

Between Emotion, Politics and Law: Narrative Transformation and Authoritarian Deliberation in a Land Dispute-triggered Social Drama in China

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Abstract

Through studying a revenge murder triggered by a land dispute in China and the subsequent trial, this article explores “narrative transformation” in a social drama and proposes an event-based model for authoritarian deliberation. It argues that an obscure murder rose to prominence because it came to be narrated as a different kind of story. Initially viewed as “a normal killing,” it was transformed to represent a “contest” between a law-and-order frame, which emphasizes individual guilt, and a righteous-revenge frame, which symbolizes wider conflicts. The article also contends that in the absence of an institutionalized issue forum, contentious events present a model for authoritarian deliberation. That is to say, deliberation is often pegged to social dramas on the “judicial periphery,” thanks to a liminal phase inviting reflexivity, and exposes elite dissent that is otherwise veiled by an interest-driven alliance. In this case study, the media engaged with other institutions in contentious performances that affirmed hidden social fault-lines but also encouraged deliberation.

Keywords: authoritarian deliberation; China; land disputes; law and politics; narrative transformation; social drama

China’s transition from communism to quasi-capitalism via economic liberalization and political authoritarianism has been accompanied by the gradual loss of ideological hegemony. The Chinese Communist Party’s (CCP) rule is sustained by “performance legitimacy,” with an emphasis on economic development and the Party’s moral leadership.¹ However, its claim to legitimacy is being eroded by widening social stratification. Occasionally, deepening social conflicts burst into mediated “social dramas,” a processual paradigm theorized by Victor

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¹ Zhao 2012.

Turner and developed by Jeffrey Alexander to explicate how a society deals with dramatized internal conflicts.²

These conflicts often stem from land disputes triggered by urbanization, as local governments and developers reap tremendous profits by seizing land in the name of the public interest and then fail to provide adequate compensation. This scenario has led to numerous “revenge stories” that feature the underprivileged taking on the powerful in response to perceived injustices and which culminate in violent crimes being committed by the underling. By taking revenge, the offenders metaphorically transform their status from “weak” to “strong” and become icons of resistance.

For people familiar with the Chinese online politics of 2016, the name Jia Jinglong 贾敬龙 brings resonance. The 29-year-old farmer became a national icon after killing the village chief he held responsible for the “forced demolition” of his home. The demolition was to make way for urban renewal and was carried out shortly before Jia’s wedding was to take place. His fiancé subsequently left him. Disillusioned, he initially petitioned against the demolition but to no avail. Eventually, in a public act of revenge, Jia killed the village head with a nail gun. The Intermediate Court of Shijiazhuang 石家庄 sentenced Jia to death with immediate effect and the Higher Court of Hebei rejected Jia’s appeal. Meanwhile, legal scholars found the verdict too harsh and called for leniency via social media. The story began to attract wider attention when China’s Supreme Court approved Jia’s death sentence in October 2016. Netizens saw Jia as the epitome of the plight of the weak in China’s economic transformation. Despite an outpouring of sympathy, Jia was executed on 15 November 2016.

The double tragedy – the deaths of both the victim and the perpetrator – is just one episode in a string of high-profile confrontations involving land disputes.³ It made the Top Ten Influential Criminal Cases of 2016, a list compiled by the *People’s Court News*. This article first asks how a little-known murder case evolved into a nationwide “media event.” My analysis indicates that the case underwent a “narrative transformation” following the initial ruling. New actors championed a frame that projected the accused as a symbol of resistance, transforming the story from “a normal killing followed by redress” (“a victim’s story”) into a “contest” between a “law-and-order” frame with an emphasis on individual guilt and an “injustice-driven revenge” frame symbolizing wider social conflicts. This effectively introduced into the public debate (if not legitimized) a narrative from the perspective of the perpetrator, one that a modern society ruled by law would treat with caution.

The article goes on to explore the argumentative quality of the mediated discourse and the event’s deliberative potential. I argue that while the concept of deliberation is insulated from Western events research, contentious legal events present a model for studying authoritarian deliberation. Instead of occupying

2 Turner 1980; Alexander 2004.

3 Erie 2012; Sun 2008.

an institutionalized issue forum, deliberation in China is often pegged to mediated “social dramas,” thanks to an embedded liminal phase that invites reflexivity on the norms guiding social life and which revolves around the moment of narrative transformation. Taken together, the social drama surrounding a controversial trial reveals not only “large, universal truths” of goodness and evil, represented by the victim’s death and the execution of the guilty, but also “subterranean, parochial truths involving class, privilege, ambition, and resentment,” which are captured by the politics of social conflicts that produce the tragedy and subsequently find their way into the trial, and largely constitute the content of deliberation.⁴

The Issue of Rural Governance and Land Disputes

In the 1990s, as it moved away from orthodox Marxist teaching, the Chinese government began to tap into the “value use” of urban land. It has since developed a “government-owned and controlled land market that prohibits private ownership and a free land market, yet with the ideological compromise of paid lease and transfer of use rights.”⁵ Meanwhile, it has also carved out a twilight zone surrounding the transfer of collectively owned rural land into state ownership so that the land can be used for industrial and commercial development. Since the 2000s, owing to changes in fiscal policies that left rural county and township-level governments with budgetary constraints, the latter has increasingly “turned towards profitable real estate and agribusiness development as a source of revenue.”⁶ This often involves relocating farmers from their homesteads to concentrated residential areas on the urban outskirts, which echoes the government’s “rural–urban integration” policy under the slogan of “constructing a new socialist countryside.”⁷

The wholesale eviction of farmers from rural land has sparked various social conflicts, and land disputes have become one of the most salient triggers of social unrest in China. Villagers often resort to “rightful resistance” during these disputes, capitalizing on the gap between the reality of land appropriation and their entitlement to land stipulated by law or official policies.⁸ As such, land requisition is framed as a breach of the socialist state’s contract with the farmers.

While normative rhetoric can be used as a “weapon of the weak,” Julia Chuang highlights the subsequent de-politicization effort on the part of the local state as it attempts to bring potential resisters into formal channels of bargaining by increasing compensation and providing farmers with urban *hukou* 户口 (household registration) in exchange for their consent to the market mechanism.⁹

4 Ettema 2005, 132.

5 Ho 2001, 396.

6 Chuang 2014, 649.

7 See also *ibid.*

8 O’Brien and Li 2006.

9 Chuang 2014.

Such bureaucratic absorption changes the citizenship-based normative grounds on which farmers could make legitimate claims to land and reframes eviction as a technical issue surrounding modern wage dependence.

While some scholars argue that land requisition strengthens villagers' collective bargaining power and compels local governments to devise new ways to diffuse conflicts,¹⁰ others are less optimistic. Lynette Ong finds that evictions can result in substantive inequality, as farmers who cede their farmland's use rights are not given equal access to state-provided social welfare to which urban residents are ordinarily entitled.¹¹ Others caution that the effective exercise of villagers' land rights is predicated on rural elites, whose power lacks accountability.¹² Saul Wilson and Xiaorong Zhang note that village cadres might prioritize project visibility over substantive policy goals in redevelopment programmes.¹³ George Lin finds that urban renewal projects lead to social exclusion, making migrant populations the real victims.¹⁴ All in all, the scholarship on China's rural governance and land disputes points to the fragmented nature of rural–urban integration and emphasizes the complexity of state–society relations in China's urbanization. The social drama paradigm explicated here provides a prism through which to examine the circumstances under which these structural conflicts erupt in public life in a dramatic way, as well as a society's unique ways of redressing and transforming conflicts.

Studying Contentious Events: From Ritual to Strategy to Interaction

The cultural turn in social movement studies shifted analytical attention away from concerns with structural factors such as resource mobilization and political opportunities to more directly engage with the discourses underlying social movements or historical events. Within this cultural turn, past literature has differentially focused on the ritual (formal/structural) dimension or the strategic (pragmatic/agentive) dimension of the discourse.

The ritual approach foregrounds the primacy of culture in binding not-always-rational agents. Reading history as a script that expresses inherent values or emotions, scholars recount revolutions that transformed history as if they were driven by a predetermined “epic” script, with its twists and turns in plot development and archetypal cast of heroes, victims and villains.¹⁵ In a way, this ritual approach tries to delineate the “structure of feeling” that underlies historical junctures.¹⁶ However, it has been criticized for reducing actors to puppets.¹⁷

10 Wong 2015; Kan 2019; Tang 2015.

11 Ong 2014.

12 Kan 2019; Brandt et al. 2017.

13 Wilson and Zhang 2019.

14 Lin 2015.

15 Hunt 1984; Sewell 2005.

16 Williams 2012[1961].

17 Zhao 2010, 38.

In reality, history is not a project with its own aims and people do exercise a degree of agency over action.¹⁸

If the ritual approach has been criticized for “cultural determinism,”¹⁹ the strategic (pragmatic) school sees reality as socially constructed by interest-driven agents or institutions and directly confronts the question of conflict and power.²⁰ The cognition-oriented “social problem frame,” which is designed “to select some aspects of a perceived reality and make them more salient in a text ... to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation,” is a key concept in the social constructionist approach to contentious politics.²¹ It has often been used to analyse how activists successfully frame an otherwise taken-for-granted situation as social injustice to mobilize support for a movement aimed at changing part of the social structure.

