# Law and Development Colloquium

**Discussion Paper**

**"Mediating Land Grabs in East Asia: Negotiating In, Around, and Outside the Law"**

**John Gillespie  Monash University March 2017**

**Abstract**

The role intermediaries play in resolving land-taking disputes in socialist Asia has rarely been studied, but this inquiry is critical to understanding alternatives to court-based dispute resolution. This paper explores how intermediaries, such as retired state officials, navigate in and around authoritarian regimes to resolve complex disputes that pit citizens against the state. Empirical studies based on in-depth interviews show how intermediaries bridge conceptual differences, reduce the emotional temperature, and promote the search for common ground and consensus. The findings compel researchers to consider intermediaries as alternatives to state-sponsored disputed resolution in authoritarian states.

## Introduction

Land-taking disputes are increasing in Socialist Asia as economic and demographic growth intensifies the demand for farmland and urban spaces (Hsing 2010:33–59; Lê Hiếu 2010). Reforms that brought China and Vietnam into the globalized economy and returned private property have also sparked intense competition between farmers, government agencies, and private developers. Industrial parks, transport infrastructure, dams, and new residential developments are encroaching on farmland, dispossessing millions of farmers.[1] The state is increasingly using compulsory acquisition powers to clear land for development. Like their predecessors throughout history, Chinese and Vietnamese farmers do not always leave quietly, and without access to effective formal redress, are engaging in violent clashes with government authorities. The resolution of these land-taking disputes is a pressing social issue. This paper explores how retired state officials and other intermediaries have leveraged their political and relational connections to resolve complex land taking-cases.

Land-taking disputes are a major source of social instability and conflict in China and Vietnam.  Studies concerning land-taking disputes in Chinese courts (He 2014:  Minzner 2011) and grand mediation (*da tiaojie*) (Upham 2014) reveal the difficulties that citizens have in challenging the state. After reviewing more than 200 land-taking decisions in China between 2004 and 2011, Cheng Jie (2014) found that judgments closely followed government

---

[1] There are no reliable statistics for the number of farmers displaced through compulsory land acquisitions in China and Vietnam. The number of farmers displaced by construction projects in China over a 20-year period is conservatively estimated at 50 million (Huang Dongdong 2014). The number dispossessed in Vietnam is estimated at 3 million (Kerkvleit 2014).

policies. Judges were placed in a difficult position: "on one side, a powerful government agency may have demolished houses or occupied land for policy purposes; on the other side are a group of people who are angry, helpless, but ready to demonstrate in front of the court if the court's decision is considered unfair" (Cheng 2014:107). Cheng Jie concluded that courts were unsympathetic toward individual land claims and routinely interpreted the land law to favor the state.

Land users have fared no better in Vietnamese courts, which rarely find against the state. In both China (Cheng 2014; He 2014) and Vietnam (Gillespie 2011), judges are reluctant to accept land-taking cases and push them back to government officials for resolution—through grand mediation in China and local government conciliation committees (*ban hòa giải* ) in Vietnam.

State-sponsored grand mediation (Hu 2011; Hurst et al 2014) and conciliation committees (Investconsult 2008) are often open-ended, as local officials flexibly apply the law with little regard for legal consistency or process. It is further compromised by the dual role played by local officials (Fu and Gillespie 2014: 249-254). The same officials who seized the land in the first place then present themselves as impartial mediators. Land users are often coerced onto accepting unfavorable outcomes and conflicts are consequently highly dynamic and rarely settled once and for all.

Against this backdrop of institutional failure, aggrieved land users are turning in increasing numbers to more confrontational strategies, such as petitioning and public protests, to improve their bargaining position. Surprisingly, in authoritarian regimes such as China and Vietnam, where the public has little input or formal means of recourse in the land management system, research in China and Vietnam suggests that in some circumstances intermediaries can resolve land-taking disputes outside the court system. William Hurst et al (2014:467-70) showed how semi-autonomous associations in China, such as clan and business associations, leveraged relational connections with local government officials to secure more favorable land compensation for land users. The associations rewarded village officials who successfully persuaded farmers to curtail their protests within politically acceptable limits by increased compensation payments. (Deng & O'Brien 2013). In a similar vein, Kim (2011) established how land users in southern Vietnam used a range of intermediaries, such as the Vietnamese Architects' Association, to negotiate increased compensation payments. Rather than mobilizing through grass-roots social movements, which are constrained by the Vietnamese government, Kim (2011:501) found that "institutional feedback mechanisms at play in this case involved a diffuse network of ways for individual citizens informally to relay their opinions to government." Her findings accord with an established literature that shows how farmers and other land users deploy a quiet, sometimes covert, process of negotiation and compromise to influence official decision-makers (Kerkvliet 2006). What these studies suggest is that intermediaries can broker solutions to complex land-taking cases where courts and state-sponsored mediation have failed.

This literature raises key questions. How do intermediaries in authoritarian regimes find the political space to flexibly rebalance the interests of state agencies, land developers, and land users? How do intermediaries deal with the psychological damage caused by land taking, such as loss of spiritual connections to land, which is often as distressing as the financial impact, but is not recognized in the land law? How does dispute resolution in Socialist Asia operate under the shadow of the law, but also function independently of, in competition with, and even against the law? Can informal intermediation scale up to create a type of quasi-judicialization?

To answer these questions, this paper proceeds as follows: Section II synthesizes from the three theoretical traditions (law and society, regulatory studies, and collective identity) a framework within which to place and analyze the case studies. This theoretical framing is followed by Section III, which explains the research and data collection methodologies. Section IV provides a regulatory and policy background for the case studies. Sections V and VI explore how intermediaries in Sơn La and Thái Bình provinces changed the way disputants conceptualized land conflicts. Section VII asks what types of conceptual changes are likely to promote compromise, preference convergence, and lasting settlements. The article concludes that intermediaries persuaded the disputants to flexibly apply their normative and cognitive assumptions to reach pragmatic settlements. These findings offer insights into the micro-processes and mechanisms that form connections between different "legal imaginings." They also offer insights into whether intermediation can scale up to resolve land disputes in a wide range of social, political, and economic environments.

## II Conceptualizing Land-taking Disputes

### A. SOCIO-LEGAL SCHOLARSHIP AND THE SOCIAL CONSTRUCTION OF DISPUTES

Felstiner, Abel and Sarat's (1980, 632–637) seminal "naming, blaming, and claiming" study provides a framework for describing the emergence and transformation of disputes. It showed that disputes not only concern concrete events, but also require investigation into "the conditions under which injuries are perceived or go unnoticed" (Felstiner, Abel and Sarat 1980, 632). Disputes follow trajectories where "experiences become grievances, grievances become disputes, and disputes take various shapes, follow particular dispute processing paths, and lead to new forms of understanding" (ibid.). Their study divided disputes into three stages: the identification of injurious experiences (naming); the attribution of harm to third parties (blaming); and taking action against perceived wrongdoers (claiming). It also highlighted how "agents of transformation" change the trajectory of disputes (Felstiner et al. 1980, 645–646). Lawyers were considered the most important agents of transformation because of the pivotal role they play as gatekeepers to U.S. legal institutions. As we shall see, it is party officials, rather than lawyers, who transform land-taking disputes in Vietnam.

More recent research shows that people who share compatible conceptual frameworks are more likely to find common ground in resolving disputes (Morris and Fu Ho-Ying 2001). Shared frameworks do not always result in consensus and settlement. Disputes are interactive, and aggressive demands, refusals to negotiate (Liu 2009), and rigid social and organizational hierarchies (Morris and Fu Ho-Ying 2001, 337–338) can sometimes override shared understandings and disrupt settlements. Nevertheless, the overriding message from this research is that compromise and settlement are more likely where disputants conceptualize conflicts in similar ways.

