

Approaches to Civil Society in Authoritarian States: The Case of China

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Both civil society in China and research on Chinese civil society have developed profoundly over the last three decades. Research on Chinese civil society can be classified into two categories: a structure-oriented approach and an agency-oriented approach. Both approaches acknowledge the state's dominant position in restricting the political space for civil society engagement, but they differ in their understanding of state-civil society relations. A key concern within the structure-oriented approach is to analyze how the autonomy of civil society organizations is shaped by their structural position vis-à-vis the state. Agency-oriented scholars, on the other hand, reject the analytical focus on structural autonomy. Instead, they build on a more nuanced understanding of the authoritarian, yet non-monolithic context in China and analyze how civil society organizations develop specific strategies to be able to operate within their restricted political space. In particular, agency-oriented scholars have analyzed two ways in which organizations exercise agency: by strategically developing formal or informal ties with state actors, and by bringing their engagement into the public sphere to raise awareness and express their voice. What could be further developed in the agency-oriented approach is, however, a deeper understanding of the political dimensions of civil society agency.

Introduction

Civil society is a broad concept, and there is a tendency to use it to denote rather disparate ideas. Edwards (2011) distinguishes between three main understandings of civil society. First, it can refer to a specific part of society, separate from the state and the market. Second, civil society can denote a specific type of society, characterized by certain norms about the good life such as civility and equality. Third, civil society can refer to a specific space of public engagement, often referred to as the public sphere (Edwards, 2011). In this article, we use the term civil society in the first sense to denote a specific part of society. Within this understanding, civil society can be defined as

...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 (Howell, 2011, p. 159).

Howell (2011) here points to two challenges involved in doing research on civil society. First, it is difficult to delineate clear boundaries between civil society and other parts of society, such as the state and the market. For instance, there is a discussion on whether political parties are part of civil society or political society (Edwards, 2009, pp. 25-26; Van Rooy, 1998, p. 15). Second, when the state has a firm grip on society, there is less open space for civil society engagement outside of the state. This challenge applies more specifically in authoritarian states such as China.

Moreover, we can identify a third challenge involved in conducting research on civil society in authoritarian states. Theoretical perspectives on civil society are mainly based on empirical studies of civil societies in liberal democracies. Scholars studying Chinese civil society therefore engage with concepts and theoretical perspectives carrying certain assumptions regarding state–civil society relations. In this, there is a danger of a mismatch between the theoretical perspectives used and the empirical context investigated. In the case of China, Salmenkari (2013, p. 683) argues that “China studies have tended to use theory in the wrong manner. ... instead of falsifying or correcting the theory, researchers fault China for not fitting the theory”. This is an example of a broader debate on the difficulties involved in transferring theories between different empirical contexts.

In this article, we review the English-language¹ literature on civil society in China. In this literature, civil society is often equated with civil society organizations. Such organizations may include voluntary associations, non-governmental organizations (NGOs), community-based organizations, social movements and non-profit organizations. We

therefore do not review literature on other forms of bottom-up activism such as mass protests, collective action and unorganized online activism. While important to understand state-society relations in China, these forms of activism are usually discussed with little reference to a civil society framework.

The structure of the article is based on our argument that research on Chinese civil society can be classified into two broad categories: a structure-oriented approach and an agency-oriented approach. Here, structure can be defined as “the basic organizational features of particular societies” and agency as “people’s capacities to act” within these organizational features (Chouinard, 1996, p. 384). Both structure- and agency-oriented approaches acknowledge that the Chinese state “wield[s] considerable power and authority over society” (Howell, 2011, p. 159) and restricts the political space for civil society organizations. However, they differ in their understanding of state – civil society relations. Scholars adopting a structure-oriented approach tend to stress civil society’s weak position in the face of a powerful authoritarian state. A key concern within the structure-oriented approach is therefore to analyze how the autonomy of civil society organizations is shaped by their structural position vis-à-vis the state. Agency-oriented scholars reject the analytical focus on structural autonomy from the state. Instead, they are interested in analyzing how Chinese civil society organizations exercise agency within their restricted political space. In particular, scholars have analyzed two ways in which civil society organizations exercise agency: by strategically developing formal or informal ties with state actors, and by bringing their engagement into the public sphere to raise awareness and express their voice. What could be further developed in the agency-oriented approach is, however, a deeper understanding of the political dimensions of civil society agency in the Chinese context.