However, the strategic tradition is closer to the ritual tradition than it first appears. It merely states that there are always narrative choices when it comes to analysing a situation. As Dingxin Zhao notes, invoking Ann Swidler’s culture-as-a-toolkit concept, “the culture of a population is always more extensive in content than what an individual or a collectivity can perform at a particular time/place.” Accordingly, “the mainstreaming of any particular ideology will be the result of organization and institutionalization.”²² James Ettema, who similarly links the symbolic and the cultural to more macro structural forces, contends that “the restocking of the treasure house of tropes, forms and frames with cultural valuables ... must include the ability of powerful economic and political institutions to secure the resources and manage the processes needed to execute their strategies of action.”²³ Thus, the real job of a cultural scholar is to identify which narrative gains dominance in the discursive contest of an event and then to examine the structural forces behind it. This segues into the more recent interactional approach, which attempts to transcend the structure–agency or ritual–strategy binary by adopting a process-oriented perspective that focuses on discursive interaction among institutions.²⁴

Nowhere is the gist of interactionism better captured than by the analytical framework of “social drama” first proposed by Victor Turner and later developed by Jeffrey Alexander to explicate how a society deals with dramatized internal conflicts. A social drama has four characteristic phases: breach, in which “some norm or law is publicly violated that often challenges entrenched authority”; crisis, in which “antagonism develops and factions form along enduring social fault lines”; redress, in which “adjustive mechanisms ... (including) formal juridical procedures are invoked”; and reintegration or separation, in which

18 *Ibid.*, 34.

19 Douglas 1975.

20 Berger and Luckmann 1967.

21 Entman 1993, 52.

22 Zhao 2010, 36; Swidler 1986.

23 Ettema 2010, 294.

24 Lean 2007.

“redressive attempts are seen to succeed or fail and ceremonies are enacted to mark reconciliation *or else* permanent cleavage.”²⁵

Emotion and Law in a Social Drama

The “social drama” paradigm departs from rational issue-centred political theories to engage the “dramatized” event realm. Within the cultural perspective, the paradigm also moves away from a static concern with either ritual or strategy to engage the more dynamic process of “ritualization.”²⁶

Emotion plays an important part in a social drama. The first act, the “breach,” is a dramatic way of expressing deep-rooted social conflicts – often through deviance. It is a public performance that brings into sharp relief animosity between social factions that is normally papered over. By commanding attention, the “breach” allows public life to be momentarily disembedded from its everyday structure to enter a liminal phase that brings the “ought” to bear on the “is.” Here, a social drama experiences the first narrative transformation, i.e. transcending from a mundane routinized state of affairs to a “crisis” mode that contains competing narratives that map onto the deepest social fault-lines, or narratives that are otherwise not admitted to an institutionalized “sphere of legitimate controversy.”²⁷

After an extended liminal phase in which the media engage other social institutions in stylistic but contentious public performances, one performance – usually the official redress culminating with legal rituals – will stand out as the most authentic, thus completing the “ritualization” process.²⁸ This signals another moment of narrative transformation, moving the social drama from the “crisis” mode back to a consensual ritualized phase.

A social drama thus embodies the perennial tension between emotion and reason. It starts with a ritual of contention (the emotion-infused breach) and ends with a ritual of reason (the redress). What deserves our attention is when breach acts triggered by distinct emotions acquire different degrees of legitimacy within the current moral/legal order and pose different kinds of challenge for that order. For instance, a social drama triggered by a “moral outrage” story foregrounds the suffering of innocent victims as a result of an injustice worked by villains to whom we have foolishly entrusted public affairs.²⁹ This type of social drama represents a low level of threat to the dominant order. Here, the victims lack agency and rely on journalists to speak on their behalf to invoke public sympathy, but ultimately they also rely on the authorities to restore justice. After the performance of redress rituals, in which those responsible for the breach are punished, the dominant order is reaffirmed.³⁰

25 Alexander 2004; Turner 1980, 147–49.

26 Hepp and Couldry 2009.

27 Hallin 1986.

28 Alexander 2004; Ettema 1990.

29 Ettema and Glasser 1998.

30 Alexander and Jacobs 1998; Ettema 1990.

If the “victim” genre is absorbed by a modern legal regime through individualized punishment, the anger embodied by the “revenge” genre carries less legitimacy because here, the avenger transforms from a downtrodden victim into an agent by taking the law into his or her own hands. Since violence as a means to restore justice is monopolized by the modern state, authorities are vigilant against the symbolic power held by an “avenger,” which could inflate the conflict between individuals and the social system. But, because revenge acts driven by inequality symbolize calls for substantive justice, particularly when procedural justice is not forthcoming, the state has to treat such acts judiciously.³¹

While righteous anger associated with “revenge” has lost legitimacy in contemporary societies, it has deep roots in the traditional Chinese moral universe. The Confucian cosmology sanctions revenge murders if they are motivated by the sincere moral sentiment of filial piety. Meanwhile, the knight-errantry tradition, which enjoys folkloric legitimacy, also celebrates the image of a lone assassin who, with chivalry and courage, challenges the inept laws of the state to bring about justice for his or herself and more broadly on behalf of society.³²

In her analysis of the Shi Jianqiao 施剑翘 case in which Shi, a Republican-era Chinese female, killed warlord Sun Chuanfang 孙传芳 to avenge her father’s death (who had been decapitated by Sun) and then later won a state pardon, Eugenia Lean observes that Shi drew on both the orthodox Confucianism-sanctioned “female warrior” and the more folkloric “female knight-errant” archetypes in her revenge to appear authentic. These archetypes also influenced the media coverage given to the case, particularly the popular media which thrived on sentimentalism. However, such “ritualized murder” contrasts with modern legalism, which categorically purges emotion. This formed the most dynamic source of tension in the social drama of Shi Jianqiao’s revenge.

Politics and Deliberation in a Social Drama

If rituals of emotion and rationality respectively mark the beginning and end of a social drama, politics and deliberation define its middle. Deliberation, which has become a moral ideal in post-Habermasian liberal politics, is defined as a communicative process whereby “free and equal citizens justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present but open to challenge in the future.”³³ While “ritual” and “strategy” as communicative forms both operate within an orderly moral compass, deliberation indicates that value judgements are open to change through reason-giving that meets the criteria of “publicity, reciprocity and accountability.”³⁴ In liberal politics, issue-driven deliberation normally takes place within democratic

31 Weber 1978.

32 Lean 2007; Yuan 2015.

33 Gutmann and Thompson 2004, 7.

34 Ettema 2007.

institutions, such as legislative sessions, and is thought to be impervious to emotion-driven events. However, deliberation ultimately has to be given shape, while its form – i.e. “a contest” – is attention grabbing for its own sake.³⁵ An election is exhilarating not because of its deliberative content but because it is covered like a “horserace” that emphasizes politicians’ strategic intentions. Baogang He and Mark Warren rightly observe that the relationship between democracy and deliberation is “contingent rather than necessary,” the former referring to a *formal* mechanism that distributes decision-making power among those affected, while the latter represents a kind of communication that focuses on the persuasive quality of *content*.³⁶ In this sense, the strategic frame of a “social problem” identified earlier can be reinterpreted as a deliberative frame, while competing definitions and attributions of a “social problem” are then given the narrative form of a “contest.” By the same token, deliberation is not the exclusive property of issue-driven institutions; it also figures prominently within the more case-based judiciaries.³⁷ Nowhere is the tension between reason and emotion more charged than in an adversarial trial, which can be likened to the “crisis” phase of a social drama which precedes the “redress” (or ruling).

