

International Perspectives on Social Policy,
Administration, and Practice

Zhidong Hao
Sheying Chen *Editors*

Social Issues in China

Gender, Ethnicity, Labor,
and the Environment

 Springer

International Perspectives on Social Policy, Administration, and Practice

Volume 1

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Editors

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and the Environment

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ISBN 978-1-4614-2223-5 ISBN 978-1-4614-2224-2 (eBook)

DOI 10.1007/978-1-4614-2224-2

Springer New York Heidelberg Dordrecht London

Library of Congress Control Number: 2013941659

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We dedicate this book to those who strive to build a more fair and just China which both the present and future generations, including Longzai and Ting-ting (Hao's and Chen's new family members, respectively), will all find inhabitable.

Acknowledgements

Most of these papers on China's development came from the four panels Zhidong Hao organized at Left Forum held at Pace University in New York in March 2011. The four panels were respectively on gender, ethnicity, labor, and the environment. These social issues have been troubling China ever since the reform and opening 30 years ago. Prof. Sheying Chen, Associate Provost for Academic Affairs at Pace and host to the Forum, graciously joined Zhidong in editing the papers and publishing them in this book.

Since not all the presenters were able to join us in the publication of the book, we invited other scholars to contribute to the volume. As a result, in each of the four parts of the book, we have papers on the respective problems regarding a specific issue, on theoretical analysis, and on NGOs that deal with this issue. That way we have not only analyzed the problems but also explored how various social organizations are helping deal with them.

Each paper has gone through multiple drafts upon the editors' suggestions for revision so that each part of the book is coherent and each paper makes a clear point that complements other papers. We want to thank the authors for their hard work and cooperation. Without their efforts, we would not be able to have a high-quality book in front of us.

We would also like to thank the organizers of Left Forum for giving us the opportunity to present the four panels. We want to thank Dr. Seth Adler, Conference Coordinator, for his accommodation. We want to thank especially Professor Stanley Aronowitz, Director of The Center for the Study of Culture, Technology and Work, Department of Sociology, City University of New York Graduate Center, the chief organizer of Left Forum, for his encouragement for the panels and the eventual publication of the book.

Last but not least, we want to thank the editors at Springer for their diligent and professional work in producing a beautiful and professional looking book for us to enjoy. These would include especially Janice Stern, Senior Editor at Springer, and Christina Tuballes, Editorial Assistant.

We hope you will enjoy the book.

Contents

1 Introduction: Gender, Ethnicity, Labor, and the Environment as Social Issues and Public Policy Challenges	1
Sheying Chen and Zhidong Hao	

Part I Gender Relations in China

2 Rural Chinese Women's Political Participation: Problems and Prospects.....	23
Chiew-Siang Bryan Ho and Qin Li	
3 Self-Assertive Mistresses and Corrupt Officials: The Complex Interdependencies	45
Helen Xiaoyan Wu	
4 Domestic Labor, Gendered Intergenerational Contract, and Shared Elderly Care in Rural South China	67
Clara Wai-chun To	
5 The Growth and Dilemma of Women's NGOs in China: A Case Study of the Beijing Zhongze Legal Consulting Service Center for Women	85
Jun Li	

Part II Ethnic Relations in China

6 Language, Learning, and Identity: Problematizing the Education for Tibetans.....	109
Chung Dolma	
7 Interpreting the Ethnicization of Social Conflict in China: Ethnonationalism, Identity, and Social Justice	127
Grace Cheng	

