

**THE CHINESE GOVERNANCE MODEL OF THE NEW RURAL  
ELITE IN YONGCHUAN, CHONGQING: A CASE OF  
CONFUCIANISM-LAW CONFLICT**



**Ruoqi Zhao**

**A Dissertation Submitted in Partial  
Fulfillment of the Requirements for the Degree of  
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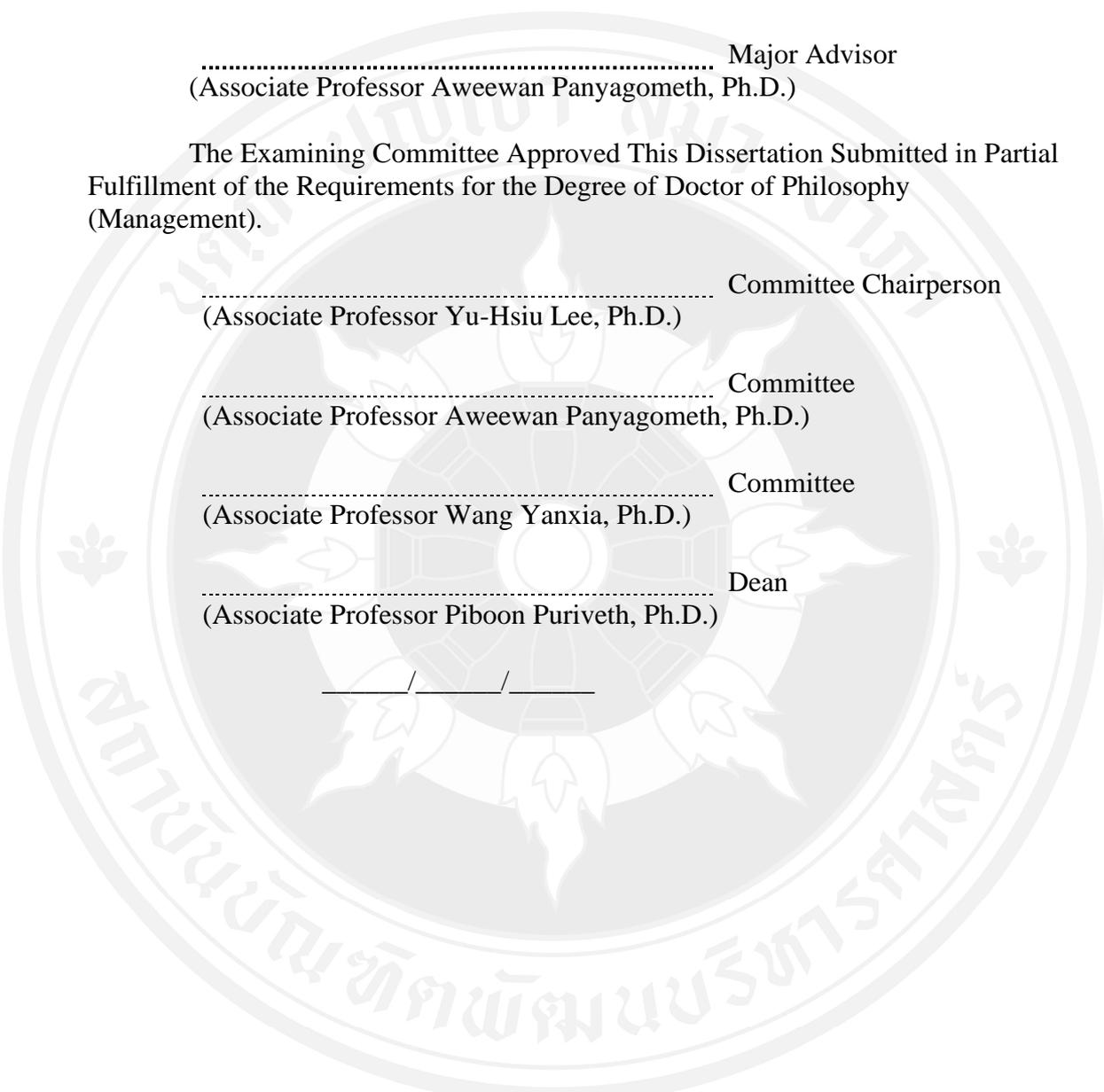
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## ABSTRACT

<b>Title of Dissertation</b>	THE CHINESE GOVERNANCE MODEL OF THE NEW RURAL ELITE IN YONGCHUAN, CHONGQING: A CASE OF CONFUCIANISM-LAW CONFLICT
<b>Author</b>	Ruoqi Zhao
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The purpose of this study is to explore the governance model of new rural elite in Yongchuan, Chongqing, China under the background of Confucianism-Law conflicts. In order to achieve its purpose, this study was exploratory and qualitative in nature. One-on-one semi-structured interviews focus group interviews and observation were conducted as triangulation data collection in this study.

The results of this exploratory study are 1) Rural Elite Mediation House was established under the joint action of multiple factors in order to solve the governance problems of local society. Its establishment is aimed to resolve conflicts in the bud, save judicial resources, spreads the concept of rule of law and serves as an example to guide the social virtue. It has six functions include mediate disputes and resolve conflicts, popularize legal knowledge, reflect the public sentiment, participate in public welfare activities and infrastructure construction, and lead the residents to wealth. This research also studies the conflict mediation procedure of Rural Elite Mediation House and discusses its relationship with local people and local government from both positive and negative perspectives. 2) Rural Elite Mediators are recognized and obeyed by the public mainly because of their outstanding talent and strong personality charm. And the main motivations for Rural Elite Mediators to participate in activities: the need to realize self-value and the sense of social responsibility for hometown. This study also explores the personnel management from four aspects of selection system, training system, assessment system and incentive system. 3) There are many different types of Confucianism-Law conflict in rural society. Researcher has obtained the three specific reasons: the absence of law exists in rural areas, traditional Confucianism still remains in the rural society and the drive of personal interests will intensify Confucian-Law

conflict. Rural Elite Mediation House mainly adopts practical solutions and fundamental solutions to the local Confucianism-Law conflicts.

As the third sector, Rural Elite Mediation House is organizational, civil, non-profit, autonomous and voluntary. Rural Elite Mediators, as the core of this organization, are charismatic authorities. Rural Elite Mediation House was built on the basis of Confucianism and centered on rule of Law. It has knowledge and power of both Confucianism and Law and takes contradictions and disputes of local society as the focus and breakthrough point of coordinating Confucianism and Rule of Law. Meanwhile, Rural Elite Mediation House received support and attention from the government. As a bottom-up feedback channel, it collected public sentiment and provided it to government as reference for policy adjustment and legal system improvement.

Based on the findings, the researcher recommends government provide certain economic support to Rural Elite Mediation House and establish effective supervision mechanism and a linkage cooperation mechanism for it.

Going forward, this study has implications for future research that apply to improve the governance model of new rural elites and enhances synthesis traditional Confucianism and modern law system. Practitioners could use this study to further the field's understanding of new rural elites. From an academic perspective, this study can serve as a starting point for the fusion of Confucian order and modern legal order through new rural elites.

Keywords: New rural elite, Confucianism, Confucianism-Law conflict, Governance model

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# CHAPTER 1

## INTRODUCTION

### 1.1 Background

For China, rural issues have always been the focus of government work and academic research. China has 800 million farmers. The urban-rural dual structure is a distinct feature of China's economic and social structure. Therefore, rural issues not only concern farmers' specific lives but also affect the overall process of China's national development to a large extent (W. Jin, 2017). In recent years, affected by the outflow of rural population, rural hollowing and changes in the external environment, rural governance in China has faced many problems and challenges (Ding & Zhang, 2018). However, China's rural governance is closely related to China's unique history, culture and tradition (Jiang & Zhou, 2018).

Traditional Chinese rural society has its own unique production mode and lifestyle, and has established a set of order maintenance methods to match them -- Confucianism. For thousands of years, China's traditional rural society has been characterized by a self-sufficient mode of production and a relatively closed way of life. On this basis, a unique rural ethical relationship, moral lifestyle and a basic understanding of the fair and just relationship between people have emerged (L. Wang, 2015). In China's traditional rural society, change is extremely slow, and the way of life is quite closed. The accumulated experience of generations can effectively solve almost all problems in social life. Therefore, tradition has become a “don't need to understand why, just follow” guarantee system in Chinese rural society, which is the integration and regulation system of customs, habits, and etiquette (Fei, 1998b). This tradition, which covers every aspect of rural social production and daily life, is called “Confucianism” in Chinese Confucian culture. Therefore, traditional Chinese rural society maintains and guarantees order with traditional “Confucianism” and

maintains social justice that is recognized by the public within a certain scope. It is a society governed by Confucianism and this already became the consensus of Chinese scholars (Y. Li, 2004).

Confucianism did not start out as a way to maintain social order, but gradually evolved into the “Ruled by Confucianism” order. “Confucianism” originally referred to the sacrifice of jade in vessels, and later extended to all offerings to the gods. With the change of the Times, the system of Confucianism gradually surpassed the religious etiquette and began to relate to the social and political order and daily life (C. Xu, 2017). After a long time of evolution and development, “Confucianism” has the function of social integration and political rule. The grass-roots society in China has also become a 'Ruled by Confucianism' society and formed a 'Ruled by Confucianism' order lasting for thousands of years (X. Bian & Zhu, 2005). The so-called order of 'Ruled by Confucianism' is the obedience to the traditional rules of “Confucianism”. Such an order emphasizes self-cultivation, self-abnegation and cultivation, and believes that people will actively obey the internal constraints of Confucianism through cultivation (Fei, 1998a). This order is matched by the rural society that lacks change, or, more accurately, a pre-modern or traditional society (Liang, 1999). The 'Ruled by Confucianism' paradigm is a political model that is recognized by the society in China's rural politics and conforms to the rural political operation (X. Zhao, 2012).

The main body of the 'Ruled by Confucianism' paradigm in traditional Chinese politics is rural elite (X. Zhao, 2012). The rural elite refer to the wise person who has virtues, talents and reputation and is deeply respected by the local people. In traditional times, they were recognized as people who lived in the countryside, had noble virtues and always made contributions to rural public affairs (X. Wang, 2014). Rooted in and based on the rural society, rural elites deeply learn Confucian culture and dominate the local values with it, they moralize the villagers, and were bound up in rural public services (L. Zhao, 2017). At the same time, they coordinate and communicate with local governments on behalf of villagers to maintain and influence the order of rural society (D. Chen, 2016). In traditional Chinese society, the central government only can achieve the purpose of state control if through rural elites, and villagers also rely on rural elites to express their interests to the government. Once

there is conflict between national interests and local interests, rural elites are the important mediators (X. Zhang, 2016). Rural elites connect the imperial bureaucracy with the countryside and play a dual role: on the one hand, they seek profits for the local area; on the other hand, they act as the local agent of the imperial government (X. Wang, 2014). Fei (1998a), a Chinese sociologist, called this phenomenon of top-down bureaucratic Ruled by the central government and bottom-up autonomy by gentry groups during the imperial period a “double pathway” power structure (Fei, 1998a).

Rural elites are neither officers nor the common people (J. Zhang, 2000). As a matter of fact, it is a special class and cultural phenomenon of the subject of rural grass-roots governance due to Chinese traditional governance thoughts and cultural traditions (Y. Zhang, 2015). Traditional China is basically unified, and the grass-roots level of Chinese society is particularly large. The power coverage of rulers is restricted by many objective factors, such as technical and administrative conditions, therefore, China formed a tradition that the administration does not extend into the countryside (Xinsheng Yang, 2010). However, this tradition prevents the power of the state from reaching directly to the countryside. There must be a special class between the government and the people to fill the gap and connect (Di & Zhong, 2014). This class must be competent enough to help the government achieve its goals, and public opinion and requirement also needs to be conveyed upward to the government (Fei, 1998b). Under this circumstance, rural elite gradually developed into a special grass-roots administrative stratum that is neither official nor civilian and became the subject of rural governance.

## 1.2 Statement of Research Problem

With the transformation of modern Chinese society, new features have emerged in rural society, as a result, the rule of Confucianism gradually collapsed and the rule of law began to take shape (X. Xu, 2005). In 1949, the founding of the People's Republic of China fundamentally changed rural social relations (Xiang, 2009). The Land Reform Law of the People's Republic of China enacted in 1950, the people's commune system and a series of ideological campaigns in the 1950s and

1960s had a greater impact on the primary order of rural society (Xiang, 2009). In addition, the development of commodity economy, the improvement of technical level and the dissemination of western thoughts have all had a certain impact on rural society (Y. Xu, 2009). During this period, the rural society not only retained the characteristics of the Confucianism order to some extent, but also showed a new trend of turning to the legal order (Liang, 1997). In 1978, China began to implement the Reform and Opening Up, the situation is completely different. The mode of production and the way of life in the countryside changed greatly, traditional interpersonal relationships and social patterns have been more impacted, new social stratification emerged among rural people (Y. Wang & Wang, 2009). As a result, the traditional rural Confucianism order went further and spontaneously towards collapse, and the binding force of the Ruled by Confucianism gradually weakened. Meanwhile, national laws were more and more widely infiltrated into it, and the legal order began to take shape (L. Wang, 2015).

However, “Ruled by Confucianism” and “Ruled by law”, two completely different social orders and governance models born from completely different cultures, histories and logicity have erupted into intense conflicts in the process of China's rural social transformation, which may be an extremely complicated and lengthy process (X. Xu, 2005). The establishment of contemporary Chinese law originates from the imitation and transplantation of western legal system. Western law is a system built on the assumption of the identity of rational person, but the cultural tradition of Chinese countryside is based on interpersonal communication and Rule of Confucianism. The simple imitation of western rule of law did not adapt to traditional Chinese rural culture, which led to the possibility of conflict (C. Tian, 2001). A lot of practical life experience and field investigation show that China's efforts in rural legal system construction are far from successful, and the modernization process of rural legal system in China still has a long way to go (F. Bian & Wang, 2010).

There are deep reasons for the difficulty in establishing the legal system in China's rural areas. Most of China's modern laws are the product of large-scale transplantation of foreign laws (Bai, 1998). Although the rules are thoughtfully imposed by the state on the society, they are obviously a set of unfamiliar knowledge and rules for the majority of rural residents. In many cases, the contents of these legal

provisions are not consistent with the life logic of rural society, so that they cannot meet the needs of farmers or solve their problems in many aspects (W. Ren & Huang, 2009). In addition, the law, as a code of conduct formulated by the special organ of the state and implemented by the state, is the overall expression of the interests of the people throughout the country. It embodies the national interest, which is the macro interest rather than the micro interest. Therefore, it is impossible to fully and completely reflect the interests of various places (F. Bian, 2010). Especially for the vast rural society in China, there are not many laws that are truly practical and targeted to solve specific problems in rural society (D. Zhang, 1996). At the same time, compared with the overall literacy and knowledge level of farmers, the language expression of some legal content is too obscure, and it is difficult for farmers to grasp and apply (Y. Chen, 2007). In addition to the higher operating costs of the law, rural residents naturally avoid it. The above factors inevitably lead to local people's rejection of the law, and further affect the process of modernization of rural legal system (Fei, 1998b).

Many problems appear in this “Confucianism to law” transformation process (X. Xu, 2005). In fact, the legalization process of China's rural grass-roots society is to implant on a political and legal structure completely unfamiliar to local residents on the basis of the traditional Chinese society that has followed the rule of Confucianism for thousands of years (Di & Zhong, 2014). However, as long as the transformation of rural society is not thoroughly completed, the concept of Confucianism and old ways are still deeply rooted in the thoughts and behaviors of rural residents (Qu, 2003). This is often incompatible with the laws introduced by the western society, making the new legal system unable to effectively implement at all. Moreover, the deep confrontation between the legal system and traditional Confucianism greatly reduces the performance of the system (Gao, Zhang, & Chen, 2015). Far from being effective in upholding justice, the law may, under certain circumstances, degenerate into a shield of injustice, a dependency of power and violence. This deep conflict further deepened the value anomie and moral crisis in the process of transformation (Fei, 1998b).

Rural elite, the main part of rural grass-roots social governance for thousands of years, has once again become the focus of attention of the government and scholars in this context. In order to complete the transformation of rural grass-roots society in China as soon as possible and establish a new rural social order, the Chinese government and academia began to seek an effective way to integrate the traditional rule of Confucianism with the modern rule of law. High hopes were placed on rural elite.

The traditional rural elite existed almost throughout Chinese history until the modern times, when the peasant revolution ceased it to exist (Guo, 2016). The rural elite first appeared in the Qin and Han dynasties (221-220 BC), experienced rapid development in the Tang and Song dynasties (618-1279), and finally reached its peak in the Ming and Qing dynasties (1368-1911) (Dong, Cheng et al. 2018). With the opium war in 1840 as the dividing line, China fell into a turbulent one hundred years, and the original social order and political system collapsed rapidly. The invasion of foreign forces and modern civilization had a great impact on the original traditional order of China, leading to social unrest, continuous wars, serious loss of rural elite groups, resulting in the failure of rural governance and the destitution of rural society (Zulan Xu, 2011). During this period, the communist party of China began to lead the revolution of workers and peasants, and achieved great success. The peasant revolution completely reversed the rural power structure, and rural elite became a historical term (J. Ren, 2016).

Although the traditional rural elite and its culture disappeared in China in the middle of the 20th century, with the continuous development of the society, the “new rural elite” with modern characteristics emerged. The problems and difficulties of rural governance stimulated the awakening and return of rural elite culture (G. Yang & Zhu, 2006). In the process of China's Reform and Opening-up, the rural residents who got rich first had rural elite consciousness and began to take the initiative to participate in the rural construction (Lang, Zhang, & Xiao, 2017). They not only contributed to the local infrastructure construction and helped the local education development; a considerable number of them also were willing to directly participate in the rural public administration and began to have requirements on the political power. In fact, they had become the “new rural elite” (He, 2015). Chinese government

and academia have gradually realized that in the new era, the traditional rural political order and the rural autonomy model with rural elite as the main part of governance are of great value for solving the current rural governance problems and establishing the new order.

In recent years, many local governments in China have made practical explorations in advocating the return of rural elites and giving full play to the value and role of new rural elites in rural governance (C. Li & Zhang, 2018). New rural elite is a new group that has both the modern characteristics and the social functions of the traditional rural elite (N. Li, 2017). For its significant role and potential in current rural governance, new rural elites themselves, government and academia have reached a certain degree of consensus. In some areas, a good situation of tripartite linkage and joint efforts has been formed (Ji & Hu, 2016). Yunfu city of Guangdong province, Xinji city of Hebei province, Shaoxing city of Zhejiang province and other places adopted the methods such as promulgating decrees, establishing rural elite's council and establishing the public welfare fund of rural elites to made practical exploration on new rural elites governance model. They obtained rich practical experience and theoretical results.

### **1.3 Research Gaps and Research Questions**

At present, the academic research on the new rural elite is mainly concentrated in the economically developed areas in east China (such as Guangdong and Zhejiang), but the exploration on the participation of new rural elites in governance in the underdeveloped western region has not received extensive attention (Cai, Hu, & Zhou, 2016). China has a vast territory. The eastern and western regions are quite different in economy, culture, society and other aspects. The theoretical exploration of the new rural elite governance model based on the practical experience in western China will play an important role in helping the revitalization and development of rural areas in western China. Therefore, this study chooses the practical exploration of Chongqing in western China as the research topic to explore the new rural elite governance mode, and attempts to clarify how Chongqing solves the conflict of Confucianism and law in rural governance through new rural elites.

Rural Elite Mediation House in Yongchuan, Chongqing won the Best-Case Award and Excellent Case Award for innovative social governance in China, and was selected as one of the 10 best cases in China in 2018. It is by far the most successful case of new rural elites participating in governance in western China (Ding & Zhang, 2018).

However, academic research on this case is still a blank. There is no systematic research on the organization of Rural Elite Mediation House, Rural Elite Mediators as its core, and how they solve the Confucianism-Law conflict in rural society. To outsiders, as an organization that has been established specifically to solve the Confucianism-Law conflict, Rural Elite Mediation House is mysterious.

Therefore, this study developed an exploratory study from these three perspectives of organization, individuals and cases. Centering on these following three research questions, this study attempted to make a preliminary panoramic description and exploration of research problem:

RQ 1: As an organization, what are established reasons, purposes, functions, conflict mediation procedure and relations with local residents and government of “Rural Elite Mediation House”?

RQ 2: As individual who participated in the governance, what are authoritative sources, motivation and the personnel management of Chongqing new rural elite (Rural Elite Mediator of Rural Elite Mediation House)?

RQ 3: What are cases about the Confucianism-Law conflict and how new rural elite take action on solving them?

#### **1.4 Research Objectives**

Firstly, this study attempts to explore what causes the establishment of Rural Elite Mediation House and clarify the ultimate purpose and specific functions of it as an organization. Rural Elite Mediation House takes mediation as daily work, and the researcher will study the specific steps of its mediation process. At the same time, this study will find out the relationship between Rural Elite Mediation House, as an organization dedicated to local social governance, and the local people and government.

Secondly, this study attempts to explore the reasons why local people are willing to obey and respect Rural Elite Mediator, that is, authoritative sources of Rural Elite Mediator as the core of Rural Elite Mediation House. The researcher will clarify the motivation of Rural Elite Mediator as new rural elite to participate in governance from a personal perspective. In addition, the researcher will make clear the way of personnel management from the aspects of selection mechanism, evaluation mechanism and so on.

Finally, the researcher will study the conflicts of rule by Confucianism and rule by law in the local society. The types and causes of these conflicts will be explored. At the same time, this study will also figure out how new rural elites solve cases of the Confucianism-Law conflict.