Lacking any regime-level democratic empowerment, China does not enjoy an institutionalized public sphere. Official politics emphasizes consensus, with elite dissent kept out of public scrutiny. At a less official level, however, fanned by marketization and the advent of the internet, contemporary China is characterized by a loss of ideological hegemony. Consensus is maintained through a combination of coercion and a facile alliance between state elites with a vested interest in regime maintenance and media/intellectual elites who economically benefit from reform but who ideologically identify with liberal-pluralism. Mediated social dramas involving controversial trials provide opportunities to bring elite dissent into sharp relief, giving rise to a “dualistic discourse universe” that constitutes a non-institutionalized form of controversy.³⁸ True to He and Warren’s observation, authoritarian deliberation is theoretically possible and empirically existent in China in “functionally-specified, controlled areas ... within the administrative and judicial domains of government.”³⁹ In a way, because of the underdevelopment of a popular deliberative institution (the legislature) at the political centre, authoritarian deliberation takes place instead in a judicial controversy that tries to defend the turf.

Previous research has documented the media’s advocacy role in China’s “new civil rights movement” in the early 2000s. Media-led campaigns have exposed miscarriages of justice (for example, following public moral outrage at the cases of Sun Zhigang 孙志刚 and Nie Shubin 聂树斌) or called for leniency

35 Schudson 2007.

36 He and Warren 2011, 276.

37 The judiciary is left to the working by legal professionals and more insulated from public opinion, whose penchant for populism might negatively influence the court guided by procedural rationality.

38 He, Zhou 2009.

39 Jiang, Min 2010; Xu 2016; He, Baogang, and Warren 2011, 275.

(for example, following “revenge” stories such as in the cases of Deng Yujiao 邓玉娇 and Xia Junfeng 夏俊峰).⁴⁰ In these social dramas, the media extend deliberation to a wider social domain. Allowing deliberation on the judicial periphery rather than at the legislative centre pre-empts regime-level democratization while channelling grassroots grievances. Contentious media events can also drive legislative changes, for example in the case of the Sun Zhigang incident, which led to the abolition of the China’s custody and repatriation system, and the Tang Hui 唐慧 case, which prompted reform of the re-education camp system.

As such, in the model of deliberation proposed here, public deliberation may be triggered by a “breach” and occur during the reverberations between the “breach” and subsequent “redress.” During this liminal phase, the disturbed group feels compelled to respond, while everyone else, including the media, is encouraged to put forth their own reasoning, including making diagnostic attributions on “what went wrong” and prognostic attributions as to “what ought to be done.” While each act of reasoning is explicitly political and represents particular interests, each can also be seen as a performance that strives for authenticity. Meanwhile, these interactions also summon forth a window of deliberation that not only has to meet the “internal coherence” criteria required of any narrative but also the “external validity” criteria required of a more fact-based informational genre, as well as “appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject.”⁴¹ Not even an authoritarian government can dismiss such a window; to do so would risk losing its moral legitimacy.

Thus, in a social drama, emotion does not work against deliberation so much as induce it. Deliberation follows the transformation of a routinized narrative governed by “bureaucratic truth” to a “crisis/contest” narrative triggered by emotion (a breach) and driven by a pursuit for “epistemic truth” concerning the nature and attribution of the “breach,” but ultimately also governed by “cultural truth,” i.e. narratives that resonate with the public.⁴² Public deliberation culminates in a controversial trial during which otherwise insulated courtroom deliberation spills out to the wider public. While the emotionalism of the general public may not be perfectly in line with legal professionalism, it nevertheless embodies the ideal of “substantive justice” and contains a kernel of cultural truth. Moreover, as Lean notes with the Shi Jianqiao case, once a case is picked up by the popular media, both the elite press and opinion makers then have the opportunity to join the discussion. Deliberation that begins with a single case then evolves to engage with the more pressing social issues of the day. The “rule of law” tenet upheld by elites provides an antidote to populism, even though elites have their own interests: the opinion leaders wish to maintain their status as cultural arbiters while the judiciary desires professional autonomy from the state.

40 Lü 2012; Tong 2011; Yang 2009a; 2009b.

41 Gutmann and Thompson 2004, 3.

42 For a discussion of the distinctions between “bureaucratic truth” and “epistemic truth,” see Ettema and Glasser 1998, 158–160.

Thus, “Publics in modern China were ... hailed and interpellated into existence” during media events. Even today, the media provide a forum for deliberation – but not in the perfect Habermasian sense of rational communicative action. Instead, the media fuse reason and emotion, public opinion and public sympathy, as well as politics and deliberation. Together, they speak to the formal-procedural and substantive-moral dimensions of justice. Both create “resonance” for a public “making lives of their own by choosing an identity, a community and truth they could understand and accept from among the cultural resources presented by competing newspapers in that place and time.”⁴³

Similarly, in the contemporary case of Jia Jinglong, as the perpetrator’s “righteous indignation” collided with the state’s “law-and-order” narrative, it created resonance with the public and was in turn appropriated by activists with a more ambitious agenda ranging from “land property rights reform” to “abolishing capital punishment.” Thus, at the heart of this particular social drama is a discursive contest triggered by a revenge murder and demarcated by the opposing narratives of “social injustice” versus “law and order” and the opposing emotions of righteous indignation versus fear of deviance. In between, it accommodated deliberation on a range of issues.

All in all, if deliberation is not impervious to emotion, media events are not necessarily oblivious to reason-giving either. Compared to previous studies of media events that focus on “ritualization” (or the production of consensus), instead of outlining a model of how “issues become events” in liberal plural societies, this article is more interested in examining how “events crystalize into issues,” or fleshing out a model of authoritarian deliberation. The liminal phase starting with a “crisis” and culminating with “redress,” often entailing reverberations between the two, is what distinguishes media events from everyday politics in an age when order becomes destabilized but the desire for order remains strong. This phase tries to close the gap between the normative and the indicative. When authorities are in firm control of the redress mechanism, a social drama will narrow the gap and produce social function. Where redress rituals lack authority, however, which is more or less the case in today’s China, a social drama may widen the gap but also encourage deepening deliberation. This article aims to analyse how and why a specific narrative gains dominance at a particular stage of the social drama as well as to identify key moments of narrative transformation to see if deliberative activities can be discerned following these moments.

Methodology

This article studies a contentious trial by analysing the discourses produced by key institutions, including court verdicts, domestic Chinese press reporting and

43 Ettema 2005; Tucher 1994, 61.

scholarly writings circulating on Wechat, the most popular social media mobile application in China.

The court verdicts were accessed via China Judgments Online, an official database of case rulings maintained by the Supreme Court of China. I surveyed Wisenews and China Core Newspapers Full-text Database with a search term of “Jia Jinglong” for press reports published in 2015 and 2016. This yielded a total of 88 articles. I also monitored the most influential law-related official accounts on Wechat, which I identified by rankings reports prepared by *The Procuratorate Daily* and the ratings firm Newrank in October 2016, and located all of the feeds these accounts pushed to subscribers containing “Jia Jinglong” (by 31 December 2016). This produced 76 comment pieces. While the results are by no means exhaustive, they offer a good index of the views that emerged during the controversy.

Based on close reading, I divided all media coverage into five phases: 1) “breach” (19–28 February 2015), which immediately followed the murder; 2) “initial redress” (November 2015–September 2016), a hiatus during which Jia received the death sentence but generated no news coverage; 3) “crisis” (18 October–14 November 2016), which followed the Supreme Court’s approval of Jia’s death sentence; 4) “final redress” (15–27 November 2016), which focused on Jia’s execution; 5) “dénouement” (28 November–31 December 2016), which culminated in the issuance of “Guidelines to better protect property rights.” The articles in each stage are further categorized and counted according to media type, article genre and the stance taken (see [Table 1](#)).

Further, I counted the mentions of keywords in news articles that indicated a particular frame.⁴⁴ An “articulation frame,” or the way events are hung together in a meaningful fashion, was determined by counting the mentions of key actors in the narrative – He Jianhua 何建华 (the victim’s name) and Jia Jinglong (the perpetrator’s name). I then used their ratio to judge which of the two narratives (“the victim’s story” or “the revenge story”) prevailed. A “punctuation frame,” or problem definition, was ascertained by counting the mentions of the word “murder.” For a “diagnostic attribution frame,” which identifies culpable agents, I looked for words indicating crime motive (for example, “maliciousness,” “revenge” or “relocation dispute”) or that the victim was somehow to blame (for example, “forced demolition”). For a “prognostic attribution frame,” which refers to legal sanctions, I counted the frequency of the phrase “sparing one’s life” versus “measure for measure” (See [Table 2](#)).