8	A Harmonious Society: National Policies and Ethnic Relations.....	145
	A. Tom Grunfeld	
9	NGO Development in China's Ethnic Areas	163
	Xu Liu	
Part III Labor Relations in China		
10	Labor Contract, Trade Union Membership, and Workplace Relations: A Study of Migrant Workers in Guangdong Province, China.....	183
	Zhiming Cheng, Haining Wang, and Yuanyuan Chen	
11	Labor Protection for Migrant Workers in China: A Perspective of Institutional Reform.....	207
	Qingwen Xu	
12	From Societization of Workers' Rights Defending to the Construction of Corporate Social Responsibility: The Experience of Yiwu City's General Trade Union	227
	Xinjun Gao	
13	The Role of Intellectuals in Contemporary China's Labor Movement: A Preliminary Exploration	239
	Zhidong Hao	
Part IV The Environmental Movement		
14	Environmental Problems in China: Issues and Prospects.....	257
	Peter Zabielskis	
15	The Struggle for Survival: A Case Study of an Environmental NGO in Zhejiang Province.....	281
	Hao Xin and Jing Yang	
16	Public Participation in Environmental Protection in China: Three Case Analyses	291
	Wanxin Li, Jieyan Liu, and Duoduo Li	
17	Political Opportunity and the Anti-dam Movement in China: A Case Study of Nu River.....	311
	Kin-man Chan and Yan Zhou	
	Index.....	331

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Chapter 1

Introduction: Gender, Ethnicity, Labor, and the Environment as Social Issues and Public Policy Challenges

Sheying Chen and Zhidong Hao

Abstract This chapter begins with a general description of social issues and problems in China. Then, emphasizing the role of a general public policy in understanding such issues and policy challenges, we revisit the conceptual framework of an economic state in contrast to the changing (and confusing) welfare state in comparative social policy research. We highlight a historical viewpoint to show how and why social issues have been perceived and dealt with so differently during different periods of national development (and setback). An opening opportunity window is emerging for the study of social policy in China as it has never been so valued since the founding of the economic state in 1949 due to escalating politicization followed by a turn of extreme economicization after 1978. This provides a framework for assessing social issues and problems in China. So, thirdly, we illustrate how the volume has described and theorized the four fundamental and profound social problems regarding gender, ethnic, and labor relations as well as environmental protection. With a comprehensive understanding of these problems, we see better what the public policy challenges are, and how public policymaking processes should be reformed.

Keywords China • Social problems • General public policy • Gender • Ethnicity • Labor • The environment

Social problems, or social issues (sometimes with a more “neutral” or “initial” connotation), may concern population (e.g., overpopulation or “population

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explosion,” aging, sex-ratio imbalance, migration, “floating” population, etc.), special or vulnerable groups (e.g., the elderly, disabled, women, and children), health-related issues (e.g., mental disorder, drug abuse, and suicide), social deviance/crime, poverty, inequality, employment, the environment, etc. (Mooney et al. 2012). As diverse and dynamic as human needs, social issues stem from particular social contexts and may become serious social problems as unmet social needs.

Social Issues and Problems in China

The current Chinese society is marked by not only remarkable economic growth but also various social issues and problems. If one surfs the Internet, one would find people’s concerns, frustration, and anger over a wide range of issues and problems that impact their life or, in their view, the society and the future of the nation. Such heated yet pessimistic comments are easily seen and widespread over Chinese Web sites (despite the heavy government censorship).

Different people may identify different problems. Some would identify social problems related to education, public safety, housing, land expropriation and settlement, and environmental protection.¹ A nationwide survey conducted by the National Bureau of Statistics of China in 2005 found that public safety and education were emphasized along with social climate/morality as the top three social problems. A 2004–2005 study conducted by the Chinese Academy of Social Sciences warned about six social issues affecting China’s development: farmers losing land, employment difficulty, poverty, corruption, resources and environmental issues, and social mentality change during a period of rapid economic development (Ru Xin et al. 2005).² Other identified social problems include population, aging, juvenile delinquency, food safety, housing price, inflation, and the exodus of wealthy capitalists as well as rich families of public officials. In a large-scale study that surveyed a national sample of twenty thousand Chinese people, corruption of public officials and unfair distribution of wealth were found to be the two most outstanding social problems facing the country today.³ While the former is viewed as an immediate threat to the Party’s rule and likely picked up quickly by a new generation of Chinese leadership, the latter concerns the grassroots people more directly and can be harder to change (especially in view of a widening gap between the rich and the poor worldwide) (Chen Sheying 2002c; Chen Sheying and Powell Jason 2011).