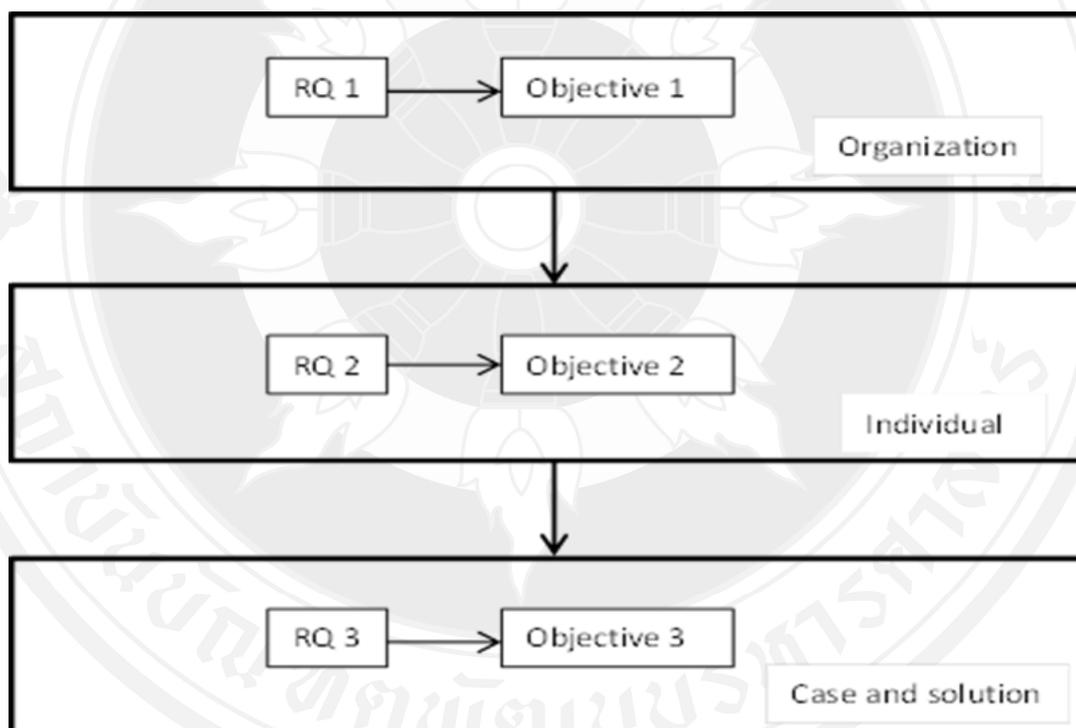


Figure 1.1 Framework

The Figure 1 shows the relationship between research objectives and research questions. As mentioned above, RQ 1 corresponds to Objective 1, focusing on the organizational perspective (Rural Elite Mediation House). RQ 2 corresponds to Objective 2, focusing on the personal perspective (Rural Elite Mediator). RQ 3 corresponds to Objective 3 and focuses on cases of Confucianism-Law conflict and solutions from new rural elite.

### **1.5 Contributions**

For the society, this study will provide recommendations for solving the problems of rural social governance and alleviating the conflicts of Confucianism and law in rural society. It will conducive to fully excavating and giving full play to the power of the new rural elite, helping them effectively maintain the stability of rural social order, release the vitality of rural society, improve production efficiency and social atmosphere.

For the government, this study will provide policy recommendations for China's rural transformation and governance, enrich the choices of rural governance mode, help the government explores the path of new rural elites to participate in the governance in rural transformation, and have important practical significance for realizing local government governance innovation and building a social governance pattern shared by all people.

For the academia, this study will help expand the application scope of rural elite governance model, deepening the understanding of new rural elite, promote new rural elite as the main social forces to participate in China's rural governance. Especially in the context of China vigorously promoting the modernization of national governance, this study will provide more theoretical support for the modernization of Chinese rural governance and ideas for related research, and will be advantageous to the construction of rural governance theory with Chinese characteristics.

## CHAPTER 2

### LITERATURE REVIEW

#### 2.1 Confucianism and Ruled by Confucianism

Confucianism is the core concept of Chinese culture. It is the order of traditional Chinese civilization and a cultural system that covers almost everything (J. Tian, 2014). Modern western scholars once translated Confucianism to Rite when translating *The Book of Confucianism*, one of the thirteen scriptures of China. Later, Confucianism was translated into words such as “Ceremony”, “Etiquette” and “Regulations”. Hongming Gu, a great scholar who has a thorough knowledge of both western and traditional Chinese culture, strongly opposed the translation of Confucianism into Rite, believed that Art should be more accurate (C. Wu, 1999). When Hongming Gu talks about Art, he does not just mean art, but a larger range of humanities. The original meaning of Art is the humanity opposite to nature, with the connotation of human culture and civilization. However, the concept of western philosophy behind the English word Art is the separation of nature and man, and refers to the humanity opposite to nature. But the philosophical concept behind Confucianism in China is the unity of man and nature, which is totally different. Therefore, strictly speaking, because of the different cultural backgrounds between China and the west, there is no word in English that can be completely translated from Confucianism. However, Hongming Gu translated Confucianism into Art and understood it as humanity, which is much more profound than Rite, ceremony and so on. This study will discuss Confucianism, the core concept of Chinese culture, in detail in the following paragraphs.

### 2.1.1 The Origin of Confucianism

As for the origin of Confucianism, Shen Xu and Duan (1998) said in *Shuo Wen Jie Zi*: “Confucianism means to serve the gods so as to get blessings from the gods”. Yucai Duan made the following remarks: “Confucianism have five classics, the most important of which is sacrifice” (Shen Xu & Duan, 1998). G. Wang (2003) combined with the study of ancient Chinese characters to further clarify the meaning of Confucianism: Confucianism originally meant to worship gods with two strings of jade in a vessel, then it was extended to sacrifice gods with wine, and later it referred to all sacrifices to gods as Confucianism (G. Wang, 2003). It can be seen from the previous investigation on Confucianism's meaning that the original meaning of Confucianism was closely related to the worship of gods.

In the long-term sacrificial activities, a relatively fixed set of rituals and concepts gradually formed, which was the earliest Confucianism (Xiangkui Yang, 1986). According to the prehistoric archaeology research, the etiquette form originated in the late Paleolithic age, flourishing in the entire Neolithic age. However, Chinese writing came into being in the late Neolithic age, so it can be seen that Confucianism originated before writing (Pei, 1987). After writing was produced and used to record the cultural information of The Times, with the development of productivity, the ancestors believed that ordinary food was no longer enough to express their respect to the gods, so they put precious jade in the food container and offered it to the gods. This led to the later generations of offerings more and more solemn, but the vessels holding jade strings still came from eating utensils, which exactly reflects the track of this historical evolution (Gong & Wang, 2000). The original Confucianism reflects people's desire for material wealth in the primitive society. This can be proved by the harvest dance on the original pottery painting and the ceremony of offering blessings to the gods which are common in all nations of the world (K. Wu, 1989). Various rituals and norms in sacrificial activities (that is, Confucianism in the early stage) gradually gained prominent status and were integrated with the customs and habits of daily life, so that they were widely spread and observed and became the main content of ancient Chinese society. After hundreds or even thousands of years of development, during the Zhou dynasty (1046b.c.--

256b.c.), Confucianism has become a set of unique social order and cultural concepts covering all aspects of production and daily life (J. Tian, 2014).

### **2.1.2 The Concept of Confucianism**

What exactly is Confucianism? Scholars give different answers to this question. Qian (1999) believed that Confucianism was a living habit and way of life of the noble class in ancient China. This habit and way of life include religious, political and ethical meanings, and the more important the latter aspects are (Qian, 1999). Jin pointed out that Confucianism is the code of conduct for human beings (J. Jin, 1996). According to Zhiqin Liu, Confucianism has multiple meanings, including politeness, ceremony and ethics (Liu, 1998). Qianqian Wu discussed the connotation of Confucianism from its origin. She pointed out that Confucianism's original meaning is to sacrifice to god. Later, it was extended to the code of conduct and moral standards for regulating social order, integrating ideology, politics and culture, including the meanings of rites, customs, courtesy, ceremony and ethics (Q. Wu, 2009). From the perspective of philology and lexicology, Xuhe Ruan summarized the connotation of Confucianism into six aspects: offering sacrifices to god, etiquette, rite, social ethics, gifts and courtesy (Ruan, 2007). Yougen Hua deems that “Confucianism is the norm of people's activities, a kind of social superstructure and an ideology (Hua, 1998). Zhongjian Lin pointed out that “Confucianism is a unique cultural phenomenon in Chinese society. It is the ancient patriarchal clan system, the moral code of people's activities and the superstructure of society (Lin, 2005). There is another viewpoint that defines the connotation of Confucianism from both broad and narrow perspectives (Shiyuan Xu & Wang, 2008). Shiyuan Xu and Wang (2008) concluded: “In a narrow sense, Confucianism refers to the code of conduct that people must follow; In a broad sense, Confucianism includes moral principles and cultural norms in all aspects of social life.”

To sum up, we can draw the following concept:

Confucianism is a set of behavioral norms, norms and moral evaluation system which is obtained in order to achieve a harmonious social order. It is a systematic summary of the knowledge formed by the accumulation of social production and life experience in the long-term development of Chinese society for effectively cope with the social group life.

### **2.1.3 The evolution of Confucianism**

Fundamentally, Confucianism is the concentrated expression of people's life style in ancient China (W. Wang, 2017). With the development of the society, people's lifestyle is bound to change, and Confucianism will be endowed with new contents due to constant changes. Since entering the class society, the coordination of human social relations has become increasingly important, Confucianism in ancient society has been added more and more new contents, and Confucianism of Xia and Confucianism of Yin are further development based on the gains and losses of ancient Confucianism (Qiao, 2012). The transition from Yin (1300b.c.-1046b.c.) to Zhou (1046b.c.-771b.c.) marked the beginning of the transition from theocracy to humanism in ancient Chinese politics, and Confucianism also showed obvious changes. If the Confucianism of Yin system was a system of respecting gods and ghosts, then the Confucianism of Zhou system was a system of rites that put ghosts and gods in vain and paid attention to the hierarchical order of the real world. Through complex rituals and fixed styles, sequences and systems, it stipulates the rules that people must abide by in all fields of social life (Feng, 1994). Obviously, Confucianism, which has been consciously processed and transformed by people, is more and more far away from the original intention of Confucianism in the ancient society. It is gradually politicized and legalized and closely connected with the real political and social life, and has become the basic norm for adjusting and maintaining the blood relationship order of the noble society and the political order of the state. It was during the Zhou dynasty (1046b.c.-771b.c.) that the patriarchal clan system was closely integrated with political rule, it has complete regulations and achieved expected results. The political system of Zhou dynasty was a close combination of patriarchal clan system and enfeoffment system, which is the combination of the

hierarchical structure of 'blood relationship - patriarchal clan' and the organizational system of 'politics - enfeoffment'. Confucianism of Zhou was an institutional norm that connected the enfeoffment system with the patriarchal clan system (Zhongming Xu & Ren, 2007).

The completeness and systematization of Confucianism of Zhou adapted to the new social environment and met the needs of the ruling class, especially the ethics of "being harmonious and respectful" (in Chinese it called "Qinqin" and "Zunzun"), which became the two pillars of the "patriarchal clan" state in ancient China (Tang, 2008). The so-called "being harmonious" ("Qinqin") is to judge the right and wrong of things with the blood relationship as the scale and guide people's own statements and actions, consciously maintain blood relationship and parental authority, filial piety parents, respect ancestors. The so-called "being respectful" ("Zunzun") refers to respect and obedience to people with higher social status, which requires people to give up their own opinions and obey their superiors unconditionally when taking actions or judging things (R. Zhu, 1996). In this way, Confucianism, whose origin was related to family sacrificial activities, became the norm of national political and social order. Family ethics have also become the content of national political life. Therefore, under the principle of "being harmonious and respectful" ("Qinqin and Zunzun"), everyone can find their own position in the family and the society, so as to carry out the Confucianism norms according to their position and the corresponding etiquette (W. Wang, 2017). There is no doubt that Confucianism has acquired the nature of etiquette, morality and law since the Zhou dynasty (1046b.c.-771b.c.), and has become a powerful tool for rulers to safeguard their own interests and strengthen social management (R. Zhu, 1996).

In the pre-Qin period (770b.c.-221b.c.), Confucianism of Zhou, as a norm to maintain the political and social order of "being harmonious and respectful", gradually collapsed. The phenomenon of violating Confucianism and exceeding the system in the society is also on the rise, and people's psychological concept of Confucianism has become increasingly weak (C. Chen, 2004). Due to the collapse of slave owner aristocratic regime and enfeoff system in the Zhou dynasty (1046b.c.-771b.c.) and the lack of systematic moral foundation, Confucianism lost the internal and external conditions for its existence and development. As a result, Confucianism

of Zhou could no longer meet the changing social requirements and needed new reform and development (Mei, 2003). In the face of Confucianism's crisis, representatives of the ruling class in the pre-Qin period (770b.c.-221b.c.) all actively thought about and explored Confucianism, thus a trend of Rule of Confucianism thought emerged. During this period, Confucianism was further recognized in terms of function, and the relationship between morality and Confucianism and its significance was also elucidated. In the development of Confucianism, Confucius made important contributions and regarded Confucianism as the core content of Confucianism. Confucius put forward the proposition of "benevolence", incorporated "benevolence" into Confucianism, interpreted Confucianism with "benevolence", and revealed the inner spirit contained in Confucianism, which was easy for people to accept and practice (S. Li, 1994). Meanwhile, Confucianism was explained by benevolence, which broke through the Confucianism of Zhou based on blood relationship and pushed Confucianism to the lower level of society. Confucianism has become an object that everyone can learn from. "if one day restrains oneself, the world will return to benevolence" (Confucius, 2006). The theory of benevolence and Confucianism of Confucius enabled Confucianism to complete the construction of social order from the outside to the inside and from the inside to the outside, so as to cultivate the people. That is to say, "guide the people with morality and assimilate them with Confucianism, and the people will have the sense of shame" (Confucius, 2006). After that, Confucianism further philosophized through the development of Mencius and established it on the basis of the theory of human nature. Mencius put forward the theory of "benevolent government", which changed humanistic spirit of Confucianism to people oriented. The moral norms and constraints of Confucianism turned to politics, that is, the governance mode of the so-called "sageliness within and kingliness without" (Mei, 2003).

In the Han dynasty (202b.c.-220), as Confucianism became the state ideology, Confucianism became the main content of the official ruling ideology, Confucianism's education system, mode of dissemination and management were gradually improved. Since then, Confucianism began to spread and penetrate the whole society, becoming an indispensable part of Chinese society and culture for thousands of years (Lin, 2007).

#### **2.1.4 Confucianism's Core Role**

According to the Confucian theory, the core role of Confucianism lies in the definition of hierarchical order (Bai, 2000). Confucianism holds that the hierarchy of human society is unalterable principle (Luo, 2014). In terms of the scope of the family, there are natural differences between people according to seniority, age, gender and blood-distance, and thus there are grades of seniority, closeness and so on. It determines people's status and behavior in the family. In terms of the scope of the whole society, there are differences between people according to talent, morality and wisdom, and so on. The latter classification is not natural and fixed, but variable (Lin, 2007). In the early Confucian concept, a person's social status is consistent with his talent, morality and wisdom. Those with talent and virtue should have a higher social status and enjoy a higher material benefit. The higher the virtue, the better the status and enjoyment (Wang, 2017). This is of course an idealized assumption of Confucianism, but it is an unshakable belief of Confucianism, and it is also the goal of them. According to Confucianism, only such a society with distinct differences and definite hierarchies is fair and reasonable. Everyone has his own status and rank, and there is a corresponding code of conduct. Society is orderly and harmonious, which is the ideal social order of Confucianism (Bai, 2006).

#### **2.1.5 Institutionalization of Confucianism**

The hierarchical differences highlighted by Confucianism were gradually fixed through institutionalization, and the hierarchical order was further confirmed, strengthened and maintained with the help of the system, which was the so-called "Confucianism system" (Bai, 1998). Confucianism's marking of people's status makes people's hierarchy clear and definite, thus connecting all members of the society together, forming a hierarchical sequence from low to high (Bai, 1998). In this rank sequence, people with high social status are respected by people with low social status, at the same time, they must respect people with higher social status than themselves. Everyone must step by step, thus forming a social order with hierarchical system as the essential content (Bai, 2000). In the eyes of Confucian scholars, under the standard of Confucianism, each member of the society has clearly defined his or her own position in a strict hierarchy, acting as a specific social role. Society will

naturally be orderly, harmonious, and stable, if people stand on their own place, fulfil their own duties and enjoy their own rights without any disorder. Confucianism firmly believes that the social ideal of stability, order and harmony, namely “supreme peace”, can only be achieved through the way of “Ruled by Confucianism” (Hou, 2001). These descriptions obviously have a great idealization, but they have been realized to a certain extent and in a certain area. The reason why ancient Chinese dynasties, especially those grand dynasties, can last for hundreds of years is inseparable from the normative force and maintenance of social order by rules of Confucianism (Bian and Zhu, 2005).

### **2.1.6 The concept of “Ruled by Confucianism”**

“Ruled by Confucianism” means “governing the state by Confucianism”, which in a broad sense includes the theory of rites, etiquette, laws, ceremonies, courtesies and regulations (Luo, 2014). As for the interpretation of the meaning of “Confucianism”, Yang's point of view should undoubtedly be paid attention to: “The so-called 'Ruled by Confucianism', simply put, is to maintain and coordinate the human relations and hierarchical relations through “rites”, “etiquette”, “ritual implements” and other contents and means, so as to achieve social stability and solid governance (Yang, 2001). Yang further refined the connotation of Confucianism, enriched the content and methods of “Ruled by Confucianism”, and no longer had a single purpose. However, there seems to be a lack of attention to the realization mechanism and principles of the rule of Confucianism. Li revealed the process, mode, goal and nature of the concept of Ruled by Confucianism (Li, 2007): “According to the habitual or conventional view, it is to govern the state according to the principles and values of Confucianism. The rule of Confucianism is a strategy of governing the country, a political value orientation, a harmonious society ideal and an orderly social condition. From the perspective of academic theory, Ruled by Confucianism includes the theory of Confucianism and the system of Confucianism, which is more reflected in practice.” Xu and Wang believe that Ruled by Confucianism includes Confucianism ethics and Confucianism system. They further put forward (Xu & Wang, 2008): “Confucianism ethics' refers to the ethics and customs established through cultivation. Its function is to maintain ideology and achieve the goal of

improving people's mind. 'Confucianism system' refers to various specific and clear and operable systems established according to "Confucianism", also including legal systems. The combination of "Confucianism system" and "Confucianism ethics' constitutes 'Ruled by Confucianism' in a complete sense." Lin discussed the connotation of Ruled by Confucianism from the dimension of broader sense (Lin, 2007): "In a broad sense, 'Ruled by Confucianism' includes the rule of morality, filial piety, literature, political thought, ethical value, ideology, and the construction of the system of etiquette and law."

This paper tends to adopt Guo's definition of 'Ruled by Confucianism' (Guo, 2015):

The so-called "Ruled by Confucianism", in a word, means to achieve the purpose of governance through Confucianism. Specifically, it refers to the process of governance based on the relevant objects, according to the system of rites, etiquette, ethics, ritual implements, and ceremonies, etc., through the mechanism of the realization of Confucianism and following the principles of corresponding Confucianism, so as to finally achieve the orderly effect of the Confucian ideal.

### **2.1.7 The Implementation Mechanism of "Ruled by Confucianism"**

Shaping people's moral consciousness through cultivation to achieve the effect of governance is the internal mechanism for the realization of the Ruled by Confucianism (Lv, 2010). Confucius advocated the theory of original goodness of human nature, that is, all people have a good nature, as long as through education and cultivation can help and guide people to do good deeds. Confucius believed that a politician could cultivate and educate the public with morality and bring them to the standard of Confucianism, so as to cultivate the public's sense of shame and make them communicate with and cooperate with the political leaders voluntarily (Confucius, 2006). The difference between having the sense of shame and not having it is self-conscious and voluntary. There is a big difference between not doing something because you're forced to do it or be afraid of punishment, and not doing it because you're willing. Through the cultivation of the Ruled by Confucianism, a kind of affinity relationship was established between the government officials and the people, so that the people could voluntarily obey the government orders and abide by

the rules, which was the ideal society of the rule of Confucianism in the Confucian mind (Hou, 2001). The function of Confucianism is not only to provide some behavioral norms for people to maintain social order, but also to enlighten people through these external norms, cultivate people's inner rational consciousness and moral mind, and finally improve their moral quality and state (Qian, 2002). In the long-term influence of moral cultivation, people gradually adapt to and get used to it, and eventually form moral consciousness through unconsciously influence (Chen, 2007). The Ruled by Confucianism is realized through the function of moral cultivation (Zhao, 2012). The effect of moral education is imperceptible and imperceptible. When the moral state is elevated to a certain height, people's behavior will change from the external constraint of Confucianism to the internal moral consciousness, from heteronomy to self-discipline, and from “what I have to do” to “what I want to do” (Bai, 2000). When one reaches such a moral state, his heart will be highly free, and his behavior is naturally consistent with Confucianism. Confucius said that one should follow one's heart's desire without exceeding the rules when he was seventy, and Mencius said: “acting out of benevolence and righteousness” rather than “doing benevolence and righteousness”, which is all about this state and effect.

#### **2.1.8 The Modern Value of “Ruled by Confucianism”**

From the perspective of modern science, the reasonable factor and value of the rule of Confucianism lies in that it provides people with a series of codes of conduct different from the legal system. Moreover, by observing these norms, rules of Confucianism can play a role of cultivation, improve people's moral taste and ideological realm, make people consciously maintain social order, actively build harmonious interpersonal relations and good social atmosphere, and thus form a virtuous circle (Zhao, 2012). The Ruled by Confucianism has a unique value that cannot be replaced by the rule of law. It focuses on the long-term, sets out from the positive, and makes efforts in the depth of people's minds (Liang, 1999). If such a social mechanism can operate normally, it has practical significance that cannot be ignored for maintaining a good social order and improving the moral and civilized quality of the whole society, and for comprehensive social governance in any era and any country (Zhang, 2002). Therefore, as far as its reasonable factors are concerned,

the traditional thought of the Ruled by Confucianism is not only the important cultural heritage of the Chinese nation, but also the common ideological resources of all mankind.