Breach and Initial Redress

The incident occurred against the background of an urban renovation project in northern China’s Shijiazhuang 石家庄 city, during which the state acquired

44 Benford and Snow 2000.

Table 1: Comparison of News Media and Social Media Response

| <i>Event stageⁱ</i> | Breach | | Initial redress | | Crisis | | Final redress | |
|--|--------------------------|-----------------|---|-----------------|---|-----------------|--|-----------------|
| <i>Signature sub-events</i> | 02/19/2015 The murder | | 11/2015–10/2016 Trial and initial ruling | | 10/18/2016–11/14/ 2016 Supreme Court's approval of execution | | 11/15/2016–11/27/ 2016 Execution | |
| <i>Media type</i> | News media | Social media | News media | Social media | News media | Social media | News media | Social media |
| <i>Size of coverage</i> (no. of articles) | 5 | 0 | 0 | 1 | 11 | 40 | 45 | 24 |
| <i>Article distribution</i> <i>by genre</i> | | | | | | | | |
| News reports | 5 | | | 0 | 1 | 0 | 25 ⁱⁱ | 7 |
| Commentaries defending the ruling | 0 | | | 0 | 3 | 2 | 4 | 4 |
| Commentaries calling for leniency | 0 | | | 1 | 6 | 38 | 0 | 8 |
| Interpretive/issue reporting | 0 | | | 0 | 1 | 0 | 16 ⁱⁱⁱ | 5 |

Notes:

ⁱThe final stage symbolized by the issuance of *Guidelines to Better Protect Property Rights* is omitted in this table as Jia's case was only tangentially involved in that period; ⁱⁱ 20 of the 25 pieces are relays of one *Xinhua* report on the interview with the Supreme Court judge; ⁱⁱⁱ 13 of the 16 pieces are relays of one interpretive report by *Xinhua*.

Table 2: Keyword-based Framing Analysis of Newspaper Discourse

| Event stage | | | Breach (02/19/ 2015) | Initial redress (11/2015–10/ 2016) | Crisis (10/18/2016– 11/14/2016) | Final redress (11/15/2016–11/27/2016) | | | | | |
|---------------------------|-----------------------------|--|---------------------------------|--|---------------------------------------|--|------------------------|-----------------------------|---|---|--|
| Total article numbers | | | 5 | 0 | 11 ⁱ | 45 | | | | | |
| News genre | | | News agency- based | N/A | Editorial (liberal) ⁱⁱ | Editorial (conservative) | Editorial (liberal) | Editorial (conservative) | Interview w/ judge (<i>Xinhua</i>) | Interpretive reporting (<i>Xinhua</i>) | Interpretive reporting (news magazine) ⁱⁱⁱ |
| No. of articles by genre | | | 5 | | 7 | 3 | 2 | 2 | 20 | 13 | 3 |
| Articulation | Victim's story | "He Jianhua" (何建华) (no. of mentions) | 48 ^{iv} | | 26 | 5 | 0 | 0 | 400 | 234 | 123 |
| | The accused w/o identity | "Jia XX" (贾某) | 25 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Revenge story | "Jia Jinglong" (贾敬龙) | 0 | | 197 | 43 | 31 | 32 | 1,600 | 611 | 235 |
| Punctuation | Crime nature | "Murder" (謀殺) | 18 | | 6 | 9 | 2 | 9 | 520 | 104 | 23 |
| Diagnostic attribution | Crime motive | "Malicious/ intentional" (蓄謀) | 1 | | 4 | 3 | 1 | 3 | 340 | 52 | 4 |
| | | "Revenge" (報仇) | 2 | | 9 | 1 | 2 | 1 | 200 | 65 | 12 |
| | | "Relocation" (拆迁/补偿) | 8 | | 69 | 19 | 22 | 15 | 640 | 208 | 130 |
| | Victim's fault | "Forced demolition" (强拆/暴力) | 1 | | 95 | 8 | 6 | 7 | 0 | 39 | 35 |
| | Extenuating circumstance | "Surrender" (自首) | 0 | | 65 | 8 | 1 | 2 | 160 | 65 | 15 |
| | Appeal to emotion | "Wedding" (婚) | 0 | | 37 | 2 | 0 | 1 | 60 | 195 | 48 |
| | Prognostic attribution | Defending the ruling | "Measure for measure" (殺人償命) | 0 | | 1 | 1 | 0 | 0 | 20 | 0 |
| | Advocacy | "Spare one's life" (刀下留人慎殺) | 0 | | 24 | 5 | 2 | 0 | 0 | 26 | 4 |

Notes:

ⁱOne of the 11 articles and five of the 45 articles (in the adjacent column) are excluded from analysis owing to their brevity; ⁱⁱ liberal-leaning newspapers include *Southern Metropolitan Daily*, *China Youth Daily*, *China Economic Weekly* and *China Business Daily*. Conservative papers include *Global Times* and *Legal Daily*; ⁱⁱⁱ market-oriented news magazines include *Sanlian Life Weekly*, *Southern Weekend* and *China News Weekly*; ^{iv} "48" refers to "the number of mentions" of "He Jianhua" in the five agency-based articles published during the "Breach."

collectively owned land on the urban outskirts for commercial development. In Beigaoying 北高营 village, an aggrieved young man killed the village head he held responsible for forcefully demolishing his home after a prolonged dispute over compensation terms. The murder drew little public attention at first. An initial search of “Jia Jinglong,” the name that eventually stuck in the public’s memory, failed to yield any reports in the year of the murder. However, after I changed the search terms to a combination of “Hebei,” “village head” and “murder,” five articles dating back to 2015 emerged, all of which were based on reporting filed by China News Service. This is intriguing in that it points to a narrative change of ownership of the story: the case started as a “victim’s story” but ended up as “the accused’s story.”

In the early coverage, only the victim was named: “He Jianhua” appeared 48 times in five articles.⁴⁵ In contrast, “Jia Jinglong” did not appear at all. When he was mentioned, only his last name was used. This points to the case being initially read as a “normal killing” (“a victim’s story”). Following the usual reporting of crimes, only the victim was humanized. That the story initially gained little press coverage indicates its lack of salience.

The lead-up to the trial was uneventful. The Intermediate Court of Shijiazhuang sentenced Jia to death and the Higher Court of Hebei rejected Jia’s appeal. For the motive, the courts decided that while Jia’s father (the owner of the house) had entered into an agreement with the village committee and subsequently acquired two apartments in compensation for the demolition of his property, Jia objected to these terms. The conflict escalated when a team forcefully tore down the house 18 days before Jia’s wedding, which his fiancée’s family then called off. Jia tried to petition against the demolition before killing the village head with a nail gun on New Year’s Day. The court adjudicated that Jia had committed a “malicious murder” with “extremely cruel means, severe consequences and negative social impact,” and sentenced him to death with immediate effect. During this phase, the representation of the case in the media concurred with and deferred to the court’s ruling. As a “normal killing” or “a victim’s story,” it was absorbed by the existing redress institutions without a stir.

Narrative Transformation: From Consensus to Crisis (Contest)

After the Supreme Court’s approval of Jia’s death sentence in October 2016, the incident gained greater public prominence. This article argues that an obscure murder became a national event after it came to be narrated as a different kind of story. A counter-frame emerged that turned the case into a symbol of larger social conflicts.

This first narrative transformation was made possible because influential legal scholars vocally opposed the verdict on social media, bypassing the traditional

45 *China News Service* is the second largest Chinese state-owned news agency after the *Xinhua News Agency*.

media. After their advocacy gained traction, the traditional media joined the fray, legitimizing the counter-frame. This new wave of reporting saw a profound shift of focus. While Jia Jinglong was not given an identity before, by the “crisis” phase (and for all subsequent stages), he began to dominate the coverage. Meanwhile, He Jianhua receded from view and became completely anonymous in several editorials. By October, the event had morphed from a singular “victim’s story” to “a perverse contest” that accommodated the new competing frame of “revenge story” (see the numbers in bold in [Table 2](#)).

The emergence of a counter-frame: indignation-driven revenge

Following the Provincial Higher Court’s ruling, two scholars used their blogs to call for leniency. However, owing to their limited influence, their pleas failed to gain a response. It was not until 18 October 2016, when the Supreme Court approved Jia’s sentence, that more commentaries opposing the verdict began to appear on social media. These articles were penned by legal scholars from prestigious laws schools, many of whom were public intellectuals with sizable followings on social media. The two most widely circulated commentaries, each of which had more than 100,000 views,⁴⁶ were written by Professor He Haibo 何海波 of Peking University and Professor Lao Dongyan 劳东燕 of Tsinghua University.⁴⁷ Posts at this time demonstrated near ritual solidarity in their views; only one of the 40 Wechat-based commentaries posted between 18 October and 14 November defended the ruling. These voices had an immediate impact. According to Baidu Trend, online searches for the term “Jia Jinglong case” spiked shortly after 18 October.

