What Limits the Benefits of Land-Lost Farmers in Chinese Courts? An Investigation of Chinese Land Acquisition and Resettlement Cases in the Yangtze River Delta

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Abstract
Due to China’s rapid urbanization, the growing presence of land-lost farmers in land acquisition and resettlement (LAR) cases has led to major practical and academic concerns. However, few studies have focused on administration policy restrictions and how they affect land-lost farmers in Chinese courts for land resources. Based on the quantitative analysis and case studies involving 2,242 administrative LAR cases, this interdisciplinary work examines how administrative bureaucracy affects public departments’ ability to win in court. The findings of this study are twofold. First, in the relationship of Tiao, public departments at the top of the hierarchy can use administration policies to screen conflicts, which can increase the win rate of LAR cases. Second, in the relationship of Kuai, authorities’ relationships limit the investment in administration policies, which in turn decide the utility of administration policies in LAR cases. The findings can facilitate the implementation of appropriate administrative and judicial measures in different departments to promote land-lost farmers.

Keywords
public administration policies, land-lost farmers, bureaucracy, land acquisition and resettlement court, China

Introduction
China’s rapid urbanization is attracting increasing attention worldwide. According to the 13th Five-Year Plan, 60% of China’s population will live in cities by 2020 and that figure will later increase to 70% (Pan & Wei, 2015; Wu et al., 2017). However, this process has generated a large number of land acquisition and resettlement (LAR) conflicts between public administration policy and land-lost farmers (Bao et al., 2018). Through LAR, the Chinese government can increase its profits in the land market by bypassing complex and inefficient legal procedures. In conjunction with the government’s actions, various stakeholders (e.g., governments, enterprises, and individuals) often engage in LAR to achieve impressive progress in urbanization (Ng & He, 2017). Chinese farmers fear and resist LAR because it triggers losses of employment opportunities, income, and social welfare, and this resistance has led to LAR-related urbanization conflicts (Bao et al., 2018).

In the past decade, the Chinese public sector (including the government) has been trying to adopt public administration policies to ease the adverse consequences of LAR cases. Compared to local governments, China’s central authorities are more concerned about protecting the rights of land-lost farmers (L. M. Liu, 2016; Luo, 2019). Public administration policies adopted by local governments are multidimensional and can effectively mitigate resistance among farmers. First, local governments will maximize the use of their legislative power during the policymaking process to establish policy mechanisms avoiding LAR-related conflicts with farmers. In addition, the rational use of alternative policies to compensate farmers for their losses can effectively prevent conflicts between governments and farmers (X. Huang et al., 2020). Governments will maximize the use of their administrative authority in the process of policy implementation to weaken farmers’ ability to resist. Such acts include the use of laws and regulations to arrest farmers, unfair use of the concept of “public interest,” and so on (Ng & He, 2017). These policies have created serious dilemmas for Chinese leaders in their
efforts to balance efficiency and equity in LAR policies. In recent years, the central government has tried to use the courts to restrict illegal acts of local agents and protect the rights of land-lost farmers. However, local governments also have to address public administration policies in the courts. Existing judicial studies have shown that Chinese court officials have neglected their duties in urbanization disputes. Lu (2017) noted the ambiguous attitude of the courts toward resolving early conflict warnings when supervising government functions and argued that courts hold an abnormal political position in government supervision. Through a descriptive analysis of the LAR system, S. D. Liu (2011) argued that Chinese courts lack neutrality and that it is difficult for them to play a holistic supervisory role. Regarding the protection of migrant property, Ng and He (2017) showed that the Chinese judicial system does not provide enough support to land-lost farmers in terms of enforcement of court rulings. These studies have proven the power of public administration policies to limit farmers’ success in court and the negative effects of these policies on farmers’ land benefits.

However, existing studies do not provide detailed information about these policies, such as their classification and efficiency, thereby limiting the effectiveness of judicial supervision of illegal LAR. This interdisciplinary work aims to examine how public administration limits land-lost farmers’ ability to win concerning land resources in land courts. The research objective of this study is examining factors affecting judgment, especially the hierarchy and authority of local governments. Clarifying these effects can help us develop more just policies to protect the weak in courts. The rest of this paper is organized as follows. Section “Literature Review” presents the context of LAR and the relevant effects of judicial decisions on resulting conflicts through an in-depth review. Section “Research Method” introduces the research method and data sources. Section “Results and Findings” presents a regression analysis of the written judicial decisions on 2,242 administrative litigation cases related to LAR in the Yangtze River Delta. Section “Discussion” presents an in-depth discussion of the findings, and section “Conclusions” summarizes the research and specifies future research directions.

**Literature Review**

Compared to other emerging economies, two factors contribute to the unique relevance of China’s LAR cases for this study. First, for local governments in China, illegal administration is the best strategy in LAR conflicts because of huge land interests. As a result, almost all departments need LAR policies to deal with judicial supervision if illegal administration is prosecuted in court. Second, China’s embedded courts are susceptible to the system; thus, judicial judgments are theoretically affected by bureaucracy. Therefore, we can directly examine the ways in which bureaucracy factors impact court-related LAR policies that can take away farmers’ land interests in courts. Sections “Stakeholders in LAR-Related Conflicts” and “The Chinese Background of Public Administration Policy” briefly explain the first factor, and section “Judicial Research on LAR” presents the second factor, resulting in two hypotheses.

