CHAPTER 13

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CIVIL SOCIETY IN CHINA

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JUDE HOWELL

THIS chapter reviews the development of civil society in China since the start of economic reforms in the late 1970s, and analyzes the key constraints and opportunities shaping its past and future development. It argues that market reforms, subsequent socioeconomic changes, and technological and political factors have shaped the trajectory of civil society since 1978. Leadership concerns about political control and stability have been the overriding constraint on the full flourishing of civic organizing in China, leading to incremental cycles of expansion and contraction.

The term civil society is used here to describe the realm of independent citizen organizing around shared concerns and interests. It is thus distinct from the state and the market, though in practice the boundaries between these three domains are blurred and messy. This is particularly the case in China, where the state continues to wield considerable power and authority over society. Empirically, the realm of civil society encompasses a range of action and organising that varies in degrees of formality and legality. At one end of the spectrum it includes organizations that are closely related to the Communist Party such as the All-China Federation of Trades Unions (ACFTU) or government-sponsored nongovernmental organizations (NGOs); in the middle of the spectrum are more independent organizations with legal status such as professional associations or business associations; and further along the continuum lie more loosely organized, nonregistered networks, salons, and discussion groups. At the far end of this spectrum are illegal organizations, some of which would not enjoy legal status anywhere such as criminal gangs, trafficking networks, and drug cartels; and others which are prohibited for political reasons such as secessionist movements and religious sects that would be more likely to be tolerated in a liberal democratic polity.

The chapter begins by outlining the development of civil society in the post-Mao era. It then analyzes the social, economic, technological, and political factors that have shaped the contours of civil society. In particular it examines those

variables that underpin the expansion of civil society spaces and those that have contributed to their contraction or stagnation. The chapter ends by considering the future prospects for civil society development in China.

1. The Development of Civil Society in China After 1978

In the three decades before the launch of market reforms in 1978, the state exerted tight control over the spaces for independent civic organizing. After Liberation in 1949 and years of civil war, the newly triumphant Chinese Communist Party (CCP) needed to consolidate its power, reconstruct the economy, and minimize both internal and external threats to its rule. The Cold War led not only to the economic blockade of China but also to its political isolation from the capitalist West, aggravated further by China's gradual break with the Soviet Union from the late 1950s onwards. The long enduring Cold War fostered increasing economic self-reliance along Maoist lines as well as the maintenance of tight societal controls through ideological and organizational means.

A key element of societal control was the establishment of intermediary organizations linking the party to society. These mass organizations served to transmit party policy downwards to key constituencies of society such as youth, workers, and women, and in turn reflect their views upwards to the party, thereby in theory realising the principles of democratic socialism. The largest such mass organizations were the All-China Federation of Women (ACWF), the ACFTU, and the Communist Youth League (CYL)[1]. These intermediary organizations formed an integral part of the Leninist style sociopolitical architecture of Maoist China, with their offices, staff, and activities being supported by the party-state. Apart from these key intermediary institutions, the work unit (*danwei)* and the rural commune were also key sites through which the party exerted control over society. As a result of the penetration of the state into the everyday life of Chinese society, there was little room for citizens to organize spontaneously or independently. Though occasional protests took place, such as the workers' protests in Shanghai in 1957 (Perry 1994), they were sharply put down, stymieing further collective action.

With the rise to power in 1978 of market-oriented reformers led by Deng Xiaoping, the economic and social infrastructure of Maoist China underwent fundamental transformation. The diversification of ownership systems, the relaxation of controls over rural-urban migration, the expansion of foreign trade, the introduction of foreign investment, and the dismantling of the rural commune system led to the pluralization of interests, and thereby increased social differentiation and stratification. Aware that the old systems for connecting with society—and in particular the mass organizations—were no longer adequate for reaching out to an increasingly complex society, from the late 1980s onwards the reformers began to

encourage the development of new forms of association. These included, for example, trades associations, professional associations, learned societies, cultural and sports clubs, chambers of commerce, and business associations. A key protagonist of this opening up of space was the well-known economist Xue Muqiao. In an article written in 1988 he argued that as the state took on a more indirect role in economic management, so certain functions previously carried out by the state could be passed over to traders and business people. These economic associations could then "serve as a bridge between the state and enterprises."

