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Changing Patterns of Chinese Civil Society: Comparing the Hu-Wen and the Xi Jinping Eras

Chloé Froissart

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ROUTLEDGE HANDBOOK OF THE CHINESE COMMUNIST PARTY

Whilst the Chinese Communist Party is one of the most powerful political institutions in the world, it is also one of the least understood, due to the party's secrecy and tight control over the archives, the press and the Internet. Having governed the People's Republic of China for nearly 70 years though, much interest remains in how this quintessentially Leninist party governs one-fifth of the world and runs the world's second-largest economy.

The *Routledge Handbook of the Chinese Communist Party* gives a comprehensive and multi-faceted picture of the party's traditions and values – as well as its efforts to stay relevant in the twenty-first century. It uses a wealth of contemporary data and qualitative analysis to explore the intriguing relationship between the party on the one hand, and the government, the legal and judicial establishment and the armed forces, on the other. Tracing the influence of Marx, Engels, Lenin and Stalin, as well as Mao Zedong, on contemporary leaders ranging from Deng Xiaoping and Jiang Zemin to Hu Jintao and Xi Jinping, the sections cover:

- the party's history and traditions;
- how the party works and seeks to remain relevant;
- major policy arenas;
- the CCP in the twenty-first century.

The *Routledge Handbook of the Chinese Communist Party* will be of interest to students and scholars of Chinese Politics, Asian Politics, Political Parties and International Relations.

Willy Wo-Lap Lam is Adjunct Professor at the Centre for China Studies and the Department of History at the Chinese University of Hong Kong.

Up-to-date analyses, encyclopedic in scope, by some of the world's leading authorities.

Perry Link, *University of California Riverside*

The *Routledge Handbook of the Chinese Communist Party* is an invaluable resource for anyone who wants to understand how China is governed and how its political system has evolved over the past seven decades. Willy Wo-Lap Lam has assembled an unrivalled group of China scholars and produced one of the most illuminating volumes on contemporary China.

Minxin Pei, *Claremont McKenna College*

In this edited collection, veteran China specialist Willy Lam has assembled a diverse group of authors who dissect the various elements and instruments in CCP rule. The section on “how the party works” is particularly valuable. All China watchers will find value in this volume.

David Shambaugh, *George Washington University*

As usual, the deeply perceptive Willy Lam provides what is almost certainly the best guide to the current state of China, the problems with which her leaders must grapple most importantly.

Arthur Waldron, *University of Pennsylvania*

ROUTLEDGE HANDBOOK OF THE CHINESE COMMUNIST PARTY

Edited by Willy Wo-Lap Lam

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For Grace, Ching-Wen and Wen-Chung

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PREFACE

A Taiwan poet and fellow fan of T.S. Eliot has turned his famous “History is now and England” into “History is now and China.” This comprehensive anthology, which analyzes and assesses different aspects of the Chinese Communist Party (CCP), is being published on the eve of its 19th National Congress, which is due to endorse Party General Secretary and State President Xi Jinping as China’s supreme leader for the early twenty-first century. This timely book is written by 25 China experts who have delved into the CCP’s history and traditions; the party’s secretive organization and its strategy for monopolizing power; its policies in various political, economic, social and cultural sectors; and possible paths for the party’s evolution in the coming one to two decades. Readers will be well equipped to make their own judgment on not only major events such as party congresses and Central Committee plenums but also the ideology, policies and decision-making processes of strongman Xi and his fast-developing Xi Jinping Faction.

While the *Routledge Handbook of the Chinese Communist Party* is primarily about domestic issues, it will also throw light on “core leader” Xi’s overarching nationalistic ambitions, particularly his “Chinese dream” mantra of global power projection. Early interactions between Xi and United States President Donald Trump have demonstrated China’s expanding role in setting global agendas and tackling flashpoints in regions ranging from the Middle East to the Asia-Pacific.

Yet as the Chinese saying goes, “a poor country can’t do much in foreign affairs.” As the world’s second biggest economy and largest trading country, China is flaunting its wealth by offering economic aid to and forgiving the debts of dozens of developing countries. Yet the party-state apparatus suffers from what reformist intellectuals call a “poverty of philosophy,” namely, failure to consider goals and objectives that could vitiate the CCP’s hold on power. Chapters in this book that appraise the CCP’s political and socio-economic policies – especially the party’s refusal to pick up the threads of political and economic reforms – show up the increasingly obvious chinks in the armor of the vaunted “China model.” The overriding obsession of Xi and his colleagues appears to be grabbing power for themselves – and ensuring the CCP’s “perennial ruling party” status. Even as the party’s multi-billion dollar quasi-police state apparatus seems capable of reining in muck-racking journalists, social-media bloggers, liberal intellectuals and NGO activists, China’s capacity for innovation in economic and technological sectors as well as the art of governance is found wanting.

Xi’s answer to the question of China’s repeated failure to comply with international norms, including United Nations covenants on civil rights to which it has acceded, is that values such

Preface

as universal-suffrage elections and freedom of expression are “Western” ideas that are alien to the Chinese tradition. “Whether a pair of shoes fits only the feet can tell,” Xi likes to say. Chapters in this *Handbook* on the well-being of groups ranging from workers and peasants to ethnic minorities such as Tibetans and Uyghurs, however, show that at the very least, a) these disadvantaged classes are not given their rightful share of the economic pie and b) they have few channels to air their grievances let alone press for changes in the authoritarian political and economic system.

Even without getting into arguments about the relative merits of the “China model” versus globally recognized democratic development – which has been attained in numerous countries in Asia – we can reference Francis Fukuyama and Chris Patten’s view that China suffers from the lack of simple “good governance.” A party-state apparatus that values its own survival – and the perpetuation of the special privileges of the “red aristocracy” – above all else will continue to command the world’s attention thanks to the country’s quasi-superpower status. Yet the only way that China can get back on what former president Bill Clinton called “the right side of history” is to embrace universal-style economic and political reforms and to halt the alarming regression to Maoism that President Xi is championing. The last section of this book, which contains chapters mapping the future development of the party and country, offers scenarios for the CPP’s trajectory into the 2020s and 2030s. They include possibilities that the party-state apparatus might be forced to adopt meaningful reforms owing to factors such as growing pressure put to bear on the authorities by disaffected classes within the country as well as China’s enhanced interactions with the global community. The prospect also exists that the CCP might implode due to intensifying factional strife triggered by cataclysmic mishaps in domestic or foreign-policy arenas.

It is this editor’s conviction that the insights and analytic tools provided by the veteran Sinologists who wrote this book’s 24 chapters will enable readers to make well-informed assessment of the CCP’s intriguing and fast-paced evolution. The China story will likely dominate the headlines for a long time to come.

