

Research on the Practical Approach of Rural Governance from the Perspective of “Fengqiao Experience”

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Abstract: Rural revitalization cannot be separated from a harmonious and stable social environment. In the process connecting poverty alleviation with rural revitalization, the public security situation has taken on new features, new changes have taken place in crime patterns, and the people have new expectations. The study takes the criminal case of three deaths and three injuries caused by a homestead dispute in a village in Fujian Province as an example and analyzes the pain points of rural homestead dispute governance in the new era, such as the obvious trend of intensification of rural homestead disputes, the insufficient mediation measures at the grassroots level and undesirable results, and the increase of the complexity of problem due to the intervention of public opinion. This paper analyzes the difficulties faced by rural governance, such as the impact of economic interests on the stability of the rural autonomy, the lack of grassroots governance, the settlement of homestead disputes, and the intensification of the situation due to moral constraints. On this basis, a practical approach to realize rural governance is proposed.

Keywords: Fengqiao Experience; Homestead disputes; Rural governance

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1. Introduction

Rural governance concerns the overall situation of national stability. At present, rural work is at a critical stage of poverty alleviation and carrying out rural revitalization. The situation of governance has taken on new features, the pattern of crimes has changed, and the people have new expectations. The most significant achievement of “Fengqiao Experience” is self-discipline, rigidity and flexibility, unity of the body and mind, unity of human and science and technology. The “Fengqiao Experience” plays an important role in realizing rural governance, consolidating the effect of poverty alleviation, realizing the comprehensive revitalization of rural areas and improving the overall rural governance. In light of the new era and the challenges that come along with it, the advantages of “Fengqiao Experience” should be maximized. We should respond to the people’s demand for a better life and constantly improve the capacity of social governance. In this paper, a criminal case involving 3 deaths (including 1 suspect) and 3 injuries caused by a dispute over a housing land of Village S in Fujian Province was taken as an example to explore the internal mechanism and practical approach of rural governance under the perspective of “Fengqiao Experience” in the new era.

2. Behavior of explicit: The pain point of rural homestead dispute management in the new era

2.1. The increasing intensity of homestead disputes

In recent years, the rural homesteads are expanding, the relationship between man and land continues to be tense, and land resources are becoming increasingly scarce in rural areas. As a result, the economic value of rural land is highlighted, the farmers' awareness of property rights and the value of rural land resources has continuously increased. Farmers then become reluctant to quit their agricultural household registration and social capital floods into the rural land market ^[1]. Coupled with the farmers stressing on the importance of homestead and related rights, especially in the developed areas of east China, the trend of building houses in the countryside began to appear. Due to the challenges of land management and the transfer of homestead, conflicts over homestead and self-built houses are not uncommon, which can sometimes be tragic. The most common disputes are those among neighborhoods, which are usually caused by historical issues. This is not only about unbalanced economic interests among the villagers, but also the poor social governance capacity of grassroots governments and also the intervention of malicious locals. Over the past 40 years of reform and opening up, the structure and function of rural society in China have undergone great changes. A major change that occurred was the transition from "acquaintance society" to "semi-acquaintance society." The murder case caused by the dispute over the homestead in Village S in Fujian province reflects the change of rural social order. In this case, suspect Z is related to victim L by blood. Z and L have quarreled for decades and even fought over the homestead issue. The situation was then mediated by village officials and the police, and both of them decided to go on separate ways. However, with the social transformation and economic development, Z's family who was increasingly wealthy wanted to build a new house. In 2017, an unexpected mudslide caused Z's house to be severely damaged. He underwent various legal procedures and was prepared to demolish the dilated house and build a new one. However, his decision was opposed by L. This has forced the Z family to live in a makeshift tin house. In 2021, the tin house deteriorated and was no longer suitable for habitation. The absence of a home reignited past conflicts. After years of accumulation, conflicts between the two families finally broke out. In October, a heated argument occurred and soon escalated to a violent fight, resulting in Z killing two members of L's family and wounding three others before committing suicide. Unfortunately, there are many similar criminal cases caused by homestead dispute. For example, in 2013, Ding killed 5 people in Zhumadian City of Henan Province due to a long-running homestead dispute; in 2016, Zhao killed 5 people in Baoding City of Hebei Province due to a homestead dispute; in 2019, Deng killed 1 person and injured 1 person in Xinshao City of Hunan Province due to a homestead dispute; and in 2020, a man surnamed Fu in Beihai City, Guangxi Province caused one death and many injuries due to a homestead dispute.

