Civil society in China: A snapshot of discourses, legislation, and social realities

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China’s 2019 calendar of commemorative events, many of which are politically charged, is packed. In addition, the trade conflict with the United States has intensified beyond expectations and massed protestors on Hong Kong streets have also made recent headlines. What about civil society in China? Concerns about shrinking spaces for civil society organisations in China have risen over recent years, in particular among international nonprofit organisations (Kuhn, 2018). Foreign aid to Chinese nonprofits has dried up significantly while the Chinese government has stepped up financial support to nonprofits, mainly to those providing social welfare services.

In this paper I look at current discourses on civil society in China and briefly analyse recently enacted legislation affecting Chinese and international nonprofits. Furthermore, I comment on opportunities and limitations for advocacy activities and protests.

I describe the paradoxical growth of social organisations in China in a political context characterised by growing restrictions and supervision. The Chinese government’s aim is to promote a ‘civil society with Chinese characteristics’ within the framework of consultative authoritarianism and the strong influence of the Chinese Communist Party.¹ Reflecting broader global trends since the Arab Spring, advocacy and campaign-style activities face greater restrictions, but the Chinese government’s response to activists and social protest is far more nuanced and engaging than many Western writers acknowledge. Political

¹ ‘Consultative authoritarianism’ allows space for expert consultation and citizen participation in the policy-making process and, thus, can “increase feelings of regime responsiveness” (Truex, 2014), but suppresses mass mobilisation for deeper political changes.
activism will nonetheless remain limited, inviting criticism abroad, and thus limiting Chinese soft power internationally.

**Discourses and debates on civil society in China**

Civil society is typically regarded as "a sphere of social organisations and initiatives, separate from the state, the market and the family, that brings people together for diverse forms of social action and interaction, ideally for public or mutual benefit" (Kuhn, 2018).2

Definitions of civil society proposed by researchers have prepared the ground for academic exchanges, debates, and dialogues on theory and practice of civil society in different countries. However, the recent political push for stronger and more normatively charged definitions with a strong focus on freedom of association and expression has made dialogue on civil society more difficult, especially in countries ruled by ideologically driven one-party regimes (Kuhn, 2018).

Most international research cooperation and dialogue on civil society and nonprofits in China focuses on politically non-sensitive topics, e.g., the role of philanthropy and the work of social enterprises. In China, researchers have paid particular attention to government-nonprofit cooperation at different levels, to the poverty alleviation work of grassroots nonprofits, and to the capacity development issues of hybrid organisations, especially social enterprises that blend social and business purposes.

China Development Brief (CDB), created in 1996 and registered as an NGO named ‘Beijing E-share Civil Society Center’ in 2017, is one of the leading dialogue platforms for civil society issues in China. It publishes interviews and articles in both English and Chinese and provides access to statistical information on nonprofits. Its website has featured many

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2 With reference to Anheier et al. (2001); Hildermeier et al. (2000); Kuhn (2005/2009); Salomon et al. (1999); and Wang (2011).
insightful interviews and articles. In May 2019, CDB published an interview with Jennifer Morgan, the CEO of Greenpeace that has been working in China for 17 years (CDB, 2019a).

In June 2019, CDB presented the results of a large-scale study conducted by scholars from the UC Santa Barbara and Nanjing University (CDB, 2019b). The study found that monitoring of Chinese local governments’ environmental performance by NGOs improves their compliance with central government regulations, without increasing public dissatisfaction about pollution at the same time. The study is based upon the work of the Institute of Public Environmental Affairs, a Chinese environmental organisation founded in 2006 by Ma Jun, perhaps China’s most well-known environmental activist.

In academic journals and at international conferences, scholars around the world have paid significant attention to two laws governing the work of nonprofit organisations in China that have come into effect in recent years.

Two new laws affecting civil society organisations in China

China’s Charity Law, which had been through a ten-year process of deliberation, came into effect on 1 September 2016. The ‘Law of the People’s Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China’ came into effect 1 January 2017. The first law targets Chinese nonprofit organisations; the latter targets international nonprofits that operate in China.

The Charity law is – at least in China – widely regarded as a step forward in modernising legislation on the nonprofit sector and increasing fundraising opportunities, including for online charities.

The new law on overseas NGOs has invited much more criticism by international experts. It imposed a cumbersome registration and approval procedure on international NGOs, including those which had already operated in China for many years. By 2019, however, most major international NGOs, including the World Wildlife Fund, Save the
Children, The Asia Foundation, as well as the German political foundations, have been able to get their registration through. Smaller international NGOs or those still considering initial entry into China, however, felt more discouraged. Many did not have the human resources, capacity, or experience to deal with the new requirements or felt that it would not be worth investing in projects in China that would be tightly controlled by authorities.

