

## Anthropologist looks at law and tradition in China

When a merchant in China's northern province of Hebei kept profits from locally grown pears, peasants seized his television in retaliation. When the merchant sued for illegal appropriation, the judge ordered the peasants to return the property without making the merchant pay for the pears.

The peasants perceived this resolution, and many similar rulings, to be an injustice in state law, said Dr. Christine Avenarius, an assistant professor of anthropology at East Carolina University. She was recently awarded several grants, including a \$100,000 grant from the National Science Foundation, to study perceptions of fairness and justice in China.

This year, Avenarius will interview 80 Chinese citizens to see to what extent their views have changed on law and mediation since the rise of Maoism, when China began to adopt a new social and economic system. The data will contribute to Avenarius' research on perceptions of fairness and justice in China.

Half of the interviewees will be from Hebei's capital city of Shijiazhuang. Others will be from Nanzhuang, a rural village of about 5,000. In the second year of her research, Avenarius will test the findings of the first year with a random sample of 240 Chinese citizens.

Avenarius said she hopes to determine to what extent the population has adapted to the 30-year old justice system.

Traditionally, informal mediation based on principles of reciprocity helped resolve disputes. In this system of justice, nepotism and cronyism often play in the outcome of disputes. But that system was officially replaced by a formal legal system that spelled out consequences for broken laws and offered procedures for filing complaints.

The morph to a system based on the rule of law has been slow, Avenarius said.

One of the main changes in the law is that citizens can take their grievances to court.



Dr. Christine Avenarius is probing dispute-resolution in China.

But many residents, particularly in rural areas, still rely on the centuries-old traditions of mediation.

Avenarius notes numerous factors affecting a Chinese citizen's decision to follow the relatively new laws. For example, the decision to bring a dispute to court is often based on social connections and geography. Urbanites are more likely to file suit, she said. While the traditional method of mediation is still important in dispute dissolution in all areas of China, it tends to be used less frequently in urban areas.

The NSF grant funds Avenarius' research until September 2007. She was also awarded an ECU seed grant for nearly \$20,000 and a college research award from the Harriot College of Arts and Sciences that allowed her to spend this spring focusing on research.

Avenarius' is working with Dr. Jeff Johnson, a professor in the Department of Sociology and the Institute for Coastal and Marine Resources, who will oversee statistical analysis for the project and will contribute to data analysis as co-investigator of the grant; Professor Zhao Xudong, chairman of the sociology department at China Agricultural University, who is a consultant for the study's rural sample; and Qi Xin, with the Urban Studies Institute at Beijing Academy of Social Sciences, who is a consultant for the urban sample portion of the research.

Results of the study could help foster international understanding for government and business and point out to what extent old practices and new practices intermingle in China today, Avenarius said. □