



# Assessing conflict of farmland institutions using credibility theory: Implications for socially acceptable land use

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## ABSTRACT

Farmland institutional change has resulted in remarkable growth in agricultural productivity in rural China since the start of the economic reforms in 1978. Yet, numerous studies have signaled the emergence of conflicts because farmland institutions cannot adequately respond to the challenges of social and economic transition. These studies generally examine the level and/or frequency of conflict. Conversely, this research moots that a more comprehensive assessment of conflict is needed to understand the performance of farmland institutions. In this context, this study uses the Conflict Analysis Model (CAM) as predicated upon the credibility thesis to assess an additional set of variables, i.e., the source, actors, timing, intensity, and outcome of farmland-related conflicts. Based on a set of court cases ( $n = 133$ ), farmland conflicts are classified into two types, pertaining to first, the termination of the contract right; second, the transfer of contract right. This study reports the following critical findings: (1) conflicts caused by the termination of the contract right are closely related to expropriation; (2) 90% of the conflict occurs between farmers (individuals or groups) versus authorities (local government or village committees); (3) they feature high conflict intensity and a late timing; (4) the most important source of farmland conflict pertaining to the transfer of contract right concerns disputes over the status holder of contract right; (5) around 50% of these conflicts occurs between farmers, while another 34% occurs between farmers vs. authorities; (6) this type of conflict features low intensity and early timing. It is concluded that empty institutions emerge since farmers and public administrations are unwilling or unable to implement farmland institutions. Furthermore, abusive behaviors of the actors that exercise public authority reduce the credibility of farmland institutions. This study offers new insights into realizing a more socially acceptable land use strategy in the socioeconomic transition of China in particular and of developing countries in general.

## 1. Introduction

Agriculture has made significant contributions to overall development in China since 1949 (Kueh, 2006; You et al., 2019). However, over the years, there have also been alarmist reports about rising conflict, particularly over agricultural land (involving, e.g. expropriations, returning migrants, and land transfers). This has led some to predict instability and even social collapse (Pei, 2006; Shirk, 2007; Chang, 2010). Paradoxically, China did not collapse but has been growing at breakneck speed, while property rights remained informal, ambiguous and insecure. In this respect, a large debate on property rights and institutions revolves around the question whether formal institutions lead to higher efficiency. This is also known as the discussion of “form versus

performance” (Ho, 2017). A variation of this is the debate on formal institutions versus lower conflict: those who maintain that formal or private institutions (= Form) can reduce conflict (= Performance) (Holden et al., 2019; Arruñada and Garoupa, 2005), versus those saying that no such a direct relation can be found (Benjaminsen and Lund, 2002; Jansen and Roquas, 1998). Conflicts over the termination and transfer of the contract right under the Household Responsibility System (HRS) may provide critical information for understanding its overall stability and function.

Farmland conflicts are not only widespread throughout rural areas in China, but also in other countries, especially developing countries and transitional economies. It has been argued that the most significant changes included the separation of land use rights from ownership and

*Abbreviations:* HRS, Household Responsibility System; CAM, Conflict Analysis Model.

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the change in the allocation of land resources (e.g., Albania, Romania and South Africa) (Müller et al., 2013; You, 2017; Greenberg, 2003). Endogenous institutional change in economic transition has an impact on the performance of property rights in terms of farmland security, transferability and development rights (Deininger et al., 2014; Deng, 2013; Ma et al., 2015; You, 2016b, 2018). At the same time, conflicts have evidently emerged in the process of farmland institutional change. After the 1970s, China fundamentally transformed towards a more market-based economy from the original socialist economy (You, 2017; Su et al., 2011). As part of that process, the HRS has replaced the production team system under the people's commune system since 1978. In effect, collective farming has been transformed into family-based farming by adopting an egalitarian allocation of farmland to individual farm households.

A main reason underlying the increased incidence of conflicts is that farmland institutions cannot adequately respond to the challenges of social and economic transition. For example, the contract right (i.e., lease) to rural land under the HRS is perceived to be highly insecure due to forced evictions and government intervention in China (Ho, 2014). The conflicts between farmers and governments have become increasingly apparent in the process of land expropriation (Lin et al., 2018; Pils, 2016). Meanwhile, the transfer of farmland has accelerated during China's rapid urbanization (You et al., 2019). Farmers transfer their contracted farmland due to agricultural labor shortages in the process of rural-urban migration. However, farmland transfer without a contract widely exists in rural China, and often induces conflicts between farmland transferors and transferees. Moreover, industrial and commercial enterprises have profound vested interests in renting farmland. Yet, some enterprises lose money in the process of agricultural production, leading to the abrupt termination of the contracts for farmland transfer and the violation of farmland transferors' interests, in turn, generating conflict. This study asserts that analyzing the nature, dynamics, and drivers of conflict of farmland institutions in China is pivotal to understand the way how property rights affect the way how farmland is held, the methods of farmland use that are employed, and the relation of agriculture to the secondary and tertiary industries.

Farmland conflicts are widespread throughout many rural areas in China, and are an important indicator for the way how institutions and property rights perform. Conflicts are complex phenomena since they often involve a wide variety of stakeholders, including farmers, local governments, village collectives, and enterprises. The complexity of these interactions among the stakeholders requires an analytical approach that goes beyond merely typifying conflicts in terms of their numbers or level. For this purpose, we adopted the conflict analysis model (CAM) that was described in the institutional credibility theory to analyze land conflicts (Ho, 2016, 2014). The CAM may be better positioned to reveal the various games behind land and resource-based conflicts, and analyzes conflict along a comprehensive set of different indicators, including the conflict intensity, frequency, and source. The CAM has been applied in various settings and on various resources, such as mining-related conflicts (Yang and Ho, 2019), agricultural land expropriation (Ho, 2014), urban commons (Arvanitidis and Papa-geannitsis, 2020), forest disputes (Krul et al., 2021), and grassland management (Fan et al., 2019). For this study, the CAM may contribute to better understand the current state, dynamics and influencing factors of farmland conflicts, and perhaps ultimately, help to realize a more socially acceptable farmland use and improvement of social welfare.