Those advocating in support of Jia adopted different discursive strategies to both the earlier media reporting and the ruling. While Jia’s identity had been overlooked earlier, now his name was beginning to gain agency. Although the courts had determined Jia to be a cruel murderer, the legal scholars argued that the ruling ignored crucial facts, especially malpractices in land seizure procedures and village governance, which, according to Peking University legal scholar Zhang Qianfan 张千帆, “turned Jia from a good, law-abiding young man into an avenger.”⁴⁸

The emotional power of the new narrative was largely achieved by giving a voice to Jia or by lending authenticity to Jia’s own “performance.” His impassioned courtroom self-defence, which was hardly mentioned in the verdict but extensively quoted in online commentaries, described the village head as an arch-villain who “bought his office despite having a criminal record” and who “set the lowest standards for relocation compensation across Shijiazhuang city.” Meanwhile, Jia transformed from a murderer to “a man with a passion for life” who “anticipated a happy

46 “100,000 views and plus” is the criteria for an “influential social media article” in China.

47 He, Haibo 2016; Lao 2016.

48 Zhang 2016.

married life” but whose dream “was shattered by the demolition.”⁴⁹ Further, online posts prominently displayed a photo of a defiant Jia waving a national flag while confronting the demolishers. The flag was a recurring symbol used by contentious “nail house occupants” (*dingzi hu* 钉子户) to represent the party-state’s pledge to protect private property. According to Jia, the photographed scene occurred shortly before “those thugs ... threatened my father with an axe and beat me up.” Through these details, Jia came to assume the righteous heroism of the knight-errant archetype who had tried to right the wrongs of rogue officials on behalf of the public when procedural justice was not forthcoming.

A divided media

Soon, the mainstream media joined the discussion. Between 23 October and 14 November, a handful of newspapers reported on the case. The most vocal debate was between newspapers occupying opposite ends of the Chinese media’s ideological spectrum. While liberal-leaning papers like *Southern Metropolitan Daily* (hereafter, SMD) advocated for leniency, media outlets explicitly associated with a mouthpiece role defended the court ruling. Among the latter was *Global Times* (hereafter, GT), a market spin-off of the central party organ *The People’s Daily*, known for its conservative stance in covering domestic conflicts.

Both the SMD and GT reduced the trial to a “contest” between opposing narratives that reflected different ways of selecting and organizing facts. But, more importantly, by adopting an ironic tone, each demonstrated that only the version endorsed by its own editorials was indeed true. One SMD editorial read:

One learns from the verdict that Jia murdered the village head even after his family signed an agreement and received compensation. If it were the case, the death penalty would have been justified.

It then went on to endorse an alternative account:

However, the real context is a village committee implicated in malpractices. The direct cause of the crime was an agreement reached under coercion and forced demolition 18 days before the defendant’s wedding, resulting in injuries, damage to property and the cancellation of the wedding. These sowed the seeds for revenge.⁵⁰

Meanwhile, the GT account was a mirror image:

Forced demolition, a derailed wedding, a crime of passion, even a victim with a criminal record – these are key elements of the popular version of Jia’s story. By contrast, the court ruled the murder originated from a dispute over relocation compensation. Jia’s father signed an agreement and was duly compensated, but Jia refused to oblige.

The GT went on to criticize the popular version of events that had created a resistance hero:

Online opinion fell hostage to the narrative that ... forced demolition is evil and murdering the official is a heroic act ... A few lawyers and intellectuals misled the public by distorting truth.⁵¹

49 Liu, Hong 2016.

50 Liu, Changsong 2016.

51 Shan 2016a.

“Naming” the script is an effective way of exposing the strategic intention of opponents and undermining their authenticity. Here, the GT suggested that to whip up public anger, liberals created an archetypal resistance story with narrative fidelity to the idiom, *guan bi min fan* 官逼民反 (injustice compels the weak to rebel), or the heroism embodied in the knight-errant tradition, but that this version was not borne out by the facts. Meanwhile, the SMD took the conservatives to task for adopting a narrative that appealed to the public’s fear of deviance while at the same time ignoring the deeper social injustice.

In terms of attribution, the SMD described the actions of the village head as morally wrong, emphasizing words that evoke righteous indignation, such as “forced demolition” and “derailed wedding,” which also provided the context and extenuating circumstances for the subsequent murder. Meanwhile, the GT tried to turn a moral wrong into a technical wrong, by defining the cause of the murder as an “administrative dispute,” thus portraying Jia’s revenge as morally indefensible. Content analysis (Table 2) further shows that editorials taking a conservative position were three times as likely as those advocating for leniency to adopt words indicating individual guilt (“murder” with “malicious intention”). Meanwhile, liberal-leaning papers more frequently used words that contextualized the crime (“revenge”); words that implied a social conflict (“relocation dispute”), the victim’s fault (“forced demolition”) or extenuating circumstances (“surrender”); or words that evoked sympathy for the accused (“wedding”).

Finally, both newspapers moved beyond the case to comment on the justice system. The SMD called for reform of the death penalty as well as the further involvement of lawyers (professionals) in the Supreme Court’s judicial review⁵². The message was to counteract party-state-dominated elitism in current legal practice. The GT, on the other hand, advocated for insulating the court from popular opinion.⁵³ Each newspaper tried to align its position with the normative, while labelling the other as “playing politics.” Marxist scholars believe that ideological hegemony partly relies on the translation of the ruling class’s wishes into laws, which a professionalized court then adjudicates in a way that is “above politics.”⁵⁴ However, in an authoritarian society with a dissolving ideological hegemony and courts that lack authority, some trials are likely to end up as political contests.

Irony is a prominent rhetorical strategy in both newspapers’ accounts. According to Douglas Muecke, ironic discourse has to meet three requirements: it must be double-layered, the two layers must remain opposite to one another, and it should involve a certain innocence on the part of the victim (in this case, readers are the victim).⁵⁵ What the victims initially believed to be “true”

52 “Jia Jinglong an shengsi bian. Shenshen sifa cheng gongshi” (Life or death for Jia Jinglong? A fair juridical process is needed). *Southern Metropolitan Daily*, 23 October 2016, AA02.

53 “Jia Jinglong nengfou miansi rang falü zuo zuizhong cailiang” (Whether Jia Jinglong deserves leniency should be a decision by the court). *Global Times*, 27 October 2016; Shan 2016b.

54 Althusser 1971.

55 Muecke 1969.

is contrasted with a higher level of truth, which is supposed to be the “really real.” Here, two divergent narratives, respectively priming “individual guilt” and “social injustice,” both laid claim to being the “ultimate truth” through the use of irony. Each narrative when read alone may be explicitly political. However, together they also create a form of deliberation via the media. What deserves our attention is that deliberation only followed or indeed was made possible by the transformation of a consensual, ritualized narrative (i.e. a murdered victim’s story) to a narrative of contest (i.e. a victim’s story versus a story of revenge), which effectively legitimized the perspective of the perpetrator. Such deliberation shows the interdependence of fact and values. Indeed, it is archetypal narratives conveying different value ends that ultimately guide the search for relevant facts during deliberative activities.

A divided legal interpretive community: politics and the law

For over three weeks, legal scholars demonstrated solidarity in challenging the ruling. But, on 11 November, the community split. Professor Che Hao 车浩 from Peking University wrote an influential essay (which drew over 100,000 views) cautioning against the dismissal of the ruling.⁵⁶ He finally made explicit how the “politics of the trial” were caught between normative and instrumental concerns: the former asked if the crime’s circumstances met the criteria for immediate execution, while the latter was concerned with the case’s larger political repercussions.

After reasoning that a legal analysis did not mean that the death penalty was inevitable, Che argued that what eventually swayed the court were political concerns in response to a symbolic case, which “transformed a question over individual life to a litmus test for authorities on issues from land expropriation to village governance.”⁵⁷ In the end, the sentence was a gesture to placate grassroots cadres involved in tension-ridden urbanization projects, even though it risked triggering popular discontent.

Che’s article was met with a strong rebuttal from Qiu Xinglong 邱兴隆 from Hunan University, who accused Che of putting “politics” on a par with “legal concerns.”⁵⁸ In return, Che debunked Qiu’s brand of politics. Citing Qiu’s argument that “we advocate leniency because we are concerned with the rights of the average Chinese in their struggles against the powerful,” he criticized Qiu for inscribing ideological meaning to an individual case. Che argued that when a trial was perceived to cohere with class fault-lines and created resonance because of narrative fidelity with a resistance discourse (aka “cultural truth”) instead of facts, then it was not surprising that the Supreme Court’s ruling would be just

56 Che 2016.

57 Ibid.

58 Qiu 2016.

as much driven by political consideration, as that ruling would produce lasting political consequences.

