



STATE AND NGO's IN CHINA: A THEORETICAL DIMENSION

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ABSTRACT :

The economic reforms have not only placed China among the fastest growing economies of the world, but also brought about many socio-economic changes. Unlike other Communist countries like Soviet Russia and Eastern Europe which were not able to support reforms and ultimately broke down to democratic structure, China has stood out as a distinctive case. Chinese political system still remains authoritarian but succumbing to the growing demands of globalization and market economy, there are certain areas where Chinese government has found it difficult to govern its highly differentiated and complex society. The rise of social sector outside the Party/State structure in this context becomes inevitable. But adhering to the Leninist nature of the Chinese state, the growth of any such organizational sphere as a sector independent from state seems to be a distant idea.

KEYWORDS : *economic reforms , growing demands of globalization and market economy.*

INTRODUCTION

The rapid economic growth has led to vast disparities among the different regions and has burdened the state with many social welfare responsibilities. In the wake of increased financial burden on the state, it has shed most of its responsibilities of resource distribution, and NGOs have come across as ideal solutions for shouldering these social responsibilities. Apart from providing social services, these organizations have served as the sites for promoting community development, protecting vulnerable and marginalized social groups and generating debates on public policies¹.

While observing the history of political struggles in China, it is interesting to study the interaction between the state and society and also the changing dynamics of this relationship. For China watchers the emergence of social organizations is indicative of the rise of potential civil society in a communist country as China. However, one has to look deeply into the working of these organizations in order to answer some of the basic questions like:

- What is the basic nature of Chinese NGOs? Where can they be located in the strict one-party system of China?
- Can NGOs be seen as the indicators of the potential civil society in China or they enforce the corporatist model as seen by many China watchers?
- How well these social organizations have been able to integrate people in the government policy through their active participation?

In order to know the answers to the above concerns, one has to consider the changes that have been brought about since the Maoist era. Moving away from a centrally-controlled and dictated society

¹ Yiyi Lu (2009), *Non-Governmental Organizations In China*, New York: Routledge, pp. 3-5

to a more free and independent social setup has paved the way for the emergence of these organizations. In the words of Ji You, "Chinese Communist Party/State is being dismantled at the grassroots level, a process that amounts to a quiet revolution from below²." Mao's era is signified by the Party/State that was pervasive in all the state agencies as well as the social organizations³. Collective welfare was the theme of the day. With the setting up of communist rule in 1949, China witnessed the end of all local welfare, sectoral and cultural associations⁴. In order to control the society it rather came up with new mass organizations⁵, such as All-China Federation of Trade Unions (ACFTU, *gonghui*), The All China Women's Federation (ACWF, *fulian*), and the Communist Youth League (YCL, *gongqingtuan*). These organizations acted as the Party's mouth piece and were instrumental in mobilizing masses for the party's cause. They served as "transmission belts" which helped in communicating the party policy downwards, and also transmitting the grassroots opinions upwards⁶. These organizations were generally controlled and administered by the important party leaders and, therefore, these organizations became the integrated feature of CCP.

Provisional Method of Registration of Social Association, formulated by the government in 1950, made it imperative for selective organizations to get registered under this act. As the rules became much stringent under this provision, social organizations were supposed to register themselves under various sects, like academic societies, cultural and art societies, public welfare etc. This process actually distinguished between the party-friendly and reactionary organizations. Thus, all economic, political and social aspects of the society were somehow integrated in the party itself. The government-organized mass organizations were responsible to carry out major public activities. These organizations were under the total control of government, so there was little or no scope for them to flourish and carry out their work independently. During the Cultural Revolution, they were even banned. All rules and regulations under Provisional Method of Registration of Social Organizations ended as the Interior Ministry responsible for this was itself abolished owing to the turbulence. Reforms and the opening up of the markets have opened the space outside the Party/State, which has resulted in the emergence of a vast array of socio/economic groups. Large number of private institutions emerged. This has led to the establishment of a system for registering and managing these organizations as non-governmental and non-profit institution units (*minban fei-qiyee danwei*). Thus the "Regulations and Management of Social Organizations" provided a clear attempt to incorporate the social organizations more closely within the existing party/state structure⁷.