On the other hand, the Chinese state has indeed made a great many significant achievements in all aspects of its work notwithstanding various difficulties and

¹ See <http://baike.baidu.com/view/183632.htm>, last accessed on August 20, 2012.

² See <http://www.china.com.cn/chinese/zhuanti/fy/781890.htm>, last accessed on October 30, 2012.

³ See http://book.163.com/12/0330/15/7TRSv9Q600923P3U_all.html, last accessed on March 30, 2012.

risks in forging ahead on so-called “socialist road with Chinese characteristics” (Liu Jianwu 2007). These have included continuing economic development, increased living standards of the people, progress in social and cultural construction, boosted military defense, etc. (Hu Jintao 2012).

However, the Party would also readily acknowledge its problems, as it did at the recently concluded 18th National Congress of the CCP held on November 8–15, 2012. Particularly, cadre corruption, imbalanced development, lack of coordination among various state departments, and unsustainability are outstanding issues threatening future development. There are lots of systemic barriers to the pursuit of sustainable development. Urban-rural and regional gaps in development and income gaps among residents are too large. Corruption is easily and repeatedly found in all levels of the government, which poses a serious challenge to the life of the Party (Hu Jintao 2012).

This volume deals with a somewhat different set of social problems: gender, ethnic, and labor relations as well as environmental protection. But before we move to these problems, we will first examine the social policy of the economic state and its challenges and opportunities.

Social Policy of the Economic State

Every society has social issues and problems, and social policy is made to address them (Baldock et al. 2011). A comprehensive understanding of social policy, however, is hardly achievable through sectoral policy analysis without recognizing the role of a general public policy (GPP) (Chen Sheying 1996), which affects and even determines the definition of a social issue or problem in the first place. The GPP is a guide to the priority aims and preferred means in a policy system (Morris 1985). Its meaning, however, is best understood via historical and comparative studies. As the GPP changes over time, a historical perspective is crucial in understanding how and why social issues and problems are perceived and dealt with so differently during different periods of time (Chen Sheying 2002b).

The welfare state has occupied the center stage of social policy study in the West, originally as a social ideal but lately more as a target for various attacks (Titmuss 1958/1963; Hirschman 1980). As a post-War social ideal, the welfare state represents a drastic departure from the warfare state (e.g., Nazi Germany) type of policy making and thus is a major progress in human history. Presumably, the welfare state’s view of most pressing social issues/problems and best ways to deal with them is rather different from that under a warfare state. The continued growth of the welfare state, however, encountered major setbacks in the 1970s amid economic recession, which became a target for criticism and reform in the 1980s and 1990s (and up to this day) (Johnson 1987; Chen Sheying 2008). The war on poverty turned into a war on welfare, which also shows how social issues and social policy may shift dramatically over time in the Western world.

Due to socioeconomic and cultural differences, non-Western researchers eager to learn from the experiences of contemporary Western states can easily get confused (especially if they followed an authoritative or popular social policy textbook). The same would happen to Western researchers interested in the study of current or former socialist-communist societies (Chen Sheying 1996). In real terms, welfare state-based social policy study/discipline (not the same as political science or international relations) can be misleading as to how best to deal with the social issues and problems in non-Western societies with policy responses that are well-grounded and of high theoretical (if not statistical) confidence. The root of the confusion and dilemma is that, aside from the problems and difficulties of the welfare state itself, the establishment of Marxist socialist states (including the People's Republic of China, or PRC) is fundamentally different from the welfare state (Chen Sheying 1996).