**The development of nonprofit organisations in China**

The number of registered organisations in China, including associations, foundations and nonprofit enterprises, has steadily grown over recent years, amounting now to over 700,000 organisations, including many professional and friendship associations, foundations working in the fields of education, science, and culture, and a large number of nonprofits engaged in poverty alleviation, social work with people with disabilities, children, and the elderly. The number of nonprofits and environmental education and climate action groups has also significantly grown. The China Youth Climate Action Network has promoted partnerships with numerous companies and has been involved in analysing China's role in international climate change negotiations.

Some of the nonprofits working on environmental and climate change issues were inspired by global agreements and international partnerships, such as the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change. China’s growing cooperation with the United Nations and its participation in a series of international dialogues has contributed to the capacity-building of Chinese civil society. The participation of Chinese nonprofits in international conference has also increased significantly in recent decades.

**Civil society with Chinese characteristics**

The existing arrangements of global governance provide significant space for the involvement of civil society organisations. China has to play by the rules and many of its
major foundations and associations are now engaged in international cooperation. One example is the China Association for NGO Cooperation (CANGO), which acts as a capacity-building organisation for smaller organisations in China. The Chinese government has carefully analysed the interplay of different types of institutions and organisations at the level of international cooperation and has extended cooperation and guidance to part of its nonprofit sector in order to support the representation of Chinese civil society abroad.

The influence of the Chinese communist party on Chinese NGOs has definitely increased, through reporting requirements and mandatory meetings on issues proposed by party members. In the case of larger and medium-sized organisations at least, party membership has become the rule, even though the influence of the party is – in most cases – restricted to supervisory and advisory functions and does not dominate organisational agenda-setting.

Many Chinese NGOs have received more financial support from the governing administration. In a way, China’s vision is to develop a strong civil society with Chinese characteristics. A Chinese civil society of this kind could identify socially innovative projects, experiment with new work methods, and engage in international cooperation but remain embedded within a system of governance steered by the administration, in close collaboration with the Chinese Communist Party (CCP).

In many ways, the government provides space and some degree of freedom for nonprofits in project work, e.g., in the field of social welfare. The CCP, however, has pushed for more influence in monitoring and supervising nonprofit activities. The growing influence of the CCP is also felt by international nonprofits, even though the party is not directly involved in most of the bureaucratic procedures affecting the work of nonprofits in China.
Dialogue on civil society in China. Domestic and international challenges

Dialogue on the work of nonprofits and on civil society in China has become more difficult for scholars working on China. For most of the Hu Jintao-Wen Jiabao administration’s period of power, it was possible for Chinese researchers to embrace the term ‘civil society’.

Research on civil society and nonprofits had taken off after the millennium with a series of institutes established at renowned universities, including the NGO Research Centre at Tsinghua University, renamed ‘Tsinghua University’s Institute for Philanthropy’ in 2015, the Center for Civil Society Studies at Peking University, the Institute of Civil Society at Sun Yat-sen University Guangzhou, and the Institute of Civil Society Development at Zhejiang University in Hangzhou.

The use of the term civil society (Chinese: gongmin shehui 公民社会) has been politically sensitive since 2011-2012. In China, it is now more politically correct to talk about social organisations (Chinese: shehui tuanti 社会组织) or the NGO/NPO sector, rather than referring to ‘civil society’.

Restrictive control and reduced space

The Arab Spring, a series of anti-government protests, uprisings, and armed rebellions that spread across North Africa and the Middle East in late 2010, and the reaction to it from authorities in different countries brought the political dimension of civil society into the limelight. In the years after the Arab Spring, many countries came up with new and more restrictive legislation and regulation for civil society organisations.

The community of human rights activists, alongside many legal scholars, especially in the United States and Europe, began to focus increasing attention on restrictions for civil society around the world. In 2014 and 2015 alone, governments around the world adopted
96 laws which CIVICUS (2017) assessed as imposing additional restrictions and reducing space for civil society.

In a significant number of countries, the new restrictions included:

- new security laws and regulations;
- burdensome administrative requirements for registration or re-registration;
- internal governance of nonprofits;
- bans or limitations on certain activities;
- restrictions or tight supervision of international or nation-wide networking, advocacy, and campaign-style activities;
- the prohibition of or strict limitation of public fundraising;
- unfavourable tax regulations;
- limitations on foreign funding;
- lengthy approval procedures for work plans or activities involving foreign partners;
- mandatory affiliations to government agencies or party units;
- and burdensome reporting requirements by government agencies or departments.