**Stakeholders in LAR-Related Conflicts**

The official goal of China’s LAR is to achieve official public aims, for example, urbanization and building infrastructure. Regarding these public aims, governments implement LAR laws and policies to complete two steps: (a) land acquisition from farmers by local authorities and (b) development of well-equipped industrial units for land investors (Wu & Heerink, 2016; Wang & Hui, 2017). Therefore, LAR-related conflicts between the Chinese government and land-lost farmers involve three types of stakeholders.

**Expropriated Holders**: Stakeholders referred to as expropriated holders (e.g., land-lost farmers) include collective organizations and individuals who play the role of advocates. There are two reasons why expropriated stakeholders may need to fight other stakeholders. First, expropriated holders cannot obtain value-added benefits under current compensation standards. In China’s legal system, compensation for land is not determined by the transaction price of the land market, which means that expropriated holders receive unreasonably low compensation (D. Wang et al., 2019; W. Zhou et al., 2017). Second, expropriated holders strive to protect their ownership rights due to the excessive illegality of LAR practices, thereby resulting in LAR-related conflicts (Z. Chen et al., 2015; L. Liu & Xu, 2018). LAR policies are controlled by governments because Chinese LAR systems are chaotic and diversified. Thus, governments abuse their ostensible public purposes to infringe upon social and private sustainability rights and initiate LAR. The loss of employment opportunities, income, and social welfare after urbanization has led numerous Chinese expropriated holders to simultaneously fear and resist government policies (Ng & He, 2017). Illegality (e.g., violence and corruption) in law enforcement by both the government and companies likewise infringe on the property and personal rights of expropriated holders, resulting in a strong sense of the need to safeguard those rights among farmers (Z. Chen et al., 2015; C. Zhou & Banik, 2014).

**Investors**: As stakeholders, investors present two faces, despite their claim of neutrality. In specific cases, investors generally exert pressure on LAR administrative acts and provide compensation for expropriated holders. In other cases, investors use direct violence (Ndi, 2017). These factors have led to an interesting alliance between investors and different stakeholders. However, in China, a strong interest alliance exists between investors and governments in all situations due to investors’ important role in the Chinese political system. First, most investors are state-owned enterprises, which are under the jurisdiction of the administrative department in the Chinese political system. For example, the Beijing
municipality boasts 623 development companies, 108 of which were owned by state units (Danwei) and 485 of which were owned by various municipal agencies in 1995 (Hsing, 2006). Second, even investors that are not state-owned enterprises can be influenced by the Chinese political system. Developing countries need taxes to gross domestic product (GDP), so they make policies to attract investors. Land prices in China are used as an important instrument for attracting investors, with local governments desiring highly developed land finance systems (Anisimov & Ryzenkov, 2017; So, 2014). Affordable land attracts long-term investors. In most cases, short-term investors, such as construction companies and land agents, prefer high returns. Investors can positively cooperate with governments, act violently toward rights holders, and occasionally resort to illegal actions for rapid returns on their investments. For local governments, dealing with investors externalizes and delegates the responsibilities and risks of infrastructure and economic development to property developers. In this situation, governments and investors form a temporary political relationship to win conflicts (Wu & Heerink, 2016).

Local government: Local governments attach great importance to land finance, which means that they can dominate almost the entire LAR process (Hsing, 2006). Two factors prove that governments and their agencies are positive stakeholders in LAR-related conflicts. First, governments need to gain sufficient income from land to maintain their operations (Liang & Zhu, 2015). Land income currently accounts for 25% to 50% of local government revenue and has reached 80% in several areas (J. Zhou & Wang, 2010). These values imply that the absence of positive land policies and other policies can place local government income at considerable risk. Second, Chinese officials are politically dependent on LAR. These officials can excessively pursue economic growth for their careers, which is the main reason why they promote LAR in their jurisdictions (Raiklin, 2013; Zhao et al., 2017). Among their justifications for pursuing this objective, the most important is the income generated by local governments. Therefore, local officials are driven to implement unbridled LAR as part of their land fiscal policies (Ales et al., 2014). Moreover, corruption is an important factor that encourages officials to support LAR. Overall, local governments hope to maximize the effectiveness of land finance (Congleton, 2011; Z. Huang & Du, 2017).

A notable conflict of interest exists among the three stakeholders discussed above. First, governments want to acquire low-cost land for land income and thus occasionally allow illegal actions by public administration under the auspices of LAR. Undoubtedly, governments can encroach upon the property and personal rights of expropriated holders. Therefore, expropriated holders must defend their rights. Investors are natural allies of governments in appeasing citizens. Meanwhile, contradictory interests between governments and expropriated holders have led to frequent LAR-related conflicts. However, due to their legal obligations, local governments must promptly resolve existing conflicts or suffer punishment from the central government.