If the regime of punishment symbolizes the last stronghold of ritual in a modern society, a contentious trial embodying a revenge story shows that it is impossible to ritualize punishment by excluding politics.⁵⁹ Social conflicts inevitably find their way into the court room. At the same time, a contentious trial also shows the interdependence between politics and deliberation. In the charged atmosphere of a “crisis,” reason-giving deliberative discourses may at the same time be deeply political and driven by distinct interests.

Execution, Reflexivity and State Response amid Perpetuated Schism

Execution

Despite calls for leniency, Jia was executed on 15 November and thus turned into an icon of resistance in the popular imagination. It was on this day that the Supreme Court broke its silence and gave an interview with the main Party media outlets.⁶⁰ Directly addressing popular concerns, the interview recapped the details of the case, placing special emphasis on Jia’s “strong malice” and “extremely cruel means” as well as the “insufficient evidence supporting claims of either ‘surrender’ or ‘victim’s fault’.” The interview was the state’s final attempt to rebuild consensus among the media, a consensus which was maintained through coercion – as demonstrated by the uniform reporting by the official media. Two articles published by the *Xinhua News Agency* dominated the news (Table 2). As well as the interview with the Supreme Court official, which was relayed 20 times, an interpretive report by *Xinhua* contextualizing the case was relayed 13 times.⁶¹ Only four editorials appeared during this phase, but none overtly challenged the execution. However, dissenting voices on social media continued, if with less intensity. Of the 12 Wechat-based commentaries on the sentencing posted at that time, eight expressed reservations over the execution, indicating that the debate continued.

Collective soul-searching as deliberation

With the case finally closed, media and intellectuals moved on to reflect on the deeper meaning of social problems. According to some commentators, “the case offered a panoramic view” of social injustices and “touched upon the fundamental sense of justice of Chinese.”⁶²

59 Foucault 1995.

60 “Jia Jinglong weihe zui gai chusi” (Why should Jia Jinglong be executed?). *Xinhua News Agency*, 16 November 2016.

61 “Danian-chuyi de ming’an shi ruhe fasheng de” (How did a murder on New Year’s Day happen?). *Xinhua News Agency*, 15 November 2016.

62 Ni 2016; Jiang, Xue 2016.

Urbanization and land seizure: private rights vs rural collectivism. During the advocacy stage, the social injustice theme centred on land-losing farmers who were poorly compensated. The issue now received more nuanced treatment in an article by Wu Qi 吴琪 published in *Sanlian Life Weekly*:

Though born as peasants, Jia and his generation have been detached from farming ... He is conscious of individual rights and prepared to defend them when they are intruded upon. He saw potential in rising property values and objected to unfair compensation.

However, Wu also noted that:

Jia is not aware that houses built on a farmer's homestead are not commodities and have limited market value. Moreover, as an unmarried member of a rural household, his property rights are not clearly delineated by law.⁶³

The woes of urbanization are pinpointed here as the uprooting of traditional life without the provision of institutional support. Jia's tragedy was that he embraced a modern rights-based discourse but remained hostage to rural traditions and laws that contradicted his beliefs.

This theme received further attention in a debate between administrative law professors Cheng Xueyang 程雪阳 and Zhu Zheng 朱政.⁶⁴ Cheng identified "ambiguous rural property rights" as the root cause of the incident and proposed "building a private property rights system" as a solution. However, Zhu warned that privatization would result in increased obstacles to land expropriation. Conflicts previously contained within a family would spill out, wreaking havoc in the social structure without slowing down urbanization. Thus, instead of easing disputes, privatization would make them far worse.

Village governance: entrepreneurial broker or capable leader. At the nexus between farmers and structural conflicts are rural cadres. Cheng Xueyang attributed the governance problem to "entrepreneurial brokers" such as the village head, who was said to have "bought his office" despite having a "criminal record."⁶⁵ Zhu Zheng contended that "village life has its own logic and one's 'bad guy' is another's 'capable leader'." Interviews with villagers conducted by *Sanlian Life Weekly* lent some evidence to this observation, as attitudes towards the murdered leader were polarized and influenced by "a family's perceived benefits from relocation."

The reach of the court's power: between ritual and politics. For reflexivity on rules guiding a public debate, we return to the exchange between criminal law professors. Peking University's Che Hao suggested that while discussions on a case's social implications can be open to all, legal discussion is better left to the experts. Scholars may freely debate the application of law but should

63 Wu 2016.

64 Cheng 2016; Zhu 2016.

65 See Duara 1991. The *Xinhua* investigation dismissed rumours about He's criminal record after reviewing his official "candidacy assessment," which was written prior to the village election.

refrain from judging the relevance of “facts” owing to their lack of access to the actual trial. Qiu Xionglong from Hunan University disagreed, arguing that no legal judgment is possible without an interpretation of facts.⁶⁶

Here, we move from substantive to formal debate on the limits of the court’s power that covers the gamut of its ritual repertoire, including the power to determine the relevance of facts, apply laws to legal judgments, and organize facts and judgments into a ruling. However, the media, as a popular institution, are capable of similar meaning-making practices. This is especially true when social media allow legal experts to make their voices heard. In so far as factual judgment precedes legal judgment, determining facts is actually the more deeply “ritualized” power of the court. While extending the scope of discussion on cases enhances the court’s accountability to popular justice, conservative scholars are vigilant against the effect of legal advocacy on the court.

The state responds

Less than two weeks after Jia’s execution, the Party Central Committee and the State Council jointly issued “Guidelines to better protect property rights” in an effort to “promote social justice.”⁶⁷ The document identified “delimiting government power over defining public interest” as a central task and vowed to accelerate legislation over land expropriation. While the document made no mention of Jia’s case, experts in subsequent news coverage referred to it as a cautionary tale. This completed the final loop of a social drama, as authorities acknowledged the wound to the body politic and took ameliorative action.

Conclusion: Between Emotion, Politics (Deliberation) and Law

This article studies the social drama triggered by a land dispute, which produced a brief maelstrom in Chinese politics in 2016. Contrary to previous studies of social dramas that move from crisis to redress, in this case crisis was preceded by a controversial redress in which the court tried to cleanse the civic pollution, triggered by a murder, which pointed to larger social conflicts. The event underwent a narrative transformation in that what ought to have been a ritualized trial governed by legal/bureaucratic procedures regressed into a political contest about the meaning of power and justice. The contest was caught between an “individual responsibility” frame, which demanded harsher punishment of the deviant, and a “social injustice” frame, which called for leniency, through the framing processes of articulation, punctuation and attribution.

But the concept of a “political contest” did not exhaust the meaning of the case. At its best, it produced a deliberative moment within the media and

66 Che 2016; Qiu 2016.

67 “Chanquan baohu dingceng sheji zhengshi chutai” (The Central Committee issues guidelines to protect property rights). *Xinhua News Agency*, 27 November 2016.

scholarly communities, not only centring on the case but also on the legitimacy of the underlying rules, in which participants tried to assume a “moral perspective” that could in turn be taken by all, a condition required of deliberation.⁶⁸ Such soul-searching introduced new themes that public discourse would normally exclude. For a while, the biographies and psychologies of the victim and the perpetrator, the history of China’s property rights reform, the sociology of urbanization and rural governance, and the legal philosophy on the death penalty were all consulted for answers. As such, the deliberative phase shows the “tight grip of technical rationality on contemporary ritual with its insistence that things must be, and ultimately can be, explained.”⁶⁹ It also shows the particular importance of “events” for enabling deliberation in authoritarian societies, given the underdevelopment of regime-level democratic institutions. Since deliberation by definition calls for the presence of publicly accessible competing narratives of reason-giving, a social drama triggered by a “breach” (a revenge murder) ushers in a liminal phase that precisely serves that function – effectively inviting competing narratives representing diverse interests that together negotiate what “ought to be” the norms guiding social life. Even if the liminal phase serves to affirm the perpetuation of schism rather than consensus, it forces people for a moment to reflect upon the inevitable gap between competing desires and reality, and to seek new solutions to close the gap.

Ultimately, a social drama can be conceptualized as a process whereby the media engage social institutions in contentious but stylistic political performances. It indexes a veritable catalogue of ritualized strategies in resistance and redress within the Chinese context: a “revenge” by an aggrieved individual against the powerful, a “verdict” to punish and a “legal interpretation” to pacify public opinion, social media-based “advocacy” by progressive intellectuals, “editorials” and “interpretive reporting” by mainstream media, and finally, new “policy initiatives” by the authorities to address the problems exposed by the social drama.

