Routledge Handbook of Civil Society in Asia

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China

Publication details

Anthony J. Spires
Published online on: 27 Sep 2017

How to cite :- Anthony J. Spires. 27 Sep 2017, China from: Routledge Handbook of Civil Society in Asia Routledge
Accessed on: 04 Jan 2021

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The state and the field

The study of civil society in contemporary China has been approached almost exclusively through the lens of state–society relations. The “opening and reform” initiated by Deng Xiaoping began China’s spectacular economic ascent in the 1980s; however, on the whole, it has led to little political reform. The Chinese Communist Party (CCP) remains in control, and whether we describe the country as an authoritarian state or as “post-totalitarian” (Chan 2005), it is clear that the CCP leaders are intent on maintaining their control over society through any means possible. How control over society is pursued, particularly control over burgeoning, independent societal forces, is the question that has engaged most studies on civil society in China for the last twenty-five years. In this chapter, I address this question but also highlight the agency of grassroots actors to argue that they are not mere passive players in a game whose rules are established by the state.

This chapter is divided into three main parts. First, I discuss the debate over the conceptualization of civil society in China by tracing the interest in government-led efforts to establish and control “government-organized non-governmental organizations” (GONGOs) in the 1990s and connecting it to emerging studies on the bottom-up “grass-roots” non-governmental organizations (NGOs) that began to blossom after the turn of the millennium. Second, I consider the ways in which the Chinese state has—despite its recurring use of extra-legal repression—aimed to govern civil society through an evolving legal and regulatory framework that culminated in the passage of a Charity Law and a Law on International Nongovernmental Organizations (INGOs) in 2016. In the third and concluding section, I point out areas of research that hold promise for deepening our understanding of Chinese civil society.

Changing and challenging conceptualizations

Corporatism and the search for an autonomous civil society in China

The scholarly search for civil society in China began in earnest in the immediate aftermath of the violent suppression of protests at Tiananmen Square in June 1989. Motivated by the explosive social unrest made visible by the demonstrations, in 1993, the journal Modern China brought...
together historians and social scientists to explore the applicability of the civil society concept and the significance of emergent non-governmental organizations (NGOs) in China (Chamberlain 1993; Huang 1993; Madsen 1993; Rankin 1993; Rowe 1993; Wakeman 1993). In the same year, Craig Calhoun, a witness to the Tiananmen Square events, urged that discussions of civil society’s history and potential rise in China should focus less on “the mere presence of institutions outside the realm of the state” and more on “whether those extra state institutions have substantial capacity to alter patterns of integration or the overall exercise of power” (Calhoun 1993: 278).

These publications nurtured a sense of urgency in the social sciences about what civil society in China looks like, whether it exists, and—if it does exist—what it means for the country’s social and political development. Yet, the line between the state and the “non-governmental” in China has not been easy to distinguish. Even before China’s economic reforms began in earnest in the early 1980s, the Chinese government had established several “mass organizations” that it would later claim to be the equivalent of the civil society associations that are central to social and political life in the United States and other democracies. The All-China Federation of Trade Unions (ACFTU), the All-China Women’s Federation (ACWF), the Communist Youth League (CYL), and other mass organizations were established under the strict control of the Maoist party state. Such groups were intended to be the special representatives of their various constituencies and to operate as “transmission belts,” assisting in the work of the government by bringing the needs of society to the attention of the leadership while conveying state policies and ideology to the masses.

Despite the Chinese state’s desire to remain in control of associational life, in the lead-up to the 1995 United Nations’ Fourth World Conference on Women, China was forced to grapple with the issue of what “real” non-governmental organizations entail. Beijing had strongly lobbied to host the event, but because the United Nations charter guarantees NGOs the right to participate in an advisory capacity, China had to prepare for an influx of international NGOs looking to attend a parallel NGO forum. Thus, the Chinese authorities had to contend with the question of whether China had its own NGOs that could attend such an event or whether it would be isolated from this part of the international community. The sociologist Naihua Zhang relates how at an international preparatory meeting held in Manila in 1993,

> the vigorous, spontaneous interaction and exchange among the participating NGOs was a challenging and eye-opening experience for the Chinese delegations. The ACWF delegations also found themselves at the center of a debate over the validity of the ACWF’s presence at the conference as some participants charged that it was not a “real NGO.”

(Zhang 2001: 159)

In response to this criticism, Zhang writes, “the Chinese government formally termed the ACWF ‘China’s largest NGO that aims at raising the status of women’” in a proclamation aimed at an international audience; however, this new description did not change its domestic identity (Zhang 2001: 159).