Willy Wo-Lap Lam

ACRONYMS

ACFTU	All-China Federation of Trade Unions
ACWF	All-China Women's Federation
AIIB	Asia Infrastructure Investment Bank
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
BNSC	Building a new socialist countryside
CAC	Cyberspace Administration of China
CAS	Chinese Academy of Sciences
CASS	Chinese Academy of Social Sciences
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBRC	China Banking Regulatory Commission
CC	Central Committee
CCDI	Central Commission for Discipline Inspection
CCP	Chinese Communist Party
CCTV	China Central Television
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFWC	Central Finance Work Committee
CICA	Conference on Interaction and Confidence-Building Measures in Asia
CIRC	China Insurance Regulatory Commission
CLB	China Labor Bulletin
CLGCA	Central Leading Group for Cyberspace Affairs
CLGCDR	Central Leading Group for Comprehensively Deepening Reforms
CLGCI	Central Leading Group for Cybersecurity and Informatization
CLGFA	Central Leading Group for Foreign Affairs
CLGFE	Central Leading Group for Finance and Economics
CLGPIW	Central Leading Group for Propaganda and Ideology Work
CLGs	Central Leading Groups
CMC	Central Military Commission
CMR	Civil-Military Relations

Acronyms

CNSC	Central National Security Commission
COD	Central Organization Department
CPLC	Central Politics and Law Commission
CPPCC	Chinese People's Political Consultative Conference
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSRC	China Securities Regulatory Commission
CYL	Communist Youth League
CYLF	Communist Youth League Faction
FTZ	Free Trade Zone
FYP	Five-Year Plan
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KMT	Kuomintang (Guomindang)
LGBT	Lesbian, gay, bisexual and transgender
LGFV	Local government financing vehicle
MOC	Ministry of Commerce
MOF	Ministry of Finance
MOFA	Ministry of Foreign Affairs
MPS	Ministry of Public Security
MSS	Ministry of State Security
NDRC	National Development and Reform Commission
NPC	National People's Congress
OBOR	One Belt One Road
PAP	People's Armed Police
PBOC	People's Bank of China
PBSC	Politburo Standing Committee
PLA	People's Liberation Army
PRC	People's Republic of China
QDII	Qualified Domestic Institutional Investor
QFII	Qualified Foreign Institutional Investor
RMB	Renminbi
RTFR	Rural Tax-for-fee Reform
SAPPRFT	State Administration of Press, Publication, Radio, Film and Television
SAR	Special Administration Region
SASAC	State Assets Supervision and Administration Commission
SC	State Council
SCO	Shanghai Cooperation Organization
SOE	State-owned Enterprise
TAR	Tibet Autonomous Region
VPN	Virtual Private Network
WHO	World Health Organization
WTO	World Trade Organization
XUAR	Xinjiang Uyghur Autonomous Region

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CHANGING PATTERNS OF CHINESE CIVIL SOCIETY

Comparing the Hu-Wen and Xi Jinping eras

Chloé Froissart

Introduction

Until recently, China has offered a striking paradox to observers: that of an authoritarian regime with a vibrant – albeit immature because constrained – civil society. In this chapter, I explain why, although the Chinese state has not granted an institutionalized space for civil society, the use of the term “civil society” was still relevant under the Hu Jintao–Wen Jiabao leadership (2002–2012) and offer an overview of its dynamics at that time. I then expose the Xi Jinping leadership’s multi-fold endeavors to reformat the space allotted to social organizations, religious associations, the media, and academics according to the state’s goals, underlining a common logic across different sectors. I finally discuss the effectiveness of these efforts and the sustainability of the new model of “People’s society,” which the leadership attempts to substitute for the previous one. My general take is that, although China has entered an unprecedented era of suppression and restriction, which already has a chilling effect on civil society and is at the same time detrimental to the Chinese Communist Party (CCP), the Xi administration’s ability to fully reverse the trend might be limited in the long run.

Change in paradigms: from civil society to People’s society

The use of the term “civil society” is contested in an authoritarian regime such as China, which has not elaborated a legal framework granting autonomy to civil society. According to China’s corporatist legal framework, all religious sites or groups have to be affiliated to one of the national associations set up by the state to represent the religions it has officially recognized. “The CCP has also endeavored to shape the values and beliefs of religious leaders and adherents within those structures in line with its political agenda” (Vala 2012: 46). Likewise, social organizations, business associations, lawyers’ associations, and students’ associations are all constrained by a corporatist and very restrictive legal framework. Let’s take social organizations¹ as an example. Until the recent publication of the Charity Law, they were required to find a government agency in their realm of work that would be willing to take the non-profit under its wing and take responsibility for supervising it. Once a relevant (generally state or Party-affiliated)

“supervisory agency” had agreed, NGOs wishing to register as legal non-profits then had to apply for official registration with the Ministry of Civil Affairs at the local, provincial, or national level. In other words, in order to be officially recognized as an “NGO,” social organizations had to be state or Party-affiliated in some way. But given the political suspicion toward these organizations, many of them failed to find a supervisory unit and thus to register, or were registered as businesses. According to official views and regulations, social organizations should act as extensions of the state and auxiliaries of the Party, helping to carry out three major tasks: maintaining social order, reinforcing the political and ideological domination of the Party, and relieving the state of its welfare burdens. These missions were further theorized with the coining of the term “social management with Chinese characteristics” (*Zhongguo tese shehui guanli*), which appeared for the first time in a May 2011 article by Zhou Benshun, then Secretary-General of the Central Politics and Law Commission. This landmark article describes “the structure of social management [as one] whereby Party committees lead, the government bears responsibility, society coordinates, and the masses participate” so as to “giv[e] concrete expression to [the Party’s] political and institutional advantage” (*Legal Daily* 2011; Pils 2012: 3–4).

Yet, despite the multiple legal and systemic constraints the CCP has imposed on collective social actors, the actual space for civil society organizations in China had been much larger than the institutional space allowed by formal laws and regulations (Yu 2011). The number of actually existing social organizations greatly exceeds the number of those formally registered with governmental departments, while the number of social organizations and religious associations has greatly increased since the 2000s.² Given the many ways for social organizations and religious associations to evade the restrictive legal framework and subsist in a gray area, this increase in number has naturally harbored a diversification of social actors during the Hu-Wen era. The de facto autonomy of some social and religious organizations, the existence of some room for critics and circumscribed acts of resistance that would not challenge the authority of the Communist Party, as well as the possibility for activists to sometimes influence political decisions explain the persistent use of the term “civil society” among social actors and the academia during this time.

The Hu-Wen leadership’s fundamentally ambiguous stance reflected this development. President Hu and Premier Wen believed that a certain amount of ideological openness, forms of democracy, and limited respect of the rights stated in the law and the Constitution was beneficial to the Party’s legitimation as well as the overall functioning of the regime, and thus to its durability. Some degree of citizens’ participation in public affairs as well as citizens’ restraint on state power was tolerated as long as they could serve as a governance technique. While emphasizing the building of the rule of law, Hu thus vowed to expand “citizens’ participation,” especially that of NGOs. In his report to the 17th Congress of the CCP in 2007, the president linked the development of socialist democracy to the “expansion of public participation” and pledged that “citizens’ participation in political affairs [would] expand in an orderly way.” He also “encourage[d] social organizations to help expand the participation by the public and report on their petitions to improve the self-governance capability of society” (Hu 2007). The leadership also allowed some diversification of civil society provided that social organizations were submitted to “graduated-controls” (*fenlei guan zhi*) according to their profile (Wu and Chan 2012). Wu and Chan use this concept to describe the state’s differentiated approach to three kinds of NGOs, namely those involved in service delivery and charity, those involved in service to marginal – and sometimes potentially disruptive – groups as well as in advocacy in favor of these groups, and those involved in political, religious, ethnic, or other sensitive areas. The authors argue that, while NGOs in the second category attracted more attention from authorities, “they were given considerable breathing space and were not subject to constant crackdown as were NGOs in the third category” (Yuen 2015).

The Hu-Wen era thus witnessed the rise of mid-range, moderate, and reformist issue-oriented NGOs. Defending the interests of a particular social group, and shying away from universal demands for all Chinese citizens as well as from broad claims for political reforms, these NGOs were to some extent fitting into the corporatist pattern of interests' representation in the Chinese regime. By emphasizing their role in maintaining social cohesion and social stability and nurturing their relations with party cadres to counterbalance their uncertain status, those grassroots organizations somehow managed to survive in a gray zone and to gain some legitimacy. They also greatly enhanced their advocacy capacity throughout this period of time in a bid to push the state to acknowledge the rights of the people they were defending. They were indeed instrumental in winning new rights for social groups such as migrant workers, women, disabled people, people with HIV-AIDS or hepatitis B, etc. Vala notes the same tolerance toward moderate religious groups, namely churches registered with "weak Protestant (official) associations," which could de facto enjoy a lot of autonomy, but also the unregistered churches that dealt respectfully and conciliatorily with local authorities and could enjoy "tacit approval" from the latter (Vala 2012: 51–52). Overall, President Hu's announcement during the 17th Chinese Communist Party Congress in 2007 that religious believers could play a "positive role in promoting economic and social development" pointed to more opening toward religious groups, namely those able to complement authoritarian rule by fulfilling welfare needs and providing services not offered by the state or to generate revenues by developing touristic activities (Vala 2012: 47).