While the internet diffuses media’s symbolic power, a social drama ultimately zeroes in on contention among the “star groupers” of a society, “who develop to an art the rhetoric of persuasion, who know how to apply pressure, and who are most sensitive to ... legitimacy.” “It is the star groupers who manipulate the machinery of redress” just as “it is the disgruntled star groupers who lead rebellions and provoke the breach.”⁷⁰

The word “rebellion” is an overstatement, as Jia’s trial is an isolated case and the Chinese authorities resolutely ban class-based social movements. This said, there are factions within Chinese elites with different ideological positionings: the political elites are concerned with preserving regime power, while many media/intellectual elites are committed to a liberal ideology. Normally, the

68 Rawls 1971.

69 Ettema 1990, 327.

70 Turner 1980, 148; quoted in Ettema 1990, 311.

factions are held together by an instrumental interest.⁷¹ But, contentious media events reveal ruptures and bring elite dissent into sharp relief. In this case, the harsh punishment dealt out to an icon of resistance was intended to deter copycats. Meanwhile, media/intellectual elites found the “problems” exposed by the case – for example, the ambiguously defined public interest and the excessiveness of the death penalty – meshed with their long-time advocacy for individual rights and property rights against an overreach of state power. As they jibed at authorities for instrumentalizing the law by appropriating popular sentiments that rooted for the underdog, the state media threw the rhetoric back, accusing scholars of politicizing the law. Somewhat ironically, a leftist discourse championing redistributive justice became conflated with an individual rights-based discourse of market liberalism, which is the real concern of intellectual elites. This points to the complexity of China’s ideological field today.

If we contrast this to Lean’s analysis of the Shi Jianqiao case, in which cultural elites and the judiciary formed a *de facto* alliance championing the “rule of law” principle vis-à-vis the popular media that catered to public emotions, it is interesting to observe how cultural elites and judicial professionals remain split today with regard to their attitude towards the public. In fact, in arguing their case, it is the liberal-leaning legal scholars and media that appealed to the more contextualized, and therefore more popular, narrative emphasizing “social-injustice,” which does not, in a strict sense, cohere with a discourse foregrounding procedural-rationality. In a way, a relatively weak central state during the Nanjing decade gave cultural elites across the ideological spectrum and legal professionals the buffer to distinguish themselves from the popular media and the emotional public, and to rely on a discourse of procedural rationalism (i.e. elitism) in carving out their own professional autonomy. However, today, faced with a much stronger central state, less institutionalized channels for contention and less wriggle room for activism, liberal intellectual elites in a way have to resort to enlisting public sympathy and emotional populism as a strategy to advance their reform agenda.

Finally, realizing the danger of liminality inherent in any event, the authorities remain increasingly vigilant. Initial efforts after 2013 targeted media professionals. In Jia’s case, news reporting almost exclusively relied on *Xinhua* sources, while editorials and interpretive reporting had more leeway. Still, this was a departure from media’s advocacy role in the first decade of the 2000s. Instead, what propelled Jia’s case from obscurity to prominence was advocacy led by intellectuals, which revealed a division between the conservative court and more liberal-leaning legal scholars. However, the state eventually tightened its grip on the legal professionals as well – with the issuance of the Ministry of Justice Order No. 113 on the revised “Administrative measures for law firms,” which took effect on 1 November 2016, and renewed ideological campaigns at universities.

71 Zhao 2012.

For a society like China, which has an absence of regime-level democratic empowerments, public deliberation of social issues tends to coalesce around contentious social dramas, as the liminal phase inherent in any “event” encourages reflexivity. Ironically, in China, the judiciary, which represents a “sphere of consensus” in mature democracies,⁷² has become a field punctuated with contentious events and produces some key moments of “authoritarian deliberation.” This said, because authorities have tightened control over symbolic production, new dynamics of “social dramas of resistance” await further observation. After all, while the liminality opened up by a social drama can be powerful or even transformative, without institutionalizing deliberation at a mundane level, the democratic potential of events will inevitably be vulnerable.

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72 Hallin 1986.

摘要: 本文聚焦一桩因征地纠纷引发的仇杀案（贾敬龙案）极具争议的审理过程及引发的舆论风波。通过研究媒体、法院与法学界在这个过程中互动，文章讨论“仇杀”类型的社会戏剧中“叙事转化”的现象，探究当代中国抗争话语对于“复仇者”这一原型的借用及该原型与主流“法律与秩序”话语的冲突与调和，同时提出一个以事件为依托的威权语境下的协商模型。本来默默无闻的凶杀案之所以引起广泛关注，是由于它在公共舆论场中完成了一次叙事转型：从强调个体罪与罚的“仪式化叙事”转化为一种“竞争性叙事”，而后者在“法律与秩序”框架与突出社会不公的“正义复仇”框架之间展开。通过剖析焦点案件中叙事与结构性力量的关系，以及情、理、法三者之间的联系，本文认为在建制化的协商场域缺失的威权社会，争议性司法事件为协商提供了一种可能。通常，在多元民主社会，协商的主要载体为议题主导的民主建制（如立法机构）；然而在威权社会，协商更易于发生在界定秩序与失范的社会戏剧中，也与以个案为主导的司法部门关系更为密切。社会戏剧独特的阈限区间激发了公众对于“现实”和“理想的道德 / 法律秩序”之间差距的反思，也放大了平时被利益联盟遮蔽的精英间的分歧。在对争议性案件的报道中，媒体与其他建制互动，而这种冲突性展演既放大了日常状态下被隐藏的社会矛盾，也将协商推向纵深。

关键词: 威权协商; 征地纠纷; 法律与政治; 仪式与策略; 叙事转化; 社会戏剧

References

- Alexander, Jeffrey. 2004. "Cultural pragmatics: social performance between ritual and strategy." *Sociological Theory* 22(4), 528–573.
- Alexander, Jeffrey, and Ronald Jacobs. 1998. "Mass communication, ritual and civil society." In James Curran and Tamar Liebes (eds.), *Media, Ritual and Identity*. London: Routledge, 23–40.
- Althusser, Louis. 1971. *Lenin and Philosophy and Other Essays*. New York: Monthly Review Press.
- Benford, Robert, and David Snow. 2000. "Framing processes and social movements: an overview and assessment." *Annual Review of Sociology* 26, 611–639.
- Berger, Peter, and Thomas Luckmann. 1967. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York: Anchor Publishers.
- Brandt, Loren, Susan H. Whiting, Linxiu Zhang and Tonglong Zhang. 2017. "Changing property-rights regimes: a study of rural land tenure in China." *The China Quarterly* 232, 1026–49.
- Che, Hao. 2016. "Jia Jinglong gaibugai sha? Yaobuyao sha?" (Should Jia Jinglong be executed? Is it necessary to execute him?). *Zhongguo falü pinglun*, 11 November, <https://mp.weixin.qq.com/s/YZDpsa8IQkTkHj3R7J-kNw>. Accessed 9 March 2020.
- Cheng, Xueyang. 2016. "Ruhe bimian Jia Jinglong shi de beiju" (How to prevent tragedies like Jia Jinglong). *Zhongguo falü pinglun*, 18 November, <https://mp.weixin.qq.com/s/3wszUyIvRN8faHvkfpQV6g>. Accessed 9 March 2020.
- Chuang, Julia. 2014. "China's rural land politics: bureaucratic absorption and the muting of rightful resistance." *The China Quarterly* 219, 649–669.
- Douglas, Mary. 1975. *Implicit Meanings: Essays in Anthropology*. London: Routledge and Kegan Paul.
- Duara, Prasenjit. 1991. *Culture, Power, and the State: Rural North China, 1900–1942*. Stanford, CA: Stanford University Press.