In the next section, we give an introduction to the development of Chinese civil society in the post-Mao era. We then examine the structured-oriented and agency-oriented

approaches to state – civil society relations in the third and fourth section, respectively. We conclude in the fifth section by elaborating on our call for more attention to the political role of civil society.

Civil society in China

Social phenomena, such as civil society, cannot be understood separately from their social, political, cultural, economic and historical context. While the Chinese economy has reformed and opened up in the post-Mao era, political changes have not led to a democratic transition. China remains an authoritarian one-party state under the leadership of the Chinese Communist Party (CCP). The Chinese party-state is characterized by blurred boundaries between the party system and the state governmental system. In CCP ideology, the party sees itself as the representative of the people, thus there is no real separation between state and society. In practice, however, mechanisms of consultation with the people have been put in place to ensure that information about popular concerns reaches the leaders, thus strengthening the party-state's legitimacy (Lieberthal, 2004). Traditionally, the CCP has used input institutions such as mass organizationsⁱⁱ (Ma, 2006) and letters and visits officesⁱⁱⁱ (Thireau & Hua, 2003) to receive feedback from below and to appear to be in close contact with the people. These traditional input institutions now exist alongside new feedback channels that for instance allow people to participate in budget processes (He, 2011) or express their views through online media (Lewis, 2013) or public hearings (Zhang, 2013).

The growth of civil society organizations over the past decades (Saich, 2000; Wang & He, 2004) is therefore part of a broader process of opening up for bottom-up action and feedback, albeit with certain restrictions. Since the 1990s, a range of organizations have been established to serve marginalized social groups and give voice to new social interests that have emerged as Chinese society has become more diversified (Howell, 2004). These

organizations work with issues such as poverty alleviation (Hsu, 2008), women's rights (Howell, 2001; Li & Li, 2017), environmental protection (Lee, 2007; Lu, 2007b; Ru & Ortolano, 2009; Yang, 2005), labor rights (Chen & Yang, 2017; Franceschini, 2014; Froissart, 2011) and HIV /AIDS (Gåsemyr, 2015, 2017). Chinese civil society organizations do not enjoy freedom of association and are subject to strict registration rules (Ashley & He, 2008; Simon, 2013). The strict registration rules make it difficult for many organizations to become legally registered. Yang and Alpermann (2014, p. 315) therefore refer to the registration system as "insecurity by design". As a result, whether Chinese civil society organizations are registered and how they are registered vary considerably. For instance, some organizations are registered as private businesses because they have been unable to register as social organizations. Other organizations see their chances of acquiring registration as low or choose to operate without registration because this gives them increased opportunities to negotiate or take advantage of complex relationships of power (Hildebrandt, 2011). The continued existence of civil society organizations despite these restrictions illustrates that local and central authorities do not necessarily see civil society as a threat to the state's monopoly on power. The state may even take a lenient stance towards these organizations, seeing them as potential collaborators in the state's project to reduce socio-economic inequalities and ease social conflicts (Hildebrandt, 2011). At the same time, the state has the capacity and willingness to restrict the political space for civil society engagement when such engagement is perceived as oppositional.

Accounts of the development of Chinese civil society in the post-Mao era often point to changes in state policies and attitudes to explain the "cycles of contraction and expansion" (Howell, 2011, p. 164) of the civil society space. Four such cycles shaping the development of civil society in China can be identified (Franceschini, 2014). The first cycle started with Mao's death in 1976. During this period, there was no centralized system for the registration