During China's collectivist period (1958 until mid-1980s), farmers were organized into the people's communes, which featured a "three-level system of ownership with the production team as its basis". In essence, it was a collectively owned economic organization with centrally controlled farmland tenure, which misapplied the input and output of agricultural production, resulting in reduced agriculture production efficiency (Lin, 1992). Since the mid-1980s, the people's commune system was dismantled in rural China. Due to this, collective farming was transformed into family-based farming by adopting an

egalitarian allocation of farmland to individual farm-households under a rural lease system, the HRS. This institutional change resulted in remarkable growth in agricultural productivity since the work incentives on private farms were greater than on the previously collective farms (Lin, 1988). On average, however, the area of farmland that is distributed to a peasant household under the HRS is too small (You et al., 2019).

Since the development of secondary and tertiary industries, agriculture has become the weaker industry. Farmland institutional change occurs as the current institutions do not perform effectively. To alleviate farmland fragmentation, achieve greater economies-of-scale and improve farmers' livelihood, the management right was separated from the contract right, while the management right could be transferred. This is a particularity of the Chinese HRS. It should also be noted that in the Chinese context certain rights are differently termed because of ideological and political reasons, thereby obscuring the exact legal relation at hand. For example, it is extremely difficult to answer the question: who owns the farmland. The answer is equivocal since the authority over land administration is scattered over various ministries and agencies (Ho, 2001).

In the paper, we classify farmland conflicts into two basic types: 1) the termination of the contract right; 2) the transfer of the contract right. This study focuses on three key research questions: (1) What is the institutional credibility in the transfer of farmland and the termination of the contract right? (2) Is there a significant difference in the level of conflict as engendered by the institutions governing these two rights? (3) What are the policy implications for a more socially acceptable land use? To answer the questions above, we cannot simply measure conflict in terms of its numbers or its frequency. What is needed is a comprehensive assessment of conflict, hence the conflict analysis model predicated upon different indicators.

This paper's contributions are achieved in two aspects: (1) It applies and furthers the conflict analysis model for measuring and analyzing conflict of farmland institutions based on the credibility thesis (Ho, 2017), and (2) It validates three predictions of the credibility thesis, more in particular: (1) Form is subordinate to function (i.e., institutional form does not affect performance) (Ghorbani et al., 2021); (2) Conflict is present in any institutional arrangement functional/credible and dysfunctional/non-credible ones; (3) Credibility is spatio-temporally determined, i.e., differs over time and space (i.e. is context-determined). In doing so, we also address the question of a larger debate on property rights and institutions, that is, whether formal institutions lead to higher efficiency. The findings of this paper may offer practical insights for promoting socially acceptable land use in China, and perhaps also, at a more general level.

Apart from the introduction, this paper is divided into 5 sections. In the first section, we establish a conceptual framework based on the credibility thesis, which we believe can be a critical addition to the further development of the theory. In the second section, we describe the data sample of farmland conflicts. In the third section, we apply the CAM to more comprehensively qualify and quantify farmland conflicts in China. In the fourth section, we discuss the institutional credibility of farmland institutions with particular reference to the conflict engendered during the transfer and termination of the rural contract right, and analyze the implications of this study for a more socially acceptable land use. In the fifth section, we discuss the main findings and arrive at a set of conclusions.

## 2. Conceptual framework

### 2.1. The credibility thesis and its axioms

Institutional credibility theory was applied to establish the overall conceptual framework of this study. Institutional credibility theory, also known as the "credibility thesis", was put forward by Peter Ho, and provides a theoretical framework to explain the formation, evolution,

and demise of social and economic institutions (Ho, 2017). Compared with conventional institutional theory, the key axioms of the credibility thesis and its underlying theory are made up of three essential parts. Firstly, institutions are endogenous and spontaneously formed, while institutional credibility affects the formation, changes and long-term survival of institutions and property rights (Ho, 2013). Secondly, institutional change according to the credibility thesis is conceived as a dynamic and non-equilibrium process as it is continuously driven forward by the multitudinous interactions, bargaining, and conflict of social actors at any given moment. This position is mooted in contrast to the notion that institutional change features equilibrium and stability as assumed in traditional institutional theory (Karagiannis and Guidi, 2014). Thirdly, the key determinant of the efficiency and performance of institutions shifts from institutional form to function (Ho, 2018). Institutional credibility can be treated as a continuous whole, or a continuum, rather than a dichotomous concept, and includes, but is not limited to, non-credible and empty institutions.

About the latter two notions, a few more words should be said. The empty institution is to be distinguished from the institutional void as the empty institution implies a tacit agreement between those governing to implement without implementing, while allowing those governed to continue what they were customarily doing (Ho, 2016). Yet, the empty institution can also evolve into a non-credible institution, when that tacit agreement is broken, and it is being forcefully imposed by more powerful actors (Nor-Hisham and Ho, 2016). According to the definition of an empty institution, it mitigates conflict and is to a certain extent, credible (Ho, 2016; Krul and Ho, 2020). We argue that farmland institutions in China, at times, have developed into empty institutions that are functional and dysfunctional at the same time. In the context of the above, institutional credibility theory is put forward as a more suitable tool for assessing conflicts of farmland institutions.

## 2.2. The Conflict Analysis Model (CAM): assessing land disputes

To get a better grasp of where farmland institutions may be positioned on the continuum of credibility, we propose a comprehensive assessment of the conflict they generate. In this paper, our research highlights two basic types of farmland conflicts, as generated by: 1) the termination of the contract right; 2) the transfer of the contract right. The transfer of the contract right is also called land transfer (in Chinese: *tudi liuzhuan*). The transfer of this right is defined as the transfer of the contract right among different farmland users. On the other hand, the termination of the contract right is due to the conversion of rural collective land ownership into state land ownership, thereby altering the farmland ownership. These two types of farmland conflicts cover the greater part of China's agricultural land-related conflicts.

According to the CAM, eight indicators are designed to assess the conflicts based on social actors' aggregate perceptions (Yang and Ho, 2019; Ho, 2016, 2014). The set of indicators includes 1) source, defined as the cause of conflict; 2) frequency, defined as the incidence at which conflict happens during a specified period; 3) timing, defined as the historical period of conflict or the development stage of disputed resources in the conflict; 4) intensity, defined as the transaction costs of solving the conflict; 5) duration, defined as the length of time that conflict lasts or continues; 6) nature, defined as the basic qualities of conflicts, such as violent or non-violent; 7) outcome, defined as the result of the conflict, its impact on, and the satisfaction of parties to the conflict; 8) actors, defined as the various stakeholders involved in a conflict. In this study, we selected five indicators including the conflict source, timing, intensity, outcome, and actors to analyze farmland disputes.