### B. REGULATORY SCHOLARSHIP AND LEGITIMACY EXPECTATIONS

Legitimacy expectations offers a promising way of comparing how disputants conceptualize conflicts. Suchmann (1995, 574) defined legitimacy expectations as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions." Used in this way, legitimacy functions like an endowment that disputants confer upon the regulatory regimes that govern conflicts. Regulatory studies (Black 2008; Bernstein and Cashmore 2007) have identified three main types of legitimacy expectations.

*1. Pragmatic Legitimacy*

People use cost-benefit calculations to decide whether an injury has occurred (naming), to identify who caused the injury (blaming), and to assess whether pursuing a claim might convey a material benefit (claiming).

*2. Normative Legitimacy*

Socio-legal theorists insist that what constitutes a material benefit is socialized by understandings about "what is right, separately from judgments about what is personally beneficial" (Tyler 2006). Notions of right and wrong are, in turn, assessed by reference to a deeper moral base—to normative legitimacy. Like pragmatic legitimacy, normative legitimacy influences how disputants conceptualize each stage of a dispute. For example, people are more prepared to make claims if dispute resolution forums are considered procedurally just—a type of normative legitimacy.

*3. Cognitive Legitimacy*

Cognitive legitimacy is shaped by the "taken-for-granted" assumptions that inform worldviews and ideologies (Suchmann 1995, 574). Felstiner,Abel and Sarat (1980, 643) recognized the importance of ideology in shaping an "individual's sense of entitlement" to complain about injuries, while others (Liu 2009 153–155;) show that cognitive factors—such as anger, shame, a sense of powerlessness, fear, gratitude, and frustrated resignation—can trigger conflict. If used unreflectively, cognitive assumptions can block the search for pragmatic solutions to disputes (Morris and Fu Ho-Ying 2001; Elster 1995).


## C. COLLECTIVE IDENTITIES

Collective identity is an important, but under-studied, component of cognitive legitimacy (Elster 1995). Research into collective identities shows that when "people take on the same identity, experience the same reality, and observe one another's parallel emotions and collateral behavior, a sense of common destiny and empathic connection arises" (Owens, Robinson and Smith-Lovin 2010, 490). Collective identities serve as an organizational force that drives people with common interests, experiences, ideas, and emotional connections to create boundaries that exclude others (Brewer and Gardner 1996). They compel group members to conceptualize injuries (naming), attribute blame, and evaluate claims in similar ways (Gibson 2008, 702–703). The thrust of this research is that collective identities shape how closely-knit groups, such as the state officials and the farmers considered in this study, cognize, legitimize, and respond to disputes.

This analytical framework advances our study in four key areas: first, it enables a comparison of how disputants conceptualize land disputes; secondly, it points to areas where intermediation is most likely to produce consensus and lasting settlements; thirdly, it provides a framework for assessing whether intermediation has reconciled or circumvented differences and transformed disputes; and fourthly, it sheds light on whether intermediaries have brought the state and non-state land tenure system into communication with each other.


## III.   DATA AND METHODS

This article draws on in-depth interviews from two locations in northern Vietnam. Five researchers from T&C Consulting, a Hanoi-based consulting firm, conducted interviews in Sơn La Province during March 2013. This study formed part of a research project commissioned by the Asia Foundation that investigated land disputes in five different regions

in Vietnam (Sơn La, Hoa Mac, Quảng Ngãi, Cần Thơ, and Phú Mỹ Hưng). The author designed the research methodology and analyzed the findings for this project. He also conducted the interviews for the case study in Thái Bình Province during March and October 2012, and April and September 2013.

Case studies were selected to compare how different geographic, ethnic, and economic contexts changed the way intermediaries interacted with disputants and transformed land contests. The Sơn La dispute was selected because it involved a large-scale resettlement of ethnic minority *Thái Đen* (Black Thai) subsistence farmers in a remote highland area. To provide contrast, the Thái Bình case concerned a dispute over the industrialization of farmland in a peri-urban setting.

The remaining studies commissioned by the Asia Foundation were not selected for this study as the Hoa Mac case was too similar to the Thái Bình case to yield additional insights, insufficient data was collected in the Quảng Ngãi case study to understand how the intermediaries transformed the dispute, and social media played a key role in the Cần Thơ and Phú Mỹ Hưng disputes, preventing meaningfully comparison with the intermediation in the Sơn La and Thái Bình cases, where social media was not a factor.

Interviewees in the Sơn La and Thái Bình studies were identified through a combination of purposive, niche, and snowball sampling (Lofland 1995). Interviews were conducted with provincial, district, and commune land officials, land developers (in the Thái Bình study), land users, intermediaries, and other parties. Semi-structured interviews were used to develop conceptual models (cognitive frames, habits of mind, and epistemological assumptions) that compared how the disputants legitimized the land disputes and the role intermediaries played in transforming the disputes. The conceptual models linked the episodic personal knowledge and memories of interviewees with the shared beliefs of the social groups and organization to which they belong (van Dijk 1997).

Follow-up interviews were used to probe the narratives and understand how the conceptual models interacted and changed over the course of the disputes. They were unstructured and encouraged the interviewees to describe their emotional reactions and feelings about the dispute. These accounts were then crosschecked against written sources such as research reports and newspaper articles and also checked against supplementary interviews with judges, government officials, lawyers, and land developers involved in land-taking cases. Most interviews were conducted on the condition of anonymity.

Through a careful content analysis, the studies revealed the changing conceptualizations and subsequent transformation of the disputes. Despite difficulties in conducting this type of in-depth analysis, the case studies revealed subtle preferences and dynamic interactions that surveys (for example, one-off, self-reported questionnaires) cannot comprehend. The studies were sufficiently rich in detail to furnish insights into the roles that intermediaries play in resolving politically sensitive disputes in an authoritarian regime.


## IV.    THE REGULATORY AND POLICY ENVIRONMENT

Eminent domain—the power to take private or community property for public purposes—is controversial in every legal system (Somin 2009). Most societies impose restrictions on eminent domain, because private and community property would have little meaning if governments could expropriate at will. How such restrictions are calibrated depends on the political treatment of property rights. At one end of the spectrum, liberal democracies create a regulatory space for private property that is largely, although never entirely, free of state interference (Somin 2009). At the other end of the regulatory spectrum, authoritarian states

endow officials with prescribed ways of managing land; land law becomes a weapon in the hands of the state rather than a defense against the state (see generally, Fu and Gillespie 2014; Pils 2005). For most of Vietnam's history, property (and civil) rights have resided at the authoritarian end of the spectrum (Le and Nguyen 2014; Sikor 2004).

Plural land tenure systems coexisted in pre-colonial Vietnam. Central authorities kept detailed land registers (*dien-bo*) to collect tax, but otherwise left village authorities alone to regulate land-use rights (Le and Nguyen 2014; Minh Quang Dao 1993). Central authorities also distinguished between people of the capital (*kinh*) living in the Red River Delta and ethnic minorities (*man lieu*) farming the upland areas (Ta Van Thai 1988). This regulatory division continued until the revolutionary land reforms of the 1950s (Sikor 2004).

French colonial land law (1861–1954) sought to displace geographically localized regulation based on village networks with the "law of the land" (Hooker 1975, 243–246). The French introduced title by registration and mortgages to finance the colonial economy (Murray 1980, 132–140). Maintaining a plural land system, French colonial law applied to urban centers and industrial plantations, leaving most rural villages to regulate themselves (Grossheim 2004, 58–73).

On taking power in 1954, the revolutionary government aimed to sweep aside "irrational feudal practices" and the colonial land tenure system (Gillespie 2011, 247–252; see generally, Moise 1976). Based on Maoist land reforms in China, the Agriculture Land Reform Law (1953) authorized government officials to confiscate (*tich thu*) the land of colonists, large landlords, rich peasants, and other "reactionaries." By the early 1960s, the collectivization of land into agricultural cooperatives was largely completed; however, this process suppressed, rather than replaced, pre-modern customary practices (Vo 2015; Luong 1992).