and management of civil society organizations and their number grew rapidly (Ma, 2006, p. 62). This relaxed attitude changed after the repression of the Tiananmen Square democracy protests in 1989. Fearful of the political consequences of allowing organizations to operate outside the state system, the State Council issued new regulations. In this second cycle, the political space for civil society organizations became narrower and their number diminished (Wang & He, 2004, p. 496). The third cycle was spurred by the international NGO Forum on Women held in Beijing in 1995. During this cycle, Chinese civil society experienced unprecedented growth, despite the continued existence of a restrictive legal framework. This cycle is also characterized by the arrival of international NGOs in China and increased collaboration between domestic and international organizations in areas such as finance, activities and competence building (Chen, 2010; Morton, 2005). The 2008 Olympic Games then created a perceived need for the party-state to increase its control of society. In this fourth cycle the political space for civil society has again become narrower. While NGOs were allowed to participate in the relief work after the 2008 Sichuan earthquake (Shieh & Deng, 2011; Teets, 2009), new restrictions have been placed on civil society engagement over the past decade, especially under the leadership of Xi Jinping (Yuen, 2015). In addition to restrictions limiting the work of domestic organizations, collaboration between domestic and international organizations have also been restricted with the passing of the Overseas NGO Law in 2017 (Hsu & Teets, 2016).

A structure-oriented approach to civil society

Scholars first introduced the concept of civil society to the field of China studies to explain social changes in the wake of economic reforms and the 1989 democracy protests (Gold, 1990; Strand, 1990; Yang, 1989; Østergaard, 1989). This work subsequently spurred an academic debate in the early 1990s on whether civil society was indeed developing in China,

and if so, in what forms (for a review of this debate, see Gu, 1993). The concept of civil society that these scholars employed in their analyses of Chinese society focused on organizations' autonomy from the state. The idea of autonomy has a long pedigree in civil society theory. By studying markets in the 18th century, Adam Smith observed that ordinary people could regulate their activities without state intervention. Thus, the “crucial early contribution of markets to the idea of civil society was as a demonstration of the possibility of self-organization” (Calhoun, 1993, p. 271). In Tocqueville's (1961) seminal study of voluntary associations in the United States in the early 1830s, self-organization did not primarily involve economic activities. Instead, his focus was on how self-organization in the form of voluntary organizations fostered a spirit of civility, thereby strengthening democratic governance. In contrast, East European intellectuals conceptualized civil society as an independent sphere that could resist against the power of a totalitarian state (Foley & Edwards, 1996, p. 39). It is this distinct combination of Tocqueville's emphasis on organizations separate from the state and East European intellectuals' emphasis on autonomous social spaces that has come to dominate interpretations of civil society in China (Salmenkari, 2013).

Scholars applying this conceptualization of civil society to the Chinese empirical context reach different conclusions regarding the autonomy of civil society organizations in China. Summing up the first decade of Chinese civil society research, Yang (2003, p. 456) concludes that “despite the proliferation of social organizations ... [t]hey lack sufficient autonomy from the state to function as a routinized social base against state power on behalf of citizens”. Studying women's organizations in China, Howell (2001) on the other hand, conclude that

we can identify different degrees of autonomy among women's organizations. At one end of the scale is the ACWF [All China Women's Federation], which is the least

autonomous of all women's organizations due to its structural position in the Party political system. Next along the continuum are those organizations initiated from above by the ACWF ... More autonomous than these are the semi-governmental women's trades and professional associations ... Next are the popular women's organizations ... Enjoying the most autonomy are those women's organizations that are not registered ... (Howell, 2001, p. 205)

Knup (1997) arrives at a similar conclusion in her study of environmental organizations in China. She distinguishes between three types of organizations based on their degree of autonomy from the state: i) government-organized NGOs (GONGOs), ii) individual-organized NGOs and iii) unregistered voluntary groups, with the two latter categories enjoying the most autonomy (Knup, 1997). In line with this typology, Zhang and Baum (2004, p. 102) argue that the small rural organization they have studied "enjoys a very high degree of autonomy". They base this conclusion on their observations that the organization "prefers to keep local government at arm's length" and is "only loosely and intermittently linked to the state" (Zhang & Baum, 2004, pp. 99, 102).

The interest in organizations' autonomy from the state in combination with the political context in China has made it necessary for scholars to develop a diversified terminology to conceptualize different types of civil society organizations. While NGOs have received considerable attention, scholars have additionally studied organizations that clearly are not autonomous from the party-state, such as government-organized non-governmental organizations (GONGOs) (see for instance, Hsu, 2015; Lu, 2007a) and party-organized non-governmental organizations (PONGOs) (Thornton, 2013, 2015). GONGOs and PONGOs are hybrid forms of organizations that are established by state actors or party actors, respectively, but operate outside or on the fringes of state and party institutions.