**Narrow views on shrinking space**

In connection with civil society in China, critical observers have paid extensive reference to the “shrinking spaces” for civil society. Some researchers and nonprofit representatives in China argue that many Western scholars tend to adopt a very narrow view of civil society by predominantly focusing on political activism and protest movements by social organisations in the context of the “shrinking space” debate. A report by CIVICUS and the Brot für die Welt (CIVICUS and Brot für die Welt, 2019) that supports many civil society projects in the Global South classified China’s space for civil society as “closed”.

Indeed, civil society organisations in China that are working on politically sensitive issues do face restrictions. The restrictions, however, are nuanced and depend on a series

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3 Brot für die Welt is a globally active development and relief agency of the Protestant Churches in Germany. It provides development aid and support to partner organisations in more than 90 countries.
of considerations. The most important criteria is the potential scope for protest. If there is potential for mass mobilisation, government reaction can be fierce.

The Chinese government is chiefly concerned with public security and prevents any form of mass mobilisation challenging government policies or projects. However, the government does not typically rush to crack down on protests but attempts to engage with stakeholders to address controversial issues. The government uses instruments of control, including social media censorship, to prevent the spread of protest movements.

**Complaints and protests**

Bas (2019), with reference to Wright (2013), identified the four types of complaints that are most prominent in Chinese popular protests: migrant workers being subjected to labour-related abuses; victims of land seizures; victims of environmental degradation; and ethnic minorities enraged by mistreatment by local Han-Chinese elites.

These complaints translate into tens of thousands of protests every year. Demands differ but most protests are small, localised demonstrations taking aim at specific problems. Thus, they do not represent a threat to Chinese stability. In fact, Chinese protests tend to be centred around “everyday grievances” (Steinhardt and Wu 2016) as opposed to larger structural issues.

With reference to Steinhardt and Wu (2016) and Wright (2013), Bas (2019) further highlights that protests in China are characterised by very specific, often material, grievances and by localised action. For instance, the wages and/or working conditions of workers, taxes, land acquisitions, property demolition, and local environmental destruction.

Wright (2013) points out that there is a widespread belief that any form of dissent will necessarily result in a government crackdown. However, in reality, government reaction is more nuanced, using a complicated calculus that involves questions of history, nationalism,
ethnicity, and generation. In many local cases, the government is inclined to make concessions or provide compensation.

Bas (2019) and Wright (2013) also show that scholars who have studied protests in China over time have noticed that protestors with more money, connections, education, and status have been the most successful and least likely to be subjected to violent treatment.

**What does the future hold for civil society in China?**

China’s middle class will probably grow and further diversify. Chinese students return from abroad with new ideas and experiences. There is good potential for strong, ongoing development of social enterprises and service-oriented nonprofit organisations in China. A portion of Chinese civil society will probably ride on the wave of nationalistic narratives, being politically compliant in Western eyes but to some extent an administrative challenge for domestic governance in its excessive nationalism.

Other sections of Chinese civil society, however, could predominantly be inspired by more intrinsic motivations, e.g., those relating to environmental education, climate action, and social welfare issues. Chinese civil society is also set to engage more in international affairs, especially in relation to sustainable development and environmental protection in the context of the Belt and Road Initiative and international United Nations and G20 conferences. In China, the reference framework for sustainable development and environmental protection is the concept of ecological civilisation,⁴ which was written into the constitution in 2018.

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⁴ The term of ‘ecological civilisation’ is part of a series of visionary discourses about civilisations, societal transformations, and economic reforms that have a long tradition in communist China. The promotion of such discourses corresponds with the Chinese Communist Party’s (CCP) claim for a holistic understanding of
The Chinese government is likely to continue or even expand its support to social enterprises. Advocacy-oriented organisations, however, might face more restrictions. Some will be tolerated or even supported if their priorities match the agenda of the government. Nonprofits that attract foreign support and funding will be very closely monitored.

Chinese authorities aim to shape civil society development in accordance with Chinese characteristics and models of consultative authoritarianism. Civil society, in such a model, would be embedded into a political system in which the CPC plays the leading role. It is unlikely that Chinese authorities will tolerate political activism outside the party-state realm, particularly in years with numerous politically charged events.

Below the level of political activism and protest movements, many opportunities remain for Chinese citizens to engage in social activities, voice their opinion, and make proposals on a number of developmental issues, especially at the local level. The lack of freedom for Chinese citizens to engage in political advice or launch campaigns outside the realm or control of one-party rule will continue to invite criticism at the international level, particularly in Europe and America. This will reduce China’s potential to develop a stronger soft power presence in international relations and international business cooperation.

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human development suitable for the Chinese context. The policy of ecological civilisation was incorporated into the Communist Party of China’s (CPC) Charter at the 18th CPC National Congress in 2012 and has since been considered a key element of China’s national development strategy (Kuhn, 2016).
References