### **2.1.9 The Emergence of Rural Elites**

The main body of the 'Ruled by Confucianism' paradigm in traditional Chinese politics is rural elite (Zhao, 2012). Traditional China is basically unified, and the grass-roots level of Chinese society is particularly large. The power coverage of rulers is restricted by many objective factors, such as technical and administrative conditions, so they advocate the rule of doing nothing and make the people autonomous (Yang, 2010). Therefore, China formed a tradition that imperial power extended only to the county level. County is the lowest administrative unit in the establishment of state administrative power (Di & Zhong, 2014). Until today, the administrative structure of the Chinese government is still set up only to the county level. However, this tradition made the power of the state only reach the county level government, to reach the countryside, there must be a special class between the government and the people to fill the gap and connect. Public opinion also needs to be conveyed upward, so that the central government's orders can be implemented (Fei, 1998). Therefore, under the decisive influence of sage worship and Confucianism culture, China's rural grass-roots governance has created a special governing subject class and cultural phenomenon--rural elite.

### **2.1.10 Definition of Rural Elite**

The term "rural elite" was coined in the Han dynasty (202b.c.-220) and refers to people who are respected by the local people for their morality, wisdom and capacity. It is a title given by the state to virtuous officials who make contributions or to social sages who make great contributions to the society and become an example for villagers (Qian and Ma, 2016). Rural elite is a group, they are a social force rooted in the fertile soil of the countryside. Although there are differences in the standards and qualifications recognized by different regional cultures, they must be those who have noble virtue in the village, are respected by the public, and have made contributions to the public services in the village (Wang, 2014). In traditional Chinese

society, rural elites are local learned scholars and wise people, as well as moral models that can be seen, remembered and deeply impressed by people, as well as spiritual idols with kindness, affinity and kinship, so they are highly respected by the villagers (Yang, 2017). The people who become rural elite include officials, reclusive scholars, rich businessmen and venerable patriarchs, as well as outstanding contributory talents (Yang, 2018). They generally hold the position of leader or paternalist in the village and devote themselves to local educational, financial and other public affairs (Li and Zhang, 2018). In the long process of Chinese history, rural elites are a key link in the traditional Chinese social structure. They maintain the order and stability of rural society with their noble personality, profound knowledge and prominent reputation. They promote the development and construction of rural society and ethos with their cohesion, influence and charisma (Li, 2016). It can be said that rural elites are the stabilizer of rural governance, the glue between local and central government, and the booster of rural construction (Zhang, 2018).

To sum up, this study defines rural elite as those who are respected within a certain region, have outstanding abilities and are committed to local political, economic, social and cultural public welfare undertakings, and make contributions to the local area.

Rural elite culture is the crystallization of the wisdom and experience of Chinese rural traditional culture. China's history of several thousand years is actually a history of the formation and development of agricultural civilization. In such a long historical process, it contains rich experience of production and daily life in rural society, and also accumulates wisdom of governance to maintain and stabilize rural order (Shu, 2018). It is in this rich rural social soil that rural elite culture sprouted and grew up. "Rural elite" is the concentrated representative and embodiment of rural elite culture. It is not only a product of feudal farming culture, but also a group born and raised in this country (Yang, 2010).

### **2.1.11 Origin and Evolution of Rural Elites**

The history of rural elite is almost as long as that of China. In the primitive society, “sages” with higher ages and prestige in the clan tribes were responsible for educating their people and imparting experience (Hu, 2016). This practice of simplicity provided effective ideas for the feudal rulers to govern at the grass-roots level and stabilize the society. That is, people with intelligence, ability and morality in a certain region and group should be used to summon, lead and educate others, and conclude a set of value system and governance model in line with the farming society (Li, 2017). In Qin and Han dynasties, the “three elders in the countryside” system was a relatively systematic prototype of elite village governance (Deng & Chen, 2016). The “three elders” are selected directly from the common people. They are elderly, have a certain degree of cultural knowledge and political opinions, are good at personal cultivation, have appeal to the people in the local area and are accepted by the forces of the township. They are responsible for verifying and mediating civil disputes, cultivating villagers, levying taxes and conscription, guiding public opinion, investigating and soliciting “township elections” and conducting public security inspection. Their political identity is between officials and citizens (Hu & Gao, 2017). In different historical periods since then, rural elite groups have different titles, such as bureaucrat, scholastic, gentry and so on. However, its personnel composition and connotation characteristics are basically similar: retired officials, scholars living in the countryside, rich landowners and businessmen, poor but virtuous people, experienced elders in the clan, ambitious and enthusiastic young people and so on. These people with different classes, different status and different financial situation can be members of rural elite group (Yang, 2010).

However, since modern times, rural elite gradually declined and disappeared. In the first half of the 20th century, China fell into a long period of war and social unrest. The rural society was seriously eroded, and a large number of outstanding talents who had been retained in the countryside were lost, and the villagers who should have returned to the countryside to play a leading role were also uprooted (Fei, 2012). At the same time, the long-term war led to the loss of the national Treasury, and the country urgently needed to penetrate the power into the countryside to make up for the lack of tax revenue. At this time, “new local authority” gradually became

the village leader (Deng & Chen 2016). “New local authority” comes from the grant of state power, and its authority is separated from the interests of local society. A large number of rural virtuous people withdraw from the leadership, and rural society is actually dominated by local despots and bad gentry (Du, 2010). After the founding of the People's Republic of China, it attacked the family and ethical standard of traditional society through the force of the state, including the transformation of private life initiated in the period of collectivization, and gradually turned farmers into atomized citizens (Yan, 2006). In this process, the excessive expansion of state power destroyed non-governmental organizations and various self-organizing forces, which made rural elite disappear and led to the “atomization” of social members (Hu, 2016).

#### **2.1.12 Source of Authoritative Legitimacy of Rural Elite**

The authority legitimacy of rural elites comes from the recognition of local people (Hu, 2015). In traditional Chinese rural society, the authoritative status of rural elite group in local society involves wealth, degree and public identity, among which the most critical is public identity, which is acquired by individuals participating in the actual actions of local communities (Hu & Gao 2017). Therefore, the traditional society emphasizes the legitimacy of rural elite group to obtain authority, that is, it requires them to have the responsibility consciousness and moral code of taking the initiative to take care of and protect the local society. This is because their power base is constructed based on local common interests rather than being inherited or granted by the government (Zhang, 2000). Therefore, rural elite groups must safeguard local interests and maintain rural order if they want to be approved by local society. So, as the leader of a township or a village, rural elites not only be required a certain level of education and economic foundation, but more importantly, moral quality, namely, following the requirements of the code of Confucianism and emphasizing dedication (Zhang, 2005).

### **2.1.13 Core Characteristics of Rural Elite**

People with different classes, different status and different financial situation can be members of rural elite group, and the key lies in their common core characteristics to become rural elite (Bai & Zhang, 2016).

First, regionalism and the intimate connection with the countryside are the premise and foundation for rural elite to govern the countryside (Liu & Lu 2015). Rural elites are members of the rural society born and raised here, and also the agent of state power in the countryside. “Only living in the country, you can sincerely talk about and serve the country”. Only when they “in the countryside”, they can really understand the needs of the villagers and solve the difficulties of the villagers. They built roads and bridges, set up schools, educated the villagers and relieve the people in disaster. They did these things not only for the local interests, but also for their own reputation.

Second, prestige and charisma, which are the mass basis for rural elites to govern their villages, while virtue is the premise of all these (Wang, 2014). The prestige of rural elite among the villagers is not the mandatory control of the local, but their adherence to the local moral concept system, thus gaining the endogenous recognition and support of the villagers based on their value identification, and establishing the universal appeal and authority (Zhang, 2016).

Third, it is also about the emotion and feelings. Rural areas are the support and root system of China's five-thousand-year civilization. Chinese rural society takes clan theory as the core and geographical relationship as the main axis to form the interpersonal relationship network and differential sequence pattern (Gao, Zhang et al., 2015). The village is both their origin and their way home. Rural elites generally have the moral feelings and behavior characteristics that are highly respected by the local people. The cultural and moral appeal contained in their minds and behavior plays an important role in the inheritance of local civilization, the education of villagers, and the harmony and stability of rural society (Zhang, 2016).

#### **2.1.14 Role of Rural Elites**

As an important link between the government and the villagers, rural elites play an irreplaceable role in maintaining the stability and development of rural society (Wang, 2018).

In terms of politics, rural elites play a leading role in ensuring the penetration and execution of government orders in rural society (Wang, 2014). The decrees of the ruling clique, however they were transmitted, had to be made known to the people by rural elites if they were to spread through rural society. The authorities only need to inform rural elites of the policies and decrees, and they are responsible for the implementation and publicity to the villagers (Zhang, 2015). In addition, rural elites also act as political leaders or spokespersons of rural society (Li, 2018). Rural residents' obedience or resistance to government orders and taxes should first be reported to rural elites, followed their opinions and win approval, and then reflect public opinions to the government via rural elites (Qian & Ma, 2016). Therefore, this class is the bridge between the ruler and the peasants, and once it relaxes or dissolves, there will be disorder in rural social politics (Yang, 2018).

In terms of economy, rural elites control the economic interests of rural areas by leasing land, and hold the production factors of rural economy by taking the lead to build canals and roads, etc. They also stabilize local society by donating disaster relief, relieve the pressure of the government, and maintain economic relations with villagers and the government (Wang, 2014).

In terms of culture, rural elites enjoy a high cultural status (Qiu, 2016). They maintain the order of Confucianism through moral cultivation, and promote the Confucian ethics to be internalized into a belief and code of conduct of the villagers (Hu & Gao, 2017). Meanwhile, rural elites are also responsible for setting up schools, developing local education and local culture (Guo, 2016).

Rural elites also need to develop public welfare undertakings of local society (Li, 2017). The public welfare undertakings in rural areas mainly include water conservancy, road and bridge construction, grain storage and disaster relief. In China's traditional rural society, the completion of these public welfare undertakings mainly depends on the strength of local distinguished families and rural elites (Qiu, 2016).

### **2.1.15 Reasons for the Return of Rural Elite**

As mentioned above, at present, Chinese rural society is caught in the fierce conflict between the legal order and the order of Confucianism, which leads to the dilemma of rural social governance. Therefore, it is particularly urgent to rebuild and improve the rural social governance system, which provides possible space for the “return of rural elites” and the participation of new rural elites in rural governance (Li & Zhang, 2018).

There are deep reasons for it. Under the impact of urbanization, rural China has undergone great changes, and many villages are in a state of disintegration and termination (Li, 2015). However, “traditional villages, which account for the majority of the rural areas in China, will neither develop rapidly nor decline rapidly in the future” (He, 2015). On the whole, China's villages are still “acquaintance societies”. The structure of traditional society has not completely collapsed, and the intricate interpersonal communication, family relations and neighborhood relations maintained by blood ties still widely exist in the villages (Fu, 2016). As mentioned above, rural elite was born and deeply rooted in the traditional rural society, and the characteristics of rural society endowed rural elite with the effectiveness and prestige of governing the village. Even though the “form” of the current rural society is different from the feudal rural society, the “entity” of the two are still highly overlapping. The traditional rural society structure has not completely disappeared, and the interpersonal relationship based on region, blood relationship and kinship is still the main melody of rural society (Ji & Hu 2016). Therefore, rural elites still play an indispensable role in maintaining social justice and social order, coordinating social conflicts, improving rural life and moral cultivation (Geng & Xi 2017). Based on this interpersonal relationship, rural elite group has acquired the rationality of rural governance. The new rural elite governance can be described as an autonomous mode based on China's rural reality and conforming to the current rural characteristics (Liu, 2016).

### **2.1.16 Definition of New Rural Elite**

At present, there is no clear academic definition for the new rural elite, and different scholars view the connotation of rural elite from different perspective. However, they all agree that new rural elite is the inheritance and development of the traditional rural elite, and the connotation and the group included are also relatively broad. For example, Peng, Zhou and Wu believes that contemporary rural elites cover a wide range, and their actions and words can arouse the resonance of villagers and inspire the good thoughts of the masses. Such positive and influential model groups are all new rural elites (Peng, Wu et al., 2019). Chunhua Zhang considers that new rural elites, different from the traditional squire class with fame and status, are era elites who have achieved success in the construction of society with Chinese characteristics, including local rural elites, the extraneous rural elites who support the construction of their hometown, and the extraneous rural elites who enter village (Zhang, 2018). Qian and Ma believe that new village elite has three meanings, namely, value guidance and leading practice, dedication and cohesion of villagers (Qian & Ma 2016). Zhaocheng Zhang listed characteristics of traditional rural elite and new rural elite respectively, and believed that new rural elite, in addition to being regional and having a high social reputation, possessed the characteristics of being civilian, mastering advanced culture, adhering to mainstream values, modern moral concepts and legal consciousness (Zhang, 2016). Yang deems that new rural elites have a strong spirit of local dedication, and they leave the countryside and return home with their experience, knowledge and expertise to participate in the current rural construction (Yang, 2016).

Based on the existing research, this study defines new rural elite as wise people who go out of the countryside and return to the countryside, and participate in current rural construction and governance with their own experience, knowledge, expertise, skills, wealth, cultural accomplishment and moral strength.

### **2.1.17 Differences between New Rural Elite and Traditional Rural Elite**

The new rural elite is born out of the traditional squire, and their differences are mainly reflected in two aspects: On the one hand, new rural elites are generated in the new environment (Li, 2018). Traditional rural elites are based on a closed and static rural society, while new rural elites are generated in a fast-moving market economic environment (Qian & Ma, 2016).

On the other hand, the space and mechanism of participation in governance are different (Zhang, 2016). The traditional rural society does not attach much importance to the national law and contract. Therefore, conflicts and disputes in rural society mainly rely on authoritative rural elites to mediate according to Confucian ethics and traditional village rules, which provides soil for the governance of the country squire (Ji & Shi 2018). In the autonomous rural space, rural elites can balance the interests of all parties according to his own authority and his familiarity with the rural rules, mediate (or even suppress) conflicts and disputes, maintain the stability of the rural order, and satisfy the villagers' pursuit of a sense of order (Wang, 2018). The background of new rural elite governance is the plight of rural governance. The conflict between Confucianism order and legal order, the hollowing out of rural society, the collapse of moral order, and the sense of powerlessness of grassroots government in meeting the needs of rural social development (such as social security and order maintenance, etc.) provide possible space for new rural elites to participate in rural governance (Lang, Zhang et al., 2017). When the state promotes the participation of new rural elites in rural governance, it further expands the space for new rural elites to conduct rural governance and gives them legitimacy (Yan, 2016). Most new rural elites live in rural areas and have been embedded in the social network of rural areas. They are members of the rural community. Therefore, the authority and action accepted by the villagers provide the possibility for the community integration of the new rural elite. In addition, it drives the rural economic development and organizes public welfare undertakings, which further meets the needs of the villagers, so as to unite the villagers, rebuild the rural social relations and carry out community integration (Zhang & Zhang, 2018). Therefore, in different social space environments, the differences in governance mechanisms are mainly

reflected in the following: traditional rural elites maintain social stability by providing protection and mediating disputes, while new rural elites mainly carry out community integration, restore social relations and rebuild rural society (Zhang, 2016).

Table 2.1 Differences between Traditional Rural Elite and New Rural Elite

	<b>Traditional Rural Elite</b>	<b>New Rural Elite</b>
<b>Generated Environment</b>	<b>Closed and Static Rural Society</b>	<b>Fast-Moving Market Economic Environment</b>
The space of participation in governance.	Conflicts and disputes in rural society mainly rely on authoritative rural elites to mediate according to Confucian ethics and traditional village rules, which provide soil for the governance of the country squire.	The conflict between LI order and legal order, the hollowing out of rural society, the collapse of moral order, and the sense of powerlessness of grassroots government in meeting the needs of rural social development (such as social security and order maintenance, etc.) provide possible space for new rural elites to participate in rural governance.
The mechanism of participation in governance.	Maintain social stability by providing protection and mediating disputes.	Mainly carry out community integration, restore social relations and rebuild rural society.

### **2.1.18 Participation and Shortcoming**

From the current practice of the participation of new rural elites in rural governance in China, there are three modes of participation. The first took the form of rural elite counselor to participate in the rural governance, represented by Deqing county, Zhejiang province. Rural elite counselor will be established under the leadership of the grass-roots government and accept government's guidance, independence is not strong. It's main task is to help the government, increase the democracy of decision, equivalent to a government think tank (Lang, Zhang et al., 2017). The second is to participate in rural governance by means of rural elite council,

represented by Qingyuan city of Guangdong province. The rural elite council is relatively independent, and its functions are different from the government. It mainly undertakes tasks such as social integration and social charity, rural cultural protection, and assistance in investment promotion, and indirectly supervises the government power. It has authority competition relationship with the grassroots government, and forms the competition and cooperation of dual power (Cai, Hu et al., 2016). The third is the informal social organization to participate in rural governance, with Yongxing county in Hunan province represented by Huang village. They are not authorized by the government and exist in the form of informal social organizations, with relatively single goals, small number of participants, weak strength and unstable organization, and tend to target rural education or infrastructure construction and rural charity (Geng & Xi, 2017).

However, on the whole, the current research on new rural elite governance is still in the initial stage, lacking systematicness and many deficiencies, resulting in the lack of effective theoretical guidance in the practice of new rural elite governance in China, slow action, serious formalism and poor results. These shortcomings are embodied in two aspects: on the one hand, the difference between the new rural elite in different areas is not studied. Due to different levels of economic development, location and local population mobility, there are great differences in the quantity, quality and composition of new rural elites in different regions, which directly affect the choice of governance mode and governance objectives of new rural elites in these regions. On the other hand, there is insufficient research on the difference of rural social structure in different areas. Due to historical, climatic, geographical and other factors, rural China presents different social structure characteristics, which form different power structures and require different governance methods. Therefore, the theoretical and practical exploration of the new rural elite governance model must not be divorced from the specific local conditions, or it will easily lead to the separation of theory and practice.

## 2.2 Confucianism-Law Conflict in Chinese Rural Society

### 2.2.1 Characteristics of Chinese Traditional Rural Society

Generally speaking, the traditional rural society in China refers to the villages that Chinese people live in. The main occupation of rural residents is farming. They live in villages with land as their basic means of production and living (Wang, 2008). This kind of self-sufficient mode of production and lifestyle is the logical starting point to understand the basic characteristics of traditional Chinese rural society.

Xiaotong Fei analyzed the social structure of the traditional Chinese countryside, expounded its characteristics of “rural”, and answered the important question of “what kind of society is the rural society as a grass-roots society in China” (Fei, 1998). Specifically, from the perspective of the performance of rural society, it is a society without strangers, living in villages as a unit. From the formation of rural society, it is immobile. It is precisely because of the non-mobility that rural society can be formed and continues to develop. From the perspective of the content embodied in rural society, it is a society governed by Confucianism. The whole social order is maintained not by the law embodied as “power outside oneself”, but by Confucianism embodied as “conscience inside oneself”. Through long-term cultivation, these customs are internalized into habits from external rules, so that villagers have a “sense of awe” for them, and adopt and accept them from the heart, that is to say, “following the customs means following the heart”.

On this point, Zhiping Liang once made the following statement: “In such a society, the social order is mainly guaranteed by the authority and cultivation of the elderly, as well as the villagers' familiarity with the rules in the community and their adherence to traditional habits.” (Liang, 1997). In general, Chinese traditional rural society is governed by Confucianism and habits based on familiarity. Its social order is maintained not by laws that reflect the spirit of contract, but by traditional Confucianism that play a role based on “internal introspection” (Ren & Huang, 2009). As a socially recognized code of conduct, through generations of education, the community members form the habit of actively obeying the tradition and constantly

reduplicate themselves, thus maintaining the stability of the whole rural society (Fei, 1998).

In Chinese traditional rural society, on the basis of generations of inheritance, many customs and habits have a great constraint on people's thinking and behavior. This binding force relies not on the power of the state, but on the strength of tradition and certain psychological beliefs. Depending on the strength of these traditions and beliefs, as well as emotional factors, customs and habits have greater stability and inheritance (Wang, 2015). Customs are the reflection of people's inner psychological structure and human relations and social principles. They are closely related to daily life, have moral and ethical values and cultural values, and have great tenacity and durability in controlling social functions (Ji & Hu, 2016). Among the customs, Confucianism and laws in feudal times, traditional customs were the most stable and controlled the society for the longest time. Feudal rulers in the past dynasties tend to make use of traditional customs to strengthen the control of the society (Bian & Wang, 2010). In the ancestor worship activities held, the solemn and mysterious atmosphere will make people have feelings and psychological state of gratitude, respect and awe for their ancestors, which will then transform into a spiritual force to promote people's self-control. People will strictly follow the precepts of the ancestors, afraid of deviant, otherwise is to fall short of the moral character of the ancestors, disgrace the reputation of the whole family.

### **2.2.2 New Rural Society**

With the transformation of modern Chinese society, a series of new features appeared in rural society. Since the end of the 19th century, although China's rural social commodity economy has developed to a certain extent, there are also a few farmers went into the city for work or business. However, compared with cities, the change of rural society is very slow, and the little change of rural production, lifestyle, and economy and interest relationship has not broken its closure. Correspondingly, the ethical characteristics of the rural community and the Confucianism order formed on this basis have not changed fundamentally (Chen, 2018). After 1912, with the establishment of the republic of China, the state power went to the countryside on a large scale to break the long-standing situation that the central power did not extend

beyond the county level (Luo, 2008). At the same time when the political power organizations extended to the grass-roots villages, the law enforcement agencies were set up accordingly and gained a relatively independent status, thus beginning the process of “law going to the countryside”. However, just as the “government power going to the countryside” in the republic of China did not achieve actual results due to its failure to transform the rural foundation, the “law going to the countryside” in the republic of China period also had little effect (Xu, 2009). It can be said that during this period, China was in the process of “transformation from rural society”, and the rural social order was a “multifold mixed order” composed of the country's “legal order”, “Confucianism and law order”, “moral order”, “human-ruled order” and “patriarchal order” (Liu, 1998). According to Fei, although theoretically speaking, the change of Chinese society has made the Confucianism order lose its economic foundation (Fei, 1998). Only by carrying out the new judicial system can “destroy the original tradition of rural society and make China embark on the road of modernization”, but in fact, the new judicial system makes “those people who are not allowed to abide by rural ethics find a new safeguard”, which objectively brings about a new injustice. Fei believes that “the current judicial system has a special side effect in the countryside, which destroys the original Confucianism order, but cannot effectively establish the rule of law” (Fei, 1998).