A weakness with the structure-oriented approach is that the meaning of autonomy – and its importance for civil society organizations – is more often assumed than theorized. One

exception is Howell (1995, p. 7) who notes that by “autonomy we understand that the organisation can devise its own policies and determine its own structures, and relies upon its own efforts to raise money”. However, in the above-quoted studies (Howell, 2001; Knup, 1997; Yang, 2003; Zhang & Baum, 2004) focus is not on operational autonomy - as in Howell’s (1995) definition - but on what we may call structural autonomy. Structural autonomy means that it is organizations’ structural position vis-à-vis the party-state which determines their degree of autonomy. Within this understanding of autonomy, organizations that have formal ties to the party-state system such as GONGOs, PONGOs and mass organizations are seen as less autonomous than popular, unregistered or non-governmental organizations. Structural autonomy therefore implies a more structure-oriented understanding of state-civil society relations than the analytical focus on practices implied by the understanding of autonomy as operational autonomy.

Lu (2007a) argues that the tendency to equate structural position in the form of registration and government support with loss of autonomy is based on two flawed assumptions. First, a registration policy of tight control is equated with an actual practice of curtailing organizations’ autonomy. Second, support from the government is equated with loss of autonomy. Concurring with Lu (2007a), Hildebrandt (2011, p. 974) claims that “the primary advantage of registration is that it, somewhat counter-intuitively, allows [organizations] to operate more independently”.. With registration, organizations are vetted by the Party-state and this provides them with some predictability. Hence, their existence is "less dependent upon the changing whims and interests of government partners”. Using the case of the GONGO China Youth Development Foundation, Lu (2007a) demonstrates that despite close government ties the organization displayed “remarkable autonomy in pursuing its own goals” (2007a, p. 177). Instead of simply curtailing the organization's autonomy, government support provided it with immunity and sufficient cover to defy government policies and

regulations to advance its own agenda. Lu (2007a, p. 184) therefore concludes that “NGOs can be skillful operators who adapt themselves to [their] environment”.

An agency oriented approach to civil society

Lu’s (2007a) argument about organizational adaptation resonates with the understanding of state – civil society relations found within the agency-oriented approach. This approach builds on the premise that the party-state is not monolithic, but rather a composite of actors who act differently because they have different interests and interpret the political environment differently. In other words, the Chinese state is a complex with “multiple layers, spaces, and agendas that are not necessarily inclusive of or coordinated with each other” (Hsu, 2017, p. 4). Scholars taking a non-monolithic approach to the Chinese state therefore argue that state policies and attitudes towards civil society are not uniform, but vary according to several factors. First, attitudes vary between different state authorities and levels of government (Hildebrandt, 2011; Hsu, 2012; Stern & O'Brien, 2012; Teets, 2013). From the bottom-up perspective of civil society actors, the state therefore emits “mixed signals about which types of acts will be deemed transgressive [sic] and which will be tolerated” (Stern & O'Brien, 2012, p. 176). Differences in state attitudes require civil society organizations to refine their ability to interpret such mixed signals to keep within the borders of the permissible (Stern & O'Brien, 2012). Such differences also make it possible for civil society organizations to build alliances with state actors sharing similar interests and viewpoints (Mertha, 2008). Second, there are geographical differences in the political space for civil society engagement. Instead of a national approach to managing civil society, specific regional models of civil society management can be identified (Teets, 2015). Organizations in turn respond to these differences in political space by adapting their own strategies (Hsu, Hsu, & Hasmath, 2017). Finally, state control of civil society is not uniform, but graduated and depends on

organizations' funding source, scale of operation, level of organizational development and what kind of work they engage in (Chan, 2010; Kang & Han, 2008; Wu & Chan, 2012).

A structure-oriented approach to civil society tends to couch state power in negative terms, seeing state power as something that should be kept outside of civil society space because it restricts rather than enables civil society engagement. Agency-oriented scholars criticize this view of state power, arguing that instead of a simple picture of the state controlling and limiting the autonomy of civil society organizations, there are “complex patterns of interaction between state and society” (Ho, 2001, p. 897). The following quote from Hsu (2014) aptly captures the differences in how state–civil society relations are viewed within a structure-oriented versus an agency-oriented approach:

[The] binary of state and NGO, strong and weak, is not very helpful in dissecting the strategies that both state and NGOs employ to engage with one another for mutual benefit... Thus if we continue to insist on separating state from society, we will surely be disappointed when looking at China. Rather the puzzle we ought to solve is how NGOs navigate the strict regulatory environment and explore the strategies that NGOs and the state adopt in their workings with one another (Hsu, 2014, p. 101).