Given the violent suppression of a (potentially) nascent civil society that initially generated extensive interest, it is somewhat surprising that, until recently, published studies of associations in contemporary China have focused predominantly on GONGOs (Chan and Qiu 1999; Foster 2001, 2002; Ma 2006; Pearson 1994; Unger and Chan 1995; Whiting 1991). While many scholars have focused on issues of autonomy and influence, most have also generally assumed or concluded that China’s authoritarian state is strong enough to effectively eliminate the space for

Still, scholarly interest in GONGOs is well warranted. Since the early 1990s, China has established a panoply of GONGOs, including sports associations, business associations, academic associations, and groups dedicated (at least in name) to other fields of activity. Elizabeth Economy (2004) points to various motives for this phenomenon, including finding resting spots for retired cadres and redundant staff who were left jobless during the government downsizings of 1998 and 2003. According to official statistics, at the end of 2015, there were over 662,000 registered “NGOs” in China (Ministry of Civil Affairs of the People’s Republic of China, 2016), and most of them are widely assumed to be GONGOs. The Chinese government has been quite happy to present these organizations as “NGOs” to foreigners in order to attract foreign funding and boost the legitimacy of its GONGOs in the eyes of the world (Economy 2004; Zhang 2001; Zhao 2006). Nonetheless, within China, the government has chosen to equate the English term “NGO” with the Chinese terms minjian zuzhi (people’s sphere organization) or, since 2008, shehui zuzhi (social organization). For domestic NGOs, at least, these renderings are politically preferable to the literal translation of “non-governmental organization” (fei zhengfu zuzhi) because the prefix “non” (fei) can be interpreted in Chinese as “anti” (fan).

Consistent with the analysis of authoritarianism put forth by Philippe Schmitter (1974) and affirmed by Wolfgang Streeck and Lane Kenworthy (2005), scholars have identified China’s GONGOs as examples of state-led “corporatism” in which the state recognizes only one sectoral organization and aims to use that organization to maintain communication with that sector of society (Chan 1993; Wu 2002; Yu 2007). Bringing the concept of corporatism to bear on the analyses of China, Jonathan Unger and Anita Chan underscore the fact that in a corporatist system “the state determines which organizations will be recognized as legitimate” (2008: 49) and argue that “China is more corporatist … than any other nation that we know of, in that all associations not only must be officially registered but also must first have a Party or state-related sponsor in order to register” (Unger and Chan 2008: 55). The prominent Chinese scholar and democratic theorist Keping Yu has promoted a similar view, arguing that “China has already formed a civil society,” but that “like China’s market economy and democratic politics, it displays its own special characteristics,” first of which is that “Chinese civil society is a typical government-directed type of civil society” (2007: 20). Such perspectives and studies have advanced our understanding of how an authoritarian government can act to shepherd potential citizen groupings into politically palatable organizations under its own control. At the same time, this line of research has increased our understanding of the struggles over power and autonomy between these GONGOs and various government agencies (Economy 2004; Foster 2002).

**Grass-roots NGOs and the emergence of bottom-up civil society**

Although the corporatist nature of civil society growth in China seems to have led to a consensus that autonomy is limited, many studies are rooted in a Tocquevillean tradition that expects associations to have a democratizing effect on the state (Foster 2001). Such democratic premises are evident in the work of scholars who have suggested that groups closely aligned to the government may also push forward the development of civil society and open the political system to more voices (Hsu and Hasmath 2014; Teets 2014). Rather than viewing the requirement to have a supervisory agency as an enervating control mechanism, the former head of the Ford Foundation’s Beijing office (and political scientist) Tony Saich (2000) suggested that registered
NGOs can operate within the constraints of the regulations in a fairly efficacious, but not completely independent manner. Saich, as others, argued that such organizations benefit from the legitimacy and protection extended by their sponsoring agency and may also be granted greater access to policy makers.

Despite the proliferation of GONGOs since the early 1990s, over the past fifteen years, we have also observed the emergence of grass-roots NGOs that do not fit easily within the corporatist framework. These unofficial, “bottom-up” grass-roots NGOs (caogen zuzhi) lie outside the vertical control mechanisms that the party has tried to impose and are formed by Chinese citizens without the government’s initiative or approval in social spaces where the government is absent, impotent, or unwilling to act. Typically, they provide some sort of social service in fields such as HIV/AIDS, labor rights, environmental protection, and education. Some also engage in explicit advocacy, although many blur the distinction between advocacy and social service delivery. Of course, the extreme political sensitivity of true civil society associations in China and in any authoritarian state should not be underestimated. Since NGOs potentially provide alternative spaces for political organizing and mobilization, they are viewed by some members in China’s government as a serious threat.

People in grass-roots NGOs commonly seek to emphasize their differences in comparison with GONGOs—“those government-run groups” or groups “with a government background.” Grass-roots NGOs, in common estimation, are not government creations, nor spin-offs of government agencies looking to push cadres into early retirement or create an NGO “hat” for officials to wear when traveling overseas. By and large, they receive neither funding nor tangible assets (such as free office space) from government agencies. They are run by local Chinese people, who are not answerable to the headquarters in another country. They may receive funding from foreign governments or foundations, or locally from their founders, volunteers, or members. They may be organized by social elites or by people without a high-school education. They may operate under top-down power structures and clear hierarchies, or they may show a high degree of internal democracy. They may comprise staff, volunteers, members, or a combination of the three. Last, they may be legally registered with the government as NGOs or businesses, or they may not register with the government in any form. As in other authoritarian regimes, unregistered groups run the political risk of being branded “illegal organizations,” while those registered as businesses risk being shut down for fraudulently presenting themselves as non-profitable to their funders and the public.