In the 1980s, China began to carry out the reform and opening-up, and great changes took place in rural social production and way of life. In particular, the rural reform with industrialization, marketization, urbanization and the citizenization of farmers as its main content in the past 30 years has resulted in qualitative changes and a series of new features in today's rural society compared with traditional Chinese rural society (Bian & Wang, 2010).

For this reason, Chinese scholar Xuefeng He proposed the concept of “new rural society”. Specifically, “new rural society” presents the following characteristics (He, 2003): first, as the dominant relationship of traditional rural society, the combination of blood and geography is affected. In the new rural society, driven by industry and other industries, people's mobility was strengthened, and farmers began to leave their families, land and blood relationship to engage in production. Secondly, the stratification of farmers leads to the breakthrough of the pattern of difference

sequence. The difference order pattern of rural society is based on the human relations, and there is only hierarchy without equality in interpersonal relations, which is opposite to the equal status required by the development of market economy. When farmers enter the market, they must adapt to the commodity trade based on equal status, which indirectly encourages them to break the hierarchical order of human relations and divide social strata according to the standard of market economy. In the new rural society, with the accumulation of wealth and identity change, farmers with new social stratification gradually change the traditional pattern of differential order. Third, interpersonal communication is no longer limited to the acquaintance society recognized by the local villages, and social relations begin to develop to the villages and a wider range. The commercialization of agricultural production, the entry of farmers into cities, the rise of small towns, and the promotion of market economy have all promoted the integration of rural and urban areas, and accelerated the pace of rural urbanization. But at the same time, it also brought to a certain extent trust and indifference and other issues.

### **2.2.3 The Traditional Rule of Confucianism Gradually Weakened**

People's choice of social order patterns depends on their practical effectiveness in coping with social life (Wang, 2016). In traditional rural Chinese society, the reason why the rule of Confucianism is the main or even the only means to maintain social order lies in the slow change of rural society, and the traditional experience and relationship are enough to cope with the little change of daily life (Luo, 2019). In case of conflicts and disputes, elders and patriarchs with high prestige in the community often come forward to adjust and ease the situation based on the relationship between the family and the neighbors, and pay attention to mutual tolerance so as to achieve reconciliation and maintain order and stability (Zheng, 1997). In the traditional rural society, the farmer does not exist as an individual, but as a member of the whole. With the transition from traditional rural society to new rural society, the binding force of the original Confucianism order has weakened (Zhao, 2017):

First, the spirit embodied in the new rural society is different from the past. Although there are still a lot of content about Confucianism in the new rural society, few of them take Confucianism as the spiritual core and directly advocate

Confucianism and code of conduct about Confucianism, as in the traditional rural society. Most of them exist in a traditional way, like habits, and often have new interpretations. For example, care for parents is defined as a virtue rather than the old “filial piety” (Bai & Wei, 2018). Second, the control range of Ruled by Confucianism has been reduced. Compared with the traditional rural society, the control scope of Confucianism for the daily life of villagers in the new rural society is significantly reduced (Huang, 2005). For example, nostalgic provincialism of the traditional rural society often restricts people's mobility and going out, while the new rural society does not. For another example, the traditional rural society mostly stipulates that the marriage of young people should rely on the words of matchmaking, which is effective. However, many young people in modern rural areas fall in love freely. Third, the intensity of the control of the rule of Confucianism is obviously reduced. In the traditional rural society, Confucianism is mainly observed by people consciously, but there are also many mandatory means and punishment measures. In the new rural society, the mandatory means of Confucianism are obviously weakened, and the punishment means are relatively simple, most of them are economic means. The binding force on people has been greatly reduced compared with the past (Dong & Guo, 2017). Fourth, the authority of the Ruled by Confucianism declined. In the traditional rural society, the rule of Confucianism is always the highest authority, and many affairs and disputes are finally decided by it. However, in the new rural society, the rule of Confucianism has lost its authority in at least some villages (Bian, 2010).

#### **2.2.4 Difficulty to Establish Modern Legal Order in China's Rural Society**

With the development, the social system and elite structure on which the society of Ruled by Confucianism originally depended began to fall apart. Due to the expansion of administrative power and the weakening and loss of traditional cultural authority, the Confucianism system of rural China began to collapse (Li, 2004). The disintegration of Ruled by Confucianism and the shift to a new “Ruled by law” order is a great challenge faced by the countryside, but also accompanied by pains that cannot be ignored. A lot of problems gradually appear in the process of such

transformation. The old methods can no longer provide solutions, and the new standards are unable to provide good and fair solutions either (Chen, 2007).

Although the rule of law has been established as an important goal of China's modernization and national governance, the implementation of the rule of law in rural areas is still not optimistic. The establishment of the rule of law in rural society has encountered various practical difficulties, among which the most prominent one is how to deal with the relationship between traditional rule of Confucianism and modern rule of law, and give the farmers the justice they accept (Wang, 2015).

Li Su once took a case of a court accepting loans from rural areas as an example and put forward the question “why should the law be applied to rural areas”, believing that “advocating judicial application to rural areas and sending the law to rural areas are related to the weakness of state power in China's rural society” (Su, 2011). In this case, as the symbol of state power, the external nature of the judicial personnel makes it difficult for the state power to obtain a local foundation, so the state power operation must adopt certain strategies. In this case, the threat that the borrower “will be subpoenaed to the court in the town” to make him “shameful” in the countryside was not a threat at all in the legal sense, but became a terrible threat in the local rural context. In other words, in rural society, laws can be transformed into recognized and complied social life rules only when they are consistent with the ethical values recognized by the village community. On the other hand, the laws will “become a meaningless shell” due to the rejection and resistance of moral forces.

Bian mentioned another case (Bian, 2010). Mr. and Mrs. Zhang and Mrs. Liu, the elder sister of Mrs. Zhang, went by car together in the evening from the county seat to the home in a village. The car was driven by Mr. Zhang, but as it was dark, the car hit a large van parked on the side of the road, causing Mrs. Liu's death on the spot, Mr. Zhang and Mrs. Zhang were slightly injured. After the incident, the traffic bureau did the investigation on the scene and made the traffic accident liability report, determined that the van owner assume 40 percent responsibility, Mr. Zhang assume 60 percent responsibility, namely the main responsibility. Mr. Liu, the husband of Mrs. Liu, wants to Sue Mr. Zhang to the court, asking Mr. Zhang to assume civil liability for compensation. Mr. Zhang tried to talk to Mr. Liu, but Mr. Liu refused to answer the phone because he was too sad.

In this case, Mr. Liu, as Mr. Zhang's brother-in-law, wants to Sue Mr. Zhang. This is perhaps the most common thing in the United States, which has a tradition of "litigious". Even in the modern urban society of China, such plaintiffs and defendants would not violate any public order and customs. The plaintiff will not be accused by relatives and friends for this, because it is his legal right. However, in the new rural society with transitional characteristics, such a decision is still not an appropriate choice. Because if Mr. Liu sues, people around him will accuse him, "who would want that to happen?", "Mr. Zhang and his wife were also victims.", "Your wife picked up a ride of her own accord, and you shouldn't Sue him if you have an accident.", "Why bother to go to court when such unfortunate things have happened to the family?" and so on. Admittedly, in our opinion, even though Mr. Zhang is not primarily responsible in this case, he bears certain civil liability for the dead, and Mr. Liu's prosecution is reasonable and legal. But in the rural society, most people think that this is an accident, although the loss of life brought a lot of pain to the family, but since it happened, people can only accept it. If he sues his brother-in-law for this, he will be callous, indifferent and unreasonable, contrary to the Confucianism people have been following in their hearts. It is often considered appropriate that when something happens and both litigants are grieving, the tort-feasor will take the initiative to bring gifts and a sum of money to the victim's family, offering the sincerest apology and compensation that can be made. Usually, the other litigant will accept it and have nothing to say. A kinder and more forgiving person would, after the grief of losing a loved one has eased, make a courtesy visit to the injured person of litigant who did the wrong things.

Fei mentioned the troubles of a judge (Fei, 1998). A man wounded an adulterer who was having an affair with his wife. In the countryside, this is justified, even in ancient times, according to the Confucianism, the wife and adulterer will be executed. But according to modern law, they are not criminal, let alone there is no evidence. But assault and made people injured is criminal. The judge was puzzled: how could he decide? He knew that if it were a good countryman, he would never come to court for bad deeds. These scums of community, with a little knowledge of the law, do wrong things in the country, and the law has to protect him. This case once caused a great dispute in the local area, the villagers did not understand why the

law would protect the bad guys, but convicted the wronged good people. In fact, this is likely to happen in most rural areas. The current judicial system has a very special side effect in Chinese countryside, it destroyed the original order of Ruled by Confucianism, but cannot effectively establish the law order. The rule of law cannot be established by the enactment of several articles of law and the establishment of several tribunals. More importantly, it depends on how people use them. Further, there must be a change in social structure and ideology. If there is no reform in these areas and the law and courts are merely introduced into the countryside, the benefits of the rule of law and order will not be realized, while the evils that undermine the rule of Confucianism will have already occurred.

There is a great conflict between the order of Confucianism and the order of law in Chinese rural society. Chinese law is transplanted and imitated from western law. Western law is an institutionalism established as a rational person, while Chinese folk cultural tradition is based on human feelings and rule of Confucianism (Xu, 2005). The Ruled by Confucianism is the basic spiritual core of Chinese traditional political culture. It is not only the intersection of the thoughts of “the rule of man”, “the rule of virtue” and “the rule of law” in Chinese tradition, but also the integration of the political thoughts of the three schools of Confucianism, Chinese legalism and Taoism. The rule of Confucianism matured with the establishment of Xunzi theory, and was practiced and developed in the two-thousand-year history of autocracy in China after the Han dynasty (Zhang, 2002). Different from the development course of the Ruled by Confucianism in China, the basic spiritual rule of law of traditional western political culture germinated in ancient times, developed rapidly in modern times, and matured in the 19th century (Chen, 2007). The western rule of law is sharp opposition and widely divergent with Chinese traditional rule of Confucianism from the form to the connotation. If the degree of rule of law is taken as the coordinate axis, traditional China constitutes its negative limit, while modern western countries constitute its positive limit. As for other civilizations in the world, they are just in their proper places in between (Yu, 1989).

China in transition, especially rural society, actually faces the collision of two kinds of meaning and order system. The western rule of law, as a strong force, has extended to the local areas of China, trying to establish a universal rule of law. However, conflicts and confrontations between universal legal system and local human relations, human feelings, ethics, customs and habits will often occur in reality (Wang & Wang 2009). The gap between the two meaning systems, as well as the conflicts and contradictions brought by these gaps, has become an inevitable problem in the grass-roots governance of rural society in China (Peng, 2015).

### **2.2.5 Forms of the Confucianism-Law Conflict**

In the new rural society, the conflicts and contradictions between the traditional rule of Confucianism and the modern rule of law are mainly reflected in the following aspects: first, the forced entry of the rule of law causes the rule of Confucianism to be severely squeezed (Wang, 2002). The most important characteristic of the modernization process of China's legal system is that a large number of laws and their enforcement forces force their way into the rural society and use the legal order constructed by the legislature in all areas of society (Dong, 2005). However, farmers' understanding of the law is different from the modern legal spirit contained in the law itself (Xu, 2005). The rule of law is backed by the coercive force of the state, while the rule of Confucianism is based on public recognition. The two have been in a state of seesawing for a long time (Bian & Wang, 2010). When there is a conflict between the rule of Confucianism and the rule of law, the authority of the law is strengthened because of the huge difference between the implementation power of the Ruled by Confucianism and the Ruled by law (Wang, 2015). In a certain period of "sending law to the countryside", even though the rule of Confucianism which has positive significance to the rural social life has been weakened obviously, after the law "returning to the city", the original rule of Confucianism has quietly emerged, only changing a way of existence. Here, villagers seem to see an "impromptu show" of law (Hui & Dun, 2013). However, the folk authority that villagers have believed for generations and based on which the rural social order is constructed has been nearly destroyed, leaving an order vacuum that cannot be filled in a short time (Wang, 2002).

Second, the rule of law has been neglected and crude Confucianism prevails. It is impossible for laws to cover all aspects of rural social life through legal provisions, just like what rule of Confucianism did. So its omissions and defects reserve certain space for the development of Confucianism (Zeng & Ma, 2003). Even within the scope covered by the law, there are some rules of the order of Confucianism on a specific level. In these specific rules, some of them are bad habits that clearly violate the provisions of the law. However, because it is recognized by most ordinary villagers, it still exists and plays an important role (Shi & Ye, 1997). For example, in terms of marriage, many rural areas in China still have abuses such as marriage by capture, arranged marriage, mercenary marriage and so on, and even women do not have the right of inheritance. This is obviously different from the principle and provisions of equality between men and women, monogamy and freedom of marriage in the national marriage law, which is not allowed by the law.

Third, the rule of Confucianism replaces the Ruled by law. In the new rural society, when disputes occur, some litigants, after calculating and comparing the benefits and costs, resort to the means of Confucianism to resolve disputes instead of seeking legal help (Ni, 2015). In this way, the Ruled by Confucianism replaces the core position of the Ruled by law in the process of dispute resolution, the authority of law is challenged, and some laws in conflict with the rule of Confucianism are virtually put on hold, especially the application rate of laws in inheritance, marriage and other aspects is low, making some laws just like a piece of paper in the minds of farmers (Wang & Wang, 2009). For example, in the process of handling a case, the judge will often say to the defendant, "It will be bad result if your case is judged according to the law. Mediation is good for you; you should accept this opinion." And say to the plaintiff, "you and the defendant are in the same village you are folks. Maybe someday you have to ask him for help. So, don't take it too seriously. Take steps backward and both of you will be good." In this way, cases that would have otherwise resulted from the application of law were dealt with in a coordinated manner by the two sides in the order of Confucianism. This kind of situation causes the litigants, especially the plaintiff, to get the result of judgement in accordance with the law when they bring a lawsuit to the court. However, under the influence of a series of factors, the final result is the compromise of both litigants. So, the dispute is

resolved, and perhaps most importantly, the relationship is basically back to where it was before the dispute. But in this process, the law is actually circumvented (Wang, 2015).

### **2.2.6 Causes of Confucianism-Law Conflict**

Scholars have also explored the causes of the conflict between the rule of Confucianism and the rule of law in rural society.

First, the survival space of the rule of law is squeezed by the survival of the order of Confucianism in rural society (Chen, 2007). Although the development of The Times has brought about great changes in rural society, villagers mainly rely on traditional “local knowledge”, namely traditional Confucianism, to deal with disputes between communities (Wang & Wang, 2009). Even though rural society is an environment where laws can't be generated, it is not chaotic and “lawless” due to the absence of laws. It still keeps relatively orderly under the maintenance of traditional Confucianism and customs, human relationships and habits (Shi & Ye, 1997). Due to the existence of traditional rule of Confucianism, people tend to resort to regional human relations and customs instead of directly resorting to national laws when dealing with conflicts and disputes. This squeezes the living space of the law to different degrees, making the law unable to “display its skills” in a larger scope, thus forming the phenomenon of absence of law in some fields (Bian & Wang, 2010).

Second, the formulation and implementation of laws are ahead of or behind rural social life (Xu, 2005). In the current social transformation period, China's legal system construction still has many flaws and shortcomings. Although laws are constantly improved and perfected in the process of implementation, there are still some blind drawbacks in the process of legislation. Either it is too advanced to adapt to the current real situation in rural areas, or the laws are lagging behind and cannot timely and quickly adapt to the changing rural social relations, which is not in line with the actual life of the vast rural society and cannot be recognized by farmers (Ni, 2015). The formulation and modification of laws must follow strict and tedious procedures. However, the relative rigidity and lag of laws cannot meet the needs of the ever-changing new rural society for laws to some extent (Bai, 1998). In the face of

new situations and problems, it is often difficult for laws to play a good regulatory role.

Third, the high cost of legal operation exceeds the farmers' ability to bear. An obvious embarrassment of the rule of law in the new rural society lies in the fact that law, as a way to maintain social order, has economic costs. This cost is undoubtedly a too high cost that cannot be borne for the income of the majority of farmers (Zhang, 2002). According to regulations of China Civil Procedure Law, litigant need to pay the case acceptance fee when applies for civil action, 50 yuan at least. In addition, there are appraisal fees, notice fees, witness fees, transportation fees, accommodation fees and high lawyer fees, as well as property preservation measures taken by the court which result in the loss of the disputed property due to the freezing and seizure cannot operate effectively. The economic cost of safeguarding rights and resolving disputes is undoubtedly huge, far beyond the tolerance range of farmers (Peng, 2015).

Fourthly, the lag of farmers' legal consciousness causes the absence of law. The so-called farmers' legal consciousness is the general term of farmers' thoughts, viewpoints, knowledge and psychology about legal phenomena, including their legal knowledge level, evaluation of current laws, views on social members and their legal rights and obligations, as well as legal requirements (Wang, 2000). In China's current rural society, most farmers' legal consciousness is only limited to the level of “who kills shall lost his own life, who owes shall pay for his debt”, and their grasp of legal knowledge is only limited to the traditional legacy. A lot of civil disputes, creditor's rights disputes, inheritance disputes, etc., are caused by the lack of required legal knowledge. When there is a dispute, many rural residents rarely think of using law to solve the problem (Wang, 2015).

## **2.3 Theories**

### **2.3.1 The Third Sector**

The earliest inventor of the concept of the “third sector” was American scholar Levitt in 1973 (Levitt, 1973). Levitt argues that the third sector is a third type of organization that is neither public nor private, neither a state institution nor a private enterprise (Levitt, 1973). He referred to such organizations as the third sector, which

sit between the government and the private sector and do what they are unwilling, unable and infrequent to do (Levitt, 1973). At present, the social organization referred to by the third sector is very complicated and its definition varies. In this paper, using Professor Salamon's definition, a third sector is defined as one that meets the five requirements of organizational, civil, non-profit, autonomous and voluntary (Salamon, 1981).

1) Formalization (Salamon, 1981). That is to say, it should have institutionalization to some extent. It is essential that third sector organizations have their own existing institutions. This means having a legal constitution for group, a degree of internal organizational structure, relatively fixed and continuous organizational goals, structures and activities, and meaningful organizational boundaries.

2) Civil nature: The third sector organization is completely composed and operated by the public. It is separate from the government, not part of government and not under its control, but it receives support from the government (Salamon, 1981).

3) Non-profit, third sector organizations do not give priority to obtaining profits (Salamon, 1981). Such organizations may also make profits, but they do not aim to make profits, and profits cannot be owned by owners and managers.

4) Autonomy. Organizations of the third sector can control their own activities, enjoy internal management procedures that are not subject to external control, and have certain autonomy (Salamon, 1981).

5) It should be voluntary. The third sector organizations should reflect a certain voluntary characteristics, whether the actual implementation of activities, or management of the organization's affairs have some degree of voluntary participation (Salamon, 1981).

### **2.3.2 Max Weber's Authoritative Theory**

The earliest systematic study of authority began with Max Weber (Weber, 1947). Weber made the distinction between power and authority for the first time, and in his view, power means any opportunity to enforce one's will in a social relationship, even in the face of opposition, no matter what the basis of such

opportunity is. Authority should be said to mean that orders are obeyed among those who can be marked (Weber, 1968). Obedience in this sense may be based on very different motives: from the vague conventionality to the rational consideration of pure ends. According to the different basis of obedience, authority can be divided into three types: legal authority, traditional authority and charismatic authority (Weber, 1968).

There are three socially accepted models of authority in human society: 1. Traditional authority, derived from traditional practices or inheritance (Weber, 1947). Its authority is based on a conviction of the sacredness of long-established traditions and of the legitimacy of those who exercise control according to them (Weber, 1968). 2. Charismatic authority, also known as the charismatic authority model (Weber, 1947). It comes from the worship and following of others. Its authority is based on devotion to and devotion to the transcendent, divine, heroic, or extraordinary qualities of the individual and the moral code or social order he inspires or enacts (Weber, 1968). 3. Statutory authority derives from reason, the power prescribed by law (Weber, 1947). Its authority is based on the conviction that decrees and regulations must be compatible with the law and that those exercising authority have the right to issue orders under those laws (Weber, 1968).

## **2.4 Theoretical Framework**

As mentioned above, the review of previous studies in this research helps to build a theoretical framework for this study and help the researcher to create interview and observation protocols during the data collection process.

Based on the literature review of Confucianism and the Confucianism-Law conflict, the researcher constructed interview and observation protocols on types, causes and solutions of the conflict between Confucianism and Law faced by the rural society in Chongqing. Previous studies on Confucianism from other scholars have helped the researcher form the concept and understanding of Confucianism and the Confucianism-Law conflict and guided the researcher to conduct targeted interviews and observations. The specific questions in the protocol are as follows: Have you ever encountered any problems of the Confucianism-Law conflict at work? What's the

problem? Can you be more specific? How did you solve it? What was the result? Are you satisfied with your solution and the results? What do you think influence your handling of Confucianism-Law conflict?