The 15th party congress (September 1997) and the Ninth National People's Congress (March 1998), upon close analysis, marks the turning point in the state- society relations of China. These two are the milestones in the history of state-society relations in china, as they were a step ahead to reduce state interference in the society and also unburdening it from most of its welfare responsibilities. All this could be done through the expansion of social organization sector. Jiang Zemin, in the 15th Party Congress, very well understood this and stressed the need to "cultivate and develop the social intermediary organizations"⁸. This was necessary for shifting the growing welfare burden from state to these organizations. But the expansion of social sphere outside the state control would have challenged

² Ji, You. (1998). *China's Enterprise Reform: Changing State Society Relations after Mao*, Routledge, p.3.

³ Ibid p.3.

⁴ Murphy Rachel. (2009). *Labour Migration and Social Development in Contemporary China*, New York: Routledge, pp 74-76.

⁵ Saich, Tony. (2000). *Negotiating the State: The Development of Social Organizations in China*. *The China Quarterly*, No.161, pp 121-141

⁶ Qiusha Ma. (2006). *Organizations in Contemporary China: Paving the way to civil society? USA and Canada*: Routledge, p.48.

⁷ Saich, Tony. (2000). *Negotiating the State: The Development of Social Organizations in China*. *The China Quarterly*, No.161, pp 121-141

⁸ Qiusha Ma. (2006). *Organizations in Contemporary China: Paving the way to civil society? USA and Canada*: Routledge, p.48.

the foundations of the predominantly Leninist State, which is opposed to any organizational plurality outside its control structures. In the First Session of 9th People's Congress in 1998, Luo Gao, the state councilor and the secretary-general of the State Council, emphasized the need to expand the social intermediary sector in order to solve many problems of the society, which had been earlier taken up by the government despite that their solution was outside its reach. But it was made clear that this was not free for all society and thus social organizations could not remain outside the purview of the state. This once again tightened the state's grip over the social organizations as they were brought under the "Regulations on the Registration and Management of the social Organizations" act in 1998.

The emergence of various social organizations in China has led many to think that there has been an emergence of civil society in the country. Before one gets into this debate, it is important to make an impartial and systematic analysis of the processes through which the Chinese NGOs manage their survival and work efficiently under the strict observance of the communist state. Often we tend to derive the definition of civil society in the light of western capitalist ideals that suffered liberal biases and, in the process, lose sight of the atypical character of the Chinese civil associations. Expansion of civil society in western world was the result of the capitalist transformation which was very different in its origin and character from that of China. Therefore, the transformation in the state-society relations also tends to be China-specific. Economic liberalization in China was initiated by the government in order to achieve economic gains, but somewhere the emergence of "civil society" in its true spirit and meaning still appears to be lacking. In the words of Dorothy Solinger, "Urban economic reform in China has not yet led to the emergence of what is popularly labeled as "civil society". "Economic reforms," according to her, "have blurred and softened, than sharpened the separation of 'state and society'".⁹

The organizations appeared to be the hybrid of GNGOs and NGOs and this has often raised questions on their credibility as the indicators of civil society and ultimately as benefactors of the marginalized and needy people. Working within the set framework of one-party system, which strictly police anything and everything in China, the very nature of Chinese NGOs have always been under the scrutiny of the scholars worldwide.

In order to understand and locate the Chinese NGOs within the civil society discourse, we need to analyze it by the following standards:

- Very specific Chinese definition for NGOs.
- Origin of NGOs in China.
- Working of Chinese NGOs.

In 1949 after the liberation, many mass organizations like Women's Federation, The Communist Youth League etc. came into existence. Following the Leninist tradition, social organizations in mainland China initially functioned as bidirectional "transmission belts" between the Communist Party and the masses, loyally carrying out Party lines and policies among their members while feeding information from the masses back to the Party according to the "mass line" (summarized as "from the masses to the masses" by Mao Zedong). The "transmission belt" mass organizations in mainland China, therefore, have been very specifically designated, funded and staffed by the state¹⁰. The role of these organizations was limited and they served as the link between the party and society, communicating the party policies downwards, and theoretically transmitting grassroots opinions upwards¹¹.