From the mid-1980s onwards, new social organizations (*shehui zuzhi*) mushroomed across China. It was against this background that China-watchers introduced the concept of "civil society" into their analysis (White, Howell, and Shang 1996; Gold 1990; Gu 1993/4; He 1997; Huang 1993; Rowe 1993; Sullivan 1990). In doing so, many sought not just to use the term to describe a sociological phenomenon of increasing civic organization, but also to express a normative aspiration that such a development might herald the democratization of China. The embracing of this concept, moreover, reflected broader global trends whereby popular democratic movements in Eastern Europe, Latin America, and Africa had led to the overthrow of unpopular, authoritarian regimes. Indeed, East European scholars were the first to revitalize the idea of civil society to articulate their vision of a more democratic polity and society (Keane 1988).

The growth of social organizations reached a peak in the late 1980s, when the spread of China's democracy movement and the subsequent government clampdown in June 1989 brought their proliferation to a rapid halt. The party prohibited all organizations deemed a threat to its continued rule, such as the various autonomous students' unions and trades unions. The crackdown on protestors in Tiananmen Square on June 4 led Western observers to be far more cautious in declaring the emergence of a civil society in China and in predicting democratic regime change.

In October 1989, the party began to assert greater order over the sphere of social organizations by issuing new Management Regulations on the Registration of Social Organizations, replacing the 1950 regulations. These made the process of registration more complex and demanding, with prospective social organizations now required not only to register with the Ministry of Civil Affairs (MOCA) but also to identify a supervisory unit (*guakao danwei*) that would act as their sponsor and be responsible for supervising the activities of the appended social organization. The new regulations sought to establish a corporatist framework for governing social organizations, limiting, for example, the number of associations in any one domain to only one.[2] The issuing of the 1989 regulations clearly slowed the pace of growth of registered social organizations.

The tight grip of the party over society began to yield in the early 1990s as market reformers began to gain the upper hand over the more ideologically conservative elements of the party. Deng Xiao Ping's tour of Southern China in 1992 marked this subtle shift in power and heralded a further deepening of economic reform. It was within this context of political easing that the seeds of a new phase in the

development of civil society were sown. Two outstanding features distinguished this new phase of development: first, the proliferation of associations addressing the needs and interests of social groups marginalized in the reform process; and second, the growth of new forms of association that skillfully bypassed the need to register as social organizations (Howell 2003). In the 1980s and early 1990s the majority of registered social organizations were found in the realms of academia, business, trades, culture, sports, arts, and professional interests. There were relatively few independent organizations that concerned themselves with issues of poverty, social disadvantage, or marginalization, or with public affairs. Pei's (1998) analysis of a sample of social organizations found that national-level charitable groups and foundations increased from two in 1978 to only sixteen in 1992, making up just two percent of all registered national social organizations. The paucity of charitable groups and foundations was due in part to the ongoing provision of basic social welfare through the urban state and collective sectors, albeit uneven in coverage. Though the production process had been opened up to private investment, both domestic and international, there was no for-profit or not-for-profit private sector in welfare provision.

From the early 1990s onwards, a new stratum of organizations emerged that sought to address the needs and interests of those who were vulnerable and marginalized in the reform processes. These associations took up issues such as HIV/AIDS, domestic violence, poverty, disability, migrant workers' rights, health and safety, and environment and industrial pollution. Since not all of these organizations are registered, establishing precise figures is not possible. Nevertheless, available evidence points to several hundreds by the end of the 1990s (China Development Brief 2001). Though this stratum of organizing has developed rapidly in the 1990s, their numbers remain limited, especially for groups such as sex workers or people living with HIV/AIDS, who face much social prejudice.