The CAM can be applied to the study of data derived through various ways such as quantitative surveys (Fan et al., 2019), qualitative interviews (Arvanitidis and Papagiannitsis, 2020), or legal cases (Yang and Ho, 2019). Here we follow the last approach, and apply the CAM to examine legal cases and their verdicts. The conflict source as the first

indicator is operationalized in this paper as follows.

First, for disputes pertaining to the termination of contractual management, the main causes include disagreement over: i) the entitlement to compensation; ii) the standard of compensation; iii) the distribution of compensation; iv) whether land acquisition has abided by the law; v) the ownership of rural collective land; vi) the annulment of contract right due to abandonment of land.

Second, for disputes pertaining to the transfer of contract right, the causes have been identified as disagreement over: i) the manner in which farmland is contracted; ii) who possesses the contract right; iii) the area and (lease) term of contracted farmland; iv) the manner in which the management right is ceded; v) the nature of what is transferred; vi) the rent and lease term of farmland.

With regard to the timing, conflicts can occur in different stages of farmland contracting and agricultural production. For these reasons, we classify the timing of farmland conflicts into: 1) the contract signing stage, 2) the agricultural production stage, 3) the farmland transfer stage, and 4) the contract termination stage. During the contract signing stage farmers (as tenant) obtain the contract right from the village collective (as the landowner). During the agricultural production stage, farmland contractors exercise their contract rights, and participate in agricultural activities on the contracted farmland. During the transfer stage, the farmland contractors transfer their farmland to other land users. During the contract termination stage, the contract is ended, which may occur due to reasons such as the expiration of the contract, expropriation, land degradation, and abandonment of the land.

The intensity of conflict may be assessed in terms of the level of the court of the first instance, and the appeal rate of the cases. The court system of China is characterized by "four levels and two instances of trials" (Long and Wang, 2015): Supreme People's Court, Higher People's Court, Intermediate People's Court and Basic People's Court, whereas a case is decided after two trials. Although cases are generally brought to the Basic People's Court at first instance, important cases may bypass the Basic People's Court, and can be directly filed at the Intermediate or Higher People's Court. After the first instance, a case may be re-tried or it can be appealed at a higher level court of the second instance within a prescribed period. The exception is when the Supreme People's Court acts as the court of first instance, after which its judgment effectively closes the case without a second instance. It can thus be seen that the appeal and retrial rates are a measure of the intensity of the conflict.

The outcome of conflict is classified into three types: support, partial support, and rejection of the claim. Support implies that the court fully supports the demands of the plaintiff or the defendant during the first instance, appeal, or retrial. It thus pertains to the plaintiff or defendant's satisfaction with the judgment. Partial support and rejection mean that the court does not fully support, or denies the demands of the plaintiff or the defendant. Partial support and rejection thus pertain to partial satisfaction or dissatisfaction with the judgment. The conflict outcome may help to understand the consistency between the judgments of the first instance and the second instance, revealing the preference of the courts in response to the parties' claims.

Lastly, we also include the indicator of actors from the original CAM since farmland conflicts generally involve farmers, farmer groups, enterprises, village committees, and local governments. The interactions among these actors, and an analysis of which actors surface in which types of conflict, may explain how actors influence the degree of conflict resolution. It needs mentioning that the other indicators of the original CAM, i.e., the conflict frequency, duration and nature are not analyzed in this study due the limited availability of data. Even though this might limit the understanding of farmland conflicts, we believe that with five out of the eight indicators from the model, we can still present a fairly comprehensive assessment.

The conceptual framework of farmland conflicts based on the CAM as employed in this study is summarized in Fig. 1.

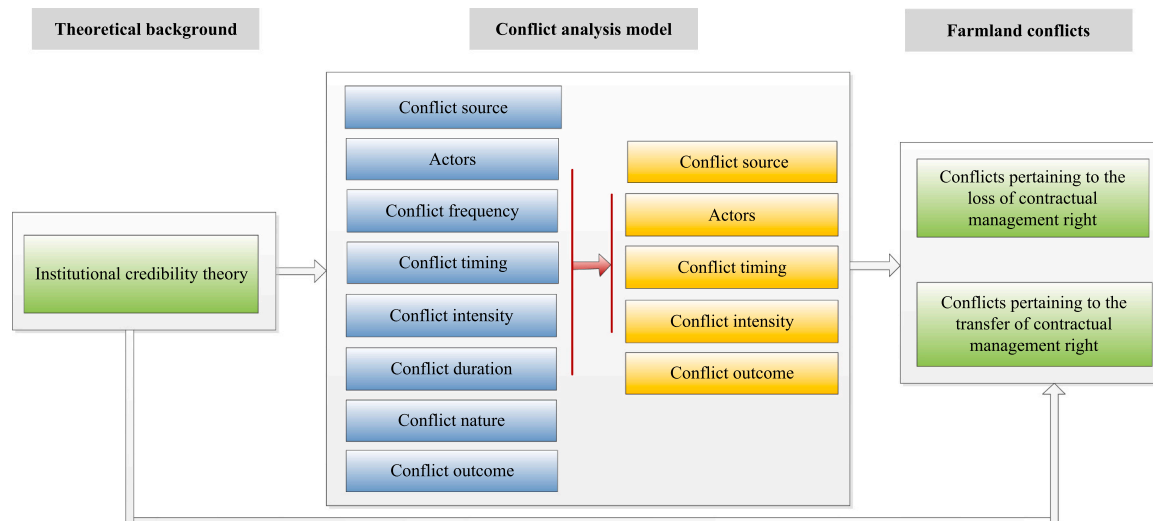


Fig. 1. Conceptual framework based on the CAM (Yang and Ho, 2019; Ho, 2016, 2014).

### 2.3. Conceptualizing farmland institutions

Before continuing to the empirical section, some brief explanation on what exactly constitutes farmland institutions for readers less familiar with the Chinese context could be helpful. Farmland institutions are here conceptualized as relating to the rules over farmland transfer, allocation and expropriation. Since 1978, the HRS has replaced the centrally planned, collectivist commune system in China's rural areas (Lin, 1988). Under the HRS, collective farming was transformed into family-based farming by adopting egalitarian allocation of agricultural land to individual households who could lease that land from the collective (You et al., 2018). For many years, the lease under the HRS was not particularly stable, as collectives reallocated land in response to demographic change (induced by birth, death, and marriage), thus ensuring that everyone within the village had access to sufficient land. In effect, the HRS functioned as a form of social security (Ho, 2014, 2017).