The Chinese Background of Public Administration Policy

Due to China’s complex political system, public administration policies that violate laws and regulations are often the best strategies for local governments (Feng et al., 2015). Lieberthal (2004) believed that the basic characteristic of Chinese administration in the post-Mao Zedong period is “fragmented authoritarianism.” This type of system forces authorities to rely on the interaction between the Tiao (block)/Kuai (strip) system when implementing policies and to solve problems through independent institutional negotiation. Furthermore, Lieberthal (2004) defines the Tiao (leadership relationship) system and Kuai (authority relationship) system. The “Relationship of Tiao” implies a hierarchical relationship from center to locality. In the Tiao system, the strategies of higher departments sufficiently control the actions of lower departments (Ye, 2016). In contrast to the “relationship of Tiao,” the “relationship of Kuai” refers to different administrative divisions of labor in the same administrative rank. Given that different departments at the same level cannot control one another, this relationship is subtle but still present. The strength of this relationship requires different government departments to collaborate to solve problems, thereby leading to interrelated strategies (Lieberthal, 2004). Lieberthal (2004) believes that Tiao and Kuai build an integrated, multi-level nationwide bureaucratic system used to govern in China. L. Li and Zhou (2019) conducted a detailed analysis of China’s political system and noted that the system consists of characteristics such as “fragmented authoritarianism,” “reciprocal accountability,” “dichotomized schemes,” and the “governing logic of the Chinese state.” We can also describe the illegal logic of local governments with these characteristics. First, “dichotomized schemes” (Cao, 2018) define local obligations. Local governments must resolve conflicts quickly or face accountability from their supervisory organization. “Fragmented authoritarianism” (Lieberthal, 2004; X. G. Zhou, 2017) identifies public organizations when conflicts arise, establishes public administration policies through consultations, and conveys the results of those consultations to subordinates. This process allows decision-making to be essentially unsupervised in any given bureaucratic hierarchy if the decision is reached by consensus, whereas the decision will be supervised by the upper bureaucratic hierarchy otherwise. The “governing logic of the Chinese state” shows that high-level authorities tolerate illegal administration for governing flexibility (X. G. Zhou, 2017). This tolerance creates an “illegal circle” in local governments, as shown in Figure 1.

The figure shows that the supervision procedure will be activated if public organizations have undertaken illegal administration and cannot eliminate a conflict. Judicial
judgment is a supervisory procedure initiated by expropriated holders. Through the public supervision process, the rules of the regime encourage citizens to sue administrative agents over their illegal activities, ensuring the honesty of administrative agents (Ginsburg, 2008; He & Su, 2013). The involvement of the judicial process has broken the “illegal circle.” The literature shows that local governments employ LAR policies to influence judicial decisions for their interests. The effectiveness of these policies can be observed in Chinese courts.

Judicial Research on LAR

Courts under the Tiao/Kuai relationship. Law researchers have studied the Chinese Tiao/Kuai relationship between courts and governments and believe that public administration policies embedded in courts are not hidden rules but are directly reflected in the design of the judicial system in this relationship (L. Li, 2016; Yu, 2014). First, scholars assert that courts are reactive, rather than corrective, in the Tiao/Kuai relationship and thus lack the power to counter policies (Ginsburg, 2008). This “lack of power” includes the demand for applicant requirements, the implementation of ambiguous provisions (e.g., no time limit for compulsory mediation), and a weak petition system that cannot address land dispute cases. For example, in the Land Administration Law of China, the verdict of the government, rather than the court, has the most considerable effect on compensation conflicts (Ng & He, 2017). Moreover, unless special circumstances are met, courts have no right to stop LAR before reaching a verdict, which is the rule set by Chinese Administrative Litigation Law. Article 56 of the Administrative Litigation Law of the People’s Republic of China (National People’s Congress, 2017) show: During litigation, the execution of the alleged administrative action shall not be suspended; however, under any of the following circumstances, a ruling shall be entered to suspend execution: (a) the defendant deems it necessary to suspend execution; (b) the plaintiff or an interested party files a motion for suspending execution, and the people’s court deems that the execution of the alleged administrative action will result in irreparable losses and that its suspension will not damage the national interest or public interest; (c) the people’s court deems that the execution of the alleged administrative action will cause any major damage to the national interest or public interest; or (d) the suspension is required by any law or regulation. About circumstances (a), local governments that are defendants usually would not choose to suspend the administrative act because it would harm their interests. About circumstances (b) and (c), local governments have defined public interest in LAR process. In principle, the court cannot reject the definition of local governments. About circumstances (d), few laws and regulations have made provisions. In addition, the immutability of compensation standards has also led to unresolved conflicts in the courts (C. Zhou & Banik, 2014).