- Entman, Robert. 1993. "Framing: toward clarification of a fractured paradigm." *Journal of Communication* 43(4), 51–58.
- Erie, Matthew S. 2012. "Property rights, legal consciousness and the new media in China: the hard case of the 'toughest nail-house in history'." *China Information* 26(1), 35–59.
- Ettema, James. 1990. "Press rites and race relations: a study of mass-mediated ritual." *Critical Studies in Media Communication* 7(4), 309–331.
- Ettema, James. 2005. "Crafting cultural resonance: imaginative power in everyday journalism." *Journalism* 6(2), 131–152.
- Ettema, James. 2007. "Journalism as reason-giving: deliberative democracy, institutional accountability, and the news media's mission." *Political Communication* 24, 143–160.
- Ettema, James. 2010. "News as culture." In Stuart Allan (ed.), *The Routledge Companion to News and Journalism*. Abingdon: Routledge, 289–300.
- Ettema, James, and Theodore Glasser. 1998. *Custodians of Conscience: Investigative Journalism and Public Virtue*. New York: Columbia University Press.
- Foucault, Michel. 1995. *Discipline & Punish: The Birth of the Prison*. New York: Second Vintage Books.
- Guttman, Amy, and Dennis Thompson. 2004. *Why Deliberative Democracy?* Princeton, NJ: Princeton University Press.
- Hallin, Daniel. 1986. *The "Uncensored War": The Media and Vietnam*. New York: Oxford University Press.
- He, Baogang, and Mark Warren. 2011. "Authoritarian deliberation: the deliberative turn in Chinese political development." *Perspectives on Politics* 9(2), 269–289.
- He, Haibo. 2016. "Jia Jinglong shi bugai sha de" (Jia Jinglong should not be executed). *Faxue xueshu qianyan*, 23 October, <https://mp.weixin.qq.com/s/6HHXK2yzkQeQsreXUPkvXw>. Accessed 9 March 2020.
- He, Zhou. 2009. "Political communication in dual discourse universes: the Chinese experience." In Lars Willnat and Annette Aw (eds.), *Political Communication in Asia*. New York: Routledge, 43–71.
- Hepp, Andreas, and Nick Couldry. 2009. "Introduction: media events in globalized media cultures." In Nick Couldry, Andreas Hepp and Friedrich Krotz (eds.), *Media Events in a Global Age*. Abingdon: Routledge, 1–19.
- Ho, Peter. 2001. "Who owns China's land? Policies, property rights and deliberate institutional ambiguity." *The China Quarterly* 166, 387–414.
- Hunt, Lynn. 1984. *Politics, Culture and Class in the French Revolution*. Berkeley, CA: University of California Press.
- Jiang, Min. 2010. "Authoritarian deliberation on Chinese internet." *The Electronic Journal of Communication* 20, <http://www.cios.org/EJCPUBLIC/020/2/020344.html>. Accessed 9 March 2020.
- Jiang, Xue. 2016. "Jia Jinglong an: sixing minyi yu meiti" (The Jia Jinglong case: death penalty, public opinion and media), <http://jiangxuereporter.blogchina.com/765425717.html>. Accessed 9 March 2020.
- Kan, Karita. 2019. "A weapon of the weak? Shareholding, property rights and villager empowerment in China." *The China Quarterly* 237, 131–152.
- Lao, Dongyan. 2016. "Jia Jinglong an bu fuhe sixing liji zhixing de xingfa biao zhun" (Jia Jinglong does not deserve the "death penalty with immediate effect"), <https://mp.weixin.qq.com/s/bildTQEWZCykCZU9OziulA>. Accessed 9 March 2020.
- Lean, Eugenia. 2007. *Public Passions The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China*. Berkeley, CA: University of California Press.
- Lin, George C.S. 2015. "The redevelopment of China's construction land: practising land property rights in cities through renewals." *The China Quarterly* 224, 865–887.
- Liu, Changsong. 2016. "Jia Jinglong an: jidai zuigaoyuan huiying gongzhong de guanqie" (Jia Jinglong case: urging the Supreme Court to respond to public concern). *Southern Metropolitan Daily*, 24 October, AA15.

- Liu, Hong. 2016. “Guanyu Hebei Jia Jinglong shedingqiang sharen an de zhuanjia yijian” (Expert opinions on the Hebei Jia Jinglong murder case involving a nail gun), <https://mp.weixin.qq.com/s/hnUYrKPB8qQB9xu184H-Xg>. Accessed 9 March 2020.
- Lü, Dewen. 2012. “Meijie dongyuan, dingzihu yu kangzheng zhengzhi: Yihuang shijian zaifenxi” (Media mobilization, demolition-resistant families and contentious politics: an analysis of the Yihuang case). *Society* 32(3), 129–170.
- Muecke, Douglas C. 1969. *The Compass of Irony*. London: Methuen.
- Ni, Hongtao. 2016. “Jia Jinglong an zhong zuowei xuanjue wenti de cunweihui xingwei” (The village committee’s conduct as a precondition of Jia Jinglong’s case). *Southern Metropolitan Daily*, 25 October, AA15.
- O’Brien, Kevin, and Lianjiang Li. 2006. *Rightful Resistance in Rural China*. New York: Cambridge University Press.
- Ong, Lynette H. 2014. “State-led urbanization in China: skyscrapers, land revenue and ‘concentrated villages’.” *The China Quarterly* 217, 162–179.
- Qiu, Xinglong. 2016. “Che Hao jiaoshou nin ping shenme shuo Jia Jinglong gaisha” (Professor Che, what is the basis for your conclusion that Jia Jinglong deserves execution?), <https://mp.weixin.qq.com/s/LFVBrw7LHFVLFkohSa3mrg>. Accessed 9 March 2020.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Schudson, Michael. 2007. “The anarchy of events and the anxiety of story-telling.” *Political Communication* 24, 253–57.
- Sewell, William. 2005. *Logics of History: Social Theory and Social Transformation*. Chicago: University of Chicago Press.
- Shan, Renping. 2016a. “Jia Jinglong gaibugai zhixing sixing? Zhengyi helai?” (Should Jia Jinglong be executed? Where is the controversy?). *Global Times*, 24 October.
- Shan, Renping. 2016b. “Morang yulun chengwei Zhongguo de zuigao fayuan” (Public opinion field should not be China’s Supreme Court). *Global Times*, 16 November.
- Sun, Wei. 2008. “Zhongguo xinminquan yundong zhong de meijie shehui dongyuan: yi chongqing dingzihu shijian de meijie baodao weili” (Media mobilization in China’s new civil rights movement: Chongqing nail-house incident). *Xinwen daxue* 98, 13–19.
- Swidler, Ann. 1986. “Culture in action: symbols and strategies.” *American Sociological Review* 51(2), 273–286.
- Tang, Beibei. 2015. “‘Not rural but not urban’: community governance in China’s urban villages.” *The China Quarterly* 223, 724–744.
- Tong, Jingrong. 2011. *Investigative Journalism in China: Journalism, Power, and Society*. London: Continuum.
- Tucher, Andie. 1994. *Froth and Scum: Truth, Beauty, Goodness, and the Ax Murder in America’s First Mass Medium*. Chapel Hill, NC: University of North Carolina Press.
- Turner, Victor. 1980. “Social dramas and stories about them.” In W. Mitchell (ed.), *On Narrative*. Chicago: University of Chicago Press, 137–164.
- Weber, Max. 1978. *Economy and Society*. Berkeley, CA: University of California Press.
- Williams, Raymond. 2012[1961]. *The Long Revolution* (reprint ed.). Cardigan: Parthian Books.
- Wilson, Saul, and Xiaorong Zhang. 2019. “Village reconstruction in rural China: the importance of being urban.” *The China Quarterly* 238, 438–460.
- Wong, Siu Wai. 2015. “Land requisitions and state–village power restructuring in southern China.” *The China Quarterly* 224, 888–908.
- Wu, Qi. 2016. “Fenlie de cunzhuang” (A divided village). *Sanlian Life Weekly*, 15 November.
- Xu, Jian. 2016. *Media Events in Web 2.0 China: Interventions of Online Activism*. Eastbourne: Sussex Academic Press.
- Yang, Guobin. 2009a. “Of sympathy and play: emotional mobilization in online collective action.” *The Chinese Journal of Communication and Society* 9, 39–66.

- Yang, Guobin. 2009b. *The Power of the Internet in China: Citizen Activism Online*. New York: Columbia University Press.
- Yuan, Guangfeng. 2015. "Gonggong yulun zhong de tongqing yu gonggongxing de goucheng: Xia Junfeng an zaifansi" (The construction of "sympathy" in public opinion: reflections on the Xia Junfeng case). *Xinwen jizhe* 393, 31–43.
- Zhang, Qianfan. 2016. "Feichu sixing cong Jia Jinglong an kaishi" (May the abolishing of death penalty commence with Jia Jinglong), <https://mp.weixin.qq.com/s/1VOtnBYdNgSAio4jAZc4g>. Accessed 9 March 2020.
- Zhao, Dingxin. 2010. "Theorizing the role of culture in social movements: illustrated by protests and contentions in modern China." *Social Movement Studies* 9(1), 33–50.
- Zhao, Dingxin. 2012. *Shehui yu zhengzhi yundong jiangyi (Lectures on Social and Political Movements)*. Beijing: China Social Sciences Academic Press.
- Zhu, Zheng. 2016. "Zheyang zuo zhende neng bimian Jia Jinglong shi de beiju?" (Can this prevent tragedies like Jia Jinglong?). *Zhongguo falü pinglun*, 21 November, https://mp.weixin.qq.com/s/dCEiGeCNvq4eGR67k_1m8g. Accessed 9 March 2020.