Regarding the media, although Hu reemphasized their propaganda work and mission in guiding public opinion (*yulun daoxiang*), he did not completely stifle their critical role in exerting "public supervision" (*yulun jiandu*). In an important speech in 2008, President Hu thus acknowledged that the media also had an obligation to reflect the will of the people (*mingyi*) and mentioned the need to "protect the people's right to know, participate, express and supervise" (Bandurski 2008). This fundamental ambiguity over the role of the media still left some room for investigative journalists to remain faithful to the imperative of serving the public and being critical of power, and expose some of the biggest scandals of the decade (such as the Sanlu contaminated milk, the "tofu skin schools," or deadly faulty vaccines), albeit many were prosecuted and had to flee the country. The ambiguity of the leadership toward the media was also reflected in "the state's [continuous] attempt to utilize investigative journalism as a governance technique" (Wang and Lee 2014: 233), as epitomized by the telecast Focus (*Jiaodian fangtan*), whose relatively independent – albeit carefully circumscribed – investigations led to many legal and administrative sanctions targeting local officials (Zhao and Sun 2007).

Technological advances offered new opportunities for the construction of a public sphere and a more systematized resistance to the CCP's political hegemony. New media such as Weibo and other platforms played a key role in building up new and more interactive communities by enhancing solidarity and mobilization capacities (Svensson 2012; Teng 2012). They were also instrumental in shaping breaking news, and enabled the rise of a new engaged digital citizenry. As David Bandurski, a media scholar, put it: "Netizens, activists and journalists spoke hopefully about 'the surrounding gaze' (*weiguan*) and the coalescing of 'micro-forces' as tens of thousands, even millions, became actively involved with social issues online, often impacting the government response" (Bandurski 2016a; see also Xiaomi 2011; Froissart 2015: 134–136).

A good example of how online mobilization could impact political decisions is the 2011 PM2.5 air quality campaign. It was launched by public figures such as Zheng Yuanjie, a well-known writer, and Pan Shiyi, a successful businessman, who asked their numerous followers on Weibo to speak about their feelings about obviously very strong levels of pollution – the American Embassy index was displaying pollution levels at an overwhelming 500 – while official data

were merely announcing “light pollution.” The campaign was relayed by journalists and environmental NGOs, who played a crucial role in both mobilizing people to measure PM2.5 and in advocating for information disclosure. The obligation to measure and disclose PM2.5 levels was eventually incorporated into the law and local governments were forced to comply. If in this case, the mobilization and its outcome indeed turned out to be as beneficial to the people as to the Party, which now claims to be a strong advocate of the environment, new media could also enable political mobilization clearly challenging the CCP.

Allowing isolated activists to maintain informal networks and to “organize without organization” (Shirky 2008), new media were for example instrumental in organizing the signature campaign of the Charter 08, published in 2008 on the occasion of the 60th anniversary of the Universal Declaration of Human Rights and the 10th anniversary of the signing by the PRC of the UN Convention on Civil and Political Rights. This text, inspired by Charter 77 and promoted by Liu Xiaobo, was signed by 303 intellectuals, ordinary citizens, but also party cadres and people’s congress deputies at various levels, and then online by more than 5,000 people. On the basis of the main principles which China undertook to respect, it called for constitutional democracy and a federal republic respecting the right of minorities to self-determination.

The ambiguity of the leadership’s discourse (between building the rule of law and reaffirming the leading role of the CCP) and its willingness to leave some room for public participation also presided over the development of the rights defense movement (*weiquan yundong*), which could be considered as one of the main dynamics characterizing the Hu-Wen era. This movement had two components, which could sometimes coalesce. The elitist and scholarly component was embodied in a new breed of highly educated and professional lawyers engaged in cause lawyering, and fighting to promote constitutionalism, public good, and universal rights for Chinese citizens. Although the principle underlying their action, which consisted of taking the law seriously, was intrinsically subversive and albeit they had to frequently resort to media exposure as well as public demonstrations to compensate the lack of independence of the judiciary, Open Constitution Initiative (*Gongmen*), the NGO which was at the heart of the movement, was able to operate for ten years – that is during the whole Hu-Wen era – despite constant harassment.

The popular component of the rights defense movement, encapsulated by the concept of “rightful resistance” (O’Brien and Li 2006), consisted of protesters such as peasants deprived of their land, urbanites expelled from their homes, disgruntled workers and NGOs supporting them, of relying on laws and official discourses as well as media support to mount collective actions spanning the boundaries between official modes of conflict resolution (for example resorting to legal action) and outright protest. As demonstrated by the authors, the core dynamic of such resistance lay in the alliance – either tacit or explicit – between high ranking officials and protesters against local cadres. The rationale behind such ad hoc alliances was that the central government had also an interest in relying on popular mobilization to rein in corruption and abuses of power at the local level, as such mobilizations were usefully compensating for the shortcomings of the authoritarian system while exempting the Party to carry out systemic reforms.

During the Hu-Wen era, civil society was hence performing a functional role in the way the Chinese regime was operating, namely by acting as an ad hoc and flexible counter-power integrated into the system exempting the Party from formally implementing institutional reforms. Civil society also forced the Party to adapt and devise public policies better tuned to people’s needs and expectations. The game, which consisted of mutual instrumentalization on the part of the CCP and social actors to further their respective goals, was undoubtedly very dangerous as it harbored a risk that social mobilization would eventually overtake the Party. The challenge

for the CCP was thus to maintain this critical and combative civil society within certain limits where it could serve the Party's overall objectives instead of threatening it. Hence alternative periods of control (*shou*) and relaxation (*fang*), coupled with the deliberate maintenance of a legal gray zone, could expand the space for bold social innovations while at the same time allowing repression when needed. But the risk that the development of civil society would eventually shape the Party's future was precisely what Xi Jinping feared and the reason why he launched a severe crackdown on civil society while striving to promote – namely by the series of new laws that were recently passed – the consolidation of what could be called a “People's society” subservient to the Party.

The Xi Jinping era clearly displays a paradigm shift in the pattern of Chinese civil society and the way the CCP relates to it, which can be summarized by the following points:

- The abandonment of the alternating pattern of control and relaxation that unleashed China's era of “reform and opening up,” as targeted suppression is now being replaced by a more uniform and systematic crackdown on civil society.
- This crackdown aims not only at suppressing anything pertaining to a liberal, combative (so-called “Western-style”) definition of civil society but also the mid-range, moderate, and issues-oriented NGOs and activists.
- The forcible promotion of “social management with Chinese characteristics” (*zhongguo tese shehui guanli/zhili*) and charity (*cishan*), refocusing the development of “civil society” on organizations that complement or even strengthen the resilience of the current regime.
- The drastic shrinking of the space for “citizens' participation.” Except in scarce and designated areas such as environmental protection, only the Party can lead change and innovation. This is namely illustrated by the replacement of the central state's tacit and ad hoc alliances with social actors in controlling local cadres by the state-led campaign against corruption.