The second distinguishing feature of civil society from the mid-1990s onwards relates to the dynamic ingenuity of some Chinese citizens in bypassing the registration process. In November 1998 the party-state made further revisions to the regulations on social organization in an attempt to gain further control over the associational sphere. As a result the number of registered social organizations fell from 220,000 in 1998 to 136,841 in 2000, almost a third less than the 181,060 groups registered in 1993. Nevertheless this did not stop people from finding ways to organize around shared concerns. These included affiliating as second- or third-level bodies to a registered, established association, thereby obviating the need to register; forming networks that got around the regulatory restriction on forming branch organizations; organizing through projects sponsored often by foreign donors; meeting informally through salons, clubs, and loose networks; setting up research institutes and centers under the protective cover of universities; and registering as nonprofit companies with the Industrial and Commercial Bureau. In this way dynamic people maneuvered around the regulatory regime, recapturing associational space and pushing back the barriers that the party had tried to impose.

These two features of civil society in China have continued into the new millennium. At the same time, the party has introduced new laws to promote foundations and charities. It has also further parsed out registered organizations, dividing them into social organizations, foundations, and nonprofit enterprises, each with its own corresponding set of regulations. Apart from these registered entities the realm of nonregistered organizing has remained alive, provided it stays within the limits of acceptable activity as defined by the party. Nevertheless, there have been three key moments in the first decade of the new millennium that have prompted seemingly contradictory state responses of restriction and promotion.

The first of these relates to the more general global backlash against civil society that was becoming apparent at the turn of the millennium (Carothers 2006, Howell et al. 2007). A number of parallel trends were converging in the late 1990s to raise concerns about the probity, accountability, and legitimacy of nongovernmental organizations. These concerns gained increasing salience following the launch of President George W. Bush's "war on terror," which cast suspicion on charities as entities that were vulnerable to misuse by terrorist groups (Howell and Lind 2009). At the same time, President Vladimir Putin was also becoming increasingly concerned about the role of foreign-funded NGOs in national political processes. In particular he suggested that the Colour Revolutions that had occurred in the Ukraine, Georgia, and Kyrgyzstan were in part engineered by Western-sponsored democracy and rights groups. Putin's concerns caused alarm amongst China's political leaders, who from late spring 2005 quietly set about investigating international NGOs, foundations, and foreign-funded local nongovernmental groups. Part of this effort involved a review of NGOs that had registered under the Industrial and Commercial Bureau so as to avoid the more stringent requirements of the MOCA, and led to the closure of several NGOs deemed politically sensitive.

The second key moment was the boost given to volunteering and government perceptions of nongovernmental organizations in the aftermath of the earthquake in Sichuan province in 2008 (Teets 2009). This event brought into sharp relief the Janus-like response of the party to collective action in China: on the one hand, the party welcomed the contribution that volunteers and nongovernmental agencies could make in emergency relief situations, adopting as a result a more constructive approach towards such independent organizing. On the other hand, the party recoiled at spontaneous initiatives that criticized local government officials for corruption, which they saw as underpinning the poor quality of school construction. As a result, journalists, parents' groups, and dynamic, critical individuals encountered the heavy hand of the state in response to their calls for accountability and transparency, and their attempts to stimulate a public discussion about corruption.

The third key moment that shaped civil society's recent development were the Olympic Games, which were held in Beijing in 2008. Concerned about potential terrorist attacks and protests,[3] the party had already taken various measures in preparing for the Olympics to ensure the smooth running of the event. Internet

cafes were closed down; websites blocked; human rights lawyers such as Teng Biao, who had defended AIDS activists and Falun Gong practitioners, were detained, and dissidents such as Hu Jia, a civic rights and AIDS campaigner, quickly removed from sight. The outbreak of demonstrations in Tibet in March 2008 led to a crackdown on protestors and monasteries in the province, enhanced surveillance of websites, and attacks in the media on the influence of external Tibetan campaigns. In addition, attempts to thwart the progress of the Olympic flame around the world so as to draw attention to issues such as Tibet, the Falun Gong (Ostergaard 2003) and secessionist struggles in Xinjiang province fuelled party leaders' concerns that external forces were seeking to interfere in China's affairs and destabilize the country.

