The Emerging New Middle Class and the Rule of Law in China*

Xiaogang Wu and Jinhua Cheng

Abstract

This article attempts to bring classes back into empirical analyses of access to civil and administrative justice, focusing on the linkage between the emergence of the new middle class and legal...
developments in China. We define six classes, the elite class, the old middle class, the new middle class, the self-employed *getihu*, the working class, and farmers, and then examine class differentials in choosing legal resolutions to civil and administrative disputes, both actual and hypothetical ones. Based on the analysis of data from a national representative survey in 2005, we show that the elite and the new middle classes are more likely than the other classes to prefer the law to other forms of resolutions if they were to encounter any disputes; but after controlling for the economic and cultural resources they can have access to, class differentials disappear to a large extent, but the urban-rural divide remains. Among those who are experiencing civil disputes, the elite and the new middle class are also more likely to take legal action. The ruling elites, in alliance with the new middle class, could be the major political agents in promoting the rule of law in China.

China’s rapid social and economic transformations since 1978 have been accompanied by accelerating differentiation, growing inequality, and increasing disputes and social conflicts. In the course of social differentiation, new groups have emerged with distinctive interests, competing with existing groups and consequently reshaping social order and power relations. Sociologists in the past two decades have mainly been interested in examining how the institutional transitions have affected the change in social stratification, or specifically, who wins and who loses during the economic transition.\(^1\) Few studies, however, have been devoted to addressing the implications of rising new social forces in China that could further drive the institutional changes for decades to come.\(^2\)

The emergence and growth of middle classes in China have increasingly received attention among both scholars and policy makers since the 1990s.\(^3\) The new middle class, often referred to as “the new social strata” in Chinese (xin shehui jieceng 新社會階層), comprises professionals and managers who work in privately owned high-tech firms and foreign-invested companies, the self-employed and private business owners, and others who are employed in nonpublic sectors.\(^4\) Many of them have relatively higher education and also higher income. According to an estimate, this group, about 50 million in size, manages or controls about 10,000 billion renminbi of capital, owns over half of the technology patents, and contributes to one-third of the national tax.\(^5\)

Scholars have long speculated on how the new middle class differs