After the reforms of 1978, Government's policy of "Small state - Big society" gave space to social organizations for expanding and developing. However, one has to be very conscious of the fact that the emergence of NGO sector in China came out of the need of the State to offload some of its responsibilities to the social sector and can use the societal resources in order to supplement its own

⁹ Elizabeth J. Perry (1994), "Trends in the Study of Chinese Politics: State- Society Relations", *The China Quarterly*, No. 139, pp. 704-713

¹⁰ Guo, Gang(2007), "Organizational Involvement and Political Participation in China", *Comparative Political Studies*, 40(7), pp. 457-483

¹¹ Howell ,Jude(1995), "Prospects for NGOs in China (Les perspectives pour les ONG en Chine / Perspectivas para as ONGs na China / Perspectivas para las ONGs en China)", *Development in Practice*, 5 (1), pp.5-15.

spending¹². As per data of the Ministry of Civil Affairs (MCA) before 1978, there were only about 6,000 social organizations in China, but this number increased to 186,000 by the end of 2006. Also the number of PNEUs, which had no existence before the reforms, reached 159,000. Though government has shown a great deal of respect towards the autonomy of these NGOs, but to see them in the light of western concept of civil society will be a big illusion. NGOs in China mostly work within the strict legal framework of the state. They are under the government control and are termed as “Officially-organized NGOs” or “GONGOs”. According to China’s “Regulations on the Registration and Administration of Social Organizations,” it is mandatory for any NGO to register itself under the “professional management” of the state organ, which then works as its supervisory unit. In addition to this, NGOs are also supposed to be registered and audited annually by the Civil Affairs Department. This “Dual Management System” (*shuangchong guanli tizhi*) not only restricts their “ideological work,” which may not be in accordance to the Party ideology, but also keeps track of their funding and interaction with the NGOs overseas.

This closeness with government has often raised questions about the capability of NGOs as the benefactors of the society. As most of the NGOs in china are government-organized NGOs (GONGOs) or quasi- official NGOs (QUANGOs), which are influential being national level organizations, and are funded and staffed by government agencies. NGOs that are organized by individuals and lie outside the “Dual Management System” are either forced to merge or associate themselves with the government organizations, or are completely outlawed. This sort of NGO management has been seen by many western scholars as the conflicting point in the real working of the NGOs. The autonomy of the NGOs and their relation to the state has often generated the idea of the Party policing the associational life in China.

However, since the emergence of civil society in China is a different phenomenon from that of the European civil society, Chinese scholars have a very different conception of the Chinese NGOs and their idea of autonomy is different from that of the democratic setup. As opposed to the western ideas, which strictly compartmentalize state and society in two different realms, the Chinese scholars have tried to come out of the “state dominant” theories which lay too much emphasis on the state-led civil society and, in the process, lose the essence of the techniques through which these “co-opted” groups” make their way through the strict state framework and influence the policy-making process in order to pursue the interests of their members¹³. In the next part of the chapter I have tried to look at the different models applied by the western scholars to define the state society relations and also the views and models given by Chinese scholars who have tried to further analyze the situation and come up with a more complicated analysis of this relationship.

State-NGOs Relation: Theoretical Models

Most of the theories given by the scholars are based on their analysis of particular incidences or the social organizations dealing at a particular level of the state. Clemens Stubble Ostergaard’s theory of “civil society against the state” came as a result of his analysis of 1989 Tiananmen Student Movement that served as the basic reference point for any civil society scholar. Scholars like Anita Chan and Jonathan Unger adhere to the corporatist model of state-society relationship, which views social organizations as embedded within the state structure and nearly abandons the civil society concept in the contemporary China. Corporatism is usually depicted as counterpoised to democratic pluralism and free-market forces¹⁴. Corporatism does not represent any political system, but is simply a set of political arrangements through which state maintains its legitimacy and dominance over the society. The

¹²Howell ,Jude(1995), “Prospects for NGOs in China (Les perspectives pour les ONG en Chine / Perspectivas para as ONGs na China / Perspectivas para las ONGs en China)”, *Development in Practice*, 5 (1), p.6