The development of civil society over the last three decades has thus been characterized by cycles of contraction and expansion, with each cycle representing a gradual widening of associational space. Nevertheless the boundaries of what is possible continue to be contested and negotiated. Organizing around certain issues such as secession in Tibet or Xinjiang, legalization of the Falun Gong, democratic regime change, or independent trades unions remains out of bounds. In the next section I look at the combination of factors that have underpinned this incremental, cyclical pattern of civil society development.

2. Explaining Cycles of Contraction and Expansion

How can one account for this incremental, cyclical pattern of civil society development in China? Answering this question requires an understanding both of the economic, social, and political factors that have prompted citizen organizing and government tolerance, and of the forces that have constrained the expansion of civil society organizing. The first point to make is that market reformers recognized the need to open up intellectual spaces so that scientific and knowledge from the West could be used to accelerate economic growth. The reinvigoration of the China Association for Science and Technology and the growth of learned societies, professional associations, and academic associations reflect this drive to promote modernization and fundamental economic change.

Second, as the reforms deepened in the 1990s, the institutional architecture of social welfare was also gradually dismantled. In particular, the intensification of state enterprise reform from the mid-1990s onwards led to the streamlining and closure of state enterprises,[4] bringing in its wake the laying off of millions of workers (Lee 2007). The diversification of ownership systems along with state enterprise reform weakened the work unit (*danwei*) both as a site of political and ideological control over society and as a system for providing social welfare. Employees in state

enterprises, particularly larger ones, had typically enjoyed guaranteed life employment, pensions, and access to schooling and health care, crèches, and kindergartens. With the introduction of the market and increasingly competitive pressures on the state sector, these systemic advantages have been gradually eroded. In response the party-state has gradually, albeit slowly, introduced new systems of social security, pensions, and social and medical insurance (Chan et al. 2008). However, migrant workers remain poorly covered by these schemes, while access to healthcare has become an increasingly divisive marker in society (Yao 2005).

The processes of state enterprise restructuring and social welfare reform have provided a context in which the CCP has recognized the need for a more diverse portfolio of service providers. Provincial governments across China have experimented with community-based social welfare provision and have welcomed the activities of newly established nongovernmental welfare groups, especially where these address sensitive issues such as HIV/AIDS that local governments find more difficult to deal with openly (Howell 2003). Furthermore, the service sector has also functioned as a way to absorb excess labor and workers laid off in the process of state enterprise reform. Awareness among party and government leaders of the potential contribution of nongovernmental organizations and voluntary activity to welfare issues was further heightened in the Sichuan earthquake of 2008. As volunteers from all over China raised money for earthquake victims and travelled to Sichuan to assist in relief operations, official appreciation and acceptance of the merits and utility of citizen action was strengthened. This not only reinvigorated discussions around creating a more enabling legal and regulatory framework for nongovernmental service-oriented organizations to operate, but also crystallized a picture of citizen action that was acceptable to the party—namely, a service-oriented, apolitical "harmonious" civil society.

The third factor favoring the expansion of nongovernmental initiatives was the need to address the increasingly diverse and differentiated interests that had emerged in China as a result of market reforms. With the weakening of the *danwei* system, the development of a private sector, and the deepening of state enterprise reforms, relying on the old mass organizations as the main intermediary channel between the party and society became increasingly inadequate. Though the mass organizations have adapted their structures, approach, and activities to relate to their increasingly complex and fluid constituencies more effectively, the need for new interests to find organizational expression was important for ensuring social stability and government control over society.