Yet, farmland institutions have endogenously evolved in a process of continuous, evolutionary adaption to the environment. During the massive rural-urban migration in the 1980s and 1990s, farmers transferred their contracted (leased) farmland, thereby, reducing farmland fragmentation and enhancing economies-of-scale (You et al., 2021). In successive attempts, the Chinese government tried to keep farmland contract rights stable for a period of 30 years. In reaction, the reallocations of farmland by the collectives gradually diminished although there was considerable regional variation. In 2018, the 19th National Congress of the Communist Party of China decided that the current round of farmland contracts would be extended with another 30 years upon expiration.

As a consequence of the above, farm-households can generally no longer obtain additional contracted farmland from the collective (e.g. by bearing more children) as was customary in the past. Instead, they can obtain more farmland through transfer. In addition, farmers have also used farmland as collateral to obtain loans, particularly in more developed areas where capitalization and marketization have provided sufficient support for farmers' livelihood. Overall, farmland institutions have helped to realize greater economies-of-scale and have also led to a more diversified, intensive way of farming. Notably, many new land use regulations have been adopted. For starters, the conversion of farmland to (urban) construction land is heavily restricted and can only be achieved through formal land expropriation. It is a process carried out by the state and includes the alteration of farmland ownership from collective property to state property upon compulsory payment of certain taxes and fees. Only in this way can farmland be legally converted to (urban) construction land (You, 2016a, 2017; You et al., 2018).

At the same time, farmland institutions have for a long time also remained informal (Rozelle, 1996), and the pace of economic reforms was an important influencing factor (and yardstick) for their success. In effect, farmland institutional changes have occurred and often remained within a legally grey area. Having said that, institutions' features of informality and extra-legality do not imply that they were economically less efficient or non-credible, on the contrary. Although lacking formalization and being considered "imperfect" laws of farmland marketization and management, these institutions actually met the requirements of Chinese agricultural development. Even more, they were tolerated and perceived as credible, thus functional, by large groups of farmers, enterprises, and local governments (Ho, 2014, 2017). Since the start of China's reform policies, farmland institutions have evolved over several decades (Luo, 2018), and in the process, shifted from informal institutional arrangements into formal ones as they were coopted and even legalized by the Chinese government. In contrast, some formal institutions have gradually degenerated into empty institutions, or even non-credible, socially contested and disputed institutions. Although these institutions exist in law and formal policy, they do not play an actual role in farmland management.

### 3. Materials

The database with the legal cases on farmland conflicts in this study is derived from the China Online Judgments Database (<http://wenshu.court.gov.cn/>). This database is officially developed and launched by the Supreme People's Court of China. It contains the documentation on the judgment of cases at all court levels (basic, intermediate, higher and supreme) since January 1, 2014. To build the dataset, we first searched published adjudications using keywords including 'rural land contractual management right' (*tudi chengbao jingyingquan*), 'farmland transfer/land transfer' (*nongdi liuzhuan/tudi liuzhuan*), 'land expropriation' (*tudi zhengshou*), 'land contract' (*tudi chengbao hetong*). We then scrutinized the various verdicts and excluded non-relevant conflicts, such as those relating to conflicts over non-agricultural construction land and home-stead land.

For the convenience of analysis, we counted the number of judgments on the same issue as a single case. The term "same issue" entails that exactly the same parties, facts and legal questions are involved (Yang and Ho, 2019). In the following two instances, a series of judgments may be extended to multiple plaintiffs, yet, is still counted as a single case in our analysis. First, a class action suit involving the same farmland conflict by more than one plaintiff against a single defendant may be divided into several individual cases. This greatly increases the



court's handling cost of the case, and may result in an elevated number of cases. As this increases the pressure on the court and local government, the court often tends to issue a judgment in favor of the plaintiff. Second, a case may go through different levels of courts, resulting in multiple judgments. In this case, we repeatedly searched for specific keywords of the case in the China Online Judgments Database, such as the involved parties (actors) and the judgment number, while also tracking for any recent progress of the case. On this basis, we initially collected 280 cases from the China Online Judgments Database, and further consolidated these to a dataset with 133 instances of farmland conflicts. For a description of the sample of farmland conflicts see Table 1.

As can be seen from Table 1, farmland is classified into three types: contracted farmland, returned farmland, and non-contracted farmland. Contracted farmland is the farmland that is contracted by an individual farmer, farmer group, or enterprise, and accounts for 66.2% of the conflicts. Returned farmland is the land that has been returned to the village collective after the termination of the contract, and accounts for 30.1% of the conflicts. Non-contracted farmland is the land that village committees have not allocated to the individual farm-households, and only accounts for 3.8% of the conflicts.

According to the geographical distribution of the conflicts, 37.6% of the cases occur in the eastern part of China, 38.3% of the cases occur in the central part, and 24.1% of the cases occur in the western part. These farmland conflicts occur in the whole of China, although the frequency of farmland conflicts in the west is lower than in the east and the central region. We surmise that the frequency of farmland conflicts may be related to local conditions (e.g. western China is relatively less developed, leading to lower land values, fewer vested interests, and ultimately, fewer conflicts).

The period of judgments covers the years from 2013 to 2020. Most cases occurred in 2016, 2017, 2018 and 2019. There are few cases dating from before 2014 as the database only started publishing verdicts since that year. Only cases that have been finally decided have been selected in this study, thus cases that had not been decided in 2020 were not selected. In the past, disputes were generally settled through mediation in rural China, instead of through the local court system. Factors such as a weak legal consciousness, difficulties in the enforcement of verdicts, and fear of damaging personal relationships, contributed to this situation. However, over the years, legal consciousness has significantly increased, as a result of which more and more disputes are settled through litigation (Jiang and Wu, 2015).

#### 4. Results: applying the CAM model to farmland conflicts

This section presents the findings of our analysis with the CAM

**Table 1**  
Description of the sample of farmland conflicts.

Category	Frequency	%
<b>Type of farmland</b>		
Contracted farmland	88	66.2
Returned farmland	40	30.1
Non-contracted farmland	5	3.8
<b>Region</b>		
East region	50	37.6
Central region	51	38.3
West region	32	24.1
<b>Year of judgment</b>		
2020	3	2.3
2019	25	18.8
2018	31	23.3
2017	17	12.8
2016	16	12
2015	15	11.3
2014	13	9.8
2013	13	9.8
<b>Total</b>	133	100

model, and is divided into two sub-sections the first of which discusses conflicts pertaining to the termination of the contract right, and the second pertaining to the transfer of the contract right. The analysis is structured along the five indicators of the CAM model.

