Dispute Resolution Strategies in a Hybrid System

Yanqi Tong

Abstract

While pre-existing institutional mechanisms for dispute resolution — mediation and government intervention — continue to play major roles, the newly revived legal systems have started to take roots in people’s choices in dispute resolution. This article examines how people form their strategies in this hybrid system of dispute resolution in China today. It argues that different types of dispute not only affect people’s decision to escalate, but also point to the different mechanisms of resolution. Furthermore, institutional resources and access to information is especially critical in the decisions to engage law. Citizens are adapting to the newly available legal channels and tend to employ a combination of approaches in order to address their grievances successfully.

The implementation of legal reforms in post-Mao China has created a hybrid system of dispute resolution, which consists of three broad mechanisms for solving individual grievances and disputes. The first mechanism is informal mediation, which embodies enduring social traditions and cultural values. The second mechanism is government intervention, reflecting the political reality that the government still

Yanqi TONG received her BA from Peking University and Ph.D. in political science from Johns Hopkins University. She is currently an associate professor at the Department of Political Science, University of Utah. Her research interests focus primarily on state-society relations, environmental movements and legal reforms in China.