Shaping People's society

In July 2013, well-known new leftist Tsinghua University Professor Hu Angang wrote an op-ed for the *People's Daily* entitled “Why People's society is superior to civil society” (Hu 2013). According to Hu, People's society differs from Western conceptions of civil society centering on the rights and interests of individuals as it emphasizes the collective over the individual, the integration of the government and the masses (*zhengfu yu qunzhong yitihua*) over the opposition between state and society, and the maintenance of harmony over conflicting relations between them. People's society mainly aims at improving people's livelihood and social management under the aegis of the Communist Party; its method of governance is the mass line.

This op-ed echoed Xi Jinping's important speech on the mass line (June 2013), in which the new president distanced himself from his predecessor's emphasis on citizen participation by reaffirming the validity of the organizational and leadership method developed by Mao Zedong. It also mirrored the Document No. 9 which denounced “civil society” as a Western theory used by “some people with ulterior motives within China” to topple the Party and expressed concerns about its advocates becoming “a serious form of political opposition.” Retrospectively, this op-ed reads as a program for the measures that were taken since then to remold Chinese civil society to the image of the Party.

Guiding principles

The Xi Jinping era has been characterized by two guiding principles: efforts to immunize Chinese society from any influence from foreign ideas and foreign support and stringent limitation of freedom of speech in order to eradicate any form of criticism. The Party's program for tightening ideological control, which somehow recalls the campaigns against spiritual pollution that took place in the 1980s, has been detailed at length in the Document No. 9, first known during the Spring of 2013 as the "Seven don't Speak" (*Qi bushuo*) as it bans the use of seven locutions denounced as "Western ideas": universal values, freedom of speech, civil society, civil rights, the historical errors of the CCP, official bourgeoisie, judicial independence. This document, which warns that "Western anti-China forces and internal 'dissidents' are still actively trying to infiltrate China's ideological sphere and challenge our mainstream ideology," has been the spearhead to regain control over the media, the Internet, and academic debates, and presided over the enactment of a new legislative framework intended to bring to heel domestic and overseas organizations. (See Chapter 15, "Reform, Repression, Co-Optation: The CCP's Policy Toward Intellectuals.")

The struggle against "Western reporting" – that is investigative or merely critical journalism – was forcefully initiated by the case of the *Southern Weekly* (*Nanfang Zhoumo*) New Year's greeting in January 2013. Originally entitled "China's Dream, the Dream of Constitutionalism," the editorial recalled that this dream had been persistent in China since the end of the nineteenth century and advocated political reforms. The editorial was entirely rewritten overnight by the Guangdong Province Propaganda Department and was eventually published with the headline "We Are Now Closer to Our Dreams Than at Any Time Before," a phrase taken directly from an editorial in the Party's official *People's Daily*. Purged of all references to constitutionalism and words like "justice," "truth," and "citizen" typically used by this newspaper known for its criticism of those in power and its commitment to uphold justice, the final text celebrated China's greatness as well as its cultural exception in politics (Qian 2013).

Since then, Xi has consistently emphasized that the media should be completely subservient to the Party and should focus on "positive reporting" – as opposed to critical reporting – supposed to disseminate a "positive energy" within the people. This "so-called positive energy now denotes patriotism, love for the government, love for the Party. It even bears along with this the sense of opposing Japan, opposing America and opposing the West" (Zhang 2015). Xi's visit to the major state media outlets in February 2016, during which he said all media "must be surnamed Party," and must "love the Party, protect the Party and serve the Party," gave him the opportunity to articulate his full-fledged media policy. The two main features of this new policy are, first, to entirely subvert the distinction between "supervision by public opinion" and propaganda, as the two are now said to be "unified" (Bandurski 2016b) and, second, to replace Hu's strategic and selective control over the media by "a map for all-dimensional control" (*quanfangwei kongzhi*).

The leadership's determination to crack down on reformist thinking and to eradicate "historical nihilism" – meaning any version of history other than the official one, one of the seven taboos listed in the Document No. 9 – was displayed in July 2016 by the reshuffle of the *Yanhuang Chunqiu*, which eventually led its publisher to stop the publication. The journal, which carried out forthright articles that contested official versions of Communist Party history, was based on testimonies and historical information that no other outlets would dare to publish. It fostered public discussion on the Cultural Revolution, the anti-rightist movement, and the Great Famine, in a bid to urge the Party to advance political reforms that were stalled after the crackdown on the 1989 pro-democracy movement (Yu 2016). Founded in 1991 by reform-minded Party veterans, the

Yanhuang Chunqiu was a torchbearer for liberal-minded intellectuals. Its forced disappearance was intended to deal a blow to the entire reformist liberal camp, either inside or outside the Party.

The Xi leadership's will to strictly limit the impact of outspoken media and to break their solidarity with other civil society actors – a solidarity that used to be at the heart of the rights defense movement – was clearly demonstrated in October 2016 by Caixin Online's two-month suspension from the Party's list of news outlets whose content may be freely syndicated and reposted online. The directive came after Caixin Online covered the opposition by a large group of Chinese rights lawyers to a set of new regulations from the Ministry of Justice threatening them with the loss of their jobs if they speak to the media or take protest actions against injustice, including forced confessions or torture of their clients (RFA 2016).

This sanction takes place in a more general trend to curb the role of online media and micro-blogging in building up a public sphere and enhancing mobilization capacities. As early as August 2013, the Party moved aggressively against influential Weibo users, arresting several "Big Vs," popular microbloggers who have been verified not to be writing under a pseudonym (and so have a V beside their name) on the charge of "creating social disturbance" (*The Economist* 2013). Such opinion leaders, who sometimes boasted millions of followers and used to be instrumental in mounting key mobilizations that had an impact on governmental decisions, have now left the scene of the public sphere. Since Xi Jinping placed himself at the helm of the powerful Central Leading Group for Cyberspace Affairs in November 2013, Weibo has been further controlled, outspoken analysis websites, such as ConsensusNet (Gongshiwang), were shut down, and media regulators banned the country's Internet portals like Tencent and Sina from conducting any independent journalism of their own. (See Chapter 23, "Can the Internet and Social Media Change the Party?")

Academics were also one of the main targets of the Document No. 9, which was followed by a number of political directives banning liberal topics in the classroom and the arrest of a few free thinkers, such as Ilham Tohti. The much respected economist at the Central University for Nationalities in Beijing was known for advocating human rights and equality for Uyghurs, as well as more autonomy for the Xinjiang province. A more formal campaign to fight against foreign ideas and reassess the correct ideology was launched within the universities during the fall semester 2014. Following a controversial report carried out by the *Liaoning Daily*, which accused college instructors of not being sufficiently supportive of China's political system, and of "being scornful of China" (Ramzy 2014), academics were asked to cut criticism and be more "positive" (Bandurski 2014). Officials were required to lecture on Xi Jinping's speeches and socialism in colleges each semester (*Global Times* 2015). University authorities were called to step up the Party's "leadership and guidance" as well as to "strengthen and improve the ideological and political work" (Xinhuanet 2014). In January 2015, a new directive required universities' leaderships to set clear political, legal, and moral limits to teaching content and stressed that no textbooks that espouse Western values should be allowed to enter the classrooms (Xinhuanet 2015). This campaign was dramatically illustrated by Ilham Tohti being sentenced to life imprisonment on a charge of "spreading separatist thought and inciting ethnic hatred" in September 2014.

All these measures attempted to deprive the Chinese population of any space, either online or offline, for public debate and forbade any form of criticism, even the most constructive one, by treating it as an act of dissidence or, so to speak, "an attack on state security." By requiring absolute obedience to the Party, the Xi leadership reintroduced the "friend or foe" logic (Yuen 2015) that characterized the Maoist era.