Following *đổi mới* (renewal) reforms in late 1980s, the Vietnamese economy liberalized, leading to de-collectivization and the recognition of private land-use rights (*quyền sử dụng đất*) (Le and Nguyen 2014, 273–288). The party concluded that exclusive land tenure rights were vital for rural development (Sikor 2014, 84–86). Subsequent Land Laws in 1993, 2003, and 2013 selectively strengthened and extended private land tenure and clarified compensation rights for land compulsorily acquired by the state (World Bank Group 2011).

Despite these liberalizations, the state stopped short of recognizing propriety interests in land (Nguyen Van Cuong 2013). It has also resisted attempts to legally constrain compulsory acquisition powers (Cẩm Tú 2013). As a consequence, land officials treat private land-use rights as mere licenses that the government can extinguish at will. They also undervalue compensation for land compulsorily acquired for infrastructure projects (Labbé and Boudreau 2011).

Land Laws were not drafted to reflect the self-regulatory traditions that most farmers turn to when deciding what they can and cannot do with land. Given this disconnect between state and non-state land tenure systems, farmers only selectively, if at all, follow statutory rights and procedures. For example, an Asian Development Bank (2004, 28–33) study found that rural land is routinely traded through informal relational markets that operate outside the state land tenure system. Despite entrenched state opposition, non-state regulatory traditions have proved remarkably resilient and adaptable. Under these plural legal conditions, diverse and often contradictory conceptualizations of land tenure coexist. Tensions generated by this bifurcation between state and non-state regulatory traditions continue to animate contemporary land disputes.

## V.    SƠN LA CASE STUDY

## A. THE DISPUTE BACKGROUND

In one of the largest involuntary resettlements in recent Vietnamese history, more than 100,000 people were relocated to make way for the Sơn La hydroelectric power project in northwestern Vietnam (Dao 2010, 324–340; VUSTA 2006). Between 2005 and 2010, entire villages in three provinces—Sơn La, Điện Biên, and Lai Châu—were relocated as the Đà River Valley flooded. Despite the economic loss and disruption to people's lives, there were few formal complaints and organized protests. This study analyzes how intermediaries initially convinced villagers to engage with the state and relocate, but ultimately failed to secure a lasting settlement.

Given the scale and complexity of the Sơn La project, it was only practicable to focus on one resettlement. This study examines the relocation of 3,428 village households from Mương La District to Mộc Châu District in Sơn La Province, a distance of approximately 180 kilometers. A team of five investigators visited Sơn La Province in March 2013 and conducted 71 interviews with provincial, district, and commune officials and villagers from Mương La and Mộc Châu districts. During follow-up interviews, key interviewees were brought together in focus groups to identify the representative views of the local government officials and the villagers.

The Mương La villagers belonged to the Thái Đen community—the main ethnic group affected by the hydroelectric project. For centuries, the Thái Đen regulated wet rice and swidden agriculture in Sơn La Province (Cam 1978). Although village heads maintained tight control over the allocation of the scarce rice-growing land, households were permitted to farm the adjacent hillsides to satisfy their basic needs. These fluid property relationships provided a basic economic framework and secured cohesive village and household structures (Sikor and Vi 2005).

During the 1960s, provincial authorities collectivized wet rice farmland in Mương La, but the local commune authorities turned a blind eye to swidden farming on the forested hillsides (Sikor 2004, 80–82). Following de-collectivization in the 1980s, the Land Laws (1988, 1993, and 2003) granted farmers limited tenure rights to rice land, but sought to displace the community as the primary land regulator, and disrupt longstanding communal and spiritual claims to forestland. The local commune authorities resisted central policy and permitted swidden farming to coexist in a de facto pluralism with the state land tenure system.

Provincial officials disrupted this fragile pluralistic order when they launched the Sơn La hydroelectric project. Officials compensated villagers for wet rice land, but did not compensate untitled swidden farmland. Villagers were allocated 0.3 hectares of new land in the resettlement zones, even though many farmed two or three hectares of swidden farmland (Dao 2010, 324–340).


## B. IDENTIFYING THE KEY NARRATIVES IN THE DISPUTE

During the first phase (2005) of the dispute, provincial authorities relocated 69 households from northwestern Sơn La Province over a mountain range to the highland area of Tân Lập in Mộc Châu District (Dao 2010, 324–340). Villagers were resettled in a model town where concrete replaced the traditional timber building materials, and houses were positioned symmetrically along grid-patterned streets.

Provincial officials encouraged villagers to "trust in the party and state" and "sacrifice for our next generations." Invoking national pride, they told villagers that "this [project] is the power-line for the Fatherland" (*đồng dien cua tổ quốc*) and a "heroic act" (*diễn tập anh*

*hung*). Officials ignored customary claims and treated land as a public asset in the service of national development.

Villagers complained that local traditions and land tenure regimes played no part in the officially scripted resettlement program. Officials planned the resettlement without consultation, and expected villagers to leave subsistence agriculture behind and enter the modern economy. Villagers demanded resettlement zones that accommodated Thái Đen customs, such as proximity to the flowing water required for many rituals, cultural houses (*nhà văn hóa*), spiritual connections to *Đông Sên* (sacred forests) and houses geomantically oriented to enhance the occupants' destiny (*vận mệnh*).

Shocked by the angry reaction to the first phase, and fearing widespread protests by villagers, officials during the second phase (2007–2010) changed their approach (VUSTA 2008). They established Resettlement Persuasion Taskforces (*Ban Vận động Di dân*) to work with the villagers. The taskforces comprised Thái Đen people seconded from local party cells, district and commune people's committees, and mass organizations such as the Fatherland Front, Women's Union, and Farmers' Union. The taskforces played a crucial role in persuading state officials to flexibly apply the law and in convincing villagers to contemplate relocating to a new life. Initially, taskforce members supported the official line, but later moderated their views after interacting with the villagers. A senior male taskforce member recalled:

> When we came, people chopped down a tree and blocked the road to the village. They did not want to talk to us. … They confronted us in a very hostile way. I asked the head of the women's union in the village to stay with her family. I talked to her and her family, little by little, about the significance of the project and the state's plan. They gradually supported me, showed who I should talk to next. After a while, we could organize a village meeting and discuss the issues.

Over time, the taskforce members came to understand the tension between the resettlement policies they were required to implement and the villagers' emotional, spiritual, and economic ties to their homeland. Taskforce officials acted like double agents. They used the Thái Đen language and local idioms to explain the project and convince the villagers to relocate. A mid-career female taskforce member recounted that:

> Money and economic conditions were not the key reasons [for resistance]. There were other important reasons, such as "new land does not fit well with our fate," "moving separates us from our ancestors," and "we cannot dig up the graves." We had to keep talking about the meaning of the project to persuade them.

Taskforce members also translated the villagers' emotive and figurative language into the reasoned discourse understood and valued by the officials. This gave the villagers a channel to communicate their concerns up the chain of command to district and provincial officials. Over a period of several months during 2009, provincial and district officials gradually changed their conceptualization of the dispute. Although they did not entirely agree with the villagers, they nevertheless responded positively to many requests conveyed by the intermediaries. As a mid-career male taskforce member remembered:

> I proposed to the Head of the District Resettlement Unit that we needed to include support for moving graves. He shouted at me that I assisted the "enemy" [people]. But finally he agreed to propose to the supervisory units and got approval. It made people happier.

This variation in approach suggests a change in the official conceptual model. Instead of the "state doing everything," officials came to believe that the people should take responsibility and participate in the resettlement. A senior male official in Mộc Châu District reported that:

> In Tân Lập, we assigned people to specific pieces of production land. Nobody was happy. This time, we showed people the land, and asked them to discuss how to divide. We then helped them to divide and map the land parcels.