Based on the literature review of new rural elites and traditional rural elites, the researcher constructed interview and observation protocols on the functions of new rural elites, their motivation to participate in governance, their personnel management system, the process of conflict mediation, and the open questions about their relationship with local residents and the government. Previous studies on Chinese rural elites helped the researcher expand research perspectives and guided the researcher to conduct targeted interviews and observations on new rural elites. The specific questions in the protocol are as follows: What are its responsibilities? What business does it deal with? How they selected rural elite? What are the criteria? What is the selection process of rural elite intercessors that is the core of Rural Elite Mediation House? What ability does it take to become a Rural Elite Mediator? Is there any training for Rural Elite Mediators? How are Rural Elite Mediators assessed? Is there a fixed term of Rural Elite Mediator? How does Rural Elite Mediation House deal with daily affairs? Is there a fixed procedure? Who should supervise Rural Elite Mediation House? Why do you want to be rural elite? What made you become one? What kind of role do you think you play in dealing with affairs as new rural elite? What is your positioning? Do you have any experience in associate with Rural Elite Mediation House? What do you think of Rural Elite Mediation House? Are you satisfied with the work of Rural Elite Mediation House? Do you have any comments about it? Are you willing to ask for their help when you are in trouble? What do you think of Rural Elite Mediator? How do you reach for help from Elite mediator? What cases/situation? What is the relationship between the government and Rural Elite Mediation House? What is the government's attitude towards Rural Elite Mediation House? How are Rural Elite Mediators selected and trained? What is the functional scope of Rural Elite Mediators? What role does Rural Elite Mediators play? Are there any conflict between local government and elite? Any example? How often are Rural Elite Mediators evaluated? What is the staff composition of assessors? What are the assessment contents? How will the assessment be conducted? Are there any cases with unqualified assessment results?

What are causes of the disqualification? If assessment result is not qualified, what are the consequences for Rural Elite Mediation House and Rural Elite Mediator? What is the section process/criteria of assessors? How long for the assessor's term? Any suggestions for the improvement of assessment process?

Based on the literature review of authority source theory, the researcher constructed interview and observation protocols on the authoritative sources of Chongqing new rural elites, and conducted targeted interviews and observations on the authority source of new rural elites in Chongqing. The specific questions in the protocol are as follows: Where does its authority come from?

Based on the literature review of the third sector, the researcher constructed interview and observation protocols on the reasons for the establishment of Rural Elite Mediation House and its purpose and funds from the perspective of the organization. Previous studies of the third sector from other scholars led the researcher to construct a targeted interview and observation protocol. The specific questions in the protocol are as follows: In what context was Rural Elite Mediation House established? Why establish the Rural Elite Mediation House? What are its objectives? Who led the establishment of Rural Elite Mediation House?

## **CHAPTER 3**

### **METHODOLOGY**

#### **3.1 Research Method**

The purpose of this study is to explore the governance model of Chongqing new rural elites in the social context of Confucianism-Law conflict, preliminarily describe it from three perspectives of organization, individual and issues, and try to form a theoretical model of Yongchuan Rural Elite Mediation House for solving conflicts between Confucianism and law.

To accomplish this, the research was exploratory and used qualitative methods to answer the research questions. Qualitative methods can help provide insights when the research requires obtaining an understanding of individuals' interpretations and perceptions of their own experiences at a particular point in time and in a particular contextual setting (Merriam, 2002). This study not only describes the phenomenon of new rural elite participating in rural governance in Chongqing, but also constructs relevant theories based on the new rural elite governance model in the context of Confucianism and law conflict in China's rural areas. In essence, this study needs to deeply analyze and explore the governance participation experience and personal feelings of Chongqing's new rural elites under special background and environment.

#### **3.2 Research Sites and Research Participants (Target Population)**

##### **3.2.1 Chongqing and Yongchuan**

Chongqing, referred to as Ba or Yu, is located in the upper reaches of the Yangtze river in southwest China. Chongqing covers an area of about 82,400 square kilometers, of which 76% is mountain land. Chongqing is one of the municipalities directly under the central government of the People's Republic of China and one of

the national central cities. It is an economic, financial, trade and logistics, scientific and technological innovation and shipping center in the upper reaches of the Yangtze River. Chongqing is a municipality directly under the central government integrating large cities, large rural areas, large mountainous areas and large reservoir areas. According to the 2018 statistical yearbook of Chongqing (bureau & team 2018), by December 2018, Chongqing has 23 municipal districts, 11 counties, 4 autonomous counties, 216 streets, 622 towns and 190 townships. The permanent resident population of Chongqing is 31.0179 million, among which the rural population is 11.302 million, accounting for 34.50%. Its Gross National Product (GDP) was 2.236319 trillion RMB in 2018. The dual structure of “large city and large countryside coexist” in Chongqing is obviously representative in China, especially in the inland areas. As a central city in western China, Chongqing has made a lot of practical exploration and achieved certain results in rural grass-roots governance and rural elite culture construction. In 2018, “Rural Elite Mediation House” in district Yongchuan of Chongqing won the Best-Case Award and Excellent Case Award for innovative social governance in China, and was selected as one of the 10 best cases in China. Nowadays, “Rural Elite Mediation House” in Yongchuan has become a new model of local grass-roots governance and is being popularized throughout the city. Therefore, this study attempts to clarify how Chongqing solves the conflict of Confucianism and law in rural governance through new rural elites.



Figure 3.1 Chongqing's Location in China

Yongchuan district attached to the Chongqing municipality, located in the upper reaches of the Yangtze River, western Chongqing, it became a county in 776. Yongchuan is 55 km east of Chongqing core city and 276 km west of Chengdu, Sichuan. By 2017, Yongchuan district has jurisdiction over 16 towns and 7 streets, 55 neighborhood committees and 206 administrative villages, covering an area of 1,576 square kilometers. The permanent resident population is 1.120 million, including 624,000 in rural areas and 516,000 in urban areas. In 2017, Yongchuan district achieved a GDP of 70.45 billion RMB, of which the primary industry realized an added value of 5.71 billion RMB, the secondary industry realized an added value of 39.77 billion RMB, and the tertiary industry realized an added value of 24.97 billion RMB (Bureau and Statistics, 2018).



Figure 3.2 Yongchuan's Location in Chongqing

### 3.2.2 Rural Elite Mediation House and Rural Elite Mediators

The practice of new rural elite governance in Yongchuan district of Chongqing has achieved initial success and was selected as the “best case of innovative social governance in China” in 2018. Therefore, this study takes the practice of new rural elite governance in Yongchuan district as the main sample of the study and focuses on the research issues for exploration. This study will randomly select 10 samples from 1009 rural elites in Yongchuan district, interview them one by one and obtain first-hand data until theoretical saturation required by grounded research method is achieved.

In April 2015, Yongchuan district government launched the cultural construction of “new rural elite” and started the selection activity of “new rural elite” and selected 1,009 “new rural elite”. On this basis, 108 Rural Elite Mediators were selected from 1,009 rural elites in Yongchuan district in three years, and 108 Rural Elite Mediation Houses established with rural elite Mediators as the core.

These rural elite Mediators made remarkable achievements. By 2019, 108 Rural Elite Mediation Houses in rural areas of this region had carried out 1,325 Publicity activities to popularize the law, involving more than 120,000 people. Rural elite Mediators set up 56 patrols to protect communities, resolved 2,082 conflicts and disputes, and collected 1,837 public opinions.

To sum up, a total of 108 Rural Elite Mediators in Yongchuan district and the Rural Elite Mediation Houses established with them as the core and 1.120 million permanent residents in Yongchuan are the population of this study.

### **3.2.3 Sample Size**

The sampling strategy for these interviews was based on a combination of convenience sampling and purposive sampling. Convenience sampling, which is probably the least costly sampling strategy in terms of time, money, or effort, involves selecting interviewees based mainly on researcher accessibility (Marshall, 1996). Additionally, this study also used purposive sampling. This sampling technique, also known as judgment sampling, is a nonrandom technique that does not need an underlying theory or set number of interviewees (Tongco, 2007). Essentially, with purposive sampling, the researcher determines the information that the study must obtain, and then deliberately chooses who to interview based on the qualities, knowledge, and experiences of each individual interviewee (Tongco, 2007).

The criterial interviewees of Rural Elite Mediators are listed as follows: 1) The interviewees are rural elite Mediators. 2) The interviewees are familiar with the work of the “Rural Elite Mediation House” and have rich experience in participating in governance. 3) The geographical location and time arrangement make it convenient for interviewer to make interview appointments. 7 rural elite Mediators were chose for semi-structured interview.

The criterial interviewees of selected local government officers are listed as follows: 1) The interviewees are government officers who are familiar with local social situation. 2) The interviewees are familiar with Rural Elite Mediation House. 3) The interviewees have rich experience in working with Rural Elite Mediators. A total of 3 local government officers were chose for 1 focus group interview.

10 local residents were selected to participate in 2 focus group interviews (1 group of 5 people) by randomly sampling.

The criteria interviewees of selected Rural Elite Mediators are listed as follows: 1) interviewees are or have been assessors of Rural Elite Mediators. 2) Interviewees understand the evaluation process, criteria and results of Rural Elite Mediators. A total of 3 assessors of Rural Elite Mediators were chosen for 1 focus group interview.

### **3.3 Procedure of Data Collection, Interview Protocol and Observation Protocol**

#### **3.3.1 Interview Protocol and Observation Protocol**

Maxwell stated that conducting interviews in qualitative research allows the researcher to gather data about the perceptions and reflections of interviewees according to a specific contextual setting (Maxwell, 2012). Creating the right interview protocol allows a researcher to elicit perceptions that cannot be obtained through direct observation (Patton, 2002). For this study, the interview protocol was a standardized, systematic, yet flexible instrument composed of open-ended, semi-structured interview questions (with both pre-determined and spontaneous probing questions) that focused mainly on specific events and factors associated with the central topic of this study. This type of an interview approach is consistent with Maxwell's view of qualitative interviews, and produced information that addressed the study's research questions and objectives.

The semi-structured nature of the interview protocol allowed me to maintain an appropriate degree of consistency across all interviews, while providing the flexibility to adjust portions of the interview for discussions on topics. It is important to note that I designed the interview protocol around critical incidents that the interviewee actually experienced about Rural Elite Mediation House. To ensure that the interview protocol worked as intended, I designed it based on the key themes obtained from the literature review and focused on the research questions of this study. There are 22 open questions in the interview protocol for the one-on-one semi-structured interviews with Rural Elite Mediators. Interview protocols for focus group

interviews with local people and local government officials have 6 open questions each. There are 9 open questions in the interview protocol for the assessor's focus group interview. These open questions can slightly be modified according to the specific interview situation and the respondents' responses. Questions are showed in Appendix B.

The researcher also designed and developed observation protocol based on key items obtained in the literature review. The researcher decided to set 2 Rural Elite Mediation Houses as the observation sites, and the researcher was the observer. The study sites were chosen on the basis of the need to observe Rural Elite Mediation House's daily activities and the convenience of observation. The observation lasted for seven hours, during which the researcher collected data as a complete observer. The main individuals or groups observed were local people who sought help from Rural Elite Mediation House, Rural Elite Mediators of Rural Elite Mediation Houses, and other participants in the mediation meeting (staffs of Residents Committee). The observation mainly included the functions of Rural Elite Mediation House, the relationship between Rural Elite Mediation House and local residents, how Rural Elite Mediation House solved the conflict between Confucianism and law, and the mediation process of Rural Elite Mediation House's contradictions. Observation protocol is showed in Appendix C.

### **3.3.2 Data Collection**

The main data collection methods used in this study are semi-structured interview, focus group interview, observation and secondary data.

Semi-structured interview is conducted on the relevant parties of typical cases to collect research data and obtain first-hand information. New research problems, concepts and categories can often be generated from in-depth communication with the research objects (Berg, 2003). In the process of research, this paper conducted a large number of interviews with selected new rural elites. During the interview, the author pre-set the interview outline and always maintained the attitude of a participant, listened to and paying attention to the issues concerned by the objects, avoided any preconceived guidance and tips, and mainly used open questions to encourage the interviewees to express their real thoughts and completed the interview in a heart-to-

heart manner. In order to ensure that important information is not omitted, the whole interview process of this study was recorded to provide real and original data for data analysis.

In this study, semi-structured interview method was applied for 7 Rural Elite Mediators. All semi-structured interviews were one-on-one and were conducted at a mutually agreeable location and at a mutually convenient time. No personally identifiable information on the interviewees was used in this study, including the transcription process, in order to maintain confidentiality. There were 7 person-times of in-depth one-on-one interviews conducted, with each interview lasting about 2 hours. The one-on-one semi-structure interview left the interviewee with relatively sufficient space for thinking and expression, and the interviewer can also carefully observe the interviewee's external expression and internal psychology, so as to understand the interviewee as deeply as possible.

In addition, 4 focus group interviews were conducted. One with 3 local government officials, one with 3 assessors, and two with 10 local people (a group of 5 people). Focus group interviews were also conducted at a mutually agreeable location and at a mutually convenient time. No personally identifiable information on the interviewees was used in this study, including the transcription process, in order to maintain confidentiality. Through the semi-open focus group interview protocol prepared in advance, the researcher constantly encouraged the participants to discuss freely in order to obtain their personal experience and real thoughts on the rural elites.

Before all interviews, the researcher recorded the interview with the consent of the interviewees. After the interview, the researcher sorted out the recording materials, completed the interview record and memo, and finally got interview completed record.

The researcher took a total of 7 hours of participant observation for 2 Rural Elite Mediation Houses' activities and made a lot of memorandum. During the observation, as a complete observer, the researcher located in an unobtrusive way. The researcher did not take part in the activities of the group or reveal true purpose to the group members to make sure collected data is objective and real.

In addition, the researcher collected 110 rural elite work cases published by local government as secondary data (Committee, 2018). These cases come from the

daily activities of Rural Elite Mediation House in Yongchuan District. They were collected and summarized by the district government and the Political and Legal Commission, and published to the public in April 2018.

The researcher employed a triangulation process when collected the data. Triangulation is a validation method which can reduce the likelihood that a researcher's conclusions will reflect chance associations that might stem from potential biases or limitations of the study (Maxwell, 2012). To triangulate the data obtained in the one-on-one semi-structured interviews, which are the primary data collection method, the researcher employed two additional data collection techniques to serve as anchors for triangulation: focus group interview and observation. This approach for triangulation helped to eliminate the validity threat of drawing conclusions from weak or chance associations in the data (Maxwell, 2012).

In this study, two interview records were used for theoretical saturation test. As the standard for stopping sampling, the theoretical saturation test means that the theory is saturated when the collection of fresh data no longer produces new theoretical insights, nor can it reveal new attributes of the category. According to saturation test conducted on two interview records, there was no new category and relationship be obtained, and no new item be generated within each main category. The category coding of this study is theoretically saturated.

### **3.4 Data Analysis**

The purpose of data analysis in this study was to translate raw, qualitative data from the interviews into useable information based primarily on grouping and categorizing information into recognizable patterns, variations, and inconsistencies (DiFilippo, 2016; Maxwell, 2012). To do this, the researcher employed a coding method to parse the data into manageable, discrete pieces.

The data analysis in this paper is mainly grounded theory approach. Grounded theory is a kind of structural analysis of reality that exists but is not easy to notice (Glaser, 2001). It shows the fundamental pattern in a certain field of substance or form (Glaser, 2001). Coding, in the grounded theory research method, means to facilitate the formation of more categories, features and conceptualization of data

through the continuous comparison between events and between events and concepts (Glaser, 1992). The data analysis process of grounded theory method can be divided into three main steps, which are open coding, axial coding and selective coding (Glaser & Strauss, 1967).

The purpose of open coding is to discover categories (Glaser, 2001). At this stage, the researcher, without any preconceived ideas and with a completely open attitude, encodes the data according to its own state and conceptually marks any encoded fragments or languages that appear in the observation notes and interview records (Glaser, 1992). The purpose of axial coding is to clarify the relations between categories and distinguish the primary categories from the secondary categories according to the relations between these categories (Glaser, 1992). The selective coding stage is the integration and refinement of categories to determine the core categories (Glaser, 2001).

This study strictly follows above three steps: open coding -- axial coding -- selective coding, and carries out three-level coding for the obtained data. Through analysis of the data, this paper obtained several open codes and a series of concepts and categories. For Rural Elite Mediation House, this paper obtained six core categories, respectively for established reasons, purposes, functions, personnel management, funds, conflict mediation process and relations with local people and government. In terms of rural elite mediators, researcher obtained two core categories - authoritative sources and motivations. On the conflict between Confucianism and law, this paper obtained three core categories, namely types of conflict, causes of conflict, and solutions given by rural elite mediators.

## CHAPTER 4

### RESULTS

As there are many contents and sub-titles involved in this chapter, in order to facilitate readers to have a clear understanding of the content of this chapter in the first time, the researcher has made the following table to show the structure of chapter 4 (Table 2).

Table 4.1 The Structure of Chapter 4

<b>Answers to Which Objective</b>	<b>Sub-Title</b>
Objective 1(Rural Elite Mediation House).	4.1.1 Established Reasons of REMH (Rural Elite Mediation House).
	4.1.2 Purpose of establishment of REMH.
	4.1.3 Functions of REMH.
	4.1.4 Funds.
	4.1.5 Conflict mediation procedure.
	4.1.6 Relations with local people.
	4.1.7 Relations with local government.
Objective 2(Rural Elite Mediator).	4.2.1 Authoritative sources.
	4.2.2 Motivations.
	4.2.3 Personnel management (selection system, training system, assessment system and incentive system.).
Objective 3(Case and solution).	4.3.1 Types of Confucianism-Law conflict.
	4.3.2 Reasons for the Confucianism-Law Conflict.
	4.3.3 Solutions of REMH to Confucianism-Law Conflict.

#### 4.1 Answers to Research Question 1 (Rural Elite Mediation House)

RQ 1: As an organization, what are established reasons, purposes, functions, conflict mediation procedure and relations with local residents and government of “Rural Elite Mediation House”?

##### 4.1.1 Established Reasons of Rural Elite Mediation House

The establishment of the Rural Elite Mediation House is the result of combined effects of four factors (Table 3).

First of all, before the establishments of the Rural Elite Mediation House, grass-roots disputes in Yongchuan District were always the main problem of community governance. According to the results of the interviews, many interviewees mentioned that there used to be a lot of grassroots disputes, but there was never an effective channel to deal with them.

It is inevitable that there will be some conflicts between neighbors, which always are small problems. But it’s really a huge number if these conflicts add up at total, but they can't all go to court, right? After all, they're neighbors. (Interviewee A3, semi-structured interview)

Second, enthusiastic people who spontaneously mediate conflicts have emerged and achieved remarkable results. Many enthusiastic people took the initiative to mediate and negotiate the conflicts and disputes around them spontaneously and achieved good results. This phenomenon has gradually attracted the attention of the local government.

Warm-hearted people thought this is not good, so they tried to do the mediation. You mediated a case, I mediated a case, and such accumulation comes down, so that the number of spontaneous mediation case is a lot. (Interviewee A7, semi-structured interview)

Third, a nationwide trend arose to learn the “Fengqiao experience”. “Fengqiao experience” is derived from MAO’s 1963 instructions on the innovative working methods of grassroots governance in Fengqiao Town, Zhuji City, Zhejiang Province, that is, “mobilize and rely on the masses, insist on resolving conflicts on the spot instead of handing them in” (Zhuo, 2020). One of the most important connotations

and core contents of “Fengqiao experience” is to prevent and resolve conflicts, especially all kinds of social conflicts at the grass-roots level (C. Yang, Ji, & Zhou, 2020). Its original intention is to find a way to solve conflicts. In different historical periods, the types of social conflicts solved by “Fengqiao experience” are different (Y. Zhu, 2019). For example, it was originally formed (in 1950s and 1960s) to solve class conflicts. From 1970s to 1990s, “Fengqiao experience” mainly resolved conflicts among the people (Y. Zhu, 2019). In the 21st century, the connotation of “Fengqiao experience” extends to solve all kinds of social conflicts at the grass-roots level arising with the development of society (Y. Zhu, 2019). In 2013, the Chinese government called on local governments to innovate and promote the “Fengqiao Experience”, and use thinking and methods of law to solve conflicts and problems involving the vital interests of the people. The core content of “Fengqiao experience” is consistent with the local community governance problems in Yongchuan.

The central government called on local governments to learn from the "Fengqiao experience", which was the trend at the time. Yongchuan was also learning the "Maple Bridge experience", and the new rural elites were using it. (Interviewee C2, focus group interview)

Fourth, Yongchuan district government attaches importance to and guides its establishment. The Yongchuan District government noticed the above phenomenon, seized the opportunity, held several meetings and repeatedly stressed the importance of learning the “Fengqiao experience” and the necessity of establishing the Rural Elite Mediation House. Ultimately, the Rural Elite Mediation House of Yongchuan District was led by the Political and Legal Affairs Committee of Yongchuan District, with each town and street responsible for specific creation matters, and the current Rural Elite Mediation House was gradually established.

Our local government attaches great importance to the role of new townfolk. We held a special meeting to discuss this issue and invited experts to study and evaluate the feasibility. (Interviewee C3, focus group interview)

Table 4.2 Coding for “Established Reasons”

Category	Theme	Sub-theme	Interviewee	
Category 1: Reasons of establishment	Theme 1: Basic level dispute becomes management difficult problem.	1.1 It is inevitable that there will be conflicts between neighbors.	A2, A4, A7, B1, B7, B8	
		1.2 Conflicts among residents are difficult to resolve on their own.	A1, A2, A6, B1, B2 B4, B7	
		1.3 Basic level contradiction cannot depend entirely on the court to solve.	A3, A5, A6, A7	
		1.4 Overstocking of disputes affects social harmony.	A3, A6, A7, C1, C2	
		Theme 2: The civil society has resolved disputes spontaneously and achieved remarkable results.	2.1 The enthusiast spontaneously reconciled the conflict.	A1, A2, A4, A5, A7
			2.2 Spontaneous mediation has resolved many conflicts among the population.	A1, A4, A7
	Theme 3: The learning trend of “Fengqiao experience”.	3.1 Fengqiao Experience.	A3, A6, C2, C3	
		3.2 The central government has called for learning from the Fengqiao experience.	A3, C1, C2	
		3.3 Taking “Fengqiao experience” as the core, local governments have	A5, A7, C2	

Category	Theme	Sub-theme	Interviewee
		innovated the working methods of grassroots governance.	
	Theme 4: District government's attention and guidance.	4.1 The Yongchuan district government has taken note of the problems and phenomena.	A2, C3
		4.2 Many meetings for research and discussion.	A5, C3
		4.3 District government to guide, each town and street responsible for the specific establishment.	A1, A2, A2, A3, A4, A7, C1, C2, C3

#### 4.1.2 Purpose of Establishment of Rural Elite Mediation House

According to the data analysis collected, the establishment of the Rural Elite Mediation House has four purposes (Table 4).