#### 4.1. Conflicts pertaining to the termination of contract right

##### 4.1.1. Source

Of the conflicts, 90% (27 out of 30) is related to land expropriation (Table 2). Rapid urbanization has greatly increased the demand for construction land in China (You, 2016a). During this process, farmland is converted into urban construction land for residential, industrial, and commercial use. Rural collective land ownership should legally be converted into state, urban land ownership after expropriation. Among

**Table 2**  
Conflict analysis of termination of contract right (N = 30).

Indicator	Content	Proportion	N	Definition
Source	Dispute over compensation qualification for land expropriation	26.7%	8	Disagreement over entitlement to compensation
	Dispute over compensation standards for land expropriation	23.3%	7	Disagreement over standard of compensation
	Dispute over compensation distribution for land expropriation	20.0%	6	Disagreement over distribution of compensation
	Dispute over legality of land expropriation	20.0%	6	Disagreement whether acquisition has followed the law
	Dispute over rural collective land ownership	6.7%	2	Disagreement over the ownership of rural collective land
	Cancellation of land contract right	3.3%	1	Annulment of contract rights due to abandonment of land
Actor	Individual farmer vs local government	36.7%	11	
	Individual farmer vs village committee	33.3%	10	
	Farmer group vs local government	10.0%	3	
	Farmer group vs village committee	10.0%	3	
	Individual farmer vs enterprise	3.3%	1	
	Enterprise vs local government	3.3%	1	
	Village committee vs village committee	3.3%	1	
Timing	Contract termination stage	100%	30	Farmland is returned to the village collective or converted into state owned land after the termination of the contract.
Intensity	First-instance: Basic court	66.7%	20	
	Intermediate court	33.3%	10	
	Appeal to: Intermediate court	47.4%	9	
	Higher court	52.6%	10	
	Appeal rate	63.3%	19	Rate between appeal cases and total cases.
Outcome	First-instance: Rejection	76.6%	23	
	Partial support	16.7%	5	
	Support	6.7%	2	
	Appeal: Rejection	89.4%	17	
	Partial support	5.3%	1	
	Support	5.3%	1	

the conflicts pertaining to land expropriation, a more fine-grained sub-division can be made into: 1) disputes over the entitlement for compensation (8 cases); 2) disputes over compensation standards (7 cases); 3) disputes over the distribution of the compensation for expropriation (6 cases), and; 4) disputes over the legality of expropriation (6 cases). These four sources constitute the main reasons for the termination of the contract right. In addition, disputes over rural collective land ownership (2 out of 30) and the cancellation of the contract right (1 out of 30) also cause conflicts pertaining to the termination of contract right. However, these disputes only account for 10% of the total cases, and are thus not the main source of conflict pertaining to the termination of the contract right (Table 2).

When examining a more detailed sub-division of conflict sources, it can be seen that 6 cases are caused by a dispute over the distribution of the compensation. In general, the compensation for expropriation is allocated to the expropriated village collectives and the expropriated farmers (Zou and Oskam, 2007). During the first step in the payment of the compensation the local government transfers the compensation to the village committee. It then allocates the compensation to the expropriated farmers based on a designated proportion. Disputes over the distribution of the compensation often arise due to disagreement over this proportion. Some village committees decrease the proportion of compensation while other village committees do not abide by the compensation agreement between the village committees and farmers. In this way, they seek to intercept and appropriate a part of the compensation intended for the expropriated farmers. It is this kind of rent-seeking behavior that seriously engenders conflict, and reduces institutional credibility (Ho, 2014).

When examining the other sub-divided conflict sources, 7 cases have been caused by disputes over the compensation standards for expropriation. Meanwhile, 6 cases are caused by disputes over the legality of the expropriation. Another argument put forward over the expropriation's legality concerns the timing of the announcement of the expropriation, which is released to the public after the expropriation has been approved by the government. On the one hand, this institutional arrangement facilitates the expropriation, and provides easier access to construction land for urban development. On the other hand, however, it is also a driver for farmland conflict. Apart from this, there are also 8 cases caused by disputes over the compensation qualification for land expropriation. These disputes are often caused by influencing factors outside the land expropriation policies. These influencing factors include defects in farmland contracting, the divorce of farmland contractors, and so forth. The effects of influencing factors on the credibility of land expropriation institutions are limited.

Disputes over the compensation standards and the legality of land expropriation imply that the land expropriation and its policies have not been fully negotiated among local governments, village committees, and farmers. The latter's sense of not having been allowed prior and informed consent, and a lack of participation generally intensifies the conflicts, and reduces the credibility of the institutional arrangements that govern land expropriation.

#### 4.1.2. Actor

In general, the conflicts occur between farmers and the local governments, as well as between farmers and village committees. Of the total number of cases, individual farmers sued the local governments in 11 cases; individual farmers sued the village committees in 10 cases; farmer groups sued the local governments in 3 cases; while farmer groups sued the village committees in 3 cases. These cases (27 out of 30) accounted for 90% of the conflicts pertaining to the termination of the contract right. Moreover, 90% of these conflicts consist of individual farmer/farmer groups versus the government/village committee, which is a high percentage. The termination of the contract right tightly relates with land expropriation, and the local governments and village committees play a key role in this. Therefore, conflicts pertaining to the termination of contract right are generally caused by the behaviors of

local governments and village committees.

#### 4.1.3. Timing

It can be ascertained that the conflicts caused by the termination of contract rights are characterized by late timing. Markedly, of all the different possible stages (i.e., contract signing, agricultural production, farmland transfer, and contract termination), the conflicts around the termination of the contract right without exception occurred during the contract termination stage (30 out of 30). Importantly, during the stages of contract signing, agricultural production and transfer, farmland cannot be returned to the village collective or converted into state owned land.

#### 4.1.4. Intensity

Of the conflicts pertaining to the termination of the contract right, 9 out of 20 cases were judged at the level of Basic People's Courts as the court of first instance, and were subsequently appealed at Intermediate People's Courts. Additionally, 10 out of 10 cases that were judged at Intermediate People's Courts as the court of first instance were appealed to higher Intermediate People's Courts. This brings the total appeal rate of the conflicts pertaining to the termination of contract right to 63.3%. It can thus be seen that the conflict intensity of conflicts pertaining to the termination of contract right is high for which there may be two reasons.