The taskforce officials also convinced village leaders to cooperate with provincial officials and relocate to the resettlement zones. Village leaders accepted state ideology, trusting assurances of state support, although they were also concerned about the consequences of non-compliance. Their loyalty to the Communist Party and trust in the taskforce officials came at a high emotional cost. A villager elder later recalled:

> When we knew we had to go, we were very sad. All of my family members could not stop tearing up. I was the head of the party cell, so I went first. People lined up to show us out; they cried, our family cried, I cried. I had not cried when I joined the military, but I cried when we relocated.

As marginalized people, the villagers felt powerless to prosecute their grievances against the state. Instead they turned to trusted intermediaries—the Resettlement Persuasion Taskforce— to act on their behalf.

Intermediaries during the second phase transformed how the officials and villagers conceptualized the dispute, and in the process lowered the emotional heat generated by the pilot project. Officials gave villagers more say in planning the resettlements, and villagers abandoned their claims to customary land and accepted a new life in the resettlement zones. When the village heads decided to relocate, other village members quickly fell into line. By January 2010, four months ahead of schedule, all 3,428 households in Mương La District had relocated to Mộc Châu District.

During the third phase of the dispute after resettlement in 2010, the government disbanded the Resettlement Persuasion Taskforces. This not only severed communication between the officials and the villagers, but also eroded the trust that created an emotional buffer against anger (see generally, Liu 2009). District officials became unresponsive to the villagers. Officials insisted that the villagers needed to learn new agricultural techniques and integrate into the industrial agricultural economy. When asked about the villagers' complaints, a mid-career district official (Mộc Châu District) curtly replied:

> Do people have enough land? We believe the size of land should not be a problem if the people tried harder. With high-tech livelihoods, income per square meter would be higher.

He unfavorably contrasted the Thái Đen villagers with the *Kinh* (ethnic majority) settlers in the region who deployed entrepreneurial skills to profit from national markets (Sikor and Vi 2005, 423–424). Officials considered the villagers willfully ignorant and lazy for not exploiting land as a commodity, and spoke condescendingly about them, as if they were children. After the resettlement, the officials reverted to their original conceptual model, which treated land as public asset and did not acknowledge customary land claims.

Without the Resettlement Persuasion Taskforces, the villagers became less willing to cooperate and adjust to the industrial agricultural economy with its unpredictable commodity markets and workplace restrictions. A male villager from Mộc Châu District lamented that:

> In the old place, we could just go to our garden and pick fruit we needed. Here we have to go to the market, it is inconvenient.

Further amplifying their sense of grievance, villagers compared their new village unfavorably with conditions in other resettlement areas. This perception of unfairness animated a growing sense of betrayal. A male villager elder in Mộc Châu District concluded that:

> The compensation was not fair. … Officials were not good. They deceived us, they said: "Let's go. You will be well compensated." We went, but got less compensation than people who delayed going.

The failure of state officials to respond provoked resentment and anger among the villagers. Without the intercession of the intermediaries, the villagers turned to their collective identity for guidance. As their grievances accumulated, the villagers overcame their sense of powerlessness and began to claim compensation from the state.

## C. INTERMEDIATING BETWEEN VILLAGE AND STATE

The Resettlement Persuasion Taskforces straddled both the Thái Đen and state organizational systems. As ethnic Thái Đen, they spoke the local language and were familiar with village customs. At the same time, they were trusted party members and belonged to various state and party mass organizations. Rather than act as advocates and risk alienating state officials, the taskforce members facilitated discussion. They persuaded state officials and villagers to look beyond their conceptual models, which was a difficult task because the decision-making environment induced the disputants to look inward for solutions. State officials were accountable to higher authorities for the resettlement, and turned to state policies and procedures to justify their actions. Thái Đen villagers, on the other hand, historically drew on customary norms and spiritual beliefs for solutions to external problems (Sikor 2004, 86–90).

The taskforce members acted like "agents of transformation" (Felstiner et al. 1980, 645–646) in changing how the disputants legitimized and conceptualized the dispute. Through sustained dialog, they bridged the linguistic and epistemic divide by explaining the tacit assumptions underpinning the state and village conceptual models. Each side lowered their cognitive barriers and assimilated this tacit knowledge because they trusted the taskforce members and the source of the knowledge (see generally, Selnes and Sallis 2003). Taskforce members convinced the officials to temporarily put aside their conceptual model and acknowledge the legitimacy of the villagers' customary claims to land. This intercession sensitized the officials to the normative and spiritual beliefs underlying the villagers' attachment to land. At the same time, the taskforce members persuaded the villagers to decouple their cultural identity from "place," and contemplate relocating away from the ancestral homeland. This reconceptualization of cultural identity diminished the villagers' sense of loss and anxiety about leaving their ancestral lands and adopting a new life.

This sense of loss and anxiety quickly returned after the taskforces were disbanded in 2010, and dialog between the state officials and villagers collapsed. The villagers responded to the resettlement collectively by looking inwardly to their Thái Đen identity. They equated "good living conditions" with an essentialized vision of village life, such as a natural environment close to water, *Đông Sên* (sacred forests), subsistence agriculture, and tightly-knit communal living. From this perspective, the resettlement lacked legitimacy because it threatened their collective identity. As their grievances multiplied and antipathy toward the state intensified, the dispute entered a fourth and more confrontational phase.

## VI.    THAI BINH LAND DISPUTE

### A. THE DISPUTE BACKGROUND

Moving from the remote rural highlands of Sơn La Province, this case study concerns a land-taking dispute in Đông Dương commune, Thái Bình Province, close to Hanoi. Unlike the villagers in Sơn La Province, the villagers in Đông Dương Commune did not leave quietly.

The dispute rapidly escalated through the naming, blaming, and claiming stages, until a retired state official transformed the violent confrontation into a more orderly dispute resolution process.

Đông Dương village was founded in the 10th century. Village organizational structures and land management practices remained largely intact during French colonization (1884–1954) (Grossheim 2004). Along with other Red River Delta villages, the socialist collectivization program in 1954 radically changed the land tenure system (Vo 2015, 3–15; Luong 1992, 226–228), and villagers redistributed land from the "rich peasant" class—leaving the landlords who supported the revolution in control of the village clan structures. This continuity in village leadership ensured a smooth return of land following de-collectivization in the mid-1980s. *Chu ho* (clan heads) could recall old boundaries and ensure that village households received land use rights that approximated their pre-1954 holdings. Despite this peaceful transition, tensions remained. Public dissatisfaction with government land grabs in 1997 triggered violent farmer-led uprisings across Thái Bình Province (Kerkvliet 2006, 285–305).

As with other rural areas in Vietnam (Jellema 2007; Kerkvliet 2006), long-suppressed spiritual traditions resurfaced during the 1990s. Village clans refurbished their clan houses (*đình*), venerated ancestors, and fastidiously attended to village deities and other rituals that promoted a spiritual attachment to "place." For villagers, the renewed interest in spiritual traditions rekindled a sense of community solidarity and shared purpose—a collective identity. According to a retired senior official:

> Nowadays we give more attention to *quận thế nóng thôn* (country customs) and work hard to build up *tình cảm quê hương* (sentiment of the home-village).

Over the past decade, light industries have rapidly displaced agriculture in Đông Dương commune. The construction of industrial parks has changed the demographics. Youthful residents, who are employed in factories and local service industries, now outnumber an ageing farming population. This case study probes the tensions generated when farmland is taken for private development—a fault line underlying the most violent land disputes in Vietnam (Kerkvliet 2014), China (Pils 2005, 235–292), and other developing countries.

