents online and appeasing petitioners offline. Most measures were used previously in the offline channel, but the online channel has enabled a greater degree of institutionalisation and a concomitant opportunity to reduce non-institutionalised operations to a significant degree.

Firstly, although the offline channel can also attempt to "procedurally end a case" (*chengxuxing jie'an 程序性結案*) through re-examination, review, and verification (Gui 2017a), it cannot disclose relevant documents to petitioners without the help of new ICTs. Its work is therefore not as transparent and traceable as the online channel, which further weakens *xinfang* cadres' motivation to adhere to standardised operations compared to the online channel. Secondly, the offline channel has considerable flexibility in the use of *xinfang* relief, but every expenditure through the online channel must have a clear policy basis. Sighing with emotion, a township cadre explained, "We have less available funding than before with which to appease petitioners. I cannot even get a petitioner an additional subsistence allowance. This constraint is preventing me from resolving cases satisfactorily" (interview, 25 July 2018, Hubei). The procedure for awarding compensation has also become much stricter. Both officials and petitioners must now provide necessary certificates. As another *xinfang* cadre complained, "We have expended a lot of energy on these boring aspects; our working principle now is to be as cautious as possible so as not to allow any loopholes" (interview, 11 July 2018, Hubei).

With the full completion of the aforementioned soft measures, the online *xinfang* channel hopes to achieve two goals. One is to urge *xinfang* cadres to do their work as meticulously as possible by recording their performance online. The other and more important goal is to provide a reasonable justification for the tough measures that the government may take next by clearly demonstrating to petitioners its performance to date. According to a veteran petitioner: This is actually a sophisticated governance technique, saying in effect that, even if I cannot really solve your problem, then at least I have shown you my efforts in a transparent and traceable manner. If you are continuing to pursue your grievance without sufficient basis, then don't blame me for being tough (interview, 27 July 2018, Hubei).

However, in order to prevent the abuse of punishment, higher-level authorities have also formulated a series of institutional constraints. Firstly, local officials must have a sufficient legal basis if they want to jail petitioners for their unlawful behaviour. For example, X County sentenced a petitioner who repeatedly knocked on the gong to sow chaos in the *Xinfang* Bureau and smashed the window glass several times, seriously disrupting order in the office. All his acts were videotaped and submitted to the court. One petitioner said ruefully, "The government has not addressed his problem properly, causing him to lose control of his emotions. However, his behaviour was illegal. The government used to condone such behaviour, but now it has become much tougher (interview, 28 July 2018, Hubei). A similar situation unfolded in another case where two defendants were convicted of extortion. Not only did the government present their fake certificates to the court, it also produced the recordings of phone calls they had used

to threaten *xinfang* cadres.¹⁰ Secondly, relevant responsible persons must bear "lifelong responsibility for misjudged cases" (*cuo'an zhongshen zeren 錯案終身責任*), which also has a certain restrictive effect on the use of sentencing. A local leader told me: I must strictly examine the procedural and substantive issues of the case before I give approval to send it to the court. These restraints greatly improve the reliability of its final outcome (interview, 16 August 2018, Hubei). Thirdly, since it is difficult to meet the above two conditions simultaneously, the sentence is mainly used as a warning. This can be verified from our fieldwork. Both in Guangdong and Henan, the strategy was used only sparingly during the first two years following its introduction (interviews, 6 October 2017, Henan, and 18 July 2018, Guangdong). Subsequently, the overall *xinfang* situation significantly improved and the need for it greatly diminished once people clearly came to understand the government's boundaries. Finally, by adjusting its evaluation mechanism, the online *xinfang* channel also seeks to weaken the motivation for local officials to violate regulations. This is the final key step in understanding its institutional logic.

Performance evaluation balancing procedure and consequences

The focus of the offline *xinfang* channel has always been on strictly controlling the upward flow of petitioners determined to carry their grievances all the way to Beijing and provincial capitals. This result-oriented evaluation mechanism not only discourages local officials from performing institutional operations, it also encourages them to resort to non-institutional solutions, since under the current political environment the latter is their rational choice for resolving a predicament (Li, Liu, and O'Brien 2012). By contrast, the online *xinfang* channel has transferred the interactions between state and society to the Internet, which greatly eases its pressure to intercept offline visits and allows it to devote more energy to standardised online operations. Its evaluation mechanism thus aims to find a balance between emphasising results and stressing procedure, and assigns considerable weight to the assessment of four measurements, namely "acceptance rate" (*shouli lu 受理率*), "completion rate" (*banjie lu 辦結率*), "participation rate" (*canping lu 參評率*) and "satisfaction rate" (*manyi lu 滿意率*).