The crackdown efforts

This friend or foe logic was displayed in the arrest of prominent activists and independent thinkers, which namely decapitated the rights defense movement, but even more obviously in the crackdown on issue-oriented NGOs and activists focused on gender issues, labor rights, or discriminations whose moderate orientation was tolerated thus far.

President Xi expressed his will to eradicate anything pertaining to a liberal, democratic, and combative definition of civil society as early as 2013 with the arrest of several dozens of activists, the most prominent being Xu Zhiyong, a lawyer who founded the legal NGO Open Constitution Initiative in 2003 and the New Citizen movement in 2012. This movement, which was dedicated to the awakening and improvement of Chinese citizens' civil rights awareness, won fame namely by its campaigns for equal rights for education (equal treatment for rural and urban *hukou* bearers) and for the disclosure of the wealth of government officials. Xu's sentencing to four years in prison in January 2014, the arrest of several hundred members of the movement,³ among them Tang Jinglin, a Guangzhou-based lawyer who was campaigning against graft and land seizure and was charged on "inciting subversion," clearly indicated that the struggle against corruption had to be carried out by the Party alone without the support of civil society actors relying on legal means and public criticism.

The crackdown has since then continuously intensified. Although it is not possible to list here all those who have been silenced by the regime, let's mention the shutdown in July 2013 of the Transition Institute, a moderately positioned think tank engaged in rights advocacy, the detention of a dozen participants of a closed-door seminar held to commemorate the 25th anniversary of June Fourth in May 2014, and the subsequent sentencing and disbarment of one of its participants, the lawyer Pu Zhiqiang, charged with "picking quarrels and inciting ethnic hatred" on the basis of his sarcastic postings on social media. In July 2015, the round-up against the Beijing Fengrui law firm and lawyers supporting one of its employees, Wang Yu, represented the most systematic and coordinated crackdown ever on rights defense lawyers. (See Chapter 16, "The Party and the Law.") Altogether, at least 319 lawyers, law firm staff, human rights activists, and family members have been questioned, summoned, forbidden to leave the country, held under house arrest, residential surveillance, criminally detained or arrested (CHRLCG 2016).

What these people and organizations had in common was that they tried to offer a counterweight to the regime by promoting alternative values and by seeking to restrict state authority over society and individuals. Those who are not currently detained in China's prisons or held under house arrest have now found refuge in the United States.

Moderate reformist NGOs and activists defending the rights of some social groups within the current political system have been targeted through the arrest of ten feminist activists – five of them having been charged with "picking quarrels and provoking trouble" – who were planning to mark International Women's Day in March 2015 with peaceful demonstrations against sexual harassment on public transportation; the subsequent crackdown on Yirenping, an NGO defending the rights of disabled people, people with Hepatitis B and HIV-AIDS; as well as labor NGOs in Guangdong Province. The case of the latter is particularly revealing. The coordinated crackdown on labor groups in the Guangzhou region on December 3, 2015, which led to the formal arrest of five activists and the temporary detention of a dozen others, swept altogether the leader of an organization helping workers suffering from work injuries, an activity considered as not sensitive thus far, and activists helping workers to bargain with employers over salary increase, but mostly to hold employers to their legal rights. Albeit the organizations involved in collective bargaining had enhanced workers' capacities to organize and helped them

obtain hundreds billion RMB in wages, lay-off compensation, social insurance contributions, and other benefits, they were helping to mitigate social problems, always seeking collaboration with trade unions and local authorities and asking workers to favor social dialog over strikes and other rights defense means regarded as threatening social order (Froissart 2014). These organizations may have somehow been acknowledged as relieving some burden from the state and as improving the government's level of social management since they have been able to support collective bargaining for five years, despite constant harassment. Yet, four of the arrested activists, who were working in Guangzhou-based Panyu Workers' Center, were criminally charged with "gathering a crowd to disturb social order," including the director of the organization who was targeted by a smear campaign launched by local authorities. In the fall of 2016, three of them got suspended sentences ranging from 3 years to 18 months while the fourth activist was sentenced to a 21-month jail term (CLB 2016). This harsh crackdown recalls that the CCP "persists in opting to maintain its hierarchical and arbitrary power" (Fewsmith 2013: 33), refusing any alliance with civil society and preventing workers' collective action from growing into "anything long-term, programmatic, or institutional" (Gallagher 2014: 91).

These crackdown efforts display a few new worrisome approaches and techniques: they are more systematic (versus specifically targeted) crackdowns; they use televised confessions to shame detained lawyers, journalists, and activists; they rely on smear campaigns aiming at portraying activists dedicated to social justice as venal and morally deprived persons committed to toppling the regime, as well as on systematic deprivation of rights acknowledged by Chinese law, frequently resorting to forced confession, denial of procedural rights, and access to lawyers, persecution of family members, and so forth.

It should be nonetheless mentioned that this sweeping crackdown took place at a time when Chinese civil society, which had long been compartmentalized and vertically structured along the lines of private relations with those in power, started to form horizontal alliances via new solidarities and networks across different sectors. Examples include close cooperation between Yirenping and the feminists, as the organization used to employ three of them; or between the feminists, who usually target middle-class or elite women to which they belong, and female workers in Guangdong (Fincher 2016). At the same time, some segments of civil society had pushed the boundaries further, such as the Feminist Five who not only did not shy away from cross-class solidarity and included the rights of gay people in their advocacy for gender equality, but also subverted traditional forms of advocacy. Instead of just targeting high-ranking officials, the Feminist Five have fostered more colorful forms of public advocacy that rely on happenings and art performances, which were performed without consideration for the Party's political agenda⁴ and were widely publicized on social media. Other segments of civil society even started to radicalize, such as the New Citizens' Movement, which did not hide from being a political movement relying on a liberal definition of citizenship, openly opposed to authoritarian rule, and dedicated to the promotion of constitutional governance (Xu 2014).

Since spring 2014, the Xi leadership has also forcefully cracked down on Christians, in a bid to limit the influence of "Western values" and to regain control over underground churches. The suppression-drive notably also targeted official churches – either Catholic or Protestant – in Zhejiang Province, namely the Wenzhou region, a hotbed of Christianity in China. By the end of 2016, dozens of churches were bulldozed, which was in addition to the 64 churches demolished in 2014 and about 1,500 in 2015 (Asianews 2014; *Catholic Herald* 2015); nearly 2,000 crosses have been torn down, church leaders and followers blocking the demolitions have been arrested and imprisoned. A crackdown on underground religious sites followed suit in 2016, while the release of a tougher version of the Regulations on Religious Affairs and other measures stress the necessity to Sinicize religions in China, change believers' thoughts, and bring

back religious sites under strict party control. The laws have become much more specific in controlling every aspect of religion, including cult and doctrine, and greatly empower local government bodies all the way down to the communities so that the latitude enjoyed till now by some communities would virtually become impossible (Mansfield 2016).

Erasing the legal gray zone: further constraints on Chinese and foreign NGOs

Following on the heels of the sustained crackdown on domestic civil society and the ratcheting up of pressure on international NGOs, the legal framework in 2016 governing the third sector has shifted dramatically. A series of new laws and regulations was passed to further shape the Chinese People's society. They basically consist of erasing the legal gray zone that enabled the surge of civil society organizations over the past period, reinforcing the Party's direct control over the third sector while forcefully limiting it to service delivery, and drastically curbing foreign NGOs' and foundations' presence and activities in China as well as their linkages with local organizations.