Given the challenges faced by independent associations, along with the government’s efforts to create its own officially approved GONGOs, how do ostensibly illegal grass-roots organizations survive in China’s authoritarian state? For NGOs with close government ties, personal relationships or “guanxi” have played a key role in NGO strategies to win support from the government (Zhao 2004). Carolyn Hsu’s study of seven early-wave Chinese NGOs, which were mostly started and staffed by people with previous state-sector work experience, found that “all of their leaders insisted that cultivating good relationships with state agencies was the key strategy for securing organizational resources because of the state’s capacity to permit or constrain access to even non-state resources” (Hsu 2010: 267). Jingen Zhang and Wenjia Zhuang (2008), in a case study of a housing complex association, found that a strategy of “informal politics” was the only pathway through which a grass-roots organization could interact with and hope to affect the government, given the lack of formal structures for NGOs to participate in China’s current political structure. Likewise, Andreas Fulda, Yanyan Li, and Qinghua Song (2012) found that grass-roots groups were increasingly pursuing trust relationships with government actors, and seeking out “first-in-command” cadres in order to build a collaboration that would yield tangible benefits for both the state and NGO actors. The situation varies greatly
across regions and issue areas, as well, requiring adroit “reading” of the local political climate and the personalities of relevant government officials involved. Groups working on environmental issues, HIV-AIDS, and LGBT rights have met with unpredictable levels of support or obstruction from local officials when seeking legal registration and funding (Hildebrandt 2013).

Drawing on interviews and participant-observation in China, I have argued (Spires 2011) that grass-roots NGOs survive in China due to the fragmented nature of the Chinese state and the ways in which media censorship works to keep information local. Chinese grass-roots NGOs have survived only insofar as they refrain from making democratic claims and address the social needs that might fuel grievances against the state. For its part, the state tolerates such groups as long as particular state agents can claim credit for any good works while avoiding blame for any problems. Thus, grass-roots NGOs and China’s authoritarian state can coexist in a “contingent symbiosis” that—far from leading to an inevitable democratization—allows illegal groups to operate openly while relieving the state of some of its social welfare obligations. Subsequent studies, in particular a three-province survey of grass-roots NGOs (Spires, Tao, and Chan 2014), provide support for this coexistence thesis. By comparing 263 NGOs across issue areas (including HIV, education, environment, and labor rights) and regions (Beijing, Guangdong, and Yunnan), my colleagues and I found that grass-roots groups were tapping into high levels of human resources—volunteers, boards of directors, and informal government ties—even in the absence of official government approval for their activities.

Regulating civil society

Given the rapid increase in registered NGO numbers over the past twenty-five years—from just over 4,000 groups in 1989 to more than 600,000 in 2015—one might be tempted to conclude that China has experienced an “associational revolution” akin to that identified by Lester Salamon and Helmut Anheier (1997) in other areas of the world. However, prior to the Charity Law of 2016, government regulations required that all NGOs, in order to be registered, must first find a professional supervisory unit (PSU) within the government—an arrangement designed to allow the government to regulate, organize, and monitor NGOs better. This requirement has been widely perceived as the biggest legal obstacle to grass-roots groups that wish to become registered NGOs.

The Chinese state’s official regulatory framework governing civil society has evolved alongside the transformation of civil society since 1989. Prior to the promulgation of the Charity Law, extant regulations made it extremely challenging for most grass-roots civil society groups to register as “proper” NGOs. While many groups could find informal support from government agencies, few government officials were willing to risk their professional reputations and future by agreeing to serve as a formal supervisory agency for NGOs. Without legal status as an NGO, basic organizational tasks, like opening a bank account or signing a lease for office space, present obstacles to establishing a formal organization. Even where these have been accomplished through some means, fundraising efforts have depended on personal trust in the NGO’s founder and the power of the group’s mission and vision since unregistered groups (and even some registered ones) cannot provide tax deductions to donors. The media was banned from reporting on “illegal organizations” in 2005, which meant that most grass-roots groups could only be covered under the guise of “good individuals” doing good work, and not as organizations per se. The term “civil society” (gongmin shehui) was itself banned from the media several years later, thus limiting the popularization of the concept beyond academia. Moreover, in 2011, a former high-ranking official published an article in an official party-approved journal claiming civil society to be a “trap” laid by Western forces that were hostile to China (Zhou
In 2013, news spread on the Chinese social media platform, Weibo, that university professors were forbidden to talk about seven sensitive issues in class, including universal values, media freedom, and civil society, thus making the latter a taboo term even in the classroom.

At the time of writing (late 2016), we are on the cusp of a potentially dramatic new era in regulation for Chinese civil society. Starting around 2010, in some larger cities like Guangzhou, Shanghai, and Beijing, restrictions were eased on organizations working on “charitable” activities that local governments deemed acceptable. Slowly, some groups engaged in education work, environmental work, or volunteering on particular issues were allowed to register directly under the Ministry of Civil Affairs without needing an additional supervisory agency to vouch for them. While this was a major sign that a “loosening” of controls might be on the horizon, groups engaged in fields deemed politically sensitive, like labor rights and LGBT issues, have continued to be marginalized and are not allowed to register as legal NGOs.