Instead of a strict separation of state and civil society, agency-oriented scholars speak of “interdependence” (Gallagher, 2004; Hsu, 2010) and “collaboration” (Hasmath & Hsu, 2014; Teets, 2013), and they analyze state–civil society relations using concepts such as “embeddedness” (Ho, 2007; Yang & Alpermann, 2014), “negotiation” (Gåsemyr, 2017; Saich, 2000; Shieh, 2009), “dependent autonomy” (Lu, 2009) and “contingent symbiosis” (Spires, 2011). These approaches retain a focus on state–civil society relations^{iv} but accord a certain degree of agency to civil society organizations, thus opening up for studying how these organizations exercise agency within a restrictive political space.

One way in which civil society organizations can exercise their agency is to develop formal or informal ties with state actors (Fulda, Li, & Song, 2012; Tam & Hasmath, 2015;

Yang & Alpermann, 2014). Within the agency-oriented approach, scholars are less concerned with how such ties with state actors may jeopardize organizations' autonomy. Instead, developing ties is interpreted as a strategy that organizations may adopt to gain access to resources or strengthen their own legitimacy (Hsu, 2010). Ties between state and civil society actors may also be the result of organizations grasping the opportunity when local governments invite civil society actors to provide social services (Howell, 2016). Scholars therefore emphasize how both state and civil society actors can benefit from engaging with each other (Hsu, 2010; Hsu & Jiang, 2015; Tam & Hasmath, 2015). At the same time, some organizations do not wish to develop ties with state actors. Instead, these organizations seek to avoid the state altogether or keep a low profile to not attract unwanted attention (Hsu, 2010; Hsu & Jiang, 2015; Tam & Hasmath, 2015). In this regard, Hsu and Jiang (2015) argue that an organization's choice between what they term state alliance and state avoidance strategies is shaped by the background of the organization's founder. Founders who are former state bureaucrats have the skills and experience required to navigate the Chinese party-state bureaucracy successfully. They also see the party-state as a potential source of resources and therefore seek alliances with state agencies. Founders who do not have former experiences with the state bureaucracy not only lack the skills to exploit state resources, but also tend to view the state as a monolithic, controlling entity. These organizations therefore attempt to avoid the state altogether (see also Hsu, 2010).

A second way in which civil society organizations can exercise their agency is to bring their engagement into the public sphere through traditional or social media. While this way of exercising agency has received less comprehensive attention in the literature on Chinese civil society, scholars have demonstrated how civil society organizations use the public sphere to raise awareness and express their voice on issues such as environmental protection (Sima, 2011; Yang, 2010; Yang & Calhoun, 2007), occupational diseases (author removed),

women's rights (Li & Li, 2017) and domestic violence (Bräuer, 2016; Keech-Marx, 2008). In the case of women's rights, Li and Li (2017) argue that first and second generation feminist civil society organizations adopt different mobilization strategies. First generation civil society organizations – those established after the 1995 Fourth World Conference on Women in Beijing – mainly use their formal and informal ties with state actors to access resources and push government officials to adopt their agenda. In contrast, the second generation civil society organizations that have come into existence after 2012 lack the social capital and skills to pursue such a strategy. Instead they seek to mobilize the attention and support of the general public. One example is the 2012 Occupy Men's Toilet campaign which received nation-wide media attention and raised public awareness on the issue of gender discrimination and the limited provision of female toilets in urban spaces. This campaign illustrates how bringing engagement into the public sphere can “turn social problems into news stories” (Li & Li, 2017, p. 61). In a similar manner, environmental organizations have used the internet and social media to include green perspectives in the public sphere, thus challenging the official discourse of economic development (Sima, 2011; Yang & Calhoun, 2007).