A Chinese investor (Neo-Neon) in 2009 contracted Techconvina to build a factory complex on 40-hectares of Đông Dương village land. The Thái Bình Provincial People's Committee appointed a *Hội Đồng Đen Bu* (Council for Compensation) to negotiate compensation payments with the chairman of Đông Dương Commune, clan heads, and householders. Neo-Neon paid land clearance compensation based on the 50-year land use right issued for the industrial park. Rather than passing on the full payment, the Provincial People's Committee decided the villagers were only entitled to a proportion of the compensation (Tuấn 2010).

A village protest committee sent many complaint petitions (*đơn kiến nghị*) to the Provincial People's Committee. When the Provincial People's Committee did not respond, the villagers became outraged and assaulted state officials and the construction workers, setting their machinery ablaze (Đoàn Tất Thảo 2010). In desperation, Neo-Neon paid provincial authorities to protect the construction site, but the villagers were undeterred and fought pitched battles with the police. At the height of the conflict in November and December 2010, more than 500 police struggled to secure the construction site.


B. IDENTIFYING THE KEY NARRATIVES IN THE DISPUTE

Provincial and district level officials in this study invoked broad "state management" (*quản lý nhà nước*) powers to commandeer farmland. They considered farmland a public asset, and insisted that the villagers had the right to *hiểu và làm theo* (understand and follow) government instructions, but lacked proprietary rights to claim against the state. Officials treated protests by villagers as a developmental cost. As a senior district official recalled:

> If land prices are too high no investors will come. We have set lower prices than in other provinces for business and the people are angry. This is the reason for the dispute.

Officials dismissed the villagers' sentimental and spiritual attachment to land as a "peasant way of thinking" (*cách suy nghi cua nông dân*).

Unlike the officials, the investors were emotionally disconnected from the Đông Dương community. They treated land as a tradable commodity that had de-coupled from the relational networks that constituted the community. This detached, neo-liberal perspective is evident in a statement by Duong Nguyen Thanh, a Techconvina manager:

> If there is support from the people then we will invest, if the people do not want then there are other locations where people want jobs. Land is just a commodity (*hoá vật*).

Informed by this neo-liberal perspective, the investors believed that land use rights were legally autonomous, and as a consequence, unencumbered by social responsibilities to the villagers.

Initially, the villagers conceptualized the dispute in different ways. Villagers born between the 1930s and the 1960s actively resisted the project. They established a protest committee to negotiate with the Provincial People's Committee. This group lived their formative years during the revolutionary period (1953–1986) when socialist ideas mixed with pre-modern traditions. Their opposition to the project drew extensively on these traditions.

Although most villagers supported government modernization and industrialization policies, they questioned the magnitude and finality of the sacrifice they were expected to make. As previously mentioned, they were emotionally and spiritually attached to the land and feared the project would disturb the village land spirits (*tinh thần đất*) and gravesites.

This group of villagers did not consider land a commodity, but rather a source of social insurance and security. They frequently repeated the proverb—"what my grandfather owned, I own" —to stress the continuity of ownership. Many older villagers worried about finding work in the industrial economy. In one representative account, a middle-aged male farmer reflected:

> The government offered money without new land and that is not enough for us to live. What can people like us with little education do when we lose the land? But the government does not listen.

Rejecting the official land tenure system, the older villagers turned to traditions and spiritual beliefs to legitimize resistance to the project.

Contrasting with the older generation, many younger villagers born during or after the 1970s worked in the industrial and services economy, and leased their land to farmers for a small return. This group regarded industrialization as an opportunity to improve their pay and working conditions, and during the early stages of the dispute they consciously distanced themselves from the older generation by questioning the legitimacy of spiritual connections to the land.

Members of the younger group were initially prepared to give up their land and accept the compensation payments. A female factory worker recalled:

> Many people can find work in the factories. I was happy because even the low compensation was more than I could earn from leasing [the farmland].

Later, this group came to regard the lack of meaningful consultation as a greater source of injustice than the inadequate compensation. As the dispute progressed, the younger villagers increasingly viewed the dispute in moral terms, as a betrayal by the authorities. They were shocked when the police took the side of the foreign investor, and agreed with their parents and grandparents that the compulsory land acquisition trampled on the values the villagers had defended during the wars of resistance against the French and Americans. Especially after the violent confrontations with the police in November and December 2010, this group actively opposed the industrial park. Reflecting this change, a male mechanic argued that:

> Most people support government projects for roads and schools, but why should we give up our land for private businesses? This is our land and we want to negotiate with the buyers but we have never seen the managers of the factory.

By the end of 2010 many younger villagers joined the older generation in opposing the state land tenure system and advocating moral and spiritual claims to the land.


## C. INTERMEDIATING BETWEEN VILLAGE AND STATE

Shortly after the violent clashes in November 2010, a senior retired official began negotiations with provincial and district officials to resolve the dispute. He acted like an "agent of transformation" (Felstiner et al. 1980, 645–646) in drawing the authorities into a dialog that stood outside the state's conceptual model— in the process changing the way officials legitimized the dispute.

The retired official invited provincial and district officials to put law and "state management" aside and to consider the underlying morality of land-taking. To disrupt and suspend cognitive assumptions, he persuaded the officials to accept *thỏa đáng* (mutual satisfaction) dispute resolution techniques; *Thỏa đáng* is a traditional form of distributive justice that encourages disputants to treat law as just one of many sources of authority. It promotes *biết điều* (reasonableness), normative flexibility, and compromise. State institutions assimilated *thỏa đáng* decision-making techniques during the high socialist period (1945–1986), and it remains influential within official circles today (Gillespie 2011, 262–266).

To refocus the discussion on distributive justice, the retired official highlighted the inequitable allocation of profits from the land development. This narrative depicted the investors as greedy and as degrading moral standards (*xuống cấp đạo đứ*), in contrast villagers were portrayed as vulnerable and requiring state protection. It was unfair, he claimed, for villagers to make sacrifices but not to share in profits from the development. To support this moral argument, he tapped into rich party narratives that attribute rising social inequality in Vietnam to the commodification of land in the market economy (e.g., Nguyen Van Suu 2009).

The retired official attempted to legitimize the dispute by recycling rhetoric from the high socialist period (1954–1986). He reminded local officials that the party fought the revolution to secure "land for farmers" (*ruộng cho dân cây*) and that the state should "protect the results of the land revolution" (*thành qua cách mang về đất đại*). It was the officials' duty as party members, he argued, to assist the poor villagers.

After negotiations that lasted several months, the provincial government and the investor agreed in July 2011 to increase the compensation payments and retrain the dispossessed villagers for factory work. Although the retired official transformed the dispute by lowering the emotional temperature and breaking the deadlock, ultimately he failed to convince officials to recognize the villagers' sentimental and spiritual claims to land. These highly localized connections to "place" were not acknowledged by the state land tenure system. Where the intermediary succeeded was in persuading the officials to put aside their legalistic interpretation of land tenure rights and recognize that distributive justice required more compensation for the villagers.

## VII.    TRANSFORMING LEGITIMACY EXPECTATIONS

So far the discussion has explored how intermediaries transform the way disputants conceptualize conflicts. This section uses the legitimacy framework (pragmatic, normative, and cognitive) as an analytical device to understand which conceptual changes are most likely to promote compromise, preference convergence, and lasting settlements.

### A. UNDERSTANDING THE INTERPLAY BETWEEN PRAGMATIC, NORMATIVE, AND COGNITIVE LEGITIMACY

A key finding is that the different legitimacy expectations—pragmatic, normative, and cognitive—do not operate in isolation from one another, but rather interact to collectively steer responses to disputes. Notably, the cost-benefit calculations underpinning pragmatic legitimacy were conceptualized within a broader normative and cognitive framework. The case studies reveal many examples where perceptions of normative legitimacy subordinated pragmatic wealth maximization. For instance, the younger villagers in the Thái Bình case initially accepted compensation because, on a cost-benefit calculation, it exceeded returns from leasing their land to farmers. Later, after witnessing how the officials dispossessed the older generation of villagers, they concluded that compulsory acquisition lacked normative legitimacy. As a result, they refused to trade the normative belief that land taking was unfair for the material benefit of compensation.