¹³ Saich, Tony (2000), “Negotiating the State: The Development of Social Organizations in China”, *The China Quartey*, No.161 , pp 121-141

¹⁴Jonathan Unger and Anita chan (1996), “Corporatism in China: A developmental State in an East Asean Context”, in Borokes et al. (eds.), *China After Socialism: in the Footsteps of Europe or East Asea*. Pp. 95-98 publication?????

corporatist model identifies only one social organization at the national level which is the sole representative of the people's interest. They are so deeply incorporated in the state structure that their administration and appointments are also looked over by the state. Social organizations under this system have some autonomy, but, largely, they are state's mouth-piece. They help in the implementation of state's policy and, sometimes, also get pulled into the policy making process.

The hallmark of the corporatist model is the state as the "grand mediator"¹⁵. Its intervention in society is based on the idea that state is the guardian of the national interests that lays above all the narrow self interests of the individuals. As Unger and Chan have pointed out that the corporatist model is a goal oriented arrangement that believes in maintaining harmony between state and society. It is usually implemented by the state in war-torn societies, or states that emphasize on rapid economic development. This model is basically used to maintain law and order in society through strict state observance. Often such highly state representative corporatist organizations later get converted into autonomous organizations. The watch word for state-corporatist model is "top down control". In case of China where industrial development has been the main focus, and in order to secure the competitive edge for industry, the country adopted a developmental strategy that was not merely highly protectionist but aggressively export-oriented. In order to achieve that success china (according to Chan and Unger) fall perfectly into the corporatist model. Gordon White, while analyzing the rise of civil society in china, adheres to the view that there are some elements of growing civil society in China. By his analysis of the impact of economic reforms in China, White is of the view that there is the rise of strong associational features in China, in contrast to the Mao's period that depicted all-encompassing state. The Post-Mao period has seen a marked improvement in the status of the mass organizations, which earlier used to serve as "transmission belts" between the party and the people.

Through the different models adopted by them to define the relationship between state and NGOs, it is clear that there is a great difference between practice and rhetoric. China's heterogeneous state-society relationship at different levels cannot be generalized according to the conventional western civil society model. The symbiotic relationship between the Chinese NGOs and state needs to be looked into a totally different and new theoretical dimension. For example, Wang Ying and others proposed a "social mesosphere theory,"¹⁶ which takes into account the semi-governmental nature of the organizations. According to Kang Xiaoguang and Han Heng,¹⁷ there are different ways through which the government controls these organizations and they have termed them the phenomenon as "Graduated controls". These controls vary according to the different capabilities of the social organizations and the intensity of threat that these organization pose for the Chinese government's political authority. The idea of such controls emerges from the fact that government's main challenge is to maintain this political domination, which is threatened by its inefficiency to provide the public goods. This means that government has devised various strategies to keep a check on the social organizations which threaten to challenge its power, so that it is able to govern the state-society relations.

In order to demonstrate this model of "graduated controls," Xiaoguang and Heng have analyzed the working of eight types of social organizations in China which include: Politically antagonistic organizations, trade unions, business and commercial associations, urban community organizations, religious organizations, official non-government organizations (NGOs), grassroots NGOs, and informal organizations. All these eight organizations have different powers and challenge the state autonomy in their different capabilities. Accordingly, they are put into five grades of control strategies. Grade I include all the politically antagonistic organizations. These types of organizations pose a serious challenge to the state and are, therefore, closely watched and administered. The Public Security Bureau is responsible to keep a check on such potentially dangerous organizations and banned if detected. Grade II includes organizations such as Trade Unions are established under the government directive

¹⁵ibid

¹⁶ China after socialism: in the footsteps of Eastern Europe or East Asia ???