The promulgation in early 2016 of the Charity Law and the Overseas NGO Management Law represents the central government's most powerful statement ever about the role and limits of the third sector in China. Important to note is that the Charity Law introduces a new term, "charitable organization" (*cishan zuzhi*), into the official lexicon. The Overseas NGO Management Law, on the other hand, uses the internationally recognized "non-governmental organization" (*feizhengfu zuzhi*) to describe the target of the law. The implication, building on years of avoidance of the term "non-governmental organization," is that China will have no domestic NGOs, but rather charities. "NGO" is deemed a universe of discourse only for foreigners and foreign conceptions. While the Charity Law is an important step toward building a system of social governmentality (*shehui zhili*) with Chinese characteristics, which will leave little space for social engagement other than philanthropic activities, the Overseas NGO Management Law is reflective of Beijing's growing fear about an "infiltration by hostile Western forces" that could, in its eyes, eventually trigger a color revolution.

The Overseas NGO Management Law, which came into force in January 2017, establishes procedures for foreign-based organizations, but also organizations from Hong Kong, Taiwan, and Macao, to register formally and conduct activities in China. It targets a broad and ill-defined – thus potentially limitless – range of non-governmental and non-profit organizations spanning common NGOs, membership associations, and foundations specialized in public welfare but also any private organization that provides non-profit social services, such as private non-profit hospitals, schools, research institutes, nursing homes, child welfare agencies, various social service agencies, environmental and other public service organizations.

The law symbolically criminalizes overseas organizations as it requires them to register with the Ministry of Public Security (MPS) or its provincial bureaus rather than the Ministry of Civil Affairs as it used to be the case before or like their domestic counterparts. Before doing so, they have to be sponsored by a professional supervisory unit (PSU) authorized by the MPS. Activities with a duration of less than a year require a Chinese partner approved by the MPS that would act as a guarantor and apply for an approval of the competent authority. PSUs are also responsible for overseeing the activities of overseas NGOs and for assisting public security authorities in investigating and punishing illegal activities by overseas NGOs (Article 40).

This dual registration system not only creates overlapping layers of authority, but also extra administrative constraints and burdens. Overall, the law gives much more latitude to the state – actually the police – to screen the "good" and the "bad" organizations (Jia 2016) and will

potentially prevent organizations working on sensitive sectors such as advocacy, capacity building, legal aid, labor, ethnic minority or religious affairs, to further their work in China. But the law also places overseas organizations considered as desirable under much greater state scrutiny regarding their program, work plan, budget, sources of funding, and staff recruitment. It gives sweeping power and discretion to the police and the PSU to keep track on and influence overseas organizations' activities, namely by granting the police unrestricted access to organizations' office, staff, computers, and bank accounts. Under such scrutiny, overseas organizations will face higher risk of their registration being revoked and their persons-in-charge being detained, especially under the charges of "endangering state security" or "damaging national unity and national or public interest" (Article 5, 47). Those concepts have been interpreted so broadly by Chinese authorities so far that they can be invoked in any circumstances, especially as violations of the law will be handled by the public security alone and will not require court ruling. Perpetrators can be detained for up to 15 days and face repatriation or deportation.

While this law is expected to greatly reduce the number of overseas organizations in China, it will also hold important implications for domestic civil society actors. The law prohibits any organization or individual inside the Chinese border from accepting funds from, working, or indirectly working with a foreign NGO that has not obtained legal permission to operate in China (Article 46). Conversely, as overseas NGOs and foundations could get into trouble for working with unregistered domestic partners, they are expected to greatly reduce their cooperation with the more grassroots or sensitive ones. Altogether, this law is intended to curb overseas NGOs' funding to local civil society actors and stifle their cooperation and exchanges with domestic partners. This, together with the Charity Law, will further reduce the diversity of Chinese civil society, well beyond the current crackdown.

Enforced since September 1, 2016, the Charity Law is an important move to ease restrictions on the registration, the fundraising, and operational activities of charity groups. The law targets associations, social service organizations, or foundations engaged in activities such as aid to the poor, assistance to the elderly, orphans, the sick, and the disabled; disaster relief and help in public health crises; promotion of projects involving education, science, culture, health, and sports; pollution and public hazard prevention and protection of the environment. Under the new law, those organizations are now formally allowed to register directly with the Ministry of Civil Affairs, thus escaping the dual management system, that is the difficult task of finding a PSU to sponsor them and the obligation to comply with onerous reporting requirements.⁵

But the law also gives the state wide discretion over which organizations are allowed to register, especially in assessing if an organization's activities can be regarded as "represent[ing] the core values of socialism and promot[ing] the traditional morals of the Chinese nation" (Article 5), or as "not endanger[ing] national security or harm[ing] societal public interests" (Article 4). The Charity Law as a whole tends to identify the "public good" to "charity" and thereby prevents any non-charity-oriented organization from being acknowledged as contributing to the public good, or even to subsist. Indeed, organizations that have not been recognized as charities by authorities are not allowed to solicit public donations, which will further marginalize other types of organizations in a context where overseas funding will dry up. This move was further confirmed by the draft registration and management regulations published by the Ministry of Civil Affairs in June 2016, which renamed "civil non-enterprise units" (*minban feiqiye danwei*) as "social service organizations" (*shehui fuwu jigou*), hence implying that all social organizations other than foundations and membership associations should now have a social service mission as defined by the Party. It is obvious that the leadership wants to make sure that there is no avenue for social organizations to do something else than charity.

At the same time, the Charity Law and the revised registration and management regulations for foundations and other social organizations⁶ will make it easier for relevant organizations to access domestic social resources because they lower the barriers to public fundraising and provide greater tax incentives for donations. It also intends to enhance public trust toward such organizations, as it includes strict regulations, namely an obligation to information disclosure, to prevent fraud, and imposes tighter supervision on the management of charity groups. However, the top-down approach to managing the groups could come at the price of their independence and make it harder for them to monitor the government. Moreover, several legal provisions mainly favor big well-established organizations – that usually have close ties to the government – to the detriment of small newly established ones.⁷

The determination to further tighten the Party's grip over civil society organizations was confirmed by the Joint Opinion on Reforming the Management System of Social Organizations published by the general offices of the CCP and the State Council in August 2016. The Opinion underlines the CCP's determination to comprehensively cover the third sector in a bid to make sure that social organizations do not have the potential to threaten the position of the CCP as the ruling party. It devotes particular attention to strengthening controls over the founders of social organizations, including pulling them in for political education, and reasserts the obligation to establish party branches in social organizations having three or more party members. While this requirement is not new,⁸ it now gains more authority and emphasizes the CCP's anxiousness to establish its leadership over the third sector and guide its development: "the party will have to play ... the political role within social organizations ... to ensure that [they] are developing on the correct political path" (Zhonggong zhongyang bangongting 2016). Lastly, the Opinion sets 2020 as a date for establishing a universal registration system and rendering more uniform the situation of domestic civil society groups in China.⁹

The two new laws and subsequent (draft) regulations undoubtedly display the Party's will to channelize Chinese civil society toward charity oriented, service activities delivered on behalf of the Party, to the detriment of the development of rights defense, advocacy oriented groups but also of the building of a welfare state. Charity has indeed nothing to do with the guarantee of social rights. Social rights are distinguished from charity in that everyone has a personal right to claim them: they represent a right that the individual holds over the state. On the contrary, as noted by Thomas Humphrey Marshall, charity, whether dispensed by the state or the private sector, represents an alternative to citizenship: it excludes its beneficiaries from being citizens (Marshall 1964). Indeed, charity particularizes and stigmatizes some social groups as "poor and needy" while rights (as citizens' rights) are universal and enhance human dignity. The Charity Law can thus be interpreted as a state's attempt to further curtail the advancement of rights, especially in light of the few efforts made under the Xi Jinping leadership to improve the social security system. However, the law remains ambiguous: "charity" is also taken in its broad sense of "public good" and notably includes environment protection activities, which are obviously beneficial to all Chinese citizens and beyond.