2.2. Insufficient means of grassroots mediation

Different from other civil disputes, homestead disputes are characterized by land resources that are difficult to be reconciled, potential economic benefits that cannot be estimated, and conflicts that are long-term and complex. The golden rule of mediating these disputes was by balancing interests to achieve harmony, but in the face of the new situation, this rule is no longer applicable. Depending on the type and content of disputes, the priority of public security is still to mediate the situation, but this kind of mediation lack coerciveness. Wang believed that for civil disputes between farmers, legal measures are not necessarily more effective than civil mediation on the premise that no national laws and public order are violated ^[2]. More often, even if the court has made relevant rulings in litigation activities, the problem cannot be completely solved, the conflict still exists and sometimes even worsens. As Wu and Huang said: "When a dispute is difficult to resolve, people do not seek civil authority for mediation but resorts to legal actions. In this case, it seems that their legal awareness had been enhanced, but in fact, the court found that due to the inequality of power and resources, the whole litigation process often makes them lose control of the

situation, the case will be arbitrarily handled by the judge. Instead of getting justice, the parties involved suffers monetary losses and loss of time ^[3]. For villagers, in view of the weakness of traditional mediation strategies, high litigation costs and uncontrollable results, contradictions are not resolved, but hidden or covered up under some external privately intervention. As time goes by, legal issues, civil disputes, and even criminal cases might occur, which will eventually bring irretrievable losses to the parties. Three people were killed and three injured due to a homestead dispute in Village S, which was one of the outcomes of this situation.

2.3. The involvement of network public opinion increasing the complexity of problem

The Internet and the advent of the intelligent age make it possible for information to be transmitted quickly and become a hot topic, thus attracting widespread attention and participation of the public. When a news breaks out, users can actively participate in dissipating the news, which not only plays the role of news transmission and participation, but also supervision of public opinion. Users can also publish and discuss the news with their real names with the purpose of breaking the news and making headlines ^[4]. On one hand, although the voices of most Internet users (messages, microblog articles, WeChat, short video platforms, and many more) are difficult to arouse the participation of other Internet users on a large scale, the risks of Internet social governance caused by extreme cases cannot be ignored. On the other hand, in the process of dealing with events that have turned into headlines, the situation and the parties involved are then subject to Internet public opinions, and the situation becomes difficult to control or becomes a tool for “ulterior motives.” Some local governments do not respond in a timely manner, or they are too passive or not influential. Even a slight mistake may cause the situation to get out of control, thus affecting the credibility of the government. In the case of the dispute in Village S, suspect Z was a person who was active on social media. Faced with the pressure of being unable to build a house for many years due to the homestead issue, he expressed his frustrations on Weibo and also reached out to several government departments for help but failed to get a positive and effective response. To a certain extent, this stimulated Z to take the risk at last. To everyone’s surprise, the attention Z got after causing 3 deaths and 3 injuries exceeded his/her plead on the Internet, and caused a stir on the Internet, and resulted in many headlines and heated discussions. It is worth reflecting that after the fermentation of the network, the focus of the netizens shifted from the from the case itself to grassroots social governance, such as the fight against the rural malicious parties and the inaction of village cadres, which involves a wider influence including local governments, public security, and grassroots cadres.