In other cases, normative and cognitive legitimacy reinforced a cost-benefit evaluation of the dispute. For example, officials in both studies appealed to the socialist norm that land is a public asset to legitimize their pragmatic objectives—the withdrawal of private land-use rights without meaningful consultation and compensation.

Cognitive legitimacy played a dominant role in both promoting and blocking the search for pragmatic solutions. During the initial phase of the Sơn La dispute, the village leaders supported state developmental ideology. This cognitive alignment transcended pragmatic concerns about relocating. During the second phase, when the village leaders became ideologically disillusioned with the project, the taskforce members persuaded them to expand their cognitive horizons and work through their pragmatic misgivings about relocating. In the third phase, when support from the taskforce members ended, the village leaders reverted to their original cognitive assumptions and refused to enter pragmatic discussions about resettlement.

In contrast, the officials and older villagers in the Thái Bình case began the dispute from different cognitive positions. The officials treated land as a public asset in the service of national development. The older villagers, on the contrary, understood land not only as an economic resource, but also as the basis for community and spiritual relationships—a

cognitive position rejected by state officials. In searching for common ground, the intermediary avoided community and spiritual relationships and instead portrayed the dispute as a "righteous struggle." This narrative reminded the officials of the revolutionary origins of the party and convinced them to renegotiate compensation payments. In taking this approach, the intermediary circumvented cognitive differences and placed the discussion onto a pragmatic footing.


## B. COLLECTIVE IDENTITIES

Collective identities played an especially important role in shaping how the Thái Đen villagers responded to the dispute. When the village leaders decided to relocate during the second phase of the Sơn La dispute, all of the villagers resettled together. During the third phase, when the village leaders became disillusioned with the project, once again the Thái Đen villagers responded as a group. Village leaders reinforced the boundary narratives (see generally, Owens, Robinson and Smith-Lovin 2010) defining their collective identity. Villagers who prospered in the new economy were excluded as outsiders (*ngoài*) so that their success did not contradict the insiders' (*noi tich*) narrative that Thái Đen traditions were incompatible with conditions in the resettlement zone.

The boundary narratives did not just circumscribe Thái Đen identity, they also attempted to persuade listeners to accept a particular version of the dispute. They differentiated internal and external regulatory orders and compelled those identifying with the insider group to follow certain traditions and rituals connected with the homeland. For insiders, anything resembling the homeland attracted legitimacy, and anything new and different lacked legitimacy. By strengthening the Thái Đen collective identity, the boundary narratives closed down opportunities to identify common ground and reach pragmatic settlements. Villagers could not trade their collective identity for material benefit.

Like the Thái Đen villagers, the villagers in the Thái Bình case constructed a collective identity based on lineage and spiritual connections to the land. Unlike the Thái Đen villagers, the Thái Bình villagers could not articulate a representative identity. Modernization had changed the livelihoods and outlooks of too many villagers, especially the young, to credibly assert a unified and coherent village identity based on spiritual and moral claims to land. Without cohesive boundary narratives, the intermediary struggled to assert a unified village identity. In the end, he drew on community solidarity to negotiate a pragmatic settlement. But this outcome required the older villagers to relinquish spiritual and moral claims to land, which formed the core of their village identity.

In both case studies, the categorical thinking associated with normative and cognitive thought blocked the flow of tacit knowledge required for shared understandings and preference convergence. Emotion, especially feelings of anger and betrayal (see generally, Liu 2009), also hardened normative and cognitive attitudes and prevented the pragmatic compromises needed to settle differences and avoid claims. The findings further suggest that collective identities, more than any other factor, encouraged categorical responses that escalated disputes to the blaming and claiming stages

In the protracted land disputes considered in this study, attitudes had hardened after years of conflict, and the intermediaries struggled to find common ground and reconcile deeply entrenched cognitive positions. Rather than searching for reconciliation, they endeavored to expand the disputants' normative and cognitive horizons. For example, the intermediaries in the Sơn La case used tacit knowledge to explain Thái Đen customs to state officials and the logic of industrial agriculture to the villagers. In the Thái Bình case, the intermediary engaged

officials in a dialog that located the dispute in a revolutionary narrative. In each case, tacit knowledge conveyed unspoken assumptions and worldviews that enabled the disputants to downplay, if not accept and reconcile, differences in their normative and cognitive positions. Because tacit knowledge is personal and context-specific, it is difficult to communicate through formalized processes, such as conciliation councils and especially courts (see generally, Selnes and Sallis 2003). Intermediaries in the case studies cultivated personal relationships to establish the trust needed to communicate tacit knowledge. They promoted compromise and preference convergence by persuading the disputants to recalibrate their legitimacy expectations and not reflexively draw on normative and cognitive assumptions.

## VIII. CONCLUSION

Focusing on legitimacy expectations has generated fresh insights into the transformation of disputes. This theoretical shift shows how different types of legitimacy expectations influence the "naming, blaming, and claiming" stages of disputes (Felstiner, Abel and Sarat 1980). It explains why intermediaries struggled to change deeply entrenched normative and cognitive differences that promoted the attribution of blame, exacerbated grievances, and generated claims.

The findings reveal that cognitive differences, such as ideological disagreements, encourage categorical responses that inhibit the flexible and pragmatic compromises that might produce lasting settlements. Emotion further entrenched cognitive differences. Villagers in both cases studies, for example, responded angrily to perceptions of bad faith, malfeasance, and intransigence. Anger and resentment transformed disputes by triggering deeply entrenched normative and cognitive positions (see generally, Lui 2009; Morris and Fu Ho-Ying 2001).

Collective identities also played an important role in encouraging reflexive thinking in the Thái Đen case. Boundary narratives persuaded villagers to construe conditions in the resettlement zones as a threat to the collective. Rather than responding pragmatically to new conditions, villagers adopted inflexible and self-referential approaches to disputes. Conflict between collective identities and conditions in the resettlement zones triggered a rapid escalation of the dispute from naming and blaming through to claiming against the state.

The intermediaries were most successful when they persuaded the disputants to step outside of their legitimacy frameworks and avoid the categorical thinking associated with normative and cognitive legitimacy. They communicated tacit knowledge that allowed the disputants to understand, if not fully accept and reconcile, different legitimacy expectations. To avoid sticking points, the intermediaries negotiated around normative and cognitive differences that might have triggered categorical responses. They also lowered the emotional temperature of the disputes by building and maintaining trust between the parties. By steering the disputants away from intractable cognitive positions that had solidified after years of conflict, the intermediaries facilitated a technical discourse based on cost-benefit analysis, which promoted compromise, preference convergence, and settlement. In more tractable land disputes, where cognitive positions and collective identities are fluid and malleable, it is possible that intermediaries might settle disputes by bridging normative and cognitive, as well as pragmatic differences.

The question remains whether the intermediation discussed in this study was contextually limited, or could scale up and settle disputes in different social and economic contexts. There are four main reasons to question the feasibility of scaling-up the intermediation. First, the intermediaries leveraged party networks to sidestep power asymmetries and open communication between officials and land users. Ironically, although Vietnam's Leninist

party-state structure (Gainsborough 2010, 135–155) limits public participation in land management and dispute resolution, it furnished the relational connections that gave the intermediaries political space to navigate inside and outside the state. Intermediaries outside party-state networks are unlikely to develop the personal relations needed to engage an authoritarian state in meaningful dialog. Attempts to scale up and formalize intermediation without party connections might end up giving an authoritarian state more opportunities to project power into society.