First, resolve conflicts in the bud. The Rural Elite Mediation House is established in each village and street. The address is chosen in order to obtain information about the dispute in the first place. This makes it convenient for rural elites to take timely measures to resolve and mediate, and prevent conflicts from becoming more acute, so that conflicts and disputes can be resolved in the initial stage.

The new rural elite can spot conflicts when they just arise and then figure out how to fix them. In this way, the conflict will not have the opportunity to develop to a sharp or difficult case. We can solve it at the beginning. (Interviewee A3, semi-structured interview)

Second, save judicial resources. The establishment of the Rural Elite Mediation House provides an alternative to judicatory solution for disputes and contradictions among the public.

Many disputes have been settled by the Rural Elite Mediation House. Once both parties are satisfied, the disputes will be resolved. It's better for everyone that we do not have to spend time, energy and money litigating. Some disputes have even been sued, but the Rural Elite Mediation House has solved them before the court subpoena was issued. When people withdrawal suits, the country's judicial resources are saved. (Interviewee A5, semi-structured interview)

Third, spreads the concept of rule of law and enhances the people's awareness of the rule of law. The daily work of Rural Elite Mediation House is based on law. It is an important platform for disseminating law and enhancing people's awareness of the rule of law. The important purpose of its establishment is to guide the masses to consciously form the consciousness and habit of solving problems and disputes in accordance with the law. It establishes the authority of the law by resolving disputes according to the law.

When residents have a dispute and ask me to mediate, I tell them what the law says about the case. I help them solve their disputes according to the law, and they know that the law is the most important basis for solving disputes and conflicts. With more and more times, the parties concerned and the people who have heard about the mediation process gradually form the concept that they should rely on the law when encountering conflicts. (Interviewee A1, semi-structured interview)

Fourth, it can serve as an example to guide the social virtue. Be selected new rural elites have virtue and high reputation and be respected by people. They are models of moral education, with enough prestige and ability to guide villagers' behavior, regulate rural order, and quell neighborhood disputes. The establishment of the Rural Elite Mediation House is aimed at mediating public conflicts, guiding social virtue and setting a visible benchmark and example for the public. Its goal pursue is to make families happier, atmosphere more harmonious and local society more civilized.

The villagers all respect new village elites and learn from us. We are selected by people. We have reputation and are famous moral role models. The people will listen to you because you are worthy. (Interviewee A2, semi-structured interview)

Table 4.3 Coding for “Purposes”

Category	Theme	Sub-theme	Interviewee
Category 2: Purposes	Theme 5: Resolve conflicts in the bud	5.1 Grasp the information of disputes at the first time.	A1, C1, C2
		5.2 Mediation can be initiated at the beginning of the conflict.	A1, A2, A3, A4, A7, C2
		5.3 Avoid conflicts becoming acute.	A1-A7
	Theme 6: Saving judicial resources	6.1 Provide channels of mediation.	A1-A7, C1-C3
		6.2 Avoid litigation to court.	A1-A3, A7, C2
		6.3 It saves time, money and energy to go to court.	A1-A7
		6.4 Withdrawal suits.	A5
	Theme 7: To raise public awareness of the rule of law	7.1 Use legal knowledge to resolve disputes.	A1-A7
		7.2 To guide the public to form the awareness of solving problems by law.	A1-A6
		7.3 Disseminate knowledge of the law.	A1-A7
		7.4 Establish the authority of the law.	A2-A6, C2, C3
	Theme 8: Guide the social virtue as models	8.1 New rural elites are people's moral example.	A1-A7
		8.2 New rural elites have prestige and be respected, people are willing to obey.	A1-A7
		8.3 Influence people to make the social virtue more harmonious.	A1-A7

### 4.1.3 Functions of Rural Elite Mediation House

According to the data collected, Rural Elite Mediation House has a very wide range of functions (Table 5). However, it should be pointed out that except for the mediation of disputes and popularization of legal knowledge, the functions obtained from data analysis are not universal. That is, in addition to the essential basic functions, the scope of its functions includes both the active choice based on rural elite mediators' subjective will and their own advantages, and the response to the residents' request for help based on their own problems. Therefore, according to the results of data analysis, the basic functions of Rural Elite Mediation House are only mediation of disputes and popularization of legal knowledge. In addition, each Rural Elite Mediator gave us different answers according to the actual working experience.

First, mediate disputes and resolve conflicts. There is no doubt that dispute mediation is the most basic function of Rural Elite Mediation House, and it is also the main content of every Rural Elite Mediator's daily work. According to the collected data, the disputes and contradictions solved by Rural Elite Mediation House involve many aspects: economic disputes, family member relationship, demolition and resettlement, environmental pollution, neighborhood relationship, food safety, market relocation and residents' employment. In their daily work, there are almost no requirements on the scale, type, complexity, parties and other aspects of the conflicts to be mediated, except for those involving criminal cases and those beyond the scope of mediation that need transfer to the judicial departments. According to statistics, since 2017, 108 Rural Elite Mediation houses in Yongchuan District have resolved 1,870 conflicts.

We basically respond to every request, no matter what the problem is, we have to do our best and try to find ways to resolve the disputes through various means. (Interviewee A7, semi-structured interview)

Second, popularize legal knowledge and deepen the concept of rule of law. This is also one of the basic functions of the Rural Elite Mediation House. Rural Elite Mediation House is responsible for the publicity and education of the rule of law, which mainly includes two aspects: 1) In the daily process of dispute mediation, Rural Elite Mediation Houses work on the basis of law, and takes practical actions to establish the legal concept of residents to solve conflicts by law. With the

development of Rural Elite Mediation House, the concept of rule of law has been gradually popularized. 2) Popularize legal knowledge. Ordinary Chinese people are not familiar with, or even ignorant of, the law. Lectures will be held regularly by Rural Elite Mediators or invited legal practitioners to popularize legal knowledge among local people. For example, on May 28, 2020, China adopted the Civil Code of the People's Republic of China, which will take effect on January 1, 2021. After the adoption of the Code, various Rural Elite Mediation houses in Yongchuan District held lectures on it for many times to publicize and explain to the public. Speakers included Rural Elite Mediators, invited lawyers and members of the judiciary. Since 2017, 108 Rural Elite Mediation houses in Yongchuan District have conducted 1,290 publicity activities concerning legal knowledge, involving more than 100,000 people.

We often invite lawyers or legal practitioners to give lectures to the public to popularize legal knowledge. A lot of times people realized that they can rely on the law, but they don't know what the law said about their problem, so we need to find ways to solve this problem. (Interviewee A4, semi-structured interview)

Third, reflect the public sentiment. Rural Elite Mediation House is an organization between the government and the public, which has the function of transmitting between them. New rural elites through the mediation of disputes can go deep into the people, to understand and collect public comments and feedback for society and government. The Rural Elite Mediation House has gradually become a platform for understanding the actual situation of the people, reflecting their opinions and pooling their wisdom. At the same time, Yongchuan District government requires village committees and urban Residents committees (village-level autonomous organizations) to fully listen to the opinions and suggestions of Rural Elite Mediators when they hold important meetings, carry out important activities and implement important projects. In this way, Rural Elite Mediation House becomes a platform and channel to reflect people's feelings and public opinions upward. According to statistics, 1730 public opinions and sentiment have been collected from 108 Rural Elite Mediation houses in Yongchuan District since 2017.

We are neighbors of local people, and they have willing to share us their feelings, needs and opinions. We collect and summarize opinions of the public, and then report to the government, which is very helpful for the government to make policies. (Interviewee A6, semi-structured interview)

Fourth, new rural elites actively participate in public welfare activities. A number of rural elite mediators talked about their active participation of rural public welfare undertakings, including taking care of left-behind children, help poor students, to care for the elderly and so on. For example, the interviewee A2 subsidizes poor students every year until they enrolled by university and received scholarship. The interviewee A3 volunteered to be responsible for cleaning the community until a new property company moved into the community. The interviewee A7 has focused on poverty alleviation by helping ten poor families in the village relieved from poverty.

There was a student in our village who had been admitted to the university, but his family couldn't afford his tuition, so I helped him go to university until he graduated. (Interviewee A2, semi-structured interview)

Fifth, new rural elites actively participate in infrastructure construction. Some wealthy new rural elites participated in the village infrastructure construction. For example, the interviewee A4 provided financial support for the construction of 3.8 kilometers of roads in his village. The interviewee A6 motivated fund-raising project and eventually raised over 700,000 Yuan to provide financial support for the construction of rural roads and new stone bridges.

People in our village are difficult to communicate with the outside world because of the poor transportation conditions. It is not convenient for them to go to school or do business. Since I can solve it, I can't leave the matter alone. I paid for the village to build the road, which made it much easier for everyone, and I'm glad I did. (Interviewee A4, semi-structured interview)

Sixth, they lead the residents to wealth. Some new rural elites are successful people in their villages. They already have economic strength and abilities to support other people who lack of basic need. These new rural elites are usually intended to lead and provide technical and financial support to the local people to get opportunities to establish their business and stable incomes. For example, the

interviewee A6 led villagers to become shareholders with land, gathered the 204,000 square meters of idle land of 42 households for large-scale agricultural production, planting special fruits and rape, and set up a supervision group for financial management, and distributed all the profits to 42 shareholders according to equity. The interviewee A5 has helped unemployed start his own businesses and provided him with financial and technical support to open a restaurant.

Table 4.4 Coding for “Functions”

Category	Themes	Sub-themes	Interviewee
Category 3: Functions	Theme 9: Mediation of disputes.	9.1 Economic Disputes.	A3, A6
		9.2 Conflicts among family members.	A1-A4, A7
		9.3 Demolition and Resettlement.	A5
		9.4 Environmental pollution.	A4
		9.5 Neighborhood relationship.	A2
		9.6 Food safety.	A7
		9.7 Market relocation.	A6
		9.8 Employment of residents.	A2
	Theme 10: Popularize legal knowledge and deepen the concept of rule of law.	10.1 Carry out work on the basis of law and take practical actions to establish residents' concept of rule of law.	A1-A7
		10.2 Popularization of legal knowledge.	A1-A7
	Theme 11 : Reflect the public sentiment.	11.1 Grasp the actual situation.	A2-A5
		11.2 Reflect opinions and suggestions of the public.	A1-A7
Theme 12 : Charity activity.	12.1 Take care of left-behind children.	A1, A5	
	12.2 Subsidize poor students.	A2	

Category	Themes	Sub-themes	Interviewee
		12.3 Take care of lonely old people.	A1, A4, A5
		12.4 Volunteer to be responsible for the cleaning of the community.	A3
		12.5 Poverty alleviation.	A7
	Theme 13 : Infrastructure construction.	13.1 Build road.	A4
		13.2 Build the bridge.	A6
		13.3 Improve village lighting conditions.	A2, A7
		13.4 Improve the tap water supply network.	A1
		13.5 Improve the village drainage system.	A1
	Theme 14 : Leading residents to wealth.	14.1 Large-scale agricultural production.	A6
		14.2 Share agricultural production experience without remuneration.	A6
		14.3 Help the unemployed start their own businesses or find jobs.	A5

#### **4.1.4 Funds.....**

Rural Elite Mediation House has no stable funds, Such as Rural Elite Mediators ' salary, allowance, Rural Elite Mediation House's administrative expenses, etc. Rural Elite Mediation House has no financial income other than financial incentives for Rural Elite Mediators provided by the government for successful mediation cases (see 4.2.3.4). All Rural Elite Mediators are voluntary with no funding from the government or other organizations.

Government has provided some material support for establishment of Rural Elite Mediation Houses. After selecting Rural Elite Mediators from villages and streets, Rural Elite Mediation House will be established with them as the core. The site selection of Rural Elite Mediation House is based on the local conditions, as many people as possible. Some are built in cultural centers, residential areas and other settlements, while others rely on existing government public venues such as public service centers. In addition to providing venue supports, government has also provided basic equipment such as tables, chairs and fans.

We are all voluntary, with no pay or allowances. We became the new rural elite to make our hometown better, not to make money. When Rural Elite Mediation House was built, the government provided us with space, tables, chairs and electric fans. There is nothing else. (Interviewee A5, semi-structured interview)

#### **4.1.5 Conflict Mediation Procedure**

Conflict Mediation is the most core and main function of Rural Elite Mediation House, and the process of mediation has its own fixed procedures (Figure 5).

1) The mediation procedure begins with the receipt of an application from the masses or from the resident's committees.

2) Rural Elite Mediation House reviews whether this case is within its own mediation and competence. If it is beyond the scope of mediation or involves criminal responsibility, the case will be referred to the relevant authorities for handling.

3) For cases that meet requirements for application acceptance, Rural Elite Mediator will keep abreast of basic information of both parties and the whole picture of the event. If facts are clear and evidence is sufficient, Rural Elite Mediation House can hold a mediation meeting.

4) Rural Elite Mediation House informs parties of the specific time and place of the meeting and invites staffs of Residents Committee and other interested parties to attend the meeting.

5) Meeting will take the form of a mock court, but Rural Elite Mediators are now acting as mediators rather than judges, and both sides are willing to mediate.

6) If the mediation is successful, Rural Elite Mediator will issue a letter of intent for mediation and both parties will sign and stamp for confirmation.

7) Data of meeting will be sorted out and filed and regularly reported to government.

8) If mediation fails or one-party reneges after success, all above process shall be restarted until this dispute is resolved.

9) In addition, Yongchuan District Government has hired professional lawyers to provide professional legal advice and assistance for Rural Elite Mediation House. Rural Elite Mediators can seek advice and help from professional lawyers at any time when they are in serious disputes or need more professional legal knowledge.

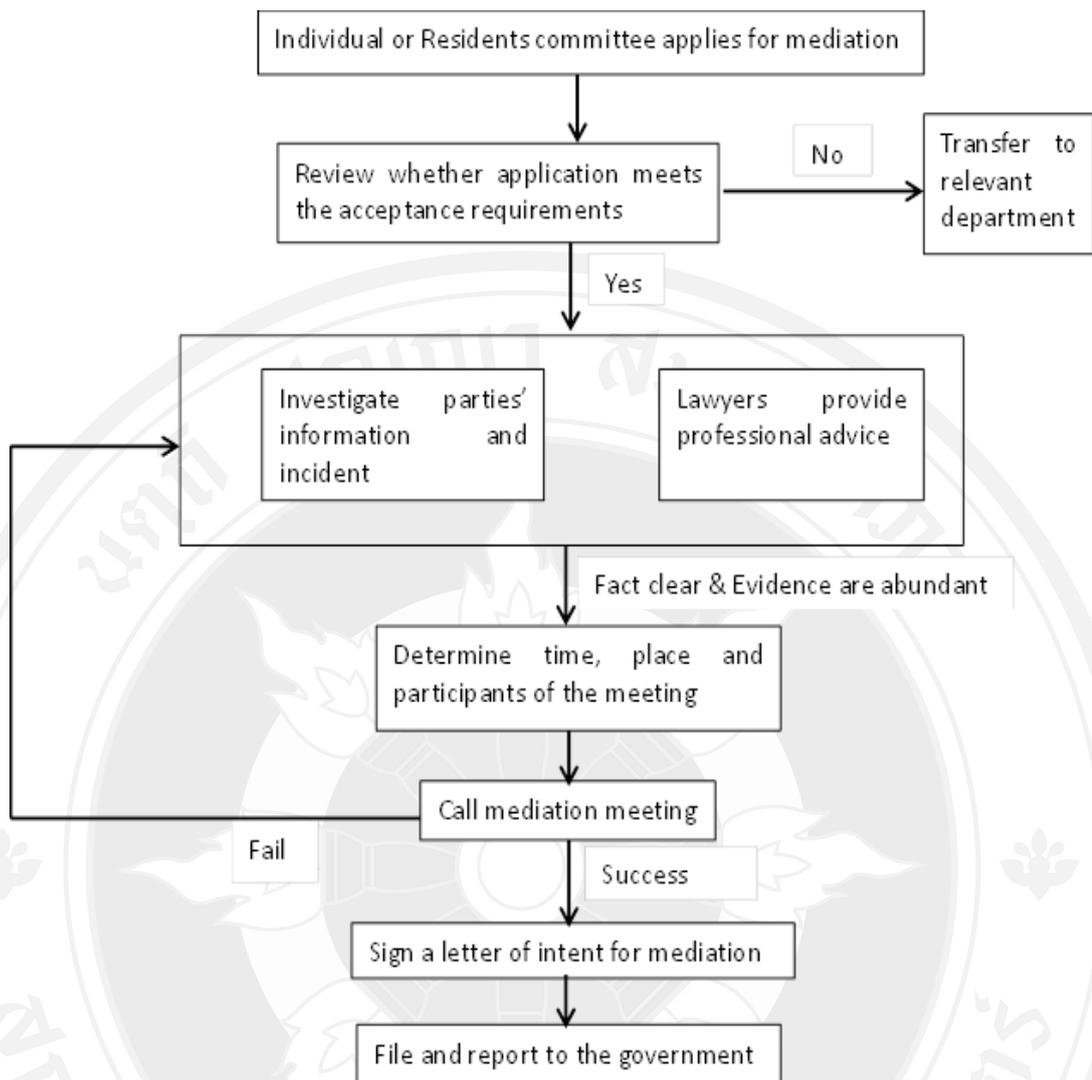


Figure 4.1 Conflict Mediation Procedure

#### 4.1.6 Relations with Local People

Based on the focus group interviews with local people and analysis of the data obtained from it, the evaluation of local people on Rural Elite Mediation House was divided into two aspects: positive and negative (Table 6).

Local people positively comments on Rural Elite Mediation House mainly focus on its high popularity and its existence can meet the needs of the people.

First of all, Rural Elite Mediation House has a high popularity among local people. Interviewees all have some knowledge about Rural Elite Mediation House, but there are some differences about the depth of understanding. In the interviews, I found a common phenomenon that elderly villagers and ordinary villagers with low education level often do not know the expression “new rural elite”. But when asked about the person and what he/she has done for their village as the new rural elite, they are all very clear.

I know them. We have them in our village, near my house. They often mediate conflicts with the villagers, and when someone needs help, they take the initiative to help. Pretty good. Nice guys. I heard that the man from the next village gave money to their village to build a road. (Interviewee B7, focus group interview)

Secondly, Rural Elite Mediation House can meet the needs of local residents. According to the data, the ideal and concept of “no litigation” in the traditional Confucian order is still deeply rooted in the minds of rural residents. The most important causes of conflicts in the countryside are usually interests and “face”. Face is equivalent to a social evaluation. In rural society, the evaluation of a person by public opinion often determines his status and reputation in the village. Therefore, villagers attach great importance to “face”, and many disputes and conflicts are caused by “face contention” between the two sides. The villagers are reluctant to go to court unless the situation has become irretrievable. On the one hand, going to court in Confucianism is a matter of “losing face”. After entering the litigation stage, the case of the two parties’ litigation will usually become the gossip that villagers talk about. This is a difficult thing to accept for those who value “face”. On the other hand, according to respondents, “going to court” means a break between the two parties, with no possibility of a settlement. Two families will hold a feud whatever they win or lose. This will seriously affect the harmony of the village, which is the result that

everyone wants to avoid. Rural Elite Mediation House meets the public's need to settle disputes without litigation.

They can help mediate and many things can be settled in the village. Everyone doesn't want to go to court, village person, go to court in the old idea is to tear a face, two families become enmity. We're all neighbors. It's not appropriate. They happen to be there, which makes it a lot easier. (Interviewee B3, focus group interview)

In addition, the appearance of Rural Elite Mediation House satisfies the need of residents to participate in governance.

One person's voice or a family's voice is too low. Now we can tell the mediator directly if we have some appeals to the government or suggestions we hope to be accepted by government. If other people have similar ideas, the evaluators will put them together and report to the government. Some suggestions were quickly responded by the relevant government departments. (Interviewee B6, focus group interview)

Moreover, Rural Elite Mediators respond to residents' any appeals for help. Whatever the difficulties, residents are sure to get a response if they go to Rural Elite Mediation House or contact Rural Elite Mediators directly for help. Enthusiastic, fair and capable of providing solutions, these are all qualities that local residents value in Rural Elite Mediators. Being willing and able to meet the needs of local residents is the main positive comment received by Rural Elite Mediation House.

They help with everything. If you go to them for help, there's no one who won't answer. Taking care of the elderly, finding jobs and helping children to go to school are all things that the villagers see. (Interviewee B1, focus group interview)

The negative evaluation of local people on Rural Elite Mediation House is reflected in the cognitive differences between generations and the differences between individual value orientation and collective value orientation.

On one hand, different generations of interviewees have different perceptions of Rural Elite Mediation House. With the rapid development of China's economy and society in the past few decades, people born in different generations grow up in different environments. Benefiting from the rapid development and popularization of the Internet and social media, young people in rural society, although living and working in the local area, are generally more highly educated and have a better

understanding and acceptance of modern society and the rule of law than the previous generation. Therefore, there are generational differences in the cognition and evaluation of Rural Elite Mediation House in the interviews. Compared with the older generation's high recognition and acceptance of it, young people thought that Rural Elite Mediation House is not mandatory, but more of consultative mediation. Even if a mediation agreement is reached, as long as one-party reneges, the agreement is regarded as null and void. As a result, they are more likely to seek help from institutions with coercive power and law enforcement powers, such as the policeman or courts. However, young people also believe that Rural Elite Mediation House has played a positive role in social harmony.

They do have a good reputation. But I don't trust them very much. Not because of their ability, but because their mediation is not coercive. Even if the mediation is successful, it still may not work. It doesn't feel very useful. I'm still willing to go to the police or go to court. (Interviewee B9, focus group interview)

On the other hand, there are differences between the individual value orientation of villagers and the collective value orientation of rural elites. The long-term model of small-scale peasant economy in China's rural society enables villagers to form the habit of always pursuing the maximization of personal interests, and each villager takes the best choice that is beneficial to him. However, the action of Rural Elite Mediation House is based on the legal provisions and Confucian traditional customs, coordinating the interests of all parties, and reaching a result acceptable to all parties through mutual compromise and concession of all stakeholders, so as to realize the harmony of rural society. In this process, it is difficult for all stakeholders to maximize their own interests, which is a major manifestation of the negative evaluation of local residents.