Charity Law of 2016

The Charity Law, which took effect in September 2016, heralds a major shift in the way China regulates domestic civil society organizations.9 Under public discussion since at least 2014, the single biggest change brought by this new law is that “charitable organizations” (cishan zuzhi) are no longer required to find a supervisory agency as their sponsor. If they fulfill all other legal requirements, they can register directly under the Ministry of Civil Affairs. Since the additional supervisory agency requirement was widely seen as the main obstacle to legalization under the older rules, the promise of the new law is that the energies and goodwill of 1.4 billion people will be unleashed and civil society will flourish. Significantly, the law also offers the possibility of legal fundraising for those groups that, once registered, operate “normally” for two years. We can only presume that the term “normally” means not breaking any laws. These two changes could dramatically transform the possibilities for civil society in China.

However, the Charity Law offers a specific definition of “charitable activities” that worries some NGOs engaged in advocacy and, at the same time, fails to mention explicitly areas of work that some NGOs consider as their main mission. Amongst the areas explicitly included are helping the poor, the needy, orphans, those who are ill, the elderly, and the disabled. The provision of relief during times of natural disaster, promoting sports, preventing pollution, and “other public interest activities” are also listed. On the other hand, labor rights promotion is not mentioned at all, nor are legal aid clinics and other activities that involve promoting the rule of law. In a series of focus groups that I ran in early 2016, during an open comment period on a draft of the law, a number of LGBT groups voiced their concern that the law’s proscriptions against harming “societal morality” (shehui gongde) would be used to prevent their advocacy of LGBT rights, awareness-raising on LGBT issues, and community building. Other groups worried that the law’s proscription against harming “national security” would be used as an excuse to exclude them from registering because the authority to define “national security” lies with the government, and the term is frequently invoked to suppress NGO activity.10

In the same focus groups, involving over fifty grass-roots NGO staff in five cities across China, one crucial obstacle to the law’s implementation became apparent as discussions unfolded. Many participants were skeptical that the law would be implemented according to its spirit at the local government level. A number of groups expressed concern that they would not be recognized as a “charitable organization” by local officials, who, they believed, hold a narrow definition of “charity.” Indeed, many of the participants did not initially see how the law was related to their own groups. “People giving out rice at a temple” and “rich people giving away money” were two characterizations of “charity” (cishan) that NGO leaders offered. The law also
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refers to “public interest” (gongyi) activities, a term which many grass-roots groups have adopted for themselves in recent years. But, in the text of the law, “public interest” is used in ways that made focus group participants suspect that the law’s drafters did not understand the work of NGOs or the distinction between working for the public good and doing “charity.” Thus, the NGOs’ lack of faith in local officials and a belief that they would apply the most conservative definition of charity possible limited these groups’ desire to register under the new law. Out of more than fifty participants, fewer than five expressed interest in pursuing registration after the law takes effect; they preferred to stick with the status quo rather than risk adding more challenges to their work.

International Nongovernmental Organization Law of 2016

From the 1980s, as China began to re-open to the world, international NGOs and foreign grantmakers played an instrumental role in stimulating the development of domestic civil society in China. The Ford Foundation, amongst others, provided financial and technical support to people who would later establish prominent Chinese NGOs. The international connections and ideas that flowed into China were also important in exposing future Chinese activists to the norms and values of global civil society. For the past three decades, however, most INGOs working in China have inhabited a legal “gray zone.” In the absence of a clear legal framework, INGOs have managed their China programs with a hotchpotch of formal and informal arrangements. In recent years, twenty-nine foreign philanthropic foundations did successfully register with the Ministry of Civil Affairs under the 2004 Regulations on Foundations, however, they represent only a small portion of the total population of the active foreign grantmakers in China.

The legal framework governing INGO activities in Mainland China changed dramatically on April 28, 2016 when the National People’s Congress passed an INGO Law (also translated as the “Foreign NGO Law” or “Overseas NGO Law”). This new law aims to regulate all activities within Mainland China undertaken by foreign-based, non-profit, non-governmental organizations, including NGOs based in Hong Kong, Macau, and Taiwan. Rather than authorizing the Ministry of Civil Affairs to regulate such groups—it has arguably had the most contact with and the deepest understanding of INGOs—this new law frames INGO activities as an issue of national security, assigning registration and governance authority to the Ministry of Public Security.

In recent years, a central fear of the Chinese state vis-à-vis its own citizens is that Chinese people are being corrupted by “Western ideas,” such as multi-party democracy, human rights, and “civil society.” “Universal values” are a bogeyman that the Chinese Communist Party trots out regularly, depicting them as a trap laid by evil foreign forces seeking to overthrow the Chinese state and bring down the Party. To counter such influences, Party leaders have called on universities, the media, and the government-led Chinese Youth League to re-double their efforts toward “correct” value inculcation and stamping out any views that risk misleading vulnerable young minds. Ominous warnings about US-funded “color revolutions” that will land Chinese in the same dire situation as Syrian refugees are now circulating via official state media.