These past few years, environment protection and namely pollution control have been acknowledged as a CCP key commitment by, among others, the passing of the new and much more restrictive Environmental Protection Law, the 2015 Thirteenth Five-Year Plan as well as the signature of Paris Agreements in December 2015 followed by their quick ratification. In this particular sector, the CCP has explicitly called upon public participation to help it fulfill its commitments and environmental NGOs (ENGOs) indeed appear as the last sector of the rights defense-oriented civil society that enjoy some freedom or even empowerment. The new Environmental Protection Law namely formalizes the possibility for ENGOs to mount public interest litigations, hence giving them a key and officially endorsed role in pollution control. In

this sector, it seems that the Party wants to not only preserve but also further develop and legalize the public participation that was experienced during the Hu-Wen era. This opening might give rise to innovative and semi-institutionalized forms of public participation, including advocacy.

Is this model sustainable?

No matter how restrictive this new legislative framework is, it is likely that, as they have always done so in the past, civil society actors will devise new strategies to circumvent or even subvert this new framework in order to pursue their own agenda. The most likely effect of these two new laws and subsequent measures might not be to successfully reformat the Chinese third sector according to official state goals but rather to force some social actors to develop even more informal networks and new strategies so as to avoid appearing on the state's radar. According to informal conversations I had with various civil society actors, some social organizations considered as sensitive (such as think tanks or legal groups) are already finding ways to sell their services and expertise so as to reregister as businesses while at the same time continuing their initial activities. Besides, an increasing amount of domestic organizations are presenting themselves as social enterprises, especially in Shanghai. Although this legal status still does not exist in China, those organizations are registering as businesses, which allows them to be financially and administratively independent and articulate their profitable activities with freely chosen social endeavors. Contrary to NGOs that are registered as businesses by default, and whose commercial activities are developed to support social ones, social enterprises claim a chosen and assumed identity, and their profitable and social activities are fully integrated to each other. This might lead to further reconfigurations between the third and commercial sectors, which might free social endeavors from political control but at the same time subject it to the market. Simultaneously, the new legal framework will also clarify the status of many organizations registered as civil non-enterprise units while already having profitable activities.

It is also important to note that, while some NGOs are already choosing circumventing tactics, others opt for the opposite tactic by favoring a more open, daring, and self-confident activism. This is the case for example of a non-registered labor NGO located in Shenzhen, founded at the beginning of the 2000s and which has been actively involved in collective bargaining since 2010 despite constant harassment by the authorities, which resulted in some temporary interruptions of its activities. Neither the December 2015 crackdown on labor NGOs in Guangzhou nor the passing of the new laws deterred the organization from pursuing its commitment to advance collective bargaining in the Shenzhen area. Between December 2015 and December 2016, it has been involved in eight collective bargaining cases, keeping its activities transparent to convince authorities of their righteous nature and that it is not secretly challenging state authority. This tactic proved efficient as the organization managed to involve local unions and authorities in at least two cases during which they constructively supervised the negotiations and helped secure beneficial outcomes to workers. This example shows that, whenever local authorities estimate that it is beneficial to them, they will still maintain ad hoc and circumscribed alliances with social actors, which will continue to be tolerated if not officially recognized. Indeed, even if the central state wants to get rid of moderate issue-oriented NGOs, local authorities cannot completely forgo their help in fostering social dialog and diffusing contradictions. Without their support as precious intermediaries between state and society, the social situation might become explosive. It is thus likely that rights-defense and advocacy-oriented groups will not completely disappear, but will be faced with the same dilemma as before, perhaps receiving informal support but unlikely to obtain

formal recognition by the government and the financial and other benefits conferred by a formal legal status.

Indeed, the legal gray zone will likely not be fully eradicated. The sometimes imprecise wording of this new legal framework, which leaves some room for interpretation, as well as its decentralized implementation by local governments, might constitute an obstacle to its smooth implementation, either in favor or against social organizations. The Overseas NGO Management Law adds a tremendous amount of administrative work not only to social organizations but also to PSUs designated among state administration as well as Public Security organs that might not have the capacity and manpower to take up this extra work. This might trigger foot dragging and failure to comply among officials and lead to selective enforcement of the law. Due to their long-lasting chilly relationships with public-interest organizations, local officials might also be reluctant to significantly lower the barriers to the registration of domestic organizations as charities, especially against the backdrop of the anti-corruption campaign and other contradictory signals pointing toward tighter control and suspicion toward social organizations. Likewise, emphasizing that officials are either ignorant or suspicious of their activities, many domestic organizations said that they did not plan to attempt to register despite the encouraging aspects of the Charity Law (Spire 2016).

To some extent, these new laws as well as the efforts to crack down on civil society and to put a gag on criticism might have an unintended contradictory side effect by encouraging the most adamant and boldest actors to join the “hidden sphere” Havel mentions in *The Power of the Powerless* (Havel 1978), nurturing even fiercer resistance and opposition to the regime and further depriving the Party-state of its means to control the most radical elements of civil society. While some organizations may seem to have disappeared, informal networks remain and can reemerge at any time.

In this regard, Protestants deserve a special attention due to their growing number, their organization capacities, and their commitment to preserve the religious sphere’s independence from political intrusion. Koesel attributes Protestants’ rising number to their extraordinary capacity to organize under the state’s radar in a hostile political context, and assesses that they constitute “one of the largest and most sophisticated civil-society networks in China” (Koesel 2013: 587). Although “many empirical studies demonstrate that, in the eyes of the majority of house church members, Christianity is not opposed to the communist party . . . , rather, it is only a way of ‘spiritual life’ and ‘social life’ of the believers” (Hong 2012: 252), paradoxically, those studies at the same time show that most church members also give themselves a broader political, social, and moral mission toward society. Vala finds for example that some urban churches in different cities that hold outdoor worship protests against state domination of religion are engaging in a kind of public activism that “combines religious worship with protest and defends the priority of religion over state domination of society,” with their leaders “implicitly seek[ing] to limit state authority over religion and, by extension, over all of society” (Vala 2012: 52). Witnesses already report that “Christianity is growing fastest where the persecution is the most severe” (LifeSiteNews 2016). Koessel stresses for his part that “while church leaders do not see themselves as revolutionaries and are quick to downplay any political aspirations in favor of a spiritual and patriotic mission, this does not mean that they will always do so.” “One is reminded of the role civil society played in the collapse of communism in Eastern Europe,” he wrote. “Its power came not from a project to end the regime so much as its ability to establish an existence separate from the regime” (Koesel 2013: 587).

Social resistance is already palpable and it mainly targets censorship. Albeit scarce and scattered, resistance is overtly expressed by demonstrations, open letters, petitions, outspoken op-eds and statements, that multiplied during the year 2016 both from within and outside the Party.

The *Southern Weekly* incident in January 2013 triggered a strong response by journalists, who mounted a public demonstration in front of the journal's building, but also academics and students, public intellectuals, and ordinary citizens. An open letter called on Guangdong's party chief to sack the chief of the provincial propaganda department. It was echoed three years later by Ren Zhiqiang's outspoken opposition following Xi's visit to leading state media outlets. The retired businessman expressed the anger of a part of the public, declaring to his 38 million followers on Weibo that the party press organs were financed by the taxpayers and thus had to serve them first, not the Party.