¹⁷ Xiaoguang, Kang and Heng, Han (2008), "Graduated controls: The State- Society Relationship in Contemporary China", *Modern China*, 34(1):36-55

after the opening up and reform process. These organizations (trade unions) are solely established and governed by the state. Their key personnel are also appointed by the state and the decision-making is taken up by the trade federations, which, above the county level, get enmeshed in the government system. Grade III includes religious organizations which are relatively autonomous in comparison to Grade II organizations. Religious organizations have certain limits to their establishment. They have to register themselves under proper state agency, and then only can it function legally. Government has established a supervisory agency, Administrative Bureau of religious Affairs, especially to keep a check on such religious organizations. All the religious activities of the religious organizations have to be approved by Administrative Bureau of Religious affairs. The key appointments of all such religious organizations are made in consultation with the supervisory agency. All the funds and contributions received by the religious organizations have to be strictly approved by the Ministry of Foreign Affairs, which, in turn, ensures smooth working and good relationship between the both. Church has the authority to decide on staff, their salaries and welfare programs, but everything must be duly registered and approved by the relevant government agency. Grade IV control strategy applies to all the business and official associations and official NGOs. In order to make reform process more successful business organizations are encouraged. They help in bringing foreign investment which forms a major component of the socialist market economy. Autonomy of such organizations varies as there is no single supervisory agency assigned to them. There are multiple supervising agencies that are established in consultation between the social organization and the relevant government departments. Finally, the Grade V control strategy applies to the grassroots NGOs and other informal organizations. Government do not interfere with these organizations that much. To function as a legal person (*shetuan faren*), these organizations must register themselves with some administrative supervising agency. In contrast to the rule, no administrative agency is willing to take up the responsibilities of any such informal organizations and, therefore, these social organizations have no supervising agency. At last, these organizations register as corporation (business enterprise) and are, therefore, more autonomous than official NGOs.

Thus, in the above analysis by Kang and Heng we see that civil society, as such, did not emerge in China. After the reforms, the old totalitarian state disintegrated and different social organizations emerged as per the needs of the society. Though the old totalitarian mode of control disintegrated, a new mode of control has emerged in the state –society relationship, in which the state controls purposefully, flexibly and selectively¹⁸. This strategy of control they have termed as “graduated controls”, in which the state controls are according to the threats and challenges posed by the social organizations, i.e. very intensive and strong when necessary, and lax and or even absent when control is considered unnecessary¹⁹.

Thus, we find that there are diverse viewpoints on the working of the NGOs in China. Western scholars, when view it from the very European lenses, all together view this relationship as state dominated with no space for NGOs. Thus, for them China has no scope for the emergence of civil society and social organizations are purely government tools to transfer and implement party policies down the masses. Whereas Chinese scholars view these organizations more in a transformation stage, social organizations have carved out an independent space for their working and are able to bypass some of the government rules in order to carry out their functions smoothly.

Working of Chinese NGOs

The 1998 “Regulations on the Registration and Management of Social Organizations” is an attempt to bring these social organizations within the purview of party-state regulations²⁰. As per the

¹⁸ Xiaoguang, Kang and Heng, Han (2008), “Graduated controls: The State- Society Relationship in Contemporary China”, *Modern China*, 34(1):36-55

¹⁹ Ibid.

²⁰ Saich, Tony (2000), “Negotiating the State: The Development of Social Organizations in China”, *The China Quartey*, No.161, pp 121-141

rule, social organizations are supposed to affiliate themselves with their respective professional management unit (*yewu zhuguan danwei*), which act as sponsoring unit (*guakao danwei*) and is responsible for reviewing the work of these organizations and keep a check on its activities. Further, the paperwork for these social organizations is done by the Ministry of Civil Affairs, or some other relevant department which leads to the two-tier registration system. One important thing to be noticed is the difference that these regulations have brought much more restrictions as compared to the 1989 regulations. Recent regulations very clearly points out the roles and duties of the sponsor organizations and also require the social organizations to register themselves legally. Because 1989 regulations lacked these specifications, social organizations were more independent in their working and character.