It is against this backdrop that the new INGO Law should be understood. While state media and official proclamations emphasize the fact that foreign NGOs are welcome in China, the law itself is written in a way that imposes major barriers to the entry of new groups and, very likely, will drive out INGOs that currently work in China. The biggest obstacle will be a familiar one: as with grass-roots NGOs prior to the Charity Law, the INGO Law requires foreign
organizations to first find a “professional supervisory unit” (PSU) from within the government bureaucracy to sponsor their presence and activities in China. On the surface, this may not seem so challenging, as for the past few decades many INGOs have operated programs or made grants to Chinese grantees with the knowledge and cooperation of government officials, even in the absence of a clear legal framework permitting such activities. Such arrangements seemed to suffice for all intents and purposes until the political winds shifted in 2014. That summer, between June and July, the Ministry of National Security launched a nationwide investigation of INGOs, talking with INGO staff as well as government agencies and academic institutions that had partnerships with foreign NGOs and foundations. Grass-roots groups were also investigated and asked to file reports detailing their foreign contacts.

In focus groups and interviews leading up to the INGO Law’s official promulgation in 2016, an almost universal concern raised by INGO leaders was the law’s requirement to seek official sponsorship from a PSU before registering with the Ministry of Public Security.11 In many cases, despite having worked closely with government partners for years or even decades, many INGOs cited their partners’ reluctance to serve as a PSU as the main obstacle in continuing their work in China under the new law. Their concern was that potential PSU heads see political risk—both for their own individual careers and their agency’s reputation—as outweighing any potential benefit they may gain from continued cooperation. In the absence of incentives or guarantees from the central government, many INGOs believed that they would be unable to find a PSU. Since late July 2016, of over twenty INGOs who said they had approached a potential PSU, only one was optimistic about their long-term partner’s willingness to serve as a PSU. In another case, approaching four different potential PSUs had yielded answers including, “We need to wait to see if we will be on the PSU list,” “We need to wait on details,” and “We are not sure if we’ll be qualified.” These were similar to the responses reported by other INGOs. Despite the possibilities implied by such responses, almost all of the INGOs that sought promises of support were pessimistic about their chances of succeeding in obtaining sponsorship from a qualified PSU.

Another concern voiced by a number of groups was the law’s proscriptions against engaging in “political activities.” Since a number of high-profile INGOs have worked with Chinese government ministries on, for example, criminal law reform, education reform, and environmental regulations, their leadership wonders whether these will be interpreted as “political” and, thus, be banned once the new law takes effect. Additionally, the burden on small volunteer-based NGOs, including many from Hong Kong, may be too great to sustain their activities under the new law. Many such groups have few government contacts and only know officials at the village or township level where they conduct small-scale projects or extra-curricular education activities. For these groups, pursuing higher-level political patronage seems intimidating, if not impossible. Time will tell, of course, what strategies can be devised and how tightly the new law will be implemented. At the time of writing (mid-December, 2016), with only two weeks to go before the law is implemented, the Ministry of Public Security has yet to release a list of approved supervisory agencies, leaving many INGOs in limbo regarding the way forward.

Recurring repression

Despite the promises of a more favorable legal structure, repression of civil society is a recurring phenomenon in China. As in other authoritarian states, the Chinese party state is constantly on guard against the formation of independent groups that might challenge its authority. Both individuals and organizations are potential targets, and in the last few years, numerous examples
attest to the Chinese government’s continuing anxiety about threats to its rule. In early 2014, the lawyer Xu Zhiyong and other “New Citizen Movement” activists were put on trial for disturbing public order after organizing “citizen dinners” to discuss current social and political issues. In early 2015, the case of the “feminist five” drew international attention when five young women were detained for planning to hold public advocacy actions against sexual violence. In late 2015, labor rights activists Zeng Feiyang, Tang Huanxing, Zhu Xiaomei, and He Xiaobo, amongst others, were arrested and charged with various crimes.

International NGOs have not been exempted from repression, although in comparison to domestic groups, the authorities have generally been less hands-on due to the fear of creating an “incident” that could harm China’s international reputation. In one news-making case in early 2016, however, Peter Dahlin, a Swedish resident of Beijing, who led a group promoting legal education and defense work, was detained for suspected endangering of state security and was forced to apologize for harming the Chinese nation on television before being deported. Coming after the nationwide investigation of INGOs in 2014 and just as the INGO Law was being publicly floated, this was most likely a case of “killing the chicken to scare the monkeys,” or making an example of a “bad” INGO in order to caution others against getting out of line. Other INGO staff have also reported being “invited to tea”—a euphemism for being questioned—by state security authorities interested in learning more about INGO activities and sources of funding. Prior to 2015, such questioning was generally limited to the PRC national staff working at INGOs. However, with the rise of the INGO Law to the legislative agenda, by late 2016, a number of foreign staff had also received and accepted such “invitations.”

Recent developments and future research

Civil society in China is in a state of flux. From the rise of GONGOs in the 1990s to the emergence of grass-roots groups just after the turn of the century, the field has evolved more rapidly than observers have been able to capture. There is always a scholarly lag in making sense of what happens on the ground, and in studies on China, this is perhaps more pronounced due to the country’s economic and social dynamism. In this section, I aim to highlight a few recent developments that present exciting new opportunities for future inquiry.