Of these, acceptance rate and completion rate are used to assess whether "initial visits" (*chufang 初訪*)¹¹ are accepted and have traversed the whole handling process within the prescribed time limit, and whether relevant documents have been uploaded in a timely fashion. Participation rate refers to the ratio of initial visits that have been evaluated to the total of all initial visits. These three rates are calculated by *xinfang* agencies and used mainly to measure if *xinfang* cadres have completed the formalised requirements of the handling process, regardless of whether or not petitioners are satisfied with the consequences. Satisfaction rate refers to the ratio of initial visits rated satisfactory by petitioners to all initial visits included in the assessment data. It depends on the evaluation of petitioners and can only be submitted and revised by themselves through the system.¹²

10. The *Xinfang* Bureau of X County X 縣信訪局, 2018, "個案調查報告" (*Ge'an diaocha baogao*, The Investigation Report of the Case).

11. Since repeated appeals will only be counted once, the system just evaluates the handling of initial visits.

12. The *Xinfang* Bureau of the X County X 縣信訪局, 2017, "完善網上信訪考核工作" (*Wanshan wangshang xinfang kaohe gongzuo*, Properly Evaluating Online *Xinfang* Work). Assessments that focus on procedural matters of online *xinfang* handling also appear in Jiangsu Province (Zhang, Tong, and Ni 2016).

In X County, the score of the four measurements account for 60% of the total score, of which acceptance rate and completion rate each account for 20%, while participation rate and satisfaction rate are worth 10% each. In addition, all of the complex cases must be uploaded online. Those not processed through the prescribed procedures and at the same time evaluated by petitioners as unsatisfied will attract a further two-point deduction.¹³ As one *xinfang* cadre stressed:

The two conditions here must be met at the same time. This means that if the result is uncontrollable, we can still work on the procedural issues to demonstrate our efforts. This has been our general mentality since the adjustment to the assessment mechanism. It allows us not only to complete the tasks assigned by superiors, but also to protect ourselves from punishment. (Interview, 12 August 2018, Hubei)

On this point, the assessment of four measurements has further strengthened the institutionalisation of the online channel, and meanwhile has provided local officials with another stage upon which to exhibit their performance. Firstly, acceptance rate and completion rate are both formalised assessments, together accounting for 40% of the total. This means that processing units can easily achieve these scores as long as they complete the relevant procedures within the prescribed time limit (interview, 19 August 2018, Hubei). In practice, the almost 100% achievement of the combined target in X County provides ample proof of this assertion.¹⁴ Secondly, participation rate is also a formalised indicator. In order to increase the rate, X County asks all processing units to allocate priority to the simple cases, input them into the system in a timely manner, and then mobilise petitioners for evaluation. This actually plays a role in improving the standardisation of registration and handling processes. As a community leader explained, "Neither we nor the masses are stupid. Unless we are confident ourselves, we will not let them assess our work. Similarly, if our work is not good enough, their participation will only increase the bad reviews" (interview, 28 July 2018, Hubei). However, one petitioner gave us the other side of the story: "*Xinfang* cadres called us to evaluate their work if they believed we were satisfied with it, but deliberately neglected to do so if they were unsure of our attitude. At that point we took the initiative to register a negative review" (interview, 17 June 2018, Hubei). Thirdly, although satisfaction rate primarily evaluates the consequence of a case handling, it also pays attention to the procedural issue, which to some extent also promotes the standardisation of the online channel. As some cadres noted, when a petitioner clicks the dissatisfaction option, the system will automatically pop up a number of options from which they can choose, such as whether the response is timely, whether the relevant decision has a legal basis, whether this decision has been fully implemented, and whether local officials have exhibited arbitrary behaviour during the implementation process, etc. The petitioner must tick one or more options before submitting their evaluation. Higher-level authorities will then verify the so-called "irregularities." If they are considered valid, the relevant parties will be held accountable; otherwise they will support their exemption from a blame. Local officials must therefore be extremely cautious in their behaviour in order to avoid disciplining from above. We encountered this type of cases during our fieldwork. According to a petitioner's recollection, a cadre insulted and shoved him during their conversation. After he had submitted relevant evidence online, the cadre was removed from his position (interview, 23 August 2018, Hubei).