Second, in the Tiao/Kuai relationship, the conventional intervention of administrative power in the court system affects the courts’ judgment of public administration policies (Z. Liu, 2012). T. Chen and Kung (2016) observed the relationship between the acquisition of additional lands and the promotion of officials. Government officials have a high likelihood of becoming court leaders if they strongly support public LAR policies. This promotion mechanism deepens the courts’ dependence; thus, they may refuse to try or even deflect cases (i.e., LAR cases) to pander to the interests of parties and governments. Moreover, numerous documents have shown that local parties and governments control the courts’ personnel system and that control makes it difficult for the courts to rule against the government (Y. H. Wang, 2015).
Based on the above literature, we can determine that administrative identity in the Tiao/Kuai relationship will have a significant impact on the judiciary. Judicial decisions are categorized as supporting or refusing. In reviewing and assessing the administrative actions and identities of defendants, the judicial department either supports administrative action or refuses comprehensive assessment. In this context, “supporting” indicates that the courts provide legal force to plaintiffs suing in judicial strategies. By contrast, “refusing” indicates that the courts approve the administrative action of an administrative department in judicial strategies. Courts use judicial power after a judicial decision to enforce compliance by losers as needed. Courts can face complex possibilities in different circumstances, thereby allowing judicial judgment between supporting and refusing, as shown in Figure 2. The major influencing variables under the Tiao/Kuai relationship include administrative hierarchy and administrative authority in the process.

**Administrative hierarchy.** Public departments avoid losing LAR lawsuits to prevent the loss of opportunities to gain financial funding and promotion. Thus, these departments employ administrative policies, such as strengthening investment in litigation resources, to win lawsuits (C. Zhou & Banik, 2014). Litigation resources, as defined by Grant et al, are a set of resources that can give one an advantage in litigation (Galanter, 1974). In China, litigation resources include financial ability, political status, professional litigation ability, social status, litigation experience, and so on. (He & Su, 2013). Although the administration achieves a high success rate, no evidence has been presented to indicate the average distribution of the win rate. As noted above, in China’s “Tiao” relationship, the strategies of higher departments sufficiently control the actions of lower departments. Administrative hierarchy in the bureaucratic system is the most important influencing factor, which leads to differences in policy effectiveness according to hierarchies. Independent courts are often regarded as part of the political system. Therefore, given their administrative status, Chinese public departments can use different strategies to influence LAR judgments.

Higher departments can strongly influence the actions of lower departments. Although the Chinese Constitution stipulates that courts shall not be subject to interference by any administrative organ, higher administrative organs normally intervene in court decisions. Therefore, the final decision on LAR may be affected by higher government departments. An interesting example is political rhetoric with Chinese characteristics. In China, such signals often appear in leaders’ speeches in an opaque and elliptical manner, and lower governments are expected to read between the lines to “comprehend the spirit of centers.” High-level political elites use political rhetoric in LAR cases, such as “put the interests of the whole above everything else” (da ju wei zhong) and “coordination” (Xie Tiao), which usually means that they want to intervene in judicial decision-making for the benefit of stakeholders (Long, 2015). A judge will experience difficulties refusing if a higher party or a government organ presents the request. However, no evidence exists regarding whether political rhetoric in low- and same-rank governments can influence courts. Courts generally use the rule of law to resist political rhetoric and command compliance from institutions of lower ranks. Therefore, the following hypothesis is proposed.

**Hypothesis 1:** The winning policy of the public department in the higher administrative hierarchy is more effective than that of the public department in the lower administrative hierarchy.

**Administrative authority.** In China, a “Kuai” relationship connects all government departments in the same administrative
hierarchy, and the courts are included in this relationship. Chinese courts are vulnerable to the relationship of Kuai because official open cooperation with others (e.g., politics and law committees) is generally required. Different agency strategies exert different influences. An interesting example is the public security department, which employs impacting strategies such as joint case handling (lianheban’an) (L. Li, 2016). Moreover, party departments (e.g., politics and law committees) apply strong strategies, such as interfering with evidence or “arresting lawyers” to influence judgments in specific cases.

Despite the lack of quantitative research, departmental strategies can affect verdicts to varying degrees in the relationship of Kuai. Thus, we ask the following question: how can we evaluate the power level of a public department in special cases? China’s “centralized management system” has led to different types of administrative authority among different government departments. Congleton (2011) shows that government departments will give priority to administrative events that are more relevant to their own interests (e.g., land finance) under the “rule of law.” A leader of a government agency who wants a promotion must exert the best effort within his or her administrative authority. Kuai in the public department will lead to investments of additional resources if litigation is closely related to administrative authority. Therefore, the following hypothesis is proposed.

Hypothesis 2: In the Kuai relationship, the administration policies of directly related LAR departments are more effective than those of normal departments.

Research Method

Various research methods, such as normative analyses and case studies, can be used to represent the relationships among the administrative authority, administrative hierarchy, and decision-making related to LAR cases. The present article employs content analysis that incorporates both quantitative and qualitative research. Based on data collected via judicial documents, the article applies quantitative research. In the discussion, the quantitative results are supplemented by a case study.

Given that the results of judgments and all types of administrative identity are regarded as qualitative variables, rather than quantitative variables, testing the influence of administrative identity on judgment deviation using a logistic regression model is a satisfactory option. The conceptual model is expressed as an equation:

\[
\text{logit } (P) = \beta_0 + \beta_1 * x_1 + \beta_2 * x_2 + \cdots + \beta_m * x_m + \sum \gamma_j * \text{Control}_j, \quad (1)
\]

where \( P \) is the dependent variable, that is, the rate at which cases are won; \( x_1, x_2, \ldots, x_m \) are the independent variables, namely, the administrative authority and administrative hierarchy; Control \(_j\) is the control variable; \( \gamma_j \) is the corresponding coefficient of the control variables; \( \beta_0 \) is the constant value; and \( \beta_1, \beta_2, \ldots, \beta_m \) are the regression coefficients.