Volunteering

Voluntary association and volunteering are two different animals. The former, as insightfully described by Tocqueville, can bring out the best and the worst in human sociability. But civil society’s threat to authoritarian regimes is perhaps best understood through this broad category of activity; it spans a huge range of purposes and implications, from cults (as the Falungong was branded in 1999), business interests, singing groups, hiking clubs, church groups, and teams of volunteer teachers to political party formations. Most such groups have no express political goals, but it is their potential to form a political alternative to the ruling CCP that makes them of such concern to Beijing.

In contrast to the political implications of voluntary association, volunteering as an activity—for whatever purpose—is far less understood as an aspect of contemporary Chinese society. Even the few studies on the 2008 Sichuan earthquake response that mention the outpouring of support from volunteers have mostly considered NGOs and their professionalized staff as the key focus of investigation, and they have been mostly concerned with the relationship between these groups and the state (Teets 2009). While we can see the outpouring of support as a watershed year for volunteering in China, we know little about the diversity of volunteers’
motivations or the impact of encounters between urban, educated youth and the poor, rural, and dispossessed people who are frequently the targets of their efforts.

Yet the story to be told is not only about self-organized volunteering. As Outi Luova (2011) explains, in the wake of the 1989 protests, China’s Ministry of Civil Affairs fixed upon volunteering as a way to reduce social tensions and address the new social needs brought by economic reform and restructuring. The government regularly engages in a “Learn from Lei Feng” campaign to teach children and encourage everyone to follow the example of a now legendary model of self-sacrifice from the CCP’s early days. Similarly, in the lead-up to the 2008 Beijing Olympics, the government’s volunteer recruitment efforts aimed to mold model citizens by promoting discourses of glory and greatness that would give face to the Chinese nation (Chong 2011). Ying Xu (2012) documents how, in recent years, the Communist Youth League (CYL) has worked tirelessly to develop youth volunteering as one of its key purposes, thereby promoting its own institutional legitimacy and survival. In 2013, the CYL celebrated twenty years of organized volunteering, proclaiming that nationwide it had established volunteer associations in all provinces, including in almost 3,000 cities and 2,000 universities. Moreover, it boasted over 130,000 volunteer service sites and had registered more than 40 million volunteers. Collectively, in 2012 alone, CYL volunteers had reportedly performed more than 690 million hours of volunteer service. Yet, how these volunteer activities are received by the young people they seek to mobilize is not well understood. My own recent study of youth-based volunteer associations in southern China has found a strong aversion to such government-led activities, with young people drawing a strong contrast between volunteering with “sincerity” in one’s heart versus government-led efforts that are only “for show.” How this plays out nationwide is unclear, especially in areas where the local culture of self-organized volunteering may be relatively weak.

**Philanthropy**

Private philanthropy received a shot in the arm with the promulgation of the 2004 Regulations on Foundations, which provided the basic structure for setting up a private foundation in China. With the massive amounts of private wealth accumulated in the past twenty years, China’s billionaires have grown to at least 400 individuals and families in 2016, up almost 20 percent from 2015, and more than double the 168 tallied in 2014. While not all of these are establishing private philanthropies, both corporate and family foundations are now emerging as a growing force in Chinese civil society. According to the Beijing-based China Foundation Center—an information clearinghouse modeled on the US-based Foundation Center—at the end of 2010, there were 1,096 private foundations registered in China, but by the end of 2015, there were 3,324 such organizations, a more than a threefold increase within just five years (Ma, Cheng, and Guo 2016: 52).

While the sector’s rapid growth is widely recognized, grantmakers’ motivations, goals, and backgrounds are not well understood. In a recent nationwide survey, Weijun Lai et al. (2015) found that the largest group of private foundations were funded not by entrepreneurs but by government-background non-profits aiming not at supporting grass-roots NGOs but at fundraising for (government-run) universities. Business people in China, as a whole, have been reluctant for their giving to clash with state priorities, choosing “safer” issues such as health and education and often channeling any charitable funds through GONGOs set up as foundations. As such a new phenomenon, and with little transparency in the sector, it remains to be seen whether private, institutionalized philanthropy will support the diversity of purposes embraced and pursued by grass-roots NGOs or simply work to further government goals.
Another recent development in Chinese civil society yet to be adequately understood is the new state policy of government “purchasing of services” from NGOs. This type of outsourcing, of course, is well known in other places and has, in China’s case, been learned most directly from study tours and studies of Hong Kong, the USA, and the UK. Dating from at least the year 2000, when several districts of Shanghai started outsourcing elder-care services, government agencies in large cities such as Shenzhen, Guangzhou, and Beijing regularly put out calls for bids on government projects (Ma 2015). Ranging from projects like after-school educational programs for children to the provision of specialized health services, these programs offer large sums of money to groups deemed “qualified” to apply. The city of Guangzhou has spent an estimated 1.7 billion RMB (roughly US$250 million) on such outsourcing in the past decade. Almost always restricted to the delivery of social services, however, it seems that seldom, if ever, is government funding available for research and explicit advocacy efforts by NGOs. Being unable to register as proper NGOs, for example, prevents most labor rights organizations from participating in outsourcing programs and promoting their rights agenda.