Secondly, in a related concern, the intermediaries in the case studies succeeded because they commanded the trust of both state officials and villagers. Without trust, which arose from personal relationships, the intermediaries would have struggled to lower the emotional temperature of the disputes, and convey the tacit knowledge needed to change cognitive positions. Personal relationships are important in Vietnam, because there is no functional equivalent to the semi-autonomous associations that intermediate land disputes in China (Hurst et al 2014).

Thirdly, the intermediaries in both studies invoked community solidarity to legitimatize non-state conceptualizations of the dispute, and temporarily disrupt the state land tenure system. Community solidarity and coherent and credible non-state land tenure systems are largely confined to the countryside. Urbanization and industrialization have undermined community solidarity in urban Vietnam (Jellema 2007; Kerkvliet 2006), limiting the ability of intermediaries to counter and dislodge the state land tenure system.

Fourthly, the intermediaries brokered solutions and processes that were context specific. Some of the precursors for scaling-up intermediation (Ginsburg and Moustafa 2008, 3–11) are evident in the case studies. For example, the dyadic relationships formed between the intermediaries and disputants were sustained by a reciprocity that steered the parties toward settlements. More significantly, the intermediaries developed hybrid rules and normative structures from state and non-state systems. Significantly, however, outcomes were crafted for specific contexts, and officials and intermediaries did not consider how the hybrid rules and norms might guide future behavior. Moreover, intermediation lacked a structured discipline and existed in multiple forms, depending on the type and location of disputes. Rather than building procedural structures that might inform future dyadic interactions, different sets of processes evolved to suit each new dispute. Taken together, these limiting factors suggest that informal intermediation is confined to disputes in cohesive rural communities where local party officials are prepared to leverage social and political connections to engage with state officials.

Without clear legal authority, unequivocal juridical foundations, or consistent land compensation strategies, land disputes seem destined to break down and be reshaped through fresh conflicts until a new consensus is reached. Dispute resolution is therefore highly dynamic, and conflicts are rarely settled once and for all. Courts and administrative tribunals, which provide winner-takes-all outcomes, often lack the flexibility to respond to constantly changing conditions. Intermediaries, on the other hand, have proved adept at finding flexible solutions and providing temporary relief. But they have created a parallel system that is independent of, and competes with, formal judicial institutions and procedures. In the short-term, intermediaries reduce tensions and improve settlements; in the long-term, they might undermine the legitimacy of law and the state legal system. A better-designed land management system that gives the state and land users opportunities to learn from each other through sustained dialog may reduce tensions and also promote the conversations that co-construct the state and non-state land tenure systems.

# References

Asian Development Bank. 2004. *The Impact of Landmarks on the Poor: Implementing de Soto.* Working Paper Hanoi: Asian Development Bank.

Bernstein, Steven and Ben Cashmore. 2007. "Can Non-state Global Governance Be Legitimate? An Analytical Framework," *Regulation & Governance* 1(4): 347–371.

Black, Julia. 2008. "Constructing and Contesting Legitimacy and Accountability in Polycentric Regulatory Regime," *Regulation & Governance* 2: 1–15.

Brewer, Marilynn and Wendi Gardner. 1996. "Who is this 'We'? Levels of Collective Identity and Self Representations," *Journal Personal Social Psychology* 71: 83-93.

Cam, Trong. 1978. *Nguoi Thai o Tay Bac Viet Nam*. [The Thai in Northwest Vietnam], Hanoi: Social Science Publishing House.

Cẩm Tú. 2013. "Thu hồi đất phát triển kinh tế: Coi chừng vi hiến!," [Land Acquisition and economic development: Beware unconstitutionality!], *Phap Luat TP HCM* March 8, http://phapluattp.vn/20130308031226825p0c1085/thu-hoi-dat-ph225t-trien-kinh-te-coi-chung-vi-hien.htm (accessed January 10, 2017).

Cheng, Jie (2014) "Judicial Role in Land-Taking Cases" in Hualing Fu & John Gillespie, eds., *Exploring the Limits of Law in Resolving Land Disputes in East Asia*. Cambridge: Cambridge Univ. Press, 59-85.

Dao, Nga. 2010. "Dam Development in Vietnam: The Evolution of Dam-Induced Resettlement Policy," *Water Alternatives* 3(2): 324–340.

Đoàn Tất Thảo. 2010. "KCN Gia Lễ: Vì sao trở thành "điểm nóng" về an ninh?," [Gia Lễ IZ: Why is it a security "hot spot"?], Thai Binh News on-line Nov. 30.

Elster, Jon. 1995. "Strategic Uses of Argument." In *Barriers to Conflict Resolution,* edited by Kenneth Arrow et al., 236-257 New York: W. W. Norton & Co.

Felstiner, William, Richard Abel and Austin Sarat. 1980. "The Emergence and Transformation of Disputes: Naming, Blaming and Claiming," *Law and Society Review* 15(3/4): 631–654.

Fu Hualing and John Gillespie (eds.). 2014. *Resolving Land Disputes in East Asia: Exploring the Limits of Law*. Cambridge: Cambridge University Press.

Gainsborough, Martin. 2010. *Vietnam: Rethinking the State.* London: Zed Books.

Gibson, James. 2008. "Group Identities and Theories of Justice: An Experimental Investigation into the Justice and Injustice of Land Squatting in South Africa," *Journal of Politics* 70 (3): 700-716.

Gilad, Sharon. 2014. "Beyond Endogeneity: How Firms and Regulators Co-Construct the Meaning of Regulation," *Law & Policy* 36 (2): 134-165.

Gillespie, John 2011. 'Exploring the Limits of Judicial Review in Urban Land Disputes in Vietnam' 45 *Law and Society Review* (2) (2011) 241-275.

Ginsburg, Tom & Timur Moustafa. 2008. *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge: Cambridge Univ. Press.

Grossheim, Martin. 2004. "Village Government in Rep-Colonial and Colonial Vietnam." In *Beyond Hanoi: Local Government in Vietnam,* edited by Benedict Kerkvliet and David G. Marr. 54-89 Singapore: Institute of Southeast Asian Studies.

Guacher, Danielle, et al. 2010. "Compensatory Rationalizations and the Resolution of Everyday Undeserved Outcomes," *Personality and Social Psychology Bulletin* 36 (1): 109-118.

He, Xin 2014 "Protest Supported Housing Demolition Litigation and Social Change in China" in Hualing Fu & John Gillespie, eds., *Exploring the Limits of Law in Resolving Land Disputes in East Asia*. Cambridge: Cambridge Univ. Press, 194-221..

Hsing, Y. T. 2010. *The Great Urban Transformation: Politics of Land and Property in China*. Oxford: Oxford Univ. Press.

Hurst, William et. al. 2014 "Reassessing Collective Petitioning in Rural China" 46 (4) *Comparative Politics* 459-482.

Investconsult. 2008. *Report on Social Survey on Conciliation Activates at the Grassroots Level*. Working Paper Hanoi: Canadian International Development Agency.

Jellema, Kate. 2007. "Returning Home: Ancestor Veneration and the Nationalism of Doi Moi Vietnam." In *Modernity and Re-enchantment: Religion in Post-revolutionary Vietnam,* edited by Philip Taylor. Singapore: Institute of Southeast Asian Studies.

Kerkvliet, Benedict J. Tria. 2006. "Agricultural Land in Vietnam: Markets Tempered by Family, Community and Socialist Practices," *Journal of Agrarian Change* 6(3): 285–305.

2014. "Protests over Land: Rightful Resistance and More," *Journal Vietnamese Studies* 9 (3): 14-34.

Kim, Annette. 2011. "Taking Back the Role of Narrative in Vietnam's Recent Land Compensation Changes," *Urban Studies* 48(3): 493–504.

Labbé, Danielle and Julie-Anne Boudreau. 2011. "Understanding the causes of Urban Fragmentation in Hanoi: the Case of New Urban Areas," *International Development Planning Review* 33 (3): 273–291.