3. Implicit logic: Analysis of rural governance under the challenges in different aspects

3.1. Economic interests drive impact on the stability of rural autonomy system

The implementation of national strategies such as new-type urbanization, “beautiful economy,” and rural revitalization has promoted the improvement of rural infrastructure and industrial economy. Besides, these strategies also improved the public’s understanding and cognition of rural development under the support of economic and social guidance, land expropriation and demolition, as well as the increasing prioritization of aesthetics due to the demand for a better life. In this process, the role and status of homestead also gradually turned from simply a place residence and to holding much more value. In other words, the role of homestead as a social security has gradually weakened, and its economic value becomes the key that attracts the villagers. Chen believes that due to the intensifying conflict between the social security function and the economic value function of the homestead, there are difficulties in the management and use of the homestead ^[5]. In addition, the historical conflicts between the villagers, the homestead demands of returnees, the shortage of living space, the repair or renovation of old houses and other factors stimulates more homestead disputes. Along with it, there are also issues of rural disintegration and population hollowing,

rural reorganization, and population gathering, which poses great challenges for the modernization of rural governance system and ability, and will cause great changes in the governance system.

3.2. The lack of grassroots governance aggravating homestead disputes

The main goal of the mediation of rural social contradictions and disputes is to resolve the disputes with minimal economic and social cost. He found in field investigation that the settlement of disputes in rural areas requires local knowledge to coordinate and balance various forces in real life of local farmers ^[6]. It is difficult for grassroots cadres to remain objective when mediating civil disputes about self-built houses. Generally, the village committee will initiate a negotiation until both parties reach an agreement, but the village committee has no power to force any party in making their decisions. Therefore, the main body to solve homestead disputes is still the village committee, which puts great requirements of the members of the body. However, with the gradual improvement of economic conditions of the villagers' families and their legal knowledge, village cadres or "new villagers sages" have limited ways in settling disputes, and even many strategies and skills widely used in the acquaintance society become useless. Huang believes that with the reform of taxes and fees, the rise of migrant worker economy, and the transformation of villagers' mindset from "ethically-oriented" to "interest-oriented" and the pursuit of the quantitative equivalence of power, responsibility and profit, which is contradicting with the principles of village cadres, making the "internal mediation" of rural conflicts and disputes more difficult ^[7]. When the contradictions cannot be resolved at the grassroots level, the parties often rely on the intervention of external forces. If both sides are unwilling to give in, they need to take matters to the court. In these cases, the parties involved usually prefer to appeal to the higher authorities for help rather than seeking legal actions. When the standard methods do not work, the conflict becomes often escalates from a confrontation to an argument, leading to physical alteration and even criminal cases.

3.3. The lack of morality promoting the intensification of conflicts

The material prosperity brought by economic and social development enables villagers to "live in a good house and drive a good car," but the lack of moral values makes some villagers fail to be a decent person while living a good life, which involves the material needs and spiritual satisfaction. Although the rural the economy, the infrastructure, the environment, and so on are developing and progressing, there are still some uncivilized and backward rural customs in some rural areas. With the continuous integration of urban and rural areas, not only city residents, but also many villagers do not understand why so much effort is placed on preserving rural traditional culture which leads to a very common dilemma. On the one hand, villagers have begun to question the value and significance of traditional rural moral culture, and the original rural moral constraints and standards re becoming irrelevant; on the other hand, villagers have not really adapted to urban life and culture, and the modern rules and laws system are not so binding for the second and third generations of farmers ^[8]. Village S is one of the beneficiaries of the rural revitalization strategy. However, instead of a significant improvement of agricultural production, living standards, and rural infrastructure, problems such as the imbalance of rural style and social disorder emerged, as well as issues like the decline of social morality and the emergence of village bullies and malicious forces. According to the village cadres, in the process of building the house, Z was subjected to all kinds of difficulties and unreasonable obstacles from the L family. The village cadres' lack of mediation, fear and distrust of litigation, and lack of awareness of the rule of law on both sides made Z lose hope in solving the problem and resorted to physically hurting the L family.

4. The breakthrough of rural homestead dispute management

Social governance at the grassroots level is filled with problems. However, it is not about losing flexibility

in solving problems due to strict management or not being able to solve problems effectively due to lax management. “Fengqiao Experience” is about forming a governance pattern featuring co-construction, co-governance and shared between multiple subjects, which is a realistic choice for realizing the modernization of grassroots social governance^[9]. It is necessary to combine autonomy, rule of law and rule of virtue, and encourage and guide villagers to achieve co-construction, co-governance, and shared benefits.