This phenomenon raises many unanswered questions. Do such funding relationships lead to mission creep? Is government funding inducing a new wave of GONGOs, which are created solely for the purpose of obtaining such funds (as described to me by one official)? Alternatively, are groups able to accept government funding for some projects while maintaining a critical stance toward government policy and raising other funds from other sources? (Chaves, Stephens, and Galaskiewicz 2004; Peng 2016). One recent study of protest actions in China argues that the Chinese state practices a kind of “bargained authoritarianism,” wherein the state preserves stability “by depoliticizing state–society confrontation and by allowing aggrieved citizens a certain degree of political leverage and relatively expansive opportunities to obtain material concessions and symbolic rewards from the state” (Lee and Zhang 2013: 1503–1504). Following this line of analysis, NGOs pushing the boundary may be bought off by the Chinese state or, perhaps more commonly, social discontent and disruption—both organized and not-so-formally organized—may be quelled by showering money on key protest leaders. Newfound wealth has indeed brought many new tricks to state maintenance of authoritarian rule. How these changes will facilitate or constrain civil society, however, cannot yet be ascertained from the few studies produced to date.

In addition to government outsourcing of social services, another related phenomenon is government sponsorship of “incubators” (shehui zuzhi fuhua jidi) or “charity parks” (gongyi yuanqu) in various cities. Shanghai’s Pudong Charity Services Park, for example, officially opened in 2009 in an old handkerchief factory and housed twenty-six “social organizations” as of 2012 (Ji 2012). Funded by the local district government, the idea of this park—and others like it in Shenzhen, Guangzhou, and elsewhere—is to promote “innovation, cooperation, and growth” for local organizations (Ji 2012: 61). Scholars have only begun noticing the rapid emergence of these officially sponsored spaces for “social innovation” (a term recently embraced in official propaganda). Incubators typically facilitate the flow of government funds and provide office space and trainings to resident organizations. But, as with purchasing of services, this development begs questions about the management of such spaces, the autonomy of resident “social organizations,” the selection criteria and processes that determine which groups are invited to join, and the surveillance of civil society activities.

Increased funding from government sources also challenges our earlier definitions of a “grass-roots NGO.” Around the years 2006 in Shanghai and 2007 in Guangdong, the local government began promoting the development of social work as a profession and, to further that goal, began the first large-scale outsourcing programs. With a surge in new “social work
organizations” (shegong zuzhi), earlier conceptualizations of “grass-roots groups” as those without government support and without a government background must be revisited. Now that government funding, for its preferred issues, is flowing freely, it may be that some groups are emerging and almost immediately obtaining government funds. Whereas this was politically difficult to imagine at an earlier stage, if not unheard of, in this new era we need to rethink how we distinguish between GONGOs and those “bottom-up” groups that most clearly fit the “pure” definition of civil society organizations. The earlier unidimensional definition lacked scholarly rigor. Yet, it may be possible for new Chinese NGOs to emerge, accept government funds, and still run independently of government influence. This is a question for analysis at the organizational level as well as one that holds significance for understanding the sector overall. Its answer(s) will inform our understandings of civil society’s political implications and of how the Chinese state exerts (or fails to exert) control over potentially independent associations. It may turn out that government funding serves to capture societal energies as they emerge and to co-opt or depoliticize civil society. But, as Mark Chaves et al. (2004) found in a study of nonprofits in the USA, increased government funding might not actually inhibit advocacy work. In the case of China, this is still an open question.

Back to the roots—democracy and civil society

As noted in this chapter’s introduction, the study of civil society in China has largely focused on state-society relations and involved an active search for the democratic stirrings of an independent associational life. Despite periodic crackdowns and persistent repression—and the possibility that government funding will work to co-opt NGOs—there is evidence that civil society is engaging in a kind of quiet advocacy role in a number of fields by giving voice to those outside formal structures of power and authority, and impacting decisions, if not broad policies, that impact their lives.

Diana Fu (2016), for example, finds in a detailed study of “underground” labor NGOs that despite great pressure from authorities, in the face of rights abuses and unfair treatment such organizations promote a “disguised collective action.” In her examples, “claimants are coached to deploy a repertoire of atomized actions that targets the bureaucratic mandate to maintain social stability and also appeals to officials’ moral authority,” helping to “secure concessions for participants while allowing activists to strike a middle ground between challenging authorities and organizational survival” (Fu 2016: 1). In a more above-ground example of online organizing, initiated by an anti-domestic violence feminist organization, Angela Leggett (2016) describes how activists challenged “status quo marginalization of domestic violence in the public sphere and facilitate[d] discussion around formal and informal institutional reform, thereby influencing social attitudes and potentially also policy and law making” (Leggett 2016:1). Similarly, Carsten Vala’s (2012) study of Protestant churches argues that collective action to change church registration policies is not only helping the churches but also working to lessen state domination of society more broadly.