Variables

Dependent variable. The dependent variable chosen for this article is the lawsuit of administrative demolition cases. This variable is a binary variable. Cases in which the plaintiff partially or completely wins are marked as 1, and cases in which the plaintiff completely loses are marked as 0. The study covered the period from January 2012 to March 2016.

Independent variables. The independent variables include variables of administrative hierarchy and variables of administrative authority. Variables of administrative hierarchy are provincial level, municipal level, county and district level, subdistrict office and town level and other. Variables of administrative authority are governments, branch on land and resources, branch on Housing Security and Management, branch on Housing and urban-rural department, branch on public security, branch on planning and land and resources, department of administration bureau, and other informal plaintiffs (multiple committees, headquarters and office, companies and public institutions).

Control variables. The critical background factors of cases are used as control variables to better monitor the effect of administrative hierarchy and administrative authority.

District jurisdiction. Jurisdiction has a critical impact on judicial decisions. Moreover, similar cases have various verdicts in different types of regions. Constrained by the judicial situation of unbalanced development in China, district jurisdiction has a significant impact on judicial decisions.

Case type. In the Chinese judicial system, administrative litigation is nearly the only type of litigation involving expropriated holders in opposition to the government. The government will adopt a policy to influence the outcome in a direct conflict. For example, L. Li (2013) showed that defendant officials will adopt positive methods, such as retaliating against complainants, to affect judicial decisions. Therefore, administrative litigation is a satisfactory method to observe the winning policy of the government.

Cause of action. Cause of action affects the initiation of administrative authority in two aspects. It corresponds to the type of administrative authority and is a factor that drives the policies of the administration (He & Su, 2013). The policy related to each of these control variables is presented in Table 1.

Public departments. We can use an approximate classification to determine which administrative departments are directly responsible in LAR conflicts. First, due to the close
ties between the public security department (e.g., the police) and judicial authority, the public security sector can easily use large amounts of litigation resources to effectively handle all types of cases (S. D. Liu, 2011). Second, departments directly related to LAR (e.g., Branch on Land and Resources) will devote their power to LAR cases because they constitute one of their main administrative tasks. Finally, several administrative authorities, such as governments and multiple committees, not only have weak connections with the judiciary but are also relatively independent of LAR cases; thus, these departments do not pay substantial attention to their win rate in LAR litigation.

By comparing the two cases, the difference between the verdicts of departments with different connections is shown. Departments close to LAR conflicts can be upheld by the courts in cases that are extremely unfavorable to them. A Jiangxi case illustrates this situation. The number of case is (2017) Jiangxi 0302 Administrative First Case No.40 ([2017] 襄0302行初40号). A female farmer in Hunan sued after the public security department broke her bones in the process of an LAR conflict and later imposed an administrative penalty on her property that was violated due to LAR. The woman farmer hoped that the court could revoke the administrative penalty imposed by the public security department. However, the public security authorities asserted that the administrative penalty was perfectly legal and that the female farmer’s bones were broken when she resisted the public security departments’ enforcement. In this scenario, the court accepted the defense of the public security department and ruled that the plaintiff lost the case. However, in the face of a weak administrative department, the court’s attitude may change dramatically. However, in the face of an administrative department that has weak connections with the judiciary and LAR, the court’s attitude may change dramatically. In one case, a similar action was taken by a “weak department.” The government of the Baqiao District in Xi’an illegally demolished houses and injured farmers during an LAR conflict. The farmers sued in court, hoping that the court would rule that the government’s demolition was illegal. The government asserted that the houses were illegal houses, and the government’s demolition was completely legal. But the court did not accept the government’s argument and ruled that the government lost the lawsuit (S. K. Li, 2018). Based on this obvious difference, we divide defendants into three types in Table 2.

### Data

The documents used in this research are written judicial decisions, which are openly accessed and contain sufficient information. Other types of legal documents (e.g., reconciliation agreements) are excluded due to their incompleteness and the difficulty of accessing them. The major stakeholders are local government departments and farmers who have lost their lands. Therefore, this research considers administrative litigation in which local government departments are the defendants. This study also considers relevant open-access verdicts from the database of China Judgments Online. Keywords such as “administrative case (行政案件),” “Shanghai (上海),” “Zhejiang(浙江),” “Jiangsu(江苏),” “verdicts (判决书),” and “LAR (征地拆迁)” were used to search for relevant verdicts. This study used full sample data between January 2012 and March 2016. Based on keywords screening, all the region’s LAR administrative judgments were acquired from China Judgments Online. A total of 2,357 preliminary judgment documents were obtained, and 2,242 decisions were ultimately identified after excluding all irrelevant and duplicate cases.