Technological change has also fuelled both the opening up of political space and the ferocity of state resistance. In 2009 there were over 384 million Internet users in China.[5] While the party has developed sophisticated means for blocking websites, blogs, and interactive media, such as the 2003 Golden Shield project, Chinese "netizens" have also become increasingly adept at circumventing and resisting these controls. For example, the well-known artist Ai Weiwei, who designed the beehive stadium for the 2008 Beijing Olympics, rallied Chinese netizens to stay offline on July 1, 2009 in response to the party's plans to introduce the

new Green Dam Youth Escort censorship software into all new computers. Faced with widespread domestic criticism, the government backed down, declaring the uploading of the software as optional. Given the horizontal linkages that the Internet fosters both domestically and internationally, this will continue to be an important battleground shaping the limits of intellectual expression and mobilization in China.

Finally, China's engagement internationally has been a key spur to the development of civil society,[6] as illustrated, for example, by the rapid growth of more independent women's organizations in the run-up to China's hosting of the Fourth World Conference for Women in 1995 (Howell 1997). Women across China began to set up salons, associations, and gender research groups, addressing the increasingly diverse interests and needs of women and promoting a gender analysis approach. The ACWF began to describe itself as an NGO and set about establishing new affiliated social organizations under its umbrella. External players have also contributed to greater political tolerance for citizen organizing. Relevant here is the growing layer of international development organizations that began to operate in China from the 1990s onwards, supporting and encouraging the growth of local nongovernmental groups to implement development projects aimed at poverty reduction.

While a combination of factors has hastened the emergence of certain kinds of civil society organizations in China, political and social factors have also constrained the development of civil society. Aware of the destabilizing effects of rapid economic reform and the growing socioeconomic and regional inequalities, party leaders have kept a wary eye on citizen organizing, particularly at the time of key political events such as the 17th Party Congress in October 2007 or the sixtieth anniversary of CCP rule in October 2009. The party has consistently opposed any form of citizen action around issues such as the separation of Tibet or Xinjiang from China; the Falun Gong; organizing independent trades unions; setting up alternative parties that challenge CCP rule; or initiatives calling for democracy. Moreover, the party's tolerance for criticism is still crucially low. Two recent incidents testify to this. First, citizens who protested the poor quality of construction that led to the collapse of schools in the Sichuan earthquake have been harassed by security agencies. Second, in the wake of the 2008 milk powder scandal, human rights lawyers and parents seeking compensation and disclosure of state involvement have similarly been harassed by the state. How much the party is prepared to tolerate has been subject to ongoing contestation within the party, among academics, and by civil society actors who test the boundaries in various ways. Maintaining social stability has been a key concern and legitimizing discourse for the party in both clamping down on civil society actors and in proceeding at a snail-like pace with improving the regulatory and legal regime.

The corporatist legal and regulatory framework has also had a constraining effect on the development of a legally based civil society. By 2009 the party had put in place a range of legal and policy measures to guide the registration and

management of nongovernmental organizations. These included, for example, the 1998 Provisional Regulations for the Registration and Management of Popular Non-Enterprise Work-Units, the 1999 Law on Donations to Public Welfare Undertakings, the 2004 Regulations on the Management of Foundations and the 2008 Enterprise Income Tax Law, making it easier for companies to donate to charities. However, a planned charity law still remains in draft form. Similarly plans since 2004 to permit the legal registration of foreign social organizations have continued to drag on, not least because of underlying suspicion about the political intent of such organizations. While the development of such a framework testifies to the party's recognition of the relevance of these nongovernmental groups, the measures themselves still remain a barrier to their legalization and public recognition. Hence the tendency since the late 1990s has been for many groups to bypass these measures in innovative ways, and for local governments to cast a blind eye, aware that these groups are harmless and/or useful in addressing local needs and interests.

Another factor constraining the development of civil society has been party leaders' suspicion that external powers are trying to destabilize China. For example, during the July 2009 Xinjiang riots, the CCP accused Rebiya Kadeer, an exiled leader of the World Uighur Congress, of instigating the unrest. However China has also skillfully manipulated U.S. politics to counter secessionist tendencies in Xinjiang. After the U.S. government under President George W. Bush launched the so-called war on terror in 2001, China agreed to demonstrate its alliance with the United States in return for putting the East Turkestan Islamic Movement on the U.S. terrorist watch list. Chinese government suspicion of external influences also lay behind the investigation of international NGOs and foreign-funded Chinese NGOs in the mid-2000s.