Lê Hiếu. 2010. "Về Vấn Đề Chuyển Đổi Mục Đích Sử Dụng Đất Nông Nghiệp trong Quá Trình Công Nghiệp Hoá, Đô Thị Hoá," [In the Matter of the Conversion of Agricultural Land Use for Industrialization and Urbanization], *Tạp Chi Quản Lý Nhà Nước* no. 174 (7): 34–38.

Le, Toan and Quang Hung Nguyen. 2014. "An Historical Overview of Vietnamese Land Law and Dispute Resolution." In *Resolving Land Disputes in East Asia*, edited by Hualing Fu and John Gillespie. 273-288 Cambridge: Cambridge University Press.

Liu, Meina. 2009. "The Intrapersonal and Interpersonal Effects of Anger on Negotiation Strategies: A Cross-Cultural Investigation," *Human Communication Research* 35: 148–169.

Lofland, John. 1995. "Analytic Ethnography," *Journal of Contemporary Ethnography* 24: 30–67.

Luong, Huy V. 1992. *Revolution in the Village: Tradition and Transformation in North Vietnam, 1925-1988*. Honolulu: University of Hawaii Press.

Minh Quang Dao. 1993. "History of Land Tenure in Pre-1954 Vietnam," *Journal Contemporary Asia* 23: 84-92.

Minzer, Carl F. 2011. "China's Turn Against the Law," *American Journal Comparative Law* 59: 935-984.

Moise, Edwin. 1976. "Land Reform Errors in North Vietnam," *Pacific Affairs* 49: 70-92.

Morris, Michael and Fu Ho-Ying. 2001. "How Does Culture Influence Conflict Resolution? A Dynamic Constructionist Analysis," *Social Cognition* 19(3): 324–329.

Murray, Martin. 1980. *The Development of Capitalism in Colonial Indochina (1870-1940)*. Berkeley: Univ. of California Press.

Nguyen Van Cuong. 2013. "Gop Y Cap Quy Dinh Ve So Huu Trong Du Thao Sua Doi Hien Phap Nam 1992," [Feedback on the Provisions on Ownership in the Draft Amendment of the Constitution 1992]. *Nghien Cua Phap Lap* No. 20 (252) 16–23.

Nguyen, Van Suu. 2009. *Industrialization and Urbanization in Vietnam: How Appropriation of Agricultural Land Use Rights Transformed Farmers' Livelihoods in a Peri-Urban Hanoi Village.* EADN Working Paper No. 38. Hanoi:East Asia Development Network. .

Owens, Timothy, Dawn T. Robinson and Lynn Smith-Lovin. 2010. "Three Faces of Identity," *Annual Review of Sociology* 36: 477-499.

Pils, Eva. 2005. "Land Disputes Rights Assertion and Social Unrest in China: A Case from Sichuan," *Columbia Journal of Asian Law* 19: 235–292.

Selnes, Fred and James Sallis. 2003. "Promoting Relationship Learning," *Journal of Marketing* 67: 80–95.

Sikor, Thomas and Pham Thi Tuong Vi. 2005. "The Dynamics of Commoditization in a Vietnamese Uplands Village, 1980–2000," *Journal of Agrarian Change* 5(3): 405–428.

Sikor, Thomas. 2004. "Conflicting Concepts: Contested Land Relations in North-western Vietnam," *Conservation & Society* 2(1): 75–95.

Somin, Ilya. 2009. "The Limits of Backlash: Assessing the Political Response to Kelo," *Minnesota Law Review* 93: 2100-2178.

Suchmann, Mark. 1995. "Managing Legitimacy: Strategic and Institutional Approaches," *Academy of Management Review* 20(3): 571–610.

Ta Van Thai. 1988. *The Vietnamese Tradition of Human Rights*. Berkeley: Institute of East Asian Studies, Berkeley: Univ. of California.

Tuấn, M. 2010. "Rắc rối ở khu Công nghiệp Gia Lễ, Thái Bình: Khi "thảm đỏ"… đổi màu" [Trouble in the industrial area of Gia Le, Thái Bình: When the 'red carpet' ... changes color] *Thai binh online*, July 31.. http://www.thaibinhonline.com.vn/News/tinthaibinh/2010/07/3136.aspx. (accessed January 19, 2017).

Tyler, Tom. 2006. *Why People Obey the Law* New Haven, NJ: Princeton Univ. Press.

UNDP. 2013. *Justice Index: Assessment of Distributive Justice and Equality from a Citizen Based Survey 2012*. Hanoi: United Nations Development Programme.

Upham, Frank 2014. "Property Rights, Commodification and Land Disputes in Contemporary Socialist Asia." In *Resolving Land Disputes in East Asia*, edited by Hualing Fu and John Gillespie, Cambridge: Cambridge University Press.

van Dijk, Teun. 1997. "Cognitive Context Models and Discourse." In *Language Structure, Discourse and the Access to Consciousness,*edited by M. Stamenow.  189-226 Amsterdam: Benjamins.

Vo, Alex-Thai D. 2015. "Nguyễn Thị Năm and the Land Reform in North Vietnam 1953," *Journal of Vietnamese Studies* 10 (1): 1-62.

VUSTA. 2006. *A Work in Progress: Study on the Impacts of Vietnam's Sơn La Hydropower Project*. Unpublished report by Vietnam Union of Science and Technology Association. http://www.internationalrivers.org/files/SonLa2006 0.pdf (accessed February 3, 2017).

2008. *Follow-up Study on Impacts of Resettlement of Sơn La Hydropower Plant Hà Nội*. Unpublished report by Vietnam Union of Science and Technology Association. http://www.internationalrivers.org/files/attached-files/vusta Sơn La report 2008.pdf. (accessed February 3, 2017).

World Bank Group. 2011. *Compulsory Land Acquisition and Voluntary Land Conversion in Vietnam*. Hanoi: World Bank Group. http://documents.worldbank.org/curated/en/172041468124755032/Compulsory-land-acquisition-and-voluntary-land-conversion-in-Vietnam-the-conceptual-approach-land-valuation-and-grievance-redress-mechanism (accessed February 3, 2017)

INTERVIEW LIST

A. SƠN LA CASE STUDY

Interviews, senior provincial official, March 19–21, 2013 Mộc Châu District, Sơn La Province.

Interviews, one senior male and two mid-career district officials, March 21–23, 2013 Mộc Châu District, Sơn La Province.

Interviews, male villager elder and three younger male villagers, March 22–25, 2013, Mộc Châu District, Sơn La Province.

Interviews, male middle aged villager, March 24–25, 2013, Mai Sơn District Sơn La Province.

Interviews, female villager, March 24–25, 2013, Mai Sơn District Sơn La Province.

Interviews, senior male and middle career male and female resettlement persuasion taskforce officials, March 22–25, 2013, Mộc Châu District, Sơn La Province.


B. THÁI BÌNH CASE STUDY

Interview, male provincial land official, March 3, 2012, April 2013 Thái Bình City, Thái Bình Province.

Interviews, senior and mid- career male district officials, March 2–5, 2012, April 2013 Đông Dương Commune, Thái Bình Province.

Interviews, retired senior male official, and retired district male official, March 2–3, October 3–4, 2012 April and September 2013 Đông Dương Commune, Thái Bình Province.

Interviews, male middle aged farmer, middle aged female farmer and elderly male farmer, March 2–5, October 3–5, 2012, Đông Dương Commune, Thái Bình Province.

Interviews, female factory worker, October 3–4, 2012, Đông Dương Commune, Thái Bình Province.

Interviews, male mechanic, October 3–4 2012, Đông Dương Commune, Thái Bình Province.

Interviews, Duong Nguyen Thanh, manager Techconvina, September 10–14, 2012, April 2013 Hanoi.