Conclusion: The politics of Chinese civil society engagement

Over the past three decades, both Chinese civil society and studies of Chinese civil society have become more diversified and have moved from a structure-oriented to a more agency-oriented approach to civil society. In particular, scholars have developed a more nuanced understanding of the authoritarian, yet non-monolithic political context in China and how civil society organizations develop specific strategies to be able to operate within this context. Scholars who analyze how civil society organizations exercise their agency by developing formal or informal ties with state actors show how organizations actively develop strategies to survive or even thrive within their restricted political space (Gåsemyr, 2017; Hasmath & Hsu,

2014; Hsu, 2010; Hsu & Jiang, 2015; Tam & Hasmath, 2015). However, their approach can be criticized for not offering an explicit analysis of the political dimensions of civil society agency, in other words the societal impact of civil society engagement and how civil society can engender social change. The same critique can be applied to some of the research analyzing how civil society organizations bring their engagement into the public sphere (for an exception, see Author removed). We need, in other words, to “theorize the kind of politics that is emerging in this era of a strong state co-existing with thriving NGOs” (Zhang, 2011, p. 121). Analyzing what kind of role civil society organizations have been able to carve out for themselves in the Chinese context can contribute to a more nuanced understanding of politics within an authoritarian state.

While research on Chinese civil society has grown considerably, few scholars have explicitly addressed the question of the political role of civil society. Following the long tradition in civil society research of studying the relationship between civil society and democratization,^v some scholars have examined the role that civil society can play in China’s democratization (Howell, 1998; Moore, 2001; Tang & Zhan, 2008; Yang, 2005). These studies are, however, descriptive in nature, and they seldom make explicit the links between civil society and democratization, nor do they make clear what kind of democratization civil society might be contributing to. Other scholars have approached the question of politics by conceptualizing civil society organizations as apolitical actors. Studying environmental organizations, Peter Ho, for one, argues that they engage in “politically innocent activities” such as “environmental education and awareness-raising” that take place in “de-politicized spaces” (Ho, 2008, p. 29).^{vi} Yet, the problem with this kind of argument is that it conflates political activities with sensitive activities, thus overlooking the politics involved in non-sensitive and seemingly non-political engagement (author removed).

A better understanding of the political dimensions of civil society agency involves looking into how context affects what are considered political practices and how these political practices unfold. The blurred boundaries between state, party and civil society actors in China make it challenging to understand the politics of civil society engagement. To understand what constitutes politics we also need to look beyond the state and party institutions making up the formal political system. Analyzing civil society practices rather than the relations between civil society and party-state actors can be a useful approach to unpack the complexities of how civil society can have political impact in society more widely. In this article, we have identified two forms of civil society practices: strategically developing formal and informal ties with state actors, and bringing civil society engagement into the public sphere. Further research could explore not only other forms of civil society practices, but also how civil society engagement works politically, thereby contributing to a clearer and more nuanced conceptualization of politics. In order to develop such an understanding, scholars need to engage with theoretical debates on civil society, both within and outside of China. The literature on civil society is, however, often based on empirical studies in liberal democracies. Studying civil society in an authoritarian context such as China therefore offers a different entry point that may contribute to a more nuanced understanding of the politics of civil society engagement.

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ⁱ For reviews of the Chinese-language literature, see Ma (2006, pp. 17-33); Ma (1994); Salmenkari (2011)

ⁱⁱ Mass organizations have been established by the party- state to function as a bridge between the party-state and the people, by communicating party policy downward to their constituencies and representing the interests and opinions of these constituencies to the state (Ma, 2006). The All-China Federation of Trade Unions (ACFTU), the Chinese Communist Youth League (CCYL) and the All China Women’s Federation (ACWF) are all examples of mass organizations. Including their grassroots subsidiaries, mass organizations incorporate more than five million groups all over the country (Wang & He, 2004, p. 505).

ⁱⁱⁱ Letters and visit offices function as ombudsmen in China and handle complaints from citizens received through letters or visits, but also telephone or e-mail (Thireau & Hua, 2003).

^{iv} See Franceschini (2014) for a critique of the focus on state–civil society relations at the expense of examining civil society organizations’ relations to other actors such as beneficiaries, international donors and other organizations.

^v For an overview, see Calvert and Burnell (2004) For a critical review, see Mercer (2002)

^{vi} For similar views, see Ho (2001); Tang and Zhan (2008, p. 382)