First, with the termination of the contract right, farmers also lose access to land, which has an important impact on their livelihood. In this context, farmers may have a strong motivation to strive for a higher compensation for their loss. Moreover, some farmers were actually against the land expropriation in the first place, and asked for a reinstatement of the farmland contractual right, rather than compensation. Second, the involved actors result in high conflict intensity. The actors in the termination of land contract right always involve the local governments and village committees. The village committees are, strictly speaking, designed as a self-governing entity in China, meaning that their officials are not on the state's payroll, although they do report to the higher-level town/township government. They are responsible for managing village affairs such as public order and the mediation of local disputes, economic development, public welfare and hygiene and infrastructural development (Howell, 1998). The sources of their power can be divided into two categories: legal authorization and entrustment by local governments (Alpermann, 2009). In farmers' views, the village committees and local governments should be held accountable for the loss of their land. Therefore such conflicts frequently occur between farmers vs. local governments, or farmers vs. village committees, resulting in the situation that the local governments or village committees are often sued in court as defendants.

#### 4.1.5. Outcome

When examining the outcome of farmland conflict, we see that in 23.4% of the cases (7 out of 30) the requests of plaintiffs are partially supported or supported during the first-instance. In 2 out of 19 (10.6%) cases, the requests of plaintiffs are partially supported or supported during appeal or the second-instance. The data also reveal that a large proportion of plaintiffs' requests are rejected 76.6% during first instance and 89.4% during appeal. This can likely be linked to the fact that most defendants consist of local governments and village committees. As of all the cases, only 2 do not include a farmer/farmers' group as defendant. However, a certain proportion of plaintiffs' requests are still supported or partially supported in court, either during the first or the second instance. In the compensation allocation, compensation standards, and expropriation procedure, village committees and local governments at times infringe on the interests of the expropriated farmers.

#### 4.2. Conflicts pertaining to the transfer of contract right

Farmland transfer has accelerated during China's rapid urbanization. In this part, we analyze the conflicts pertaining to the transfer of contract

right. It refers to two aspects: 1) farmland contracting; 2) management right transfer of contracted farmland. Farmland contracting is a special land use institution under the collective ownership of rural land in China. The village collectives allocate the farmland to farmers, while in turn, farmers contract (i.e. lease) farmland from village collectives. The farmland contracting is quite different from the transfer of the management right of contracted farmland: 1) Only the peasant households in their respective collective economic organizations (i.e. their village of residence) have the right to contract farmland. 2) Farmland ownership is vested in the village collectives, which means that the contracted land cannot be bought or sold, and the transfer of the contract right must be approved by the village collectives.

The features above stand in contrast to those of the transfer of the management right of contracted farmland. 1) Whereas the transfer of the contract right on farmland transfer markets is still lagging behind, the transfer of the management right at farmland transfer markets is relatively well-developed. 2) Village collectives participate fully in the farmland contracting as they are the *de jure* owners of the farmland. Contrarily, the transfer of the management right, in principle, does not involve the village collectives, as it is a transfer of rights between contractors or users. We distinguish the different impacts that are caused by farmland contracting and management right transfer of contracted farmland respectively. These different impacts relate to the credibility of China's current farmland transfer institution.

#### 4.2.1. Source

The most important conflict source concerns disputes over the status holder of the contract right (30 out of 103 cases) (Table 3). It accounts for 29.1% status holder of conflict cases. Additionally, 20 out of 103 farmland conflict cases caused by the transfer of contract rights are related to the disputes over the farmland transfer procedure. 18 out of 103 farmland conflict cases are related to disputes over the farmland contracting procedure. The number of farmland conflict cases related to disputes over the contracted farmland area and the contract period is smallest. When examining the sub-divided conflict sources, it can be seen that, disputes over the farmland contracting procedure (18 out of

26) and disputes over the contracted farmland area and the contract period (8 out of 26), cause the conflicts over the farmland contracting (Table 4). In addition, two sources including disputes over the status holder of the contract right and disputes over the farmland transfer procedure constitute the main reasons for the conflicts over the management right transfer of contracted farmland. These disputes account for 64.8% of the cases (Table 5).

#### 4.2.2. Actor

Of the conflicts pertaining to the transfer of the contract right almost 50% is between farmers, and 34% between farmers and authorities

**Table 4**  
Conflict analysis of farmland contracting (N = 26).

Indicator	Content	Proportion	N
Conflict source	Dispute over farmland contracting procedure	69.2%	18
	Dispute over contracted farmland area and contract period	30.8%	8
Actor	Individual farmer vs individual farmer	11.6%	3
	Individual farmer vs local government	50.0%	13
	Individual farmer vs village committee	19.2%	5
	Farmer group vs individual farmer	3.8%	1
	Farmer group vs local government	15.4%	4
Conflict timing	Contract signing stage	23.1%	6
	Agricultural production stage	53.8%	14
	Farmland transfer stage	7.7%	2
	Contract termination stage	15.4%	4
Conflict intensity	First-instance: Basic court	34.6%	9
	Intermediate court	65.4%	17
	Second-instance: Intermediate court	27.3%	6
	Higher court	72.7%	16
	Appeal rate	84.6%	22
Conflict outcome	First-instance: Rejection	88.5%	23
	Partial support	7.7%	2
	Support	3.8%	1
	Appeal: Rejection	100%	22
	Partial support	0%	0
	Support	0%	0