As Tocquevilleans have argued, civil society can constitute a site of training in which participants hone an appreciation for democratic institutions and learn the skills and habits of democracy. In the case of China, the legal scholar Eva Pils suggests, “political pressure on—and sometimes repression of—civil society is met by the strengthening and diversification of resources to resist pressure, and often contributes to rising consciousness of the institutional safeguards needed for a genuine civil society” (Pils 2012: 2). Yet, since participation in contemporary NGOs, whether as staff or volunteers, is a relatively new phenomenon in China, and because such activities are increasingly challenged by political restrictions, the field is in dire need of
in-depth and long-term studies that seek to assess the impact of participation on the individuals involved. Do voluntary associations in China, as Tocquevillian analyses might lead us to expect, teach the skills and habits of democracy? And, given the recurring repression and challenges of doing such work in an authoritarian regime, does long-term participation lead to radicalization of activists and/or a heightened awareness of the possibilities and limitations of state-allowed civic engagement?

Conclusion

Taking action within civil society in China can be extremely challenging since it requires both passion and a willingness to take risks that are near impossible to calculate rationally. For researchers, as well, attempting to observe, measure, understand, and convey to others the situation of civil society in China (while respecting our basic ethical obligations to not harm our research subjects) is a task rife with obstacles. Nonetheless, with the “regularization” of civil society that may be born from the 2016 Charity Law and the INGO Law, the prospects for large-scale survey research on Chinese civil society are greatly improved. Likewise, as some civil society organizations are brought out of the shadows and into the academic spotlight, micro-level qualitative research should also yield deeper insights into the impacts of internal dynamics and external pressures on the sector’s development. With the rise of private philanthropy, volunteering, the spread of the “NGO” as an organizational form, and the possibility of more consistent regulation by the state, we can also anticipate the consolidation of a coherent organizational field (DiMaggio and Powell 1983) that offers itself as a more amenable object of study. If an update to this overview is written in ten years’ time, hopefully, it will be more about what we do know than what we do not.

Notes

1 There are other areas of civil society that have attracted well-deserved attention and careful study. The co-evolution of the Internet and civil society has been documented by Yang (2003a; 2003b) and Tai (2006). Likewise, issues of basic rights and rights-oriented protest have been encapsulated by O’Brien and Li’s (2006) concept of “rightful resistance.” These studies expand the scope of theoretical concerns and the implications of civil society development. In this chapter, however, I focus attention on the organizational actors that are integral to civil society studies.

2 One recurring theme throughout the chapter is that what we do not know about civil society in China far outweighs what we do know. This is, to be sure, due to the difficulties of conducting research on such a politically sensitive topic in an authoritarian state. Unfortunately, these challenges are numerous and cannot be elucidated satisfactorily here.

3 This section draws on and updates the literature reviewed in Spires (2011).

4 For a sample of the few early contrary views against the consensus depictions of Chinese NGOs as “bridges” to the state (Unger 1996) or of GONGOs that are embedded within government agencies (Wu 2002), see Bentley (2004), Chan, Qiu, and Zhu (2005), and Zhang and Baum (2004).

5 Prior to the 2016 Charity Law, regulations set out by China’s Ministry of Civil Affairs (MOCA) established three categories of minjian zuzhi: membership-based “social organizations” (shehui tuanti); private non-commercial enterprises (minban feiqiye danwei) or non-profit social-service organizations; and philanthropic foundations (jijinhui).

6 Kang and Han (2008) have called for a modification of this general understanding. They argue that the government’s official approach has been one of “graduated controls” in which different types of organizations are subjected to varying degrees of governmental supervision.

7 Due to the general restrictions on survey research and the political sensitivity of civil society, to date there has been no comprehensive national survey of registered organizations. However, it is a common consensus amongst Chinese government officials, academics, and NGO participants that GONGOs have comprised the overwhelming majority of registered groups.
8 Other obstacles included fundraising restrictions and a limit on the geographical area within which the NGO is permitted to operate.
9 Chinese and English versions of the law are available at: http://anthonyjspires.com. Earlier, in 2013, a central government document, drawing on local experiments like the one in Guangdong, declared that direct registration should be opened up to business associations, scientific societies, charitable groups, and community service organizations; however, the implementation was not uniform.
11 For a full report of the INGOs’ concerns regarding the Law, visit: http://anthonyjspires.com.
12 Yuen (2015) offers a comprehensive and insightful analysis of the recent repression.

Suggested readings


Websites

China Change is a website with a focus on news relating to civil society and human rights’ activities in China, with the purpose to provide a link between China and the rest of the world.
China Development Brief is a non-profit organization working to provide access to media, research, services and networking to NGOs, Foundations, businesses, researchers, and policy makers, with the purpose to empower China’s civil society.
The China Foundation Center is a registered public charity, working to deliver critical information with the objective of establishing transparency in philanthropic markets in China.
NGOCN is a public service network providing information on industry and recruitment, and news relating to industry-related activity, social development, and public interest topics.

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China


Peng, Qiaoyang. 2016. Grassroots NGOs and their Strategic Alliances with the Chinese State: A Case Study in Guangzhou. MPhil thesis, University of Hong Kong.