### Results and Findings

#### Descriptive Analysis

Table 3 shows the changes in plaintiffs’ win rates with Tiao/Kuai relationships among the main defendants. As some atypical defendants are excluded, the number of cases in the table is less than 2,242. In theory, the sample included regular types of defendants in LAR cases in the Yangtze River Delta. Descriptive analysis showed that changes in the win rate of plaintiffs were relative to the defendants’ level and power. Specifically, Table 3 shows the increase in the plaintiff success rate with decreasing administrative hierarchy under almost all administrative authority levels, which means that the public department wins policies under higher administrative hierarchy more effectively than the public department under lower administrative hierarchy. Due to the
specificity of the sample, the only exception is the housing and urban–rural department branch. In the department, the sample is abnormal. Only three cases were at the subdistrict office level, and one rare winning sample was at the municipal level. Owing to these extreme samples, the statistics are inaccurate. Moreover, Table 3 indicates that the plaintiff’s winning rate varies with different administrative authority levels. “Strong” departments have the lowest plaintiff win rate among the three types of departments, and “weak” departments have the highest plaintiff win rate. This shows that the administration policies of directly related LAR departments are more effective than those of normal departments. The descriptive statistics are consistent with the purpose of the research.

SPSS was used for correlation analysis and regression analysis. A correlation analysis of the factors involved in the hypotheses was performed before the regression analysis. The defendants’ behavior was added as a variable for comparison, as certain defendant behavior should be specially treated in accordance with the internal rules of courts. The statistical test showed that the sample data were virtual information and had no normal distribution. Therefore, Table 4 shows the results of Kendall’s formula, which was used to calculate data dependency.

A significant correlation between judicial decisions and defendants’ types of authority and hierarchy can be observed in Table 4 by comparing the classification of cases. Thus, the hypotheses were reasonable, and the data were suitable for logistic regression analysis.

### Regression Results

An ordinary logistic regression method was used to estimate Equation (1). The coefficients of the involved variables are presented in Table 5.

Table 5 shows the impacts of different factors on judicial decisions. We determined the relationship between the different defendant levels and the win rate of plaintiffs according to the administrative hierarchy. First, the relationship is notable when we look at the declining hierarchy of defendants. The relationship between the defendants’ hierarchy and the plaintiffs’ win rate was significant at the subdistrict level.

| Administrative authority | Administrative hierarchy | Number of cases | Win rate (%) |
|--------------------------|--------------------------|----------------|--------------|
| Governments              | Total                     | 543            | 19.52        |
|                          | Provincial level          | 26             | 0            |
|                          | Municipal level           | 121            | 6.61         |
|                          | County and district level | 264            | 20.08        |
|                          | Subdistrict office level  | 77             | 32.47        |
|                          | Town level                | 55             | 36.36        |
| Branch on Land and       | Total                     | 359            | 9.75         |
| Resources                | Municipal level           | 25             | 0            |
|                          | County and district level | 207            | 7.25         |
|                          | Subdistrict office level  | 128            | 15.63        |
| Branch on Housing and    | Total                     | 633            | 4.9          |
| Urban-Rural Department   | Municipal level           | 20             | 5            |
|                          | County and district level | 610            | 4.92         |
|                          | Subdistrict office level  | 3              | 0            |
| Branch on Housing        | Total                     | 399            | 11.79        |
| Security and Management  | Provincial level          | 2              | 0            |
|                          | Municipal level           | 24             | 0            |
|                          | County and district level | 207            | 6.76         |
|                          | Subdistrict office level  | 166            | 17.47        |
| Branch on Planning and   | Total                     | 50             | 10           |
| Land and Resources       | Municipal level           | 5              | 0            |
|                          | County and district level | 21             | 0            |
|                          | Subdistrict office level  | 24             | 20.83        |
| Branch on Public Security| Total                     | 85             | 2.35         |
|                          | Municipal level           | 1              | 0            |
|                          | County and district level | 11             | 0            |
|                          | Subdistrict office level  | 73             | 2.74         |
| Department of            | Total                     | 22             | 36.36        |
| Administration Bureau    | County and district level | 5              | 20           |
|                          | Subdistrict office level  | 17             | 41.18        |
office and town levels \((p < .01)\). Second, the relationship between the administrative authority and plaintiffs’ win rate showed a fluctuating significant value relative to the plaintiffs’ win rate. The effect of “weak” administrative authorities (e.g., governments and multiple committees) administrative policies on the plaintiffs’ win rate was not significant in this empirical study \((p > .1)\). However, “strong” and “considerable” administrative authorities could significantly influence the plaintiffs’ win rate \((p < .01)\), which is consistent with our hypotheses. The following section interprets the regression results in the context of land expropriation.

**Discussion**

LAR’s aim is to redistribute land development benefits. To maximize their financial interests, local governments can apply public administration policies to deprive land-lost farmers of benefits for land resources. Previous studies have proven the power of LAR policies to limit land-lost farmers’ benefits in court. However, the details of these policies have not been revealed (Ng & He, 2017). Preliminary results provide valuable insights, particularly into the relationship between bureaucratic and LAR policy effectiveness in court.