A further constraint has been the lack of understanding among political leaders and the public about the role of nongovernmental agencies. The general public has remained suspicious about the purpose and intent of nongovernmental organizations seeking to harness their time or money, which has made fundraising difficult. A scandal surrounding the Project Hope campaign in the late 1990s did little to instill public confidence. In the run-up to the Fourth World Conference on Women the ACWF began to refer to itself as a nongovernmental agency, even though ACWF cadres at the time were not very clear about what a nongovernmental organization was, nor whether they were themselves governmental or nongovernmental, not least because many so-called nongovernmental organizations have often been supported by the state in terms of office space, equipment, and sometimes staff; some have been initiated by central and local governments; and some have very close connections with state officials at different levels (Chan 1993 Unger 2008, White, Howell and Shang 1996). Still, to suggest that civil society does not exist in China because of a lack of autonomy from the government fails to capture the dynamism and initiative that has come from independent actors driven to organize around a need, interest, or issue. Indeed, close cooperation with the state is a feature of many civil

societies around the world, particularly in relation to governmental contracting out of service provision to the non-for-profit sector, the United Kingdom being a prime example.

Finally, foreign investors and companies interested in staking a share in China's domestic economy have also contributed to state controls over civil society, in part through their agreement to partake in censoring. For example, both Google and Yahoo signed agreements with the Chinese government to censor certain information on their sites in China in order to secure access to the Chinese Internet market. However, in early 2010 Google declared that it would no longer agree to censorship controls over the flow of information and websites. Though this move has garnered some domestic support, critics have condemned it as playing into the hands of the Chinese government by yielding space to alternative Chinese internet providers, who will willingly comply with government censorship demands.

3. CONCLUSION

The development of civil society in China has proceeded in an incremental, cyclical fashion, with periods of contraction followed by periods of expansion. Compared to the late 1970s when market reformers consolidated their power and embarked upon a fundamental program of economic reform, the spaces for independent organizing and the expression of ideas has widened considerably. Though the party maintains a tight hold over any organizing or expression of ideas that it deems threatening to social stability and the continuation of its rule, it is also increasingly receptive to the idea of a depoliticized, "third sector" of welfare-oriented social organizations, charities, and foundations. This incremental, cyclical pattern of development points to the ongoing contestation and negotiation of boundaries between state and civil society. In particular it highlights both the contradictory impulses of the party towards civil society organizing, and the growing resistance of civil society actors to restrictions on their freedoms of expression and association.

As China becomes more deeply integrated into the global economy and assertive in global institutions, it will also become increasingly subject to international scrutiny. Global economic, cultural, and social linkages as well as the Internet will make it harder for the party to control the supply of information, analysis, and opinion. Political leaders' concerns about social stability and potential threats to party rule will continue to drive a more restrictive approach to civil society organizing. At the same time, however, the need to address issues of social welfare and social inequality and to find new channels for the articulation of grievances calls for a more pragmatic and inclusive approach to governing society. Finding an effective way of addressing multiple, complex interests and channeling discontent will be crucial for the maintenance by the party of stability and its continued rule in China.

NOTES

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1. On the ACFTU see Harper (1969) and Taylor et al. (2003) and on the ACWF see Davin (1976) and Howell (1996).

2. The classic work on corporatism is by Philippe Schmitter (1974). The concept has been applied to China by, for example, Chan (1993), Unger (1996, 2008), and White, Howell, and Shang (1996).

3. For a detailed survey of collective protests in China see Cheung et al. 2006.

4. Between 2001 and 2005 the number of state-owned enterprises had fallen by 48 percent (Du 2005).

5. See "China Internet Usage Stats and Population Report" in *Internet Usage and Population Stats*, www.internetworldstats.com (accessed on February 7, 2010).

6. On the increasing internationalization of China, see Zweig (2002).

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