Emphasis on the four measurements does not imply that the online

channel has shifted focus away from the control of petitions, or that local officials are no longer concerned that failure to maintain stability will result in punishment. However, by placing greater stress on the procedure, it is indeed diluting the pressure on stability maintenance arising out of excessive emphasis on consequences. More importantly, the assessment of four measurements establishes a coherent evaluation mechanism that strengthens the logic of institutionalisation. In this sense, it acts as a critical institutional incentive that ensures the implementation of field diversion, transparent processing, and lawful termination discussed in the last three sections.

Discussion and conclusion: The institutional absorption of the *xinfang* system in the digital age

This study enriches our understanding of the online *xinfang* channel by clarifying its working mechanism and institutional rationale. By integrating offline communication methods with the new online format, the online *xinfang* channel achieves a subtler form of participation through field diversion, standardised settlement, and balanced evaluation. We call this process "institutional absorption" (*zhiduhua xina* 制度化吸納), as opposed to the non-institutional strategies often employed by the offline channel to reduce the volume of accumulated petitions. This does not mean that the offline channel as a whole is non-institutionalised. In fact, its institutionalisation has made obvious progress in many respects (Cai 2004; Minzner 2006). However, these advances cannot conceal the fact that the offline channel is descending into an increasingly unstable state as a result of its internal contradictions.

In order to better understand this viewpoint, it is necessary to firstly clarify the evolution of the *xinfang* system as shaped by the tension between law and politics. During the days of imperial China, the system was viewed as a governance tool designed to assist the emperor in ruling the nation rather than as a specialised judicial organ (Minzner 2006). The post-1949 *xinfang* system basically inherits this tradition of politics over law, but differs from the earlier version in that it adopts a more pro-people ideology, following the Party's mass line. The *xinfang* system thus aims to wholeheartedly serve the people by facilitating their participation and using it in a way that best showcases the advantages of "socialist democracy" (Chen 2012). It is in this sense that *xinfang* is regarded as a kind of low-binding participation. Individuals who are incapable of paying legal fees, or who have insufficient evidence for their lawsuits, choose *xinfang* as a more advantageous option to redress their grievances (Ying 2004). However, due to limited governance resources, it is impossible for the state to solve all these demands, and this limitation gives rise to the risk of social instability. It thus needs to invent a set of "filtering mechanisms" (*guolü jizhi* 過濾機制) to resolve the facilitation-control dilemma. In the Maoist era, the ideology of class struggle and a series of institutions undertook the role of managing complaints (Ying 2001; Feng 2012). In order to protect its legitimacy, the state has since introduced rights discourse and abolished some coercive apparatus that contradict this ideology. These efforts have reduced the cost of lodging complaints while enlarging the protesters' repertoire (O'Brien and Li 2006; Chen 2012). However, when thousands of petitioners come to

13. The *Xinfang* Bureau of the X County X 縣信訪局, 2018, "The Assessment Method of *Xinfang* Work," (*Xinfang gongzuo kaohe banfa* 信訪工作考核辦法). The situation in Guangdong is similar: the weight of the "four rates" accounted for 50% in 2018.

14. The *Xinfang* Bureau of X County X 縣信訪局, 2018, "網上信訪 (...)" (*Wangshang xinfang* (...), Annual Summary (...)), *op. cit.* This phenomenon is also found in Jiangsu Province (Jin and Yang 2016).

Beijing encouraged by this pro-people gesture and when their troublesome actions come to be regarded as a threat to stability, the system shifts from facilitation to control. It makes the containment of complaints to Beijing a point of focus. Local officials are thus strongly incentivised to reduce the number of persistent complaints lodged in their jurisdiction (Li, Liu, and O'Brien 2012). In the end, when local authorities' tough measures directed at stopping appeals have resulted in an outcry among petitioners, the system issued a number of directives to strictly forbid the use of force. The contradictory signals involved in *xinfang* facilitation, stability maintenance, and violence prevention compel local officials to sophisticatedly strike a balance between repression, filtration, and concession. They first repress some petitioners by exploiting their weaknesses, then filter out others who cannot endure the sufferings associated with long-term petitioning, and finally buy off the rest in order to achieve a temporary peace (Gui 2017a).