4.1. Building on self-government as a framework for community-level democratic consultation

First, we must strengthen the party’s leadership and give full play to the guiding role of leaders. The core of “Fengqiao Experience” is that the party leads the people, and the rural governance system combining autonomy, rule of law and rule of virtue is a successful example of the party working with the people through the grassroots social governance^[10]. In rural governance, we need good leaders, party members, and cadres to play an exemplary role in the vanguard, and “rural sages” to encourage the people to fully participate in rural self-governance. At any time and under any circumstances, we must not relax our efforts to build rural parties. To strengthen and improve rural governance, we should take strong rural primary parties as the core and cultivate excellent secretaries for the parties. The building of a party will lead villagers to self-governance, and that they will understand the appeal and solidarity of the party, and build the lasting democratic system at the grassroots level.

Second, we should improve the enthusiasm of villagers to participate in public affairs. Autonomy is the primary link of “Fengqiao Experience” in rural social governance. The reason why “Fengqiao Experience” is lasting and constantly revitalizing is because its core essence remains unchanged: relying on and mobilizing the masses and centering on the people^[10]. The “Fengqiao Experience” in the new era strives to make the people the main body of social governance at the grassroots level, entrusts the people with the power of grassroots governance, and achieves civil management and joint management. On one hand, it is necessary to strengthen management, where villagers should not participate in public affairs only on the surface level. More importantly, it is necessary to introduce rules and laws into rural governance. On the other hand, power should be delegated to the villagers to improve their enthusiasm to participate in public affairs. When villagers become more involved in public affairs, they will have a natural understanding and recognition of rural governance and become more tolerant towards conflicts and disputes in their daily lives.

Thirdly, we need to adopt new forms of governance depending on local conditions. Rural governance has always been a key and difficult field and a basic unit of national governance, and the two important variables affecting the modernization of rural governance are the rural society itself and rural management system^[11]. The villagers should have a full understanding of the intensification of historical conflicts. A vicious event usually starts from a daily conflict. The situation of rural areas varies greatly, so are the daily problems. Therefore, to achieve rural governance, the problems of different villages, the level of economic development, historical and cultural traditions, need to be considered, along with bold innovation and courage to break through. For the villages with rules and regulations, the role of rules and regulations in regulating villagers’ self-discipline and behavior should be brought into play. For those who do not have village rules and regulations, we can help them to establish village rules and regulations and advocate them.

Lastly, external resources should be utilized to serve the villagers. The increase in the specialization of social services provides external support for self-governance. Highly specialized services, such as social work, environmental health, medical services, basic education, and community logistics services, can be contracted to a social organization for management. The resources should be utilized to extend rural governance to the grass-roots government of rural areas. It is worth noting that rural autonomy is also somewhat a form of village governance. The concept of “responsibility, rights and interests” is not in line with the pursuits of rural governance.

4.2. Highlighting the guidance and comprehensive governance based on the rule of law

Firstly, the villagers' consciousness of rule of law and morality should be improved. The law can only be effective when villagers believe in and abide by them. The advantages of "Fengqiao Experience" is that it helps in law enforcement and improves the villagers' legal awareness, and make them believe in and respect the constitution and law. At the same time, we should strengthen moral construction, hold on to the traditional virtues of the Chinese people, and improve the ideological and moral quality of the whole society. We should get to the crux of the matter by making public knowledge of the law and observance of the law a fundamental part of the rule of law, so that the villagers will become loyal advocates, obedient citizens, and staunch defenders of the socialist rule of law. We should increase our efforts to improve civic morality, encourage activities that promotes cultural and ethical development, guide the rural people to consciously practice socialist values, establish good moral practices, and strive to be models of social justice and morality and defenders of good social practices.

Second, use legal means to solve prominent problems in the areas of autonomy and morality. "Fengqiao Experience" on the grassroots social governance mode of "party and government leadership, comprehensive governance and coordination, public participation, social coordination, and legal protection" highlights the importance of the rule of law^[9]. We have promoted the principle of "one community, one police officer" and "one village, one auxiliary police officer," and has allocated legal advisers in all townships and communities (villages), so as to cultivate the mentality of handling affairs through the rule of law. It is worth paying attention to that the Internet is not a place outside the law, and the ability to cope with public opinion online should be improved. Driven or restricted by many factors, such as organizational constraints, economic pressure, and audience satisfaction, different types of media tend to adopt different news frameworks to guide the focus of audience, which leads to capital-driven and control of public opinion. In view of this, we must adhere to strict law enforcement and maintain social integrity by at all times, accurately and effectively cracking down on falsehood and evilness.