One has to look into the ways that these organizations have devised in order to make their way out through the all-encompassing government structures. First of all, we can see that the emergence of the market economy in china has mellowed down the state's approach towards the society to a certain extent. Because of the shortage of human resources and finances, most of the social welfare activities have been taken up by the social organizations and thus they have gained capacity to enter into one of the major state realms of social welfare. As also we see that there is decrease in the GDP and government revenues social organizations have a chance to expand in order to fill the vacuum left by the state and thus take up some of the state's responsibilities. Social organizations have come up as a viable option in the face of reforms and downsizing government. Secondly, these organizations have devised ways to find the gaps in the regulations and work in a relatively independent manner sometimes also actively interfere in government's policy. Most effective technique to evade the government control is to get registered as some business organization with some industrial and commercial bureau²¹. In this technique, organizations have greater administrative say as a "secondary organization," as they require minimal management structure and thus, little interference from the government. Another method is to register with some not-so-active or dormant organization under the garb of which these social organizations actively continue their activities. Many informal clubs and forums have also mushroomed, which are technically illegal as they are not registered. These are mostly philanthropic organizations like *Falungong*. Because of the government's rules and norms for the registration of the social organizations there has been an increase in the number of such informal groups. Other than these techniques personal relations with the people high up in the party or the that in the sponsoring organizations have lead many organization to carry on their activities despite of the fact that their activities fall outside the purview of the sponsoring organization²². Also, as Saich points out that many GONGOs have been effective in negotiating with the state either, because they have been able to bring more incentives in form of foreign funding, or because they are managed by people who have contacts and skills to convince the Chinese government of their activities.

Thus, we see that NGOs in China present a very unique case of state- society relations. In the above context, the chapter is going to examine the NGOs relating to women's rights and how they have been able to sensitize the state policies on variety of issues.

It is interesting to note that there have been new women's organizations which have been emerging in China. These women's organizations have created a space for their working outside the state control. Besides, women are finding new ways of organizing themselves. According to Du Jie, "Civil society is not a homogenous entity but a collection of institutions and actors with different interests²³." Organizing around the women issues these organizations have brought the women into the public realm. Though there has been a lot of study about the emerging organizations in China, the

²¹ Saich, Tony (2000), "Negotiating the State: The Development of Social Organizations in China", *The China Quartey*, No.161, pp 121-141

²² Ibid.

²³ Jie, Du (2004), "Gender and Governance: The Rise of New Women Organizations", in Jude Howell (eds.) *Governance in China*, United States of America : Rowman and Littlefield Publishers, p.172

women organizations have been less talked about. Problems faced by the women organizations in organizing around the sensitive topics such as HIV/AIDS throws the light on the problems faced by the women in voicing out their grievances. Since most of the women organizations have been attached to the government NGO, that is, ACWF, there have been questions raised about their autonomy. How far they have been able to actually put forward the gender issues has been the real problematic in the state-NGO relationship in context of women organizations? In the Molyneux's classification, we come across three types of women organizations:

- Independent movements
- Associational linkages
- Direct mobilization

Most of the Chinese women NGOs present the case of associational linkages. There are very few cases of women organizations that are independent in their working either for the lack of funds or due to problems in management. Thus, in order to see how far these organizations have been successful in paving their way through the strict Communist framework, it is necessary to see the mechanisms evolved by them in order to negotiate with the state. Women have been successful in organizing themselves around some important issues like domestic violence, education, political and social rights and health care etc.

CONCLUSION

In the transforming Chinese society and the emerging social problems, women organizations have undergone a tremendous change that calls for a need to discuss them. Rather than viewing this relationship in the dichotomy of state and society, one has to analyze this in the light of the transforming society. Economic reforms and development has brought unprecedented boom in the country's economy but has altered the state -society equation in a major way. Because of uneven development the country is faced with a plethora of problems like poverty, unemployment and diseases, which makes government accountable to the people and world community at large. With industrialization and urbanization in China there has emerged a large number of vulnerable groups like left behind children, rural to urban migrants etc. that need special care. In the past few years Chinese government has rolled out number of policies to help the disadvantaged in the society but their effective implementation is still a challenge. In this situation, the role of NGOs become inevitable and government's coordination to social organizations becomes the key point of its governance. In a country where political, social and economic rights are directed by the state, people's access to their benefits cannot be gained by antagonizing the authority. Rather people to find out a way outside the state structure to gain what they want. In this scenario the civil society has a big role to play. For the governance to be more inclusive there has to be cooperation between the state and NGOs, especially in the field of public welfare.