**Table 3**  
Conflict analysis of transfer of contract right (N = 103).

Indicator	Content	Proportion	N	Definition
Conflict source	Dispute over farmland contracting procedure	17.5%	18	Disagreement over the manner in which farmland is contracted
	Dispute over contracted farmland area and contract period	7.8%	8	Disagreement over area and (lease) term of contracted farmland
	Dispute over status holder of contract right	29.1%	30	Disagreement over who possesses the contract right
	Dispute over farmland transfer procedure	19.4%	20	Disagreement over manner in which management right is ceded
	Dispute over the properties of the transferred farmland	12.6%	13	Disagreement over the nature of what is transferred
	Dispute over rent of farmland transfer and farmland transfer period	13.6%	14	Dispute over rent and the lease term of farmland
Actor	Individual farmer vs individual farmer	47.6%	49	
	Individual farmer vs local government	18.4%	19	
	Individual farmer vs village committee	15.5%	16	
	Individual farmer vs enterprise	5.8%	6	
	Local government vs enterprise	1.0%	1	
	Enterprise vs village committee	1.9%	2	
	Farmer group vs individual farmer	3.9%	4	
	Farmer group vs local government	3.9%	4	
	Farmer group vs village committee	1.9%	2	
	Contract signing stage	9.7%	10	
Conflict timing	Agricultural production stage	63.1%	65	
	Farmland transfer stage	17.5%	18	
	Contract termination stage	9.7%	10	
Conflict intensity	First-instance: Basic court	65.0%	67	
	Intermediate court	35.0%	36	
	Second-instance: Intermediate court	41.1%	23	
	Higher court	58.9%	32	
	Appeal rate	54.4%	56	Rate between appeal cases and total cases.
Conflict outcome	First-instance: Rejection	51.5%	53	
	Partial support	23.3%	24	
	Support	25.2%	26	
	Appeal: Rejection	92.8%	52	
	Partial support	3.6%	2	
	Support	3.6%	2	

**Table 5**  
Conflict analysis of management right transfer of contracted farmland (N = 77).

Indicator	Content	Proportion	N
Conflict source	Dispute over status holder of contract right	38.9%	30
	Dispute over farmland transfer procedure	25.9%	20
	Dispute over rent of farmland transfer and farmland transfer period	18.2%	14
	Dispute over the properties of the transferred farmland	16.9%	13
Actor	Individual farmer vs individual farmer	59.7%	46
	Individual farmer vs local government	7.8%	6
	Individual farmer vs village committee	14.3%	11
	Individual farmer vs enterprise	7.8%	6
	Local government vs enterprise	1.3%	1
	Enterprise vs village committee	2.6%	2
	Farmer group vs individual farmer	3.9%	3
	Farmer group vs village committee	2.6%	2
Conflict timing	Contract signing stage	5.2%	4
	Agricultural production stage	66.2%	51
	Farmland transfer stage	20.8%	16
	Contract termination stage	7.8%	6
Conflict intensity	First-instance: Basic court	75.3%	58
	Intermediate court	24.7%	19
	Second-instance: Intermediate court	50.0%	17
	Higher court	50.0%	17
Conflict outcome	Appeal rate	44.2%	34
	First-instance: Rejection	38.9%	30
	Partial support	28.6%	22
	Support	32.5%	25
	Appeal: Rejection	88.2%	30
	Partial support	5.9%	2
	Support	5.9%	2

(Table 3). This is markedly different from conflicts pertaining to the termination of the contract right, where 90% is between farmers (individuals/groups) versus authorities (Table 2). Most cases of conflicts over management right transfer of contracted farmland occur between individual farmers versus farmer groups. A few cases involve enterprises. The proportion of conflicts involving local government and village committees (22 out of 77) is far less than that in the conflicts pertaining to land expropriation and land contracting.

#### 4.2.3. Timing

63.1% of conflicts pertaining to the transfer of the contract right occur in the agricultural production stage. It can be ascertained that the conflicts caused by the termination of the contract right are characterized by late timing. Compared with the conflicts pertaining to the termination of the contract right, these conflicts feature early conflict timing.

#### 4.2.4. Intensity

Of the conflicts pertaining to the transfer of the contract right, 23 out of 67 cases that were judged at the level of Basic People's Courts as the court of first instance were subsequently appealed at Intermediate People's Courts. Meanwhile, 32 out of 36 cases that were judged at Intermediate People's Courts as the court of first instance were appealed to higher Intermediate People's Courts. The appeal rate of conflicts pertaining to the transfer of contract right is 54.4%. Compared with the conflicts pertaining to the termination of contract right, these conflicts feature low conflict intensity. Meanwhile, intensity of conflicts over the transfer of contract right is obviously lower than the appeal rate of conflict under farmland expropriation institution and farmland contract institution. The appeal rate is only 44% (34 out of 77 cases).

#### 4.2.5. Outcome

When examining the outcome of farmland conflict pertaining to the transfer of contract right, we see that in 48.5% of the cases (50 out of 103) the requests of plaintiffs are partially supported or supported during the first-instance. In 4 out of 56 (7.1%) cases, the requests of plaintiffs are partially supported or supported during appeal or the

second-instance. The data reveal that almost half plaintiffs' requests are partially supported or supported. This can likely be linked to the fact that of these conflicts almost 60% defendants do not consist of local governments and village committees. The outcome of conflict over management right transfer of contracted farmland reveals similar results. In 61.0% of the cases (47 out of 77) the requests of plaintiffs are partially supported or supported during the first-instance. In 4 out of 34 (11.8%) cases, the requests of plaintiffs are partially supported or supported during appeal or the second-instance.

## 5. Discussion and conclusion

### 5.1. Implications for understanding credibility of farmland institutions

The findings we report validated the three predictions of the credibility thesis in the introduction.

First, we demonstrated that the form of institutions is subordinate to their form in determining performance. The HRS at times has developed into an empty institution (Ho, 2016) that is functional and dysfunctional at the same time (see also the second point below). As regards the findings concerning the conflicts over the transfer of the contract right, we found that the transfer of farmland management rights often falls outside the law in the rural areas. In many conflict cases, the lease and exchange of contracted farmland can be carried out with just the farmers' oral consent. Neither does it have to be approved by the village committees. The contract for the lease and exchange of contracted farmland also does not have to be signed. This phenomenon of extra-legality is due to three reasons. 1) Farmland is seriously fragmented in rural areas in China, and farmers and local governments want to reduce the fragmentation by management right transfer. 2) The procedures for confirming the farmland rights and registration of farmland management right transfer are complicated, while there are numerous restrictions on the objects and conditions of transfer. 3) Informal habits, interpersonal relationships and personal reputation in rural areas often play a more important role than the legality of the land transfer institution. Due to the above, farmers who lack relevant legal knowledge are more inclined to realize farmland management right transfer under informal institutions. In addition, public administrations tend to balk at tedious farmland transfer procedures. In effect, the HRS has sometimes developed into an empty institution to meet farmers' demand for farmland management right transfer. At such times, customary regulations and habits in the rural areas provide conveniences for farmers to transfer their farmland. It encourages farmers to bypass the empty institutions to realize farmland management right transfer.