Critics crystalized around the two sessions of the NPC and the CPPCC in March 2016, which opened in great tension with the publication of an open letter calling for Xi Jinping's resignation from all state and Party leadership positions, posted on the state-linked Wujie News website. The letter blamed Xi for an atmosphere of political, diplomatic, economic, ideological, and cultural anxiety currently sweeping China, and accused him of excessively concentrating the power in his own hands. The letter mentioned that the "personal safety" of the president and his family could be in jeopardy if he did not comply (*China Digital Times* 2016). Signed by a group of "loyal Party members," the letter was likely written by personalities both inside and outside the system. The two sessions gave delegates the opportunity to echo social resentment as well as to express themselves as victims of the leadership's increasing intolerance of alternative viewpoints in party dialogue and efforts to limit "improper discussions." Wang Guoqing, the spokesman for the National Committee of the CPPCC, underlined that by dodging questions they find "sensitive," spokespeople may end up stoking confusion and undermining the credibility of the institutions they represent. In that regard, as noted by the Europe edition of the *China Daily*, Zhu Zhengfu, deputy chairman of the All China Lawyers Association and a member of the CPPCC National Committee, "set a laudable example for other CPPCC members and NPC delegates." He brought to the session a number of proposals targeted at some of the most pressing issues concerning judicial justice. Among those was the suggestion to stop criminal suspects confessing on TV, which, he stressed, is against the jurisprudential principle of assumption of innocence that China has adopted (*China Daily* 2016). Another CPPCC delegate, Jiang Hong, said in an article that appeared on Caixin's Chinese-language site on March 3, 2016 that advisors should be free to give Communist Party and government agencies suggestions on economic, political, cultural, and societal issues. Jiang also recalled in the interview that the Communist Party has a tradition of "listening to different opinions" and that the right of people to speak freely was enshrined in the Constitution. The article was censored for "containing illegal content," but Caixin pushed back with an English article – which too was quickly removed from the Internet – denouncing this censorship and Jiang subsequently announced his plan to propose a measure to the NPC on ensuring the legal right to self-expression. Official media expressed their support for this plan, namely the *Global Times*, which reported Jiang's words, quickly followed by an open letter by a Xinhua employee accusing censors of using tactics reminiscent of Maoist times to silence and smear critics, and pointing out that the public's freedom of expression has been violated to an extreme degree (Buckley 2016). Critics continued during the summer 2016 when 78 scientists from the elite Chinese Academy of Sciences and other top scientific and engineering institutes sent a petition to the CCP calling on Xi Jinping to lift censorship of the Internet, which, as stressed by one of the signatories, has already "resulted in severe losses to people engaged in scientific research." Another op-ed published by the *People's Daily*, which warned that "absolutist egomania will bring a nasty demise to top cadres," was construed as indirectly denouncing Xi's grab on power (Lam 2016).

However, despite the fact that several official statements are echoing social resentment, and that this very resentment would not be able to be voiced without the support of Xi's opponents,

a crisis scenario similar to 1989 when reformists among the government struck an alliance with social activists seems improbable for now (see Chapter 21, “The Future of the Chinese Communist Party”) and Xi was eventually successfully elected Core Leader of the CCP during the Sixth Plenum in October 2016.

Conclusion

Although the Hu-Wen era was not devoid of fierce – yet circumscribed – crackdowns on civil society, the leadership tolerated forms of critical or even combative civil society as long as it served the overall objectives of the Party. Both civil society and governance methods experienced a certain amount of diversification and even pluralization, which bestowed a unique dynamism yet precarious balance to the Chinese authoritarian regime. Conversely, the Xi leadership has restored greater orthodoxy, considerably reduced space for civil society, and set up significant obstacles to China’s openness to the outside world, which used to be the main driving force behind reforms.

The Xi administration has enhanced and clarified the legal framework for social organizations but only to foster organizations that complement authoritarian rule by fulfilling needs and providing services not offered by the state and even strengthen the resilience of the current regime. Except maybe in the environmental sector, the new laws make it obvious that the Party wants to guide social life and make it harder – if not impossible – for social organizations to monitor the government and promote social changes. The same drive has affected religious associations. While they enjoyed some degree of de facto autonomy under the previous leadership, they are now either being suppressed or brought under much stringent party control and ordered to serve the state’s goals.

President Xi’s endeavors to bridge the gap between the Party and society as well as to eradicate enemies of the people, a category that may now include anyone who does not strictly toe the Party’s line, revive the totalitarian temptation of the regime. Overall, the CCP plays a very dangerous game for itself. The Party forgoes the constructive proposal strength of civil society and its role in diffusing social contradictions. The leadership’s strong grip on criticism has nurtured antagonism and radicalization among the boldest rights activists, as well as among some party members and officials. Xi has potentially created a situation of permanent crisis whose management cost might be extremely high, as no government can secure its power sustainably by only relying on coercion.

However, the leadership’s coercion power might not be as strong as expected. While, in the short term, the new constraints have undoubtedly engendered a chilly effect on civil society, social actors might strengthen and diversify their resources to resist pressure in the long term. The crisis may well never explode into the open and be merely diffused by circumvention tactics, foot-dragging, and refusal to comply on the part of both social actors and officials, which in turn may erode Xi Jinping’s power.

Notes

- 1 The Chinese law distinguishes between associations (*shetuan*), civil non-enterprise units (*minban feiqiye danwei*), and foundations (*jijinhui*).
- 2 According to official statistics, the total number of registered social organizations (including *shetuan* and *minban feiqiye danwei*) grew from 153,322 in 2000 to 606,048 in 2014 (China Statistical Yearbook 2015), while estimates of the number of informal NPOs run from 1 million to 3 million depending on which types of organizations are counted as NPOs (ICNL 2016). But according to the estimates of various scholars, the number of “illegal” organizations could be up to or over ten times the number of

- “legal” ones (Jia 2016). Assuming that the rise in the number of Protestants could be taken as an indicator of the growth of religious communities, the members of the official Three-Self Churches should have approximately 20 million while house church members should be between 20 and 60 million (Hong 2012: 258; Koesel 2013: 574).
- 3 For a detailed list, see CHRD 2013.
 - 4 The demonstration against sexual harassment in public transportation, which led to the arrest of the Feminist Five, was held just days before the annual assemblies of the National People’s Congress (NPC) and the Chinese People’s Political Consultative Conference (CPPCC), a quite sensitive time in China.
 - 5 The Charity Law thus endorses the experimentations carried out by local authorities, namely the Guangdong Province government, over the last few years to lower the barriers to entry for certain categories of social organizations, especially those involved in social service provision.
 - 6 In June 2016, the Ministry of Civil Affairs issued draft registration and management regulations for public comment for foundations (*jijinhui*) and social service organizations (*shehui fuwu jigou*), followed, on August 1, by draft registration and management regulations for the third type of social organizations: social (membership-based) associations (*shetuan*). These regulations specify which government bodies are responsible for their registration and management, the registration requirements and procedures, the internal governance of the organization, their legal responsibilities, and so on.
 - 7 E.g., organizations recognized as charities should own their own premises and should not use more than 10 percent of the funds they raise to cover administration and payroll costs, meaning that they have to be able to raise substantial amounts of funding to be able to provide competitive salaries to their staff, and thus attract skilled workers and retain employees. Organizations will also have to wait for two years before being allowed to publicly raise funds, which raises questions about the survival of the smaller organizations.
 - 8 Party cells have long been required in social organizations as well as other entities having three or more party members by the Party Charter, Article 29. By the end of 2012, the CCP had established grass-roots party branches in over 40,300 social organizations (*shehui tuanti*) and more than 39,500 private non-enterprise units (*minfei*) according to Thornton who traces back the party-building efforts in the third sector to as early as 1997 (Thornton 2013). This requirement was emphasized again in the 2015 CCP Party Branch Work Interim Regulations (*Zhongguo gongchandang dangzu gongzuo tiaoli shixing*) and was also inserted into the draft revisions of the Regulations regarding the three types of social organizations that were put out for comment in 2016.
 - 9 The Opinion also states that industry associations and those involved in science, charity, or urban and rural community services will be able to directly register with civil affairs authorities or local governments. It thus seems to loosen the state’s authority and control over social organizations only to reinforce the Party’s one.

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