I know the law says so, but according to tradition, I'm the rightful heir. When a daughter marries out, she belongs to another family, and the family property can only be inherited by son. Isn't that true of all generations? Why does he say the law says not and then the old rules have to be changed? I deny it. (Interviewee B2, focus group interview)

Table 4.5 Coding for “Relations with Local Residents”

Category	Themes	Sub-themes	Interviewee
Category 4: Relations with local residents.	Theme 15:	15.1 high popularity among local people.	B1-B10
	Positive	15.2 meet the needs of local residents.	B1-B10
	Theme 16:	16.1 cognitive differences between generations.	B1,B4,B8,B9
	Negative	16.2 differences between individual value orientation and collective value orientation.	A5,A7,B3,B10

#### 4.1.7 Relations with Local Government

The relationship between Rural Elite Mediation House and local government can also be divided into positive and negative aspects (Table 7).

From a positive perspective, first of all, the local government supports the establishment and development of Rural Elite Mediation House. Rural Elite Mediation House was established under the leadership of Yongchuan district government in order to solve governance problems of rural society. Its development process is always inseparable from the support and help from the government. The district government supported both materialized construction at the material level and selection and training of Rural Elite Mediators. Local government attaches great importance to the role of Rural Elite Mediation House and believes that its participation in social governance will contribute to the development of local society.

From the perspective of the government, we are very glad to see the establishment and development of Rural Elite Mediation House. In fact, the government held many meetings and invited experts for discussion and research, and finally decided to support Rural Elite Mediation House to participate in governance as a social force. This will be very helpful. (Interviewee C2, focus group interview)

Secondly, the local government is the supervisor and assessor of Rural Elite Mediation House. The government has always supervised the working process of Rural Elite Mediation House, opened a supervision hotline to the public, and investigated and dealt with the irregularities reported by the public. At the same time, the government regularly evaluates the work of Rural Elite Mediation House, rewarding or punishing them according to the assessment results, and set up incentive mechanisms to guide and standardize the development of Rural Elite Mediation House.

The government is responsible for overseeing Rural Elite Mediation House. We are its supervisors to see if it complies with the law, whether its procedures meet the requirements, whether it has achieved its intended goals, and whether it has done anything illegal or harmful to the interests of the people. These are all important. (Interviewee C1, focus group interview)

Third, Rural Elite Mediation House is a channel for the Yongchuan district government to collect people's sentiment and public opinions and discover social problems. In the process of solving social contradictions, Rural Elite Mediation House can collect a lot of information about people's life and social governance. Through daily work, Rural Elite Mediators can effectively find problems, collect and report them to relevant government departments. Meanwhile, Rural Elite Mediators are among the public, respected and trusted by the public, and are very sensitive to their opinions and demands. Their understanding of social conditions is one of the references and bases for Yongchuan district government to adjust policies and conduct governance.

They live among the people themselves and are well aware of their feelings and needs. They have a natural advantage here. We have a rule that the new rural elite must be consulted before big decisions are made. This must be complied with, is a document requirement. (Interviewee C1, focus group interview)

Fourthly, Rural Elite Mediation House is the first line of defense for the local government to estimate risks. Rural Elite Mediation House penetrates into the society and residents and is at the forefront of the grass-roots society. In their daily work, they rely on their own wisdom and experience, as well as a keen judgment of social problems and public sentiment can be the first time to predict and assess the

governance risks in the society. One of purposes of Rural Elite Mediation House is to eliminate social conflicts in the bud, or timely report to the government at the initial stage of major social problems, so as to avoid significant losses.

It can help us estimate the risk. Because that's what they do, they mediate conflicts, so they can easily find some big social problems. They face the risk, assess the risk, tell the government, and the government can fix the big problem before it happens. (Interviewee C3, focus group interview)

From a negative perspective, there are conflicts between Rural Elite Mediation House and administrative functional departments. On one hand, the functional boundary between Rural Elite Mediation House and the village committees, which is the rural grass-roots administrative departments in China, is vague. As the most basic administrative organization in China, the village committee has the decision-making power and management power granted by the system. As the non-institutional subject of rural governance, new rural elites participate in rural social governance by virtue of their own economic strength and social resources and so on. In the actual governance process, the functional boundary between new rural elites and the village committee is blurred. It is embodied in the difference of “strong and weak” between new rural elites and village committees, which blurs the functional boundary between them. “Strong” village committees and “weak” new rural elites will make new rural elites become “subordinate organizations” or “subordinate members” of the village committees, leading to the lack of space and authority needed for their activities, thus making it difficult for new rural elites to fulfill their original functions. The situation of “weak” village committees and “strong” new rural elites is also not conducive to the stability of rural society. On the side of “strong” power, new rural elites may even actively blur the boundary of their functions or directly ignore their own authority, thus crossing the boundary of their functions and excessively intervene in the affairs that should be in charge of the village committee.

There is also some negative opinion in the village. Some things are in the charge of the village committee, but the villagers are willing to listen to the new village elite, which is very troublesome. Over time, the village committee also has a big opinion, think that they do not conform to the rules and intervene in the

administrative affairs should not be dealt with. I've argued about this. (Interviewee C3, focus group interview)

On the other hand, the functional scope of Rural Elite Mediation House involves all aspects of rural society, and it often requires the cooperation and resource integration of multiple government departments and private departments when solving disputes and social problems. As a social organization, it's not easy to do that. For example, in a case about the property management of a community provided by the interviewees, individuals and departments involved in this case include the judicial office, property management company, owner, police station and sub-district office. The solution of the problem requires collective negotiation and cooperation between these departments and individuals, and Rural Elite Mediation House needs the assistance and support of government to realize resource integration and inter-departmental cooperation. In this process, the two sides inevitably appear conflicts and difficulties.

The conflicts they resolve can be about anything, too broad, too many departments that need to be coordinated. When there are more departments involved and more people involved, the problem arises. Everyone has their own position and positioning, and everyone doesn't want to just listen to others. (Interviewee C2, focus group interview)

Table 4.6 Coding for “Relations with Local Government”

Category	Themes	Sub-themes	Interviewee
Category 5: Relations with local government.	Theme 17: Positive.	17.1 local government's support.	C1, C2, C3
		17.2 local governments are the supervisor and assessor.	C1, C2, C3
		17.3 It is a channel to collect people's sentiment and discover social problems.	C1, C2, C3
		17.4 It is the first line of defense to estimate risks.	C1, C2

Category	Themes	Sub-themes	Interviewee
	Theme	18.1 The functional boundary between it and the village committees is vague.	C3
	Negative.	18.2 Difficulties when they require the cooperation and resource integration of multiple government departments.	C1, C2

## 4.2 Answers to Research Question 2 (Rural Elite Mediators)

RQ 2: As individual who participated in the governance, what are authoritative sources, motivation and the personnel management of Chongqing new rural elite (Rural Elite Mediator of Rural Elite Mediation House)?

### 4.2.1 Authoritative Sources

Rural Elite Mediator does not have the authoritative force of legal reason. Its activities are mainly mediation, and results of mediation are not mandatory. For example, the interviewee A4 told that he once accepted an application for mediation. After successful mediation, one conflicting party reneged. If one party reneges, the case will be regarded as a failure of mediation by Rural Elite Mediation House and the mediation process has to be restarted. Because the party has reneged 11 times after the agreement was reached, the case has also been restart mediated 11 times. By the end of the interview, the case was still in the process of being resettled for the 12th time.

Rural Elite Mediators are recognized and obeyed by the public mainly because of their outstanding talent and strong personality charm (Table 8).

On one hand, they have outstanding talents. In the process of encoding data, I came up with five themes: “persuasive mediation”, “appropriate approach”, “fair play”, “coordinating interests” and “high success rate of conflict mediation”. I classified them into theme of “outstanding talent”. One of the main reasons why public is willing to listen to Rural Elite Mediators is that they have demonstrated a compelling and outstanding capability. Rural Elite Mediators are usually fair and justified in work and strive to achieve win-win results in an appropriate way, so as to

achieve relatively satisfactory results for all parties as far as possible. Competency recognition is one of the authoritative sources of Rural Elite Mediators.

What they said made a lot of sense and took care of everyone's opinion. They also speak in a comfortable way and don't belittle or criticize you. They are on your side to help you analyze the matter, so that you listen to feel reasonable, feel that he is on your side. (Interviewee B3, focus group interview)

On the other hand, strong personality charms.

First of all, Rural Elite Mediators have virtue. Rural Elite Mediators in Yongchuan district have undergone rigorous selection. The first requirement of selection is to have a high moral character. In the interview, I learned that Rural Elite Mediators' virtue are generally recognized and admired by local people, which has become the common personality charm of Rural Elite Mediators.

They are all known for being good people. Like the man in our village, he is known for his filial piety. He also loves to help his neighbors, and everyone likes to get along with him. The character of those who honor their elders is trustworthy. (Interviewee B4, focus group interview)

Second, Rural Elite Mediators have a strong sense of dedication. As mentioned above, Rural Elite Mediation House has no funds, while Rural Elite Mediators have no wages, benefits or subsidies. Rural Elite Mediators usually have the personality characteristics of being kind, warm-hearted and willing to help others. They do this work not for reward, but out of their sense of responsibility for development of their hometown and the need for self-realization, which is their internal driving force. The daily work of Rural Elite Mediator is not easy and requires a lot of time, energy and even money. People who sticks to this job and feels proud and honored to do it must have a strong sense of dedication. It's an important part of their personality. This spirit of self-dedication without any reward has given Rural Elite Mediators a strong appeal among local residents and won their trust and respect.

There's no money to be made. We're all voluntary. I was born and raised in my hometown, so I hope it's good. I can do something helpful, and I feel proud and fulfilled. (Interviewee A5, semi-structured interview)

Finally, the reputation and prestige accumulated over time. The moral character of Rural Elite Mediator has withstood the test of time. And their reputation and prestige have formed brand effect under the long-term accumulation, which further deepened the trust and admiration of residents, resulting in their tendency of obedience.

It's not good for them personally to do it. There's no money to be made, and it's not going to help your career. Other people are selfless dedication, I also quite admire, do this is not easy. (Interviewee B10, focus group interview)

Table 4.7 Coding for “Authoritative Sources”

Category	Theme	Sub-theme	Interviewee
Category 6: Authoritative sources.	Theme 19: Outstanding talents.	19.1 Persuasive mediation.	A2, A3, B3, B6, B7
		19.2 Appropriate approach.	A1, A4, A6, B3-B9
		19.3 Fair play.	A4-A7, B2, B4-B10
		19.4 Coordinating interests.	A1-A5, A7, B1, B5
		19.5 High success rate of conflict mediation.	A2, A6, B2, B3, B10
	Theme 20: Strong personality charms.	20.1 Virtue.	A1-A7, B1- B10
		20.2 Strong sense of dedication.	A5.A7, B1, B3, B10
		20.3 Reputation and prestige accumulated over time.	A2-A5, B1, B3, B5, B6, B10

#### 4.2.2 Motivations

According to interviews, Rural Elite Mediators operate on a voluntary basis with no material remuneration such as benefits, wages and subsidies. The financial rewards available (see 4.1.4.4) are also very limited and unattractive in comparison to the time, effort and money they invested. After analyzing data, I obtained the main motivations for Rural Elite Mediators to participate in activities: the need to realize self-value and the sense of social responsibility for hometown (Table 9).

On one hand, Rural Elite Mediators have a need to realize self-worth. As mentioned above, Rural Elite Mediators are mainly composed of rural grassroots cadres, rural teachers and career winners. These people have a certain wealth and social status in the local society, and can be nominated and elected by the public, which means they also have a high reputation and are respected. According to Maslow's hierarchy of needs theory, Rural Elite Mediators should pursue a higher level of demand, namely the realization of self-worth. Rural Elite Mediator hopes to serve the public and “do more meaningful things”, according to an analysis of collected data. In the process of social service, they felt satisfied, proud and self-worth realized. Moreover, Rural Elite Mediators are very confident in their mediation capability. They believe that they have a talent and unique method and are good at doing this job. They can do a good job to return the trust of the public.

I just want to do something meaningful. I want to help people. Nothing else. I think I have a lot of talent in this field. They all say my mediation is good. I'm more motivated to do it. (Interviewee A7, semi-structured interview)

On the other hand, Rural Elite Mediators have a strong sense of social responsibility. Rural Elite Mediators are mostly local people born and brought up here. They all have deep feelings for their hometown. They are usually full of gratitude and think it is their duty to help the local people and do their best for the development of local society. This sense of social responsibility drove them to become Rural Elite Mediators, and they completed their work dutifully and felt happy about it.

This is also my home. I hope it will get better and better. Everyone who lives here has a responsibility for it. You can't turn a blind eye, can you? (Interviewee A2, semi-structured interview)

Table 4.8 Coding for “Motivations”

Category	Theme	Sub-theme	Interviewee
Category 7: Motivations.	Theme 21: The need to realize self-value.	21.1 Do something meaningful.	A1-A7
		21.2 Have the gift of mediation.	A2, A3, A5-A7
		21.3 Satisfaction and pride.	A1-A7
	Theme 22: sense of social responsibility.	22.1 Be grateful to hometown.	A1-A7
		22.2 Have obligation to help the people.	A1-A7
		22.3 Build hometown.	A3-A6

### 4.2.3 Personnel Management

Rural Elite Mediation House's built around the core of Rural Elite Mediator. Yongchuan district selected 108 rural Elite Mediators from 1009 new rural elites. Then 108 Rural Elite Mediation houses were established in each village or street with them as the center. Therefore, the personnel management of Rural Elite Mediation House is the core mechanism to maintain its operation and development. Based on data analysis, this study divides the personnel management of Rural Elite Mediation House into four parts: selection system, training system, assessment system and incentive system.

#### 4.2.3.1 Selection System

Selection has five requirements: respect for morality and law, integrity, fairness, devotion to the common good, and being trusted and respected by the people.

They have legal knowledge, are good at resolving disputes and are enthusiastic about public affairs. These are the common denominator of all Rural Elite Mediators. We will not blindly pursue coverage. (Interviewee C3, focus group interview)

In addition, the selection of Rural Elite Mediators has these following procedures (Figure 4).

- 1) Nomination by the masses (2 weeks). When a village or street meeting is held, the masses shall nominate and vote on the spot according to the requirements of selection to determine the candidates.

- 2) Residents' evaluation (2 weeks). Residents discuss and evaluate the nomination results of candidates to determine whether it is approved or not.

- 3) First public announcement (1 month). The candidates who have passed the evaluation shall be publicized, that is, the results of the evaluation shall be informed to the residents by posting posters and other ways, and feedback channels (telephone/WeChat, etc.) shall be published for people who have opposing opinions.

- 4) Visit and review (2 months). Interview the candidate's families, friends, colleagues and neighbors to confirm whether candidates really meet the criteria.

- 5) Review by the town government (2 months). Candidates who passed above procedures will be examined by local governments, which shall investigate and examine them.

- 6) Official publicity (1 month). Compared with the initial public announcement, this announcement is more formal. It will be made not only in the village or on the street, but throughout the town, with channels for opposing views.

7) District Government's confirmation (2 weeks). Candidates who have passed six steps above shall be submitted to the Yongchuan District government by town government, and the district government will give them formal recognition, issue certificates and clarify their identity.



Figure 4.2 Selection Mechanism of Rural Elite Mediators

In Yongchuan district elected 1009 new rural elites, the oldest is 93 years old and the youngest is 27 years old. New rural elites are mainly composed of rural cadres, rural teachers and successful people. 108 Rural Elite Mediators were mainly composed of highly respected elders, people with rich mass work experience and people with successful careers.

#### 4.2.3.2 Training System

Yongchuan district requires Rural Elite Mediators to receive professional guidance and regular training from political and legal departments. Rural Elite Mediators receive annual 2-week centralized training from the District Committee on Politics and Law, and Bureau of Justice (a grassroots judicial department in China) goes to Rural Elite Mediation Houses for on-site guidance every month. Training mainly includes legal knowledge, advanced experience in different regions and procedures and methods of dispute resolution.

#### 4.2.3.3 Assessment System

Rural Elite Mediators are not for life and there is no fixed term of office. Usually, as long as they are competent and respected, they can stay in office.

Those who have been elected are not for life. We have a system of assessment. We cannot destroy our brand. (Interviewee D2, focus group interview)

The assessment cycle includes quarterly assessment and annual assessment.

The group of assessors is consists of two district government officials and three district political and legal committee officials. Assessors were selected by the district government and the Political and Legal Committee through internal recommendation. There was no fixed term for the group and assessors. When the assessment is over, the assessment group will be dissolved automatically. Before the next assessment, a new group of assessors will be selected again by the government and the Politics and Legal Committee.

The assessment contents of Rural Elite Mediators include: 1. results of mediation for social conflicts. Specifically, it includes the total number of cases of mediation conflicts and disputes, the proportion of successful and unsuccessful cases, and the quality of successful mediation cases, whether the parties go back on their word or the occurrence of repeated disputes, the reasons of failed cases, and so on. 2.

Evaluation by local residents. The assessment group will conduct a public opinion survey in the village where Rural Elite Mediation House is located. In the form of telephone interviews or field visits, the assessment group understood the attitude and evaluation of local people towards Rural Elite Mediators, and regarded it as another important assessment indicator.

For Rural Elite mediators that have not passed the assessment, the district government will revoke their qualification and temporarily revoke their Rural Elite Mediation House until a new Rural Elite Mediator are selected.

In 2018, one Rural Elite Mediator was failure due to lack of enough time and energy to conduct daily action of Rural Elite Mediation House. (Interviewee D1, focus group interview)

Some former assessors said that there was no specific, quantifiable criterion for assessment. This is the point where the government should improve the relevant mechanisms.

#### 4.2.3.4 Incentive System

Incentives for Rural Elite Mediators in Yongchuan District are mainly divided into two aspects.

First, economic motivates. Rural Elite Mediator successfully mediated a dispute and reported it to the township and district governments. The government conducted comprehensive assessment and rating based on various factors such as the complexity, social impact and possible consequences, and divided them into small cases, medium cases and large cases and gave Rural Elite Mediators economic rewards of 50 RMB, 200 RMB and 500 RMB respectively.

Second, honor motivates. A selection and commendation mechanism of “Top Ten Rural Elite Mediators” has been established in Yongchuan District, and all Rural Elite Mediators in the district are selected annually. Ten selected best Rural Elite Mediators will be awarded honorary titles and plaques at the commendation ceremony, thus enhancing the sense of honor of Rural Elite Mediators.

### 4.3 Answers to Research Question 3 (Case and Solution)

RQ 3: What are cases about the Confucianism-Law conflict and how new rural elite take action on solving them?

#### 4.3.1 Types of Confucianism-Law Conflict

From the perspective of the subject of conflicts, there are mainly two kinds of conflicts involving the conflicts of etiquette and law (Table 10). One is the conflicts between rural villagers, which account for the majority (80%) of the conflicts, such as neighborhood disputes, traffic disputes, marriage disputes, etc. The other category is the conflicts between villagers and other subjects, including enterprises, land requisition and demolition departments, and government administrative departments. Such conflicts and disputes are rare, accounting for 20%.

From the perspective of the types of social contradictions and disputes in rural areas, in addition to simple conflicts such as neighborhood conflicts and family disputes, there are also conflicts involving more complex interest relationships, such as land expropriation and demolition compensation disputes, homestead sales disputes, labor disputes, land contract disputes, sublease disputes, traffic accidents disputes, etc.

Table 4.9 Types of Confucianism-Law Conflicts

Category	Theme	Sub-theme	Proportion
Category 8: Types of Confucianism-Law conflict.	Theme 23:	23.1 Between rural villagers.	72%(n=43)
	From the subject of conflicts	23.2 Between villagers and other subjects.	28%(n=43)
	Theme 24:	24.1 neighborhood conflicts.	26%(n=43)
	From the subject of conflicts.	24.2 family disputes.	17%(n=43)
		24.3 land expropriation and demolition compensation disputes.	8%(n=43)
		24.4 homestead sales	7%(n=43)

Category	Theme	Sub-theme	Proportion
		disputes.	
		24.5 labor disputes.	11%(n=43)
		24.6 land contract disputes.	16%(n=43)
		24.7 sublease disputes.	4%(n=43)
		24.8 traffic accidents	11%(n=43)
		disputes.	

#### 4.3.2 Reasons for the Confucianism-Law Conflict

The researcher has collected some practical cases of the Confucianism-Law Conflict in Yongchuan District. By analyzing actual conflicts between traditional Confucianism and the rule of Law in Yongchuan District, researcher has obtained the following three specific reasons (Table 11).

First of all, the absence of law exists in rural areas. People lack the concept of rule of Law. They don't have the awareness that using law to solve disputes, nor do they have sufficient legal knowledge to provide specific basis for the settlement of disputes. In cases, the absence of law leads local people naturally turned to traditional and well-known Confucianism order, which is generally accepted by local people. In addition, the imperfect legal system is also a manifestation of the absence of law in local society. Law cannot involve every details of social life. It is difficult to cover all aspects of rural society. The interviewee A6 said that he had encountered trouble during mediation when he could not find an applicable law. Under such circumstances, the traditional Confucianism naturally becomes the choice of villagers. In addition, the cost of legal advice and litigation is beyond the reach of rural people, which is also a reason for the absence of law.

Sometimes there are aspects of a conflict where no applicable law can be found. I was blindsided and called a lawyer, but I didn't. We didn't know what to do at that time, so we had to give them mediation according to the traditional idea. (Interviewee A1, semi-structured interview)

Second, traditional Confucianism still remains in the rural society. Confucianism order has remained in China for thousands of years. It still has a great presence in county area. As a social order, this order has strong inertia and interiorizes to the people. Therefore, when both two collide with each other, it is difficult for the public to understand and accept the judgment which is totally different to the Confucianism given by the Rule of Law order.