Third, the rule of law should resolve the lack of autonomy brought by the disintegration of village order. In rural areas, many homestead disputes are mainly caused by problems passed down from history, and it is tacky because there are "unclear" laws and facts. In the past, mediation was led by the village elders and family elders. For many problems, the common people had their own opinions. Moreover, in the "acquaintance society," most people prioritize pride, human relations, and also kinship. In such cases, intra-village mediation measures are usually sufficient to solve most of the problems. However, nowadays, the village has become a society of "semi-acquaintances" or even "strangers." Especially in the relatively developed Village S, many farmers go out to work and do business. The social relations within the village were gradually disintegrating, and so was the original internal mediation force. However, due to the high value and reducing land resources, coupled with the estrangement between people and the failure of social adjustment, the homesteads in Village S have evolved into the focus of conflict. In order to solve this problem, a village committee can be set up, consisting of highly respected, fair, veteran party members, veteran cadres, old teachers and other authoritative people, so that conflicts and disputes can be resolved and does not get out of hand.

4.3. Emphasizing the role of the people by prioritizing the rule of virtue

Firstly, the internalization of morality of villagers should be prioritized. The rule of virtue is an important part of "Fengqiao Experience." The role of morality in regulating villagers' social behavior, regulating social relations and maintaining social order is more acceptable to villagers. It is undeniable that the internalization of morality is a long and subtle process. Besides, socialist values should be taken as the core and be fully tapped into local cultural heritage. Cultural parks, squares, and auditoriums can be built according to local conditions, civil conventions can be revised, and activities related to "passing down and

establishing family rules and promoting family customs” can be carried out. We have launched campaigns to select “ten-star civilized households,” “civilized residential areas,” “the most beautiful families” and “the most beautiful buildings,” and guided the people to speak, abide by and observe moral values, so as to subtly promote the change of customs and establish a new style of civilization. In this way, moral cultivation can be infused into the daily lives of villagers like salt into soup.

Secondly, the supporting role of moral values on the autonomy and rule of law should be highlighted. The law should be followed at all times, while morality is the cornerstone and should not be neglected. On one hand, we should pay attention to the role of moral education, improve the degree of civilization of villagers, and provide a good cultural environment for the village to be governed by law. The core essentials of governance should be highlighted in moral education; and the concept of rule of law, spirit of autonomy, and awareness of rules should be “instilled into the heart and mind” in a way that can be well-accepted by the villagers. On the other hand, in the process of moral construction and cultivation, it reflects the specific requirements of autonomy and rule of law, gives play to the nourishing role of morality, and promotes the compatibility and coordination of morality, villagers’ autonomy, and rule of law to the greatest extent. Villagers should be guided to identify with village autonomy and social rule of law in ideological and cognitive dimensions, and connect individual actions with family, social, and governance responsibility.

Thirdly, moral requirements should be included while constructing the autonomy and the rule of law. The moral system will only be effective when supported by the autonomy and the rule of law. A country without virtue cannot prosper, and people without virtue cannot be strong. Village rules and regulations, laws and regulations should include a clear moral guidance, carry forward virtue and justice, and reflect morality in legislation, law enforcement, and judicature, so that the socialist rule of law can be governed by good laws. On the other hand, moral values that are widely recognized, mature, effective, and operable in the daily life of villagers should be put into the legal system, so as to aid the construction of moral system and further guide villagers to uphold good values. Faced with the prominent family moral problems under the impact of industrialization, the loss of farmers' moral belief under the impact of marketization, and the moral disorder in rural society under the impact of urbanization, we should give full play to the role of “Fengqiao Experience” in rural governance. We should not only lead the direction of rural ethics with moral education, but also enrich the connotation of rural ethics with traditional virtues. In particular, it is necessary to improve public governance, constantly optimize the moral values to accelerate rural revitalization ^[12].

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