In a document review based on content analysis, we found two common policies used by local governments: alternative dispute resolution (ADR) and employment of experts. Based on the quantitative analysis above, we use the two public administration policies that are common in judgments as examples to show how the “Tiao/Kuai” relationship affects the utility of policies.

ADR is a widely cited policy in the judicial system, which is a result of the “rule by law” political logic of the Chinese leaders. In this political logic system, the leader strictly prohibits local governments from influencing judicial proceedings but strongly encourages local governments to be flexible in preventing citizens from initiating judicial proceedings. This domination strategy effectively preserves the political
legitimacy of the leaders and reduces their workload. Given the highest authority’s strict punishment for administrative intervention in the judiciary, almost all local governments currently use administrative policies to restrict the courts’ intervention. Local governments publicly expect that such legal policies, specifically ADR, will effectively limit the number and types of cases that courts can handle (W. Zhuang & Chen, 2015). Shanghai and Guangzhou are among the most LAR-conflicted cities in China and among the cities with the best rule of law in China. As such, their ADR policies are typical. For example, the Shanghai municipal government spends considerable resources on improving the ADR system for conflict resolution. This policy effectively prevents courts from accepting plaintiffs’ lawsuits. In 1989, 40 administrative adjudications in Shanghai were reconsidered LAR after ADR, but none of the plaintiffs sued the governments through administrative adjudications (P. Liu et al., 2011). High-ranking government departments can increase the win rate of LAR lawsuits through ADR. Governments have high win rates in administrative adjudication lawsuits and reconsideration in LAR cases. Among the LAR cases in Shanghai, administrative adjudication and reconsideration accounted for 75% of the total cases, but the plaintiffs’ win rate only reached 2.56% (P. Liu et al., 2011). This result stems from a legislative policy in which the government encourages and even forces parties to adopt ADR (e.g., administrative adjudication and reconsideration) to resolve conflicts (Zhuang & Yue, 2015). A portion of the government’s ADR process is seen in a typical case issued by the Supreme Court (Wei, 2017). After a conflict between a citizen named Li Guoqing and a government department, the lowermost department started the first ADR in 2012. After its failure, the authority reported to the district government. The district government started a second ADR, but it had already failed. The citizen escalated the situation to a higher level of government and started a third ADR in 2015, but it also failed. Finally, Lee started a lawsuit and ultimately lost in 2016. In Shanghai, a citizen may need to spend 3 years on ADRs to start a lawsuit with a high probability of failure. The huge time cost and risk dispelled citizens’ thoughts of litigation. In this way, the government can mediate a large number of cases that they would otherwise lose in various social conflicts. In contrast, an empirical study of ADR in Guangzhou shows that ADR has not been successful in low-ranking or weak departments. Citizens do not believe in low-ranking ADR, instead preferring courts or demonstrations. In addition, X. Chen’s qualitative research suggests that ADR in the lower departments cannot prevent citizens from eventually making their way to the courts (X. Chen, 2015).

Another common policy of local governments in courts is employing experts who can effectively reduce the win rate of land-lost farmers. Experts typically include famous university professors who have close relationships with the judicial system. Experienced advocates apply unique defense strategies, such as demonstrating the plaintiffs’ procedural loopholes. Courts not only protect formal legitimacy but also defend the substantial benefits of governments if a plaintiff is defeated through the use of procedural loopholes. Famous professors likewise often exert an informal impact on the judicial system through their occupational status. Facing formal and informal impacts, courts are highly likely to judge in favor of high-ranking authorities and allow them to win lawsuits. The example of Zhang Jiansheng illustrates the great effectiveness of the “expert policy.” Zhang is a representative expert, both as a famous professor and as a distinguished lawyer officially recognized by China. For example, Zhang is one of the most authoritative professors of administrative law in China and one of the most outstanding legal advisors selected by Chinese officials (Ministry of Justice, 2020). The Quzhou government usually invites Zhang to serve as an advocate for LAR cases. The government wins almost all cases when Zhang serves as an advocate. By contrast, low-ranking departments rarely employ such renowned experts, so their loss rates tend to be higher. Thus, similar to ADR, high-ranking departments can exert significant impact on experts’ professional status based on the relationship of Tiao/Kuai.

Based on content analysis, this article briefly describes two common court-related policies. Combined with the results of quantitative research, we have determined that the efficiency of court-related policies is significantly affected by hierarchy and authorities. Only with a high-ranking hierarchy or enlistment of an authority to argue on behalf of the department do court-related policies show significant results. How can this outcome be explained?

Garlandt’s theory of judicial resource disparity can explain these results. The theory of resource inequality pioneered the idea that litigant resources are key factors in winning a case (Galanter, 1974; He & Su, 2013; Talesh, 2013). Compared to the poor, the “haves,” who have litigant resources and litigation experience, can choose stronger litigation strategies to win a lawsuit. Even if the same litigation strategies are in place, parties with these resources can still easily gain an advantage in the courts. In Garlandt’s theory, departments with a high-ranking hierarchy or authority have stronger litigant resources and litigation experience. Thus, these departments can effectively implement court-related policies as litigation strategies to influence judicial decisions.