Second, the findings show that conflict is present in credible and non-credible institutional arrangements. Conflicts pertaining to the termination of contract right relate with lowly/non credible institutions, while conflicts pertaining to the transfer of contract right relate with medium/highly credible institutions. Meanwhile, we find that compared with the conflicts pertaining to the termination of the contract right, the conflicts pertaining to the transfer of contract right feature early conflict timing and low conflict intensity. The conflicts pertaining to the termination of the contract right tightly relate to public authority since land expropriation involves the actors that use and abuse public authority. Such behaviors reduce the institutional credibility, and seriously intensify conflict. Yet, the relationships between conflicts and public authority in conflicts pertaining to the transfer of contract right should be differentiated from the relationships in the conflicts pertaining to the termination of contract right. The governments involved in conflicts pertaining to the transfer of contract right rarely claim privately owned farmland.

Third, the findings show that credibility is context determined, and the HRS cannot be taken as a single institution, but should be broken up in, which is apparent in differences in source, and differences in actors: 1) conflicts pertaining to the termination of contract rights are caused by



expropriation, whereas conflicts over the transfer of contract rights are caused by disagreement over the entitlement of the right; 2) conflicts pertaining to the termination of the contract right predominantly occur between farmers versus authorities, whereas of the conflicts pertaining to the transfer of contract rights, half are between farmers, and over one-third between farmers and authorities.

In this study, we find that the actors exhibit different characteristics in the conflicts pertaining to the termination of the contract right and the conflicts pertaining to the transfer of the contract right. The conflicts pertaining to the termination of contract right are caused by changes in farmland ownership. These conflicts are highly related to public administrations, and often occur between farmers and local governments, as well as between farmers and village committees. The public administrations play a key role in the conflicts pertaining to the termination of the contract right. However, the farmland conflicts pertaining to the transfer of the contractual management right occurs between farmers and farmers, as well as between farmers and enterprises. The proportion of cases that involve local governments and village committees in the farmland conflicts pertaining to the transfer of contract right is smaller than that in the farmland conflicts pertaining to the termination of contract right. The interactions among these actors, and an analysis of which actors surface in which types of conflict, explain how actors influence the degree of conflict resolution.

### 5.2. Implications for the use of the CAM in farmland conflict

This study employed the CAM to systematically analyze farmland conflicts. It provides a useful measuring method to understand complex farmland conflict in a developing context. The use of the CAM involves the design of various indicators to assess the farmland conflicts (Yang and Ho, 2019; Ho, 2016, 2014). Here our set of indicators included the source, actor, timing, intensity, and outcome of conflict. This study has several implications for designing indicators for the analysis of farmland conflict:

- (1) The actors of farmland conflict are not limited to the individual farmer, farmer group and enterprise. Local governments and village committees are also selected as the actors in farmland conflict. The reasons for this are that the village committees also carry out certain functions on behalf of the government even though they are legally self-governing entities; this helps to understand whether, and if so, under which conditions, institutions can perform its function when the farmland conflicts involve public administrations, such as local government and village committees. The institutional credibility can thus be exhibited in the conflicts among farmers, local government, and the village committees.
- (2) The timing of farmland conflict is identified by the different stages of farmland contracting. For example, the process of farmland transfer includes the contract signing stage, the agricultural production stage, the farmland transfer stage, and the contract termination stage. The termination of the contract right is in general directly coupled to the termination of the contract as expropriation entails farmland use changes and therefore, also changes in land ownership. Therefore, the timing of conflicts pertaining to the termination of the contract right is classified into the contract termination stage. The classification of the timing of farmland conflict covers all stages of farmland contact. This method can be applied in the analysis of farmland conflict in other study areas as well.
- (3) The judgment of cases at courts can be applied to identify the intensity and outcome of conflict. If the conflict intensity and outcome are analyzed according to the demands of the actors involved in farmland conflict, the actors tend to make less objective descriptions of conflict because of their own interests. This likely affects the reliability of the conclusion about conflict

intensity and outcome. Moreover, it is difficult to collect information about farmland conflicts from governments and village committees because they are stakeholders in farmland conflicts and thus reluctant to talk openly. In this context, the levels of the first instance courts and appeal rate are selected to more accurately describe the intensity of conflict, while the judicial verdict is selected to describe the outcome of conflict. We believe this method could make the qualitative analysis of the intensity and outcome of conflict more objective.

### 5.3. Implications for socially acceptable land use

To realize a more socially acceptable land use, the credibility thesis and its underlying theory can be helpful tools in the analysis of the desired changes of farmland institutions. In effect, local governments and rural collective economic organizations in China could support social actors' behavior occurring under informal institutions that rally a high credibility. Meanwhile, informal institutions with a high credibility could, at times, also be converted into formal institutions through official laws and regulations. To avoid the emergence of empty institutions, the operating procedures of formal institutions could be appropriately simplified, which could benefit farmland management and use (Lloyd, 1992). Furthermore, because empty institutions imply a tacit agreement between those governing vis-à-vis those governed, the settlement of farmland conflicts could be encouraged through mediation. When courts hear cases of farmland conflicts that involve empty institutions, they ought to pay greater attention to the actual situation of local farmland management, particularly when that is not regulated by official laws and regulations.

Farmland institutions with high credibility can arguably fully perform their functions, and promote socially acceptable land use. Thus, farmland institutions that rally high credibility are best kept unchanged. Contrarily, farmland institutions with low credibility risk losing their function, entailing that illicit behavior occurring under such institutions ought to be curtailed and/or prohibited. An important way for increasing the institutional credibility of the farmland institutions is to gradually reform them. For instance, China's "three rights separation" policy has been implemented since 2016, whereas the Law on Land Contracting in Rural Areas has been amended to accelerate the farmland transfer in 2018. In result, farmland property rights have been divided into three components: non-tradable ownership, non-tradable contract right and tradable management right. Farmers can now use the management right as collateral to obtain loans.

The ultimate goal of socially acceptable land use is to meet human needs (You et al., 2020). Farmland expropriation and farmland transfer are important in developing the rural areas. At the same time, however, they also engender farmland conflicts. To alleviate farmland conflicts, one should explore the interests and cultures behind the conflict according to local conditions (Zweynert, 2009; Meinzen-Dick and Mwangi, 2009). It is hoped that this paper has provided an illustration and validation of how that could be better achieved through the use of the Conflict Analysis Model.

### Conflicts of interest statement

The authors declare no conflict of interest.

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