A more in-depth examination indicates that the root of these contradictions lies in the eclectic nature of the state. "Eclectic" here means the state still resolutely rejects a fundamental change of its political system to a "Western-style democracy," but is almost never satisfied with the status quo and is thus continually seeking adaptation within the existing overall boundaries (Shambaugh 2008). Specific to the *xinfang* system, the state still refuses to abolish the system through an overhaul of the judiciary. Certainly, the system can help the state maintain close connections with the people and thus improve its governance performance, but it also wants to properly manage the low-binding participation facilitated by the system in a more institutionalised way. Accordingly, a subtler form of "institutional absorption" strategy adopted by the online *xinfang* channel is a continuation of this expedient reform.

As illustrated above, a well-functioning online platform firstly eases the pressure on local officials by facilitating upward flow of information while reducing the upward flow of petitioners, thereby offering them greater space for standardised processing. This runs through all the links, from registration to handling to termination. Local officials must register all cases, display the handling status for each, and upload relevant documents strictly in accordance with specifications. The process ensures that simple cases, rather than being processed and forgotten, maintain visibility as exemplary achievements. This in turn encourages more petitioners to choose the online channel, and one of the positive spin-offs, as greater *xinfang* volume moves online, is a reduction of pressure on the offline channel. For complex cases, the process serves as a buffer to minimise face-to-face confrontation between the two parties. It not only avoids petitioners' disruptive tactics prompted by inadequate response to their travail, but also reinforces local officials' normative motives by discouraging arbitrary behaviour on their part. More importantly, a set of transparent and traceable procedures also provides the necessary prerequisite for the tough measures that may follow. Even so, when some cases are elevated to the level of "accumulated cases," local officials must exhaust all available standardised online and offline procedures to appease petitioners before they are allowed to recourse to force. They also need to provide legally convincing evidence when they actually take the case to court and bear lifelong responsibility after the sentence has been passed. Based on these rigorous restrictions, the process attempts to demarcate clear boundaries for offenders rather than expand the scope of punishment. In the end, the assessment of four measurements attempts to further stimulate the institutionalised motivation of local officials through its emphasis on formalised requirements. Although this does not mean that local officials will escape being disciplined for failure to maintain stability, it does provide them with another approach to display

their work, exempt them from liability, and thereby lay an indispensable foundation for them to handle appeals in an institutionalised manner.

Our findings suggest a promising solution to better ease the inherent contradictions within the modern Chinese *xinfang* system. For local officials, a set of coherent rather than contradictory procedures helps to hold them accountable without limiting the standardised exercise of their authority. They have greater autonomy to resolve simple cases, improve ordinary cases, and finally adopt tough measures against accumulated cases, thus delivering complete "institutional absorption" in an orderly manner. In this sense, the online *xinfang* channel offers them the "means of strengthening personal protection without jeopardising public policies" (Chen 2016: 169). For citizen petitioners, these arrangements have addressed most of their simple demands and shown sufficient attention, at least ostensibly, to their more complicated requirements, thereby emphatically demonstrating the government's determination to resolutely implement full standardisation, even if by coercive means, so as to reduce anxiety resulting from paucity of response, and at the same time eliminate their motives to reap benefits through troublemaking actions. As a result, the online *xinfang* channel may generate a positive ratcheting up effect for both local officials and citizen petitioners, and thus foster a good state-society relationship. However, technologies are not innately participatory or emancipatory. They are embedded in particular political environments and may amplify and facilitate negative effects as well as positive ones (Min and Heng 2009). As demonstrated above, local officials may sophisticatedly filter out petitioners and even suppress their complaints by misusing standardised procedures and tough measures. On this point, the same structures that enable public participation can also be manipulated to reinforce a regime rule.

Even given its advantages, the online channel is, at least for now, only an alternative option that cannot completely replace the offline channel. Its practical effect still remains to be fully assessed. The Chinese government, because of its ruling commitment, continues to bear unlimited responsibility and treat *xinfang* as a political tool for stability management rather than a legal mechanism for dispute resolution (Yu 2005). Its aim of defending citizens' legal rights is but one element of a larger focus on how to effectively rule the state (Minzner 2006). While this remains the case, the *xinfang* system has to operate at the intersection of law and politics, and disappointed petitioners will sooner or later return to the old path of *xinfang*. In this sense, the question of how to balance citizens' desire for participation and an appropriate level of institutionalisation remains a noteworthy issue, since stability is only achieved when these two elements are in equilibrium.

Acknowledgements

We would like to thank Professor He Xuefeng, the journal's editorial committee members and the two anonymous referees for their helpful comments.

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Manuscript submitted on 9 August 2020. Accepted on 25 March 2021.

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