That is handed down from generation to generation, which is so easy to change? The old story is so said, we all know, are doing so, the result now that it is illegal, then who can convince? (Interviewee A6, semi-structured interview)

Third, the drive of personal interests will intensify Confucian-Law conflict. At present, there are both social orders of Confucianism and rule of Law in the rural society, which is the premise of the existence of Confucian-Law conflict. Through data analysis, the researcher found that when conflicts and disputes arise, the interested parties, out of the maintenance of their own interests, would choose the order which would be more benefit among two orders. This also makes the Confucian-Law conflict more prominent and sharper.

People want their interests not to be damaged. Sometimes there's no difference of opinion or position, it's just that the law is more favorable to him and he says he wants to do things according to the law, and if the tradition is more favorable to him, he changes again. It's all the same. (Interviewee A5, semi-structured interview)

Table 4.10 Coding for “Reasons for the Confucianism-Law Conflict”

Category	Theme	Sub-theme	Interviewee
Category 9: Reasons for the Confucianism-Law Conflict.	Theme 25: The absence of law.	25.1 The concept of Rule of Law is weak.	A2
		25.2 Lack of legal knowledge.	A5, A7
		25.3 The imperfections of the legal system.	A1, A3
		25.4 High legal consultation	A4

Category	Theme	Sub-theme	Interviewee
		and litigation costs.	
	Theme 26: The remains of traditional Confucianism.	26.1 The inertia of the Confucianism order. 26.2 It is difficult for the public to understand and accept the rule of Law that is different from the Confucianism.	A6, A7 A1, A4
	Theme 27: The drive of personal interests.	27.1 The judgments of traditional Confucianism are more beneficial to oneself. 27.2 The judgment of the law is more beneficial to oneself.	A5 A3, A5

#### 4.3.3 Solutions of Rural Elite Mediation House to Confucianism-Law Conflict

Rural Elite Mediation House mainly adopts practical solutions and fundamental solutions to the local Confucianism-Law conflicts (Table 12).

Practical solutions are specific and operable solutions adopted by Rural Elite Mediation House according to the actual situation in the process of conflict Mediation. It mainly includes providing professional legal advice, taking into account relevant factors of traditional Confucianism and providing flexible solutions.

When we run into each other, we'll deal with him. You tell him what the law says and offer him a settlement he can accept. He feels good and accepts it. That's what we do, finding a balance in our own way, so that little by little things become clear. (Interviewee A7, semi-structured interview)

Fundamental solutions are measures taken by Rural Elite Mediation House to fundamentally solve the Confucianism-Law conflict. On one hand, Rural Elite Mediation House insists on taking law as the core basis for mediation. In the

mediation process of actual cases, it subtly helps the public to establish the concept of rule of Law and form awareness of solving disputes by Law. On the other hand, Rural Elite Mediation House regularly conducts lectures on popularizing legal knowledge to improve the legal awareness of the public.

You need teach him. You has to tell him that times are different and everyone has to act according to the law. It can't be the same anymore. You can tell him if he doesn't understand, you can teach him, and he can do it next time. We will also hold some lectures to popularize legal knowledge. The effect is quite good. (Interviewee A2, semi-structured interview)

Table 4.11 Coding for “Solutions of Rural Elite Mediation House to Confucianism-Law Conflict”

Category	Theme	Sub-theme	Interviewee
Category 10: Solutions of Rural Elite Mediation House to Confucianism-Law Conflict.	Theme 28: Practical solutions.	28.1 Provide professional advice.	A2-A7
		28.2 Taking into account relevant factors of traditional Confucianism.	A3, A5, A7
		28.3 Provide flexible solutions.	A1, A2, A4,A6,A7
	Theme 29: Fundamental solutions.	29.1 Establish the concept of rule of Law through the mediation process.	A1-A7
		29.2 Popularize legal knowledge.	A1-A7

## CHAPTER 5

### DISCUSSION AND RECOMMENDATIONS

#### 5.1 Discussion

##### 5.1.1 The nature of Rural Elite Mediation House is Third Sector

Based on this study, the author believes that the new Rural Elite Mediation House in Yongchuan District is third Sector in nature. According to Professor Lester Salamon's definition, Third Sector has five basic elements: organizational, civil, non-profit, autonomous and voluntary. This argument provides the basis for the researcher's view (Salamon, 1981).

First, according to the data analyzed, the Rural Elite Mediation House has been institutionalized to a certain extent. It has its own people and operates regularly. Rural Elite Mediation House is not an informal or temporary gathering, but has such elements as regular meetings, organizational procedures, managers and long-term forms of organization, which are in line with organizational characteristics.

Second, the Rural Elite Mediation House has the characteristics of civil nature. The Rural Elite Mediation House is independent from the government in terms of institution and organizational structure, and its non-national social connection and coordination mechanism are very obvious. It is supported by the local government but has no direct subordinate relationship with the government administration, and has independent legal personality and capacity of conduct.

Third, it is non-profit. According to the data obtained from the interview, Rural Elite Mediation House is an organization of social welfare. As a civil conflict mediation mechanism, it emphasizes that it serves the public interests and does not aim at making profits. It does not charge for its mediation, nor does it make any profit.

Fourthly, Rural Elite Mediation House has certain autonomy to manage its own activities. Rural Elite Mediation House has its own internal management procedures and rules and is not subject to control of external factors including government. Its autonomy provides great advantages for it to participate in innovation of public governance and provide flexibility and pertinence of public service.

Finally, Rural Elite Mediation House has voluntary characteristics. Members of Rural Elite Mediation House always have a strong sense of mission and dedication. They carry out organizational activities and management in the form of voluntary services and have significant voluntary participation.

To sum up, based on analysis results of existing data, the researcher believes that Rural Elite Mediation House conforms to five basic elements and features of organization, civil, non-profit, autonomy and voluntary, and it conforms to the authoritative definition of Third Sector in the current academia.

#### **5.1.2 Rural Elite Mediator is Charismatic Leader**

Based on analysis of data from the authoritative sources of Rural Elite Mediators in this study, the researcher believes that Rural Elite Mediator is charismatic leaders, whose authoritative type is personal charisma.

The mediation of Rural Elite Mediation House is not mandatory. The public's obedience to them is mainly derived from their outstanding talent and strong personality charm. According to Weber, charismatic authority is established by the worship of a hero with extraordinary powers, qualities, or divinity. Charisma authority comes from the worship and follow of others, which is based on the support and admiration for leaders with outstanding charisma (Weber, 1947). Rural Elite Mediators' self-dedication, high moral strength and proper handling of complex conflicts and affairs make them unique and superhuman in terms of personality strength and personal ability (Weber, 1947). This characteristic makes them have special attraction and appeal and has been followed and obeyed by the public, which has become the basis of their authority.

In addition, Brightman has pointed out that the fundamental characteristic of charismatic leadership is the leader's sense of mission and the acceptance of this mission by others (Brightman, 2016). One motive for Rural Elite Mediator's involvement is a sense of responsibility towards their hometown. They take care of local development as their mission and obligation. As part of Rural Elite Mediators' campaign, it was their return to their home villages. This also fits in with Brightman's description of the characteristics of charismatic leadership.

### **5.1.3 Rural Elite Mediation House Provides the Merging Approach to Rule of Confucianism and Rule of Law in Chinese Rural Society**

In this study, the researcher finds that Rural Elite Mediation House is an effective exploration to solve the construction-law conflict in the social governance of Yongchuan District. According to data analysis, the main function of Rural Elite Mediation House is the mechanism of rural contradictions and disputes. As a third sector of rural society, Rural Elite Mediation House provides approach and channel for local society to mediate conflicts. According to the researcher, Rural Elite Mediation House is built on the basis of Confucianism and the core of Rule of Law. Rural Elite Mediation Houses take the contradictions and disputes in local society as the point of penetration, coordinate the Confucianism-Law conflicts and promote and strengthen the integration of Confucianism and rule of Law in local society (Figure 6).

First of all, Confucianism is the foundation of Rural Elite Mediation House. New rural elites were born from the soil of Confucianism and are the executor of the order of Confucianism. The core of Confucianism is custom and morality. As stated above, Rural Elite Mediators are selected from 1009 new rural elites who were born and grew up in local society and familiar with local customs and situation. One of important requirements of selection system is high moral standards. In addition, the traditional rural society is linked by interpersonal relationship. As one of five requirements for Rural Elite Mediators, "being respected and trusted by the public" fits this norm.

Second, rule of law is the core of Rural Elite Mediation House. According to the selection requirements, Rural Elite Mediators must respect law and have legal knowledge. In other words, Rural Elite Mediators themselves conform to requirements of Confucianism and ideas of rule of Law at the same time, as well as the knowledge and power of Confucianism and Law. Moreover, as a contradiction mediation mechanism, its mediation is based on national laws. In addition, Rural Elite Mediation House has technical support from professional legal practitioners. Grassroots judicial departments are responsible for providing training on Rural Elite Mediators. Rural Elite Mediation House also has professional lawyers to provide legal consultation. The researcher believes that Rural Elite Mediation House is a foothold of modern rule of Law order established in rural society.

Third, contradictions and disputes in rural society are the point of penetration for Rural Elite Mediation House merging rule of Confucianism and rule of Law. Conflicts between Confucianism and rule of Law involve various aspects of social life, which is an important reason why this problem is difficult to be solved. Rural Elite Mediation House focusing on contradictions and disputes in social life and taking contradiction mediation as a breakthrough point as a contradiction mediation mechanism. These conflicts and disputes are the concrete manifestation of the rural society Orbicularis Law conflicts.

Rural Elite Mediators rely on their knowledge and power of both Confucianism and Law, analyze and resolve conflicts with superb mediation skills and excellent personal abilities. According to the legal terms, combined with the deep understanding of the order of Confucianism, to balance and synthesis both with personal ability and wisdom -- this is the solution mode of Rural Elite Mediation House to the specific contradictions of Confucianism-Law conflict in social life. Moreover, by mediating and resolving specific contradictions one after another, Rural Elite Mediation House subtly strengthened local people's concept of rule of Law and establishes the awareness of rule of Law with fact cases. Meanwhile, Rural Elite Mediation House regularly conducts lectures to popularize legal knowledge. Thus, the establishment of Rural Elite Mediation House provides a fulcrum for the fusion of Confucianism and rule of Law.

Fourthly, the Rural Elite Mediation House is a bottom-up channel to reflect public sentiment. The establishment and development of Rural Elite Mediation House has been supported by local government. Rural Elite Mediation House can grasp specific situation and opinions of local people, collect and summarize social information, provide reference and basis for local government to adjust policies, and also provide valuable feedback information for the improvement of legal system and rule of Law order.

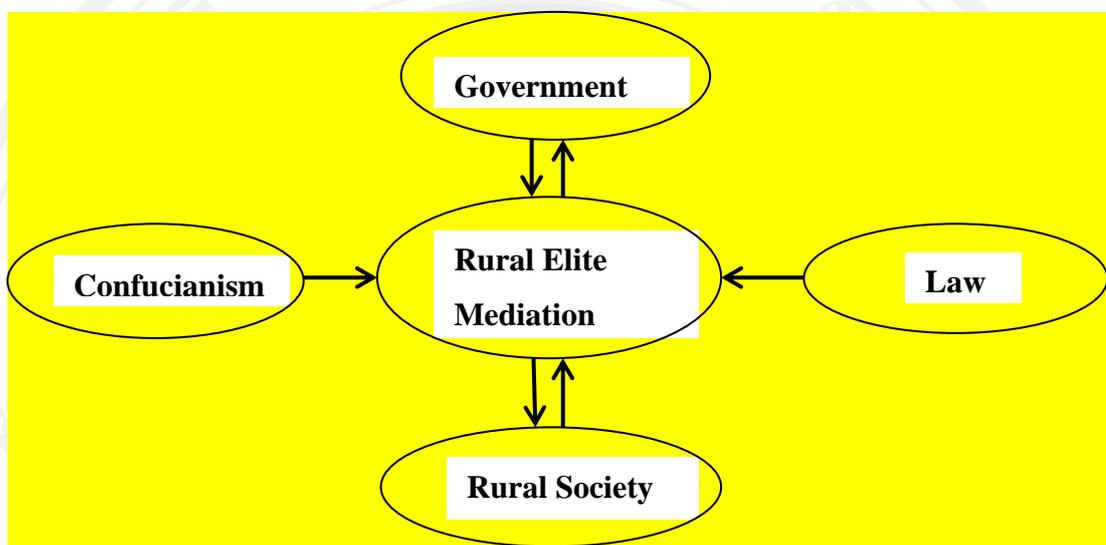


Figure 5.1 Confucianism-Law Synthesis: Rural Elite Mediation House

To sum up, Rural Elite Mediation House is built on the basis of Confucianism and centered on rule of Law. It has knowledge and power of Confucianism and Law at the same time, and takes contradictions and disputes of local society as the focus and breakthrough point of coordinating Confucianism and Rule of Law.

Rural Elite Mediation are based on legal provisions, combined with their in-depth understanding of Confucianism order, and mediating conflicts and disputes through personal ability and wisdom. In this process, Rural Elite Mediation House uses facts and practices to gradually strengthen the rule of Law concept of local people, establish their rule of Law awareness and popularize legal knowledge. Meanwhile, Rural Elite Mediation House has had an in-depth understanding of the reality of rural society and has collected and grasped the public sentiment. In addition,

the establishment and development of Rural Elite Mediation House has received support and attention from the government, so that a bottom-up feedback channel be formed, which can provide real and effective reference and basis for policy adjustment and legal system improvement.

## **5.2 Policy Recommendations**

At present, The Governance Model of “New Rural Elite” has already taken shape and has certain replicability. It is an effective governance model of innovation. However, it is still in the initial stage of development and needs further exploration and improvement, as well as systematic design. In this study, the researcher puts forward three recommendations for improvement and development of Rural Elite Mediation House.

First of all, government can provide certain economic support to Rural Elite Mediation House. Rural Elite Mediation House has no funds. Its operation mainly relies on the voluntary activities of Rural Elite Mediator. Government can provide some kinds of welfare and subsidies for Rural Elite Mediators, such as tax reduction or transportation subsidies and meal supplements and provide some material security for Rural Elite Mediators.

Secondly, establish effective supervision mechanism. Rural Elite Mediation House has its own performance evaluation mechanism, but there is no effective supervision mechanism for its daily activities and whether the mediation process conforms to procedures. The researcher believes that local government can give full play to the role of villagers' committees and other grass-roots governance organizations and cooperate to establish a feasible supervision mechanism for Rural Elite Mediation House.

Finally, establish a linkage cooperation mechanism. Functions of Rural Elite Mediation House determine that problems it faces require cooperation and support of various departments, including but not limited to Rural Elite Mediation House, residents' committees, grassroots judicial departments, local governments, private enterprises and so on. At present, Yongchuan District does not have an effective mechanism to effectively coordinate various departments and ensure the smooth

progress of cooperation, nor does it have a program design for the communication and linkage between departments. To address this problem, government can take the lead and establish an effective linkage and cooperation mechanism to further develop the governance model of “New Rural Elite”.

### **5.3 Limitations**

The shortage of grounded theory is usually due to small sample selected for study, which is unavoidable in this study. The reality of new rural elites in Yongchuan district determines the narrow scope of this study. The conclusions derived from it may not be universally applicable. Moreover, as the governance Model of “New Rural Elite” proposed in this paper is based on exploratory research, its reliability, validity and promotion degree have not been tested by large sample statistics.

### **5.4 Implications**

For government, this research studies the governance model of new rural elites in Yongchuan, Chongqing from three perspectives of organization, individual and issue. This study provides policy recommendations for the Yongchuan district government in Chongqing to improve the existing governance model of new rural elites, and provides theoretical support and policy suggestions for other local governments that trying to solve the Confucianism-Law conflict in local rural society through new rural elites.

For academia, this research is an exploratory study on the governance model of new rural elites in Chongqing, which fills in the current research gap. It enriches the research perspective of new rural elite, which is the newly emerging governance subject in Chinese society, and conducts the first systematic exploration research of the successful case of new rural elite participating in governance in Chongqing. It lays a preliminary foundation for the further study of new rural elites to solve the conflict between Confucianism and law in China's rural society.

## 5.5 Recommendations for Future Research

This study is a preliminary exploratory study on governance model of “New Rural Elite” in Yongchuan District. Due to limited time and energy, only a small sample of grounded research. Therefore, more samples need to be selected for analysis in the future. Through constant comparison with data obtained in this study, the study on Governance Model of “New Rural Elite” of Yongchuan District should be further deepened to enrich the connotation of the concept and category proposed in this study.

This study can only serve as a foundation for governance model of “New Rural Elite”. Macro-system, cultural and social environment factors and the objective performance of Rural Elite Mediation House have not been included in the conceived model. Therefore, the next step can be to focus on the expansion of Governance model of “New Rural Elite” and further improve the theoretical model.

In addition, how effective is the Governance Model of “New Rural Elite” in coping with Confucianism-Law Conflict? How to coordinate different departments to make sure maximize the new rural elite’s adjustment effect? These also require policy experiments on a large sample of the public and performance evaluation using statistical methods. This is also a direction that relevant research can further explore.

## BIBLIOGRAPHY





**APPENDICES**



Appendix A

Information of Interviewees

## 1. Rural Elite Mediators

<b>Interviewee Pseudonyms</b>	<b>Gender</b>	<b>Age 2020</b>	<b>Occupation</b>	<b>Period as a Rural Elite Mediator</b>	<b>Village/Street</b>
A1	M	76	Retired officials	2017-now	SHIGUISI
A2	M	51	Retired officials	2017-now	SHUNLONG
A3	F	63	Retired worker	2017-now	ZHONGSHAN
A4	F	55	Farmer	2017-now	NANHUA
A5	M	64	Businessman	2017-now	WANGCHENG
A6	M	57	Farmer	2017-now	TAIPINGQIAO
A7	M	51	Businessman	2018-now	LIANHUASHI

## 2. Local Residents

<b>Interviewee Pseudonyms</b>	<b>Gender</b>	<b>Age 2020</b>	<b>Occupation</b>	<b>Education Level</b>
B1	M	22	Student	Bachelor
B2	M	55	Farmer	Primary school
B3	F	47	Housewife	High school
B4	F	39	Teacher	Bachelor
B5	M	61	Farmer	Junior high school
B6	F	54	Worker	High school
B7	M	56	Worker	High school
B8	F	30	Employee	Bachelor
B9	F	25	Employee	Bachelor
B10	M	69	Retiree	Primary school

## 3. Local Government Officers

<b>Interviewee Pseudonyms</b>	<b>Gender</b>	<b>Age 2020</b>	<b>Subordinate departments</b>
C1	F	42	District government.
C2	M	51	District Political and Legal Committee.
C3	F	47	Foyansi Village Committee.

## 4. Assessors

<b>Interviewee Pseudonyms</b>	<b>Gender</b>	<b>Age 2020</b>	<b>Subordinate Department</b>	<b>Year as Assessor</b>
D1	M	36	District government.	2018, 2019
D2	M	40	District government.	2019
D3	F	44	District Political and Legal Committee.	2019



Appendix B

Interview Protocol

## **For Rural Elite Mediator:**

1. In what context was Rural Elite Mediation House established?
2. Why establish the Rural Elite Mediation House?
3. What are its objectives?
4. Who led the establishment of Rural Elite Mediation House?
5. Where does its authority come from?
6. What are its responsibilities? What business does it deal with?
7. How they selected rural elite? What are the criteria?
8. What is the selection process of rural elite intercessors that is the core of Rural Elite Mediation House?
9. What ability does it take to become a Rural Elite Mediator?
10. Is there any training for Rural Elite Mediator s?
11. How are Rural Elite Mediators assessed?
12. Is there a fixed term of Rural Elite Mediator?
13. How does Rural Elite Mediation House deal with daily affairs? Is there a fixed procedure?
14. Who should supervise Rural Elite Mediation House?
15. Why do you want to be rural elite? What made you become one?
16. What kind of role do you think you play in dealing with affairs as a rural elite? What is your positioning?
17. Have you ever encountered any problems of the Confucianism-Law conflict at work?
18. What's the problem? Can you be more specific?
19. How did you solve it?
20. What was the result?
21. Are you satisfied with your solution and the results?
22. What do you think influence your handling of Confucianism-Law conflict?

**For Local Residents:**

1. Do you have any experience in associate with Rural Elite Mediation House?
2. What do you think of Rural Elite Mediation House?
3. Are you satisfied with the work of Rural Elite Mediation House? Do you have any comments about it?
4. Are you willing to ask for their help when you are in trouble?
5. What do you think of Rural Elite Mediator?
6. How do you reach for help from Elite mediator? What cases/situation?

**For Local Government Officers:**

1. What is the relationship between the government and Rural Elite Mediation House?
2. What is the government's attitude towards Rural Elite Mediation House?
3. How are Rural Elite Mediators selected and trained?
4. What is the functional scope of Rural Elite Mediators?
5. What role does Rural Elite Mediators play?
6. Are there any conflict between local government and elite? Any example?

**For Assessors:**

1. How often are Rural Elite Mediators evaluated?
2. What is the staff composition of assessors?
3. What are the assessment contents?
4. How will the assessment be conducted?
5. Are there any cases with unqualified assessment results? What are causes of the disqualification?
6. If assessment result is not qualified, what are the consequences for Rural Elite Mediation House and Rural Elite Mediator?
7. What are the section process/criteria of assessors?
8. How long for the assessor's term?
9. Any suggestions for the improvement of assessment process?



Appendix C

Observation Protocol

1. Observation Sites: 2 Rural Elite Mediation Houses
2. Observer: The researcher
3. Purpose of Field Visit: The study sites were chosen on the basis of the need to observe Rural Elite Mediation House's daily activities and the convenience of observation.
4. Time: Seven Hours
5. Observer's Involvement: During which the researcher collected data as a complete observer.
6. Individuals or Groups Observed: Local people who sought help from Rural Elite Mediation House, Rural Elite Mediators of Rural Elite Mediation Houses, and other participants in the mediation meeting (staffs of Residents Committee).
7. Observed Content: It mainly included the functions of Rural Elite Mediation House, the relationship between Rural Elite Mediation House and local residents, how Rural Elite Mediation House solved the conflict between Confucianism and law, and the mediation process of Rural Elite Mediation House's contradictions.

## BIOGRAPHY

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