Litigant resources are directly dependent on hierarchy. As shown above, Lieberthal considered the hierarchy relationship called “lingdao guanxi” or the “Tiao/Tiao” relationship, in which higher departments have more resources than lower authorities. Using Lieberthal’s framework, recent studies further show that different administrative ranks lead to the utility of policies due to resource allocation in the “Tiao/Tiao” relationship (Liu & Xiong, 2015; Mertha, 2005). Therefore, based on the relationship of Tiao, high-ranking departments have additional resources and power to efficiently implement court-related policies and to force land-lost farmers into court-related policies to avoid losing.
However, low-ranking departments with fewer litigation resources cannot enforce the same restriction.

In contrast to the “Tiao/Tiao” relationship, litigation experience is directly dependent on the “Kuai/Kuai” relationship (authority). First, litigation experience restricts the utility of administrative policies among those in the same rank. Based on the relationship of Kuai, government departments must use limited resources to address complex authority relationships with other departments. The lack of resource investment is an important reason for the low litigation experience among the majority of government departments that cannot form close authority relationships with LAR. Although losing lawsuits affects the relations of government authorities, LAR cases are not an important part of authority relations in the relationship of Kuai. Most government departments lack litigation experience to maintain formal legitimacy in the administrative enforcement of the law. Officials of such departments are unaware of the legitimacy of this task prior to the administrative enforcement of the law. They lack such litigation experience because they have invested excessive energy in other authorities, which may be the main authorities in the department in the relationship of Kuai. For example, a public security organization would invest more litigation experience in criminal cases than in LAR-related conflicts. Most authorities do not have enough litigation experience with LAR cases in the relationship of Kuai. Such experience is unnecessary, as authorities must focus on other conflicts. For example, departments focused on planning, land and resources rarely spend their energy on LAR litigation, thereby implying that they cannot achieve high win rates in LAR. By contrast, authorities with close relationships with LAR are likely to focus on the efficiency of a winning policy. For example, due to close authority relationships with LAR, the branch of land and resources, the branch of housing security and management, and the branch of housing and urban–rural department are often presented as defendants. However, data analysis shows that the presence of these departments is associated with a strong relationship between judicial decisions and high win rates. One exception is public security, which also addresses various conflicts and achieves a high win rate in LAR cases. The public security branch’s high win rate is reasonable because public security presents remarkable advantages in litigation resources and litigation experience. Thus, public securities can win almost any case. Overall, authority relationships determine the litigation experience in the relationship of Kuai, and investments in litigation experience determine the win rate of land-lost farmers.

Conclusions

This study investigates the restrictions on land-lost farmers that are made possible by administrative policies and their effectiveness in Chinese courts by examining 2,242 judgment documents. The results of quantitative analysis show that the effectiveness of administrative policies is influenced by China’s administrative hierarchy and authority structure. In court, powerful defendants can promote policies that limit land-lost farmers’ ability to win their cases. In addition, verdicts and other documents state that predominant local governments enact widespread policies for winning in courts. This article clarifies how administrative bureaucracy affects court-related policies that, in turn, impact land-lost farmers’ ability to win. Under this influence, land-lost farmers are unable to experience fairness when they sue strong governments.

Based on the negative consequences of the court-related policies identified in this article, this study proposes two practice directions to guide the improvement of LAR policies, which is the practical implication of this study. First, opportunities for farmers to sue will be limited by unreasonable administrative policies. Therefore, the central government should improve unreasonable policies that restrict the judicial rights of land-lost farmers. Compared to old policies, new policies aim to promote, rather than limit, the power of land-lost farmers, encouraging the court to focus on their legal rights and social benefits. Second, in the process of litigation, judicial assistance procedures that help land-lost farmers fix legal loopholes could break policy restrictions. Based on their social disadvantages, land-lost farmers and their lawyers (if they have them) cannot address many procedural loopholes in judicial processes. A type procedural loopholes is the inequity of litigation resources. Due to the lack of litigation resources, it is difficult for farmers to obtain high-quality legal services—the media of the Chinese Supreme Court noted that land-lost farmers usually cannot afford the lawyer’s fees, and legal aid for land-lost farmers is unavailable. Therefore, the farmers have to defend themselves in court. Even if they are lucky enough to receive legal aid in the process of litigation, their lawyers are usually less professional than the defendant’s lawyers (L. M. Liu, 2016). Loopholes are an important way in which public administration policies can limit farmers’ legitimate rights. Thus, courts can issue remedial policies to reduce procedural considerations in LAR cases.

This study has three limitations. First, this study did not consider more dependent variables. In this article, we only consider administrative organs that affect judicial decisions on LAR. Thus, other relevant issues should also be analyzed in future studies. For example, cases from different land disputes should be compared. Second, the sample is restricted to the Yangtze River Delta. The inclusion of more sample types would promote the validity of the research results. Third, other policies that affect judicial decisions in different participation modes should also be determined, for example, intervention by major leaders. Thus, future studies should update the current results with more variables, samples, and participation modes.

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Code Availability
Declarations.

Ethical Standards Statement
The research is not involving human participants or animals.

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Availability of Data and Material
The data that support the findings of this study are available from the corresponding author upon reasonable request.

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