Further pursuit of the subject entails pushing back the boundary of the discipline with an argument that the welfare state is not a universal rubric/center for social policy study but only a particular GPP pattern (Chen Sheying 2002a, 2008). This, in general, allows researchers of non-Western states to think outside the box and develop new models of policymaking not necessarily understandable from a welfare state or "welfare capitalism" point of view (e.g., Esping-Andersen 1990). In particular, the GPP of the PRC has been identified as a unique, evolving economic state (Chen Sheying 1996, 2008). Unlike the welfare states heavily loaded with social provisions but little or no burden of directly running the economy, the economic state is structurally and functionally distinct with a primary, direct responsibility for economic construction and developing the productive force (Chen Sheying 2002a). However, a dynamic view is required to fully understand the history of social policy of the economic state (Chen Sheying 2002b, 2012).

The post-War founding of the PRC was not too far apart from the blooming of Western welfare states. But it never enjoyed a heyday as an economic state like the welfare states did in the early years. Born from bloody wars and confronted by the Western camp in the Cold War, the communist nation state had to remain highly militant in its immaturity while its internal operations were also highly politicized. Under continued politicization that eventually culminated in the Great Proletarian Cultural Revolution in the late 1960s, there were hardly any major "social" problems but political ones (Chen Sheying 2002c). That is, social problems and needs were assessed based on their political significance, dealt with by political means, and tightly controlled with highly centralized political power. Job security and benefits for state workers, for instance, were important not because the government was interested in becoming a welfare state but more likely because they were given the political significance of realizing the "master" status of the workers (not "employees" but with "iron rice bowl" or *tie fanwan* type of guarantee) and demonstrating the superiority of socialism over capitalism (Chen Sheying 2002c). Ruled under such ideology, the study of "issues" or "problems" was considered trivial compared to the pursuit of "isms" or doctrines, a position taken by revolutionaries since the early years of Chinese communism (Zhu Hong 2007). And socialism was thought to be immune to major social problems and economic crises, whereas policies addressing those issues had to give way to political priorities. In real terms, any talk

about social problems at that time was dangerous since it could be treated as a serious crime of being “dissatisfied with the (socialist) reality.” What this history suggests is that we cannot always take the study of social issues or problems in China for granted.

A continued negligence of the economic state’s primary mission (i.e., economic construction), however, eventually led the nation to a real crisis situation no matter how successful a strategy of “taking class struggle as the key link” was in keeping all kinds of social issues in check. While the Chinese were busy fighting with their enemies and themselves, the outside world was developing rapidly (Chen Sheying 2002c). By the time the Cultural Revolution was formally declared an end, the economies in Hong Kong, Taiwan, and many foreign countries and regions had soared. Although still “reluctant” and lagged behind (and bogged down in the Vietnam War), the United States had developed into a full-fledged welfare state since the 1960s. In a sharp contrast with the worldwide momentum of development, the Chinese were suddenly made aware when a policy window opened after Chairman Mao’s demise that the state was literally facing a fate of being wiped out. The signs of crisis had repeatedly prompted the government to attend to its main charge, that is, economic construction. However, it was not until Mao’s successor, Deng Xiaoping, and his followers determined the total failure of the Cultural Revolution that a shift of the state’s focus to economic work was made possible (Chen Sheying 2002c). Such a shift was in effect a dramatic transformation of the GPP in its policy system called *boluan fanzheng* (to clarify confusion and bring things back to order) (Wang Yanmin 2011), which was widely hailed as a historical and strategic decision made by the Chinese leadership in 1978. That meant to restore—or finally realize since it was never fully realized before—the economic state’s primary function in economic construction via a process of de-politicization (Chen Sheying 2002b). To survive the challenges the state now had to face squarely the need for speedy development, which firstly meant economic catch-up via “open door” and reform, even if that would involve the risk of loosening control of social (and political) problems. Under the de-politicized, now out-and-out economic state (not just a form of government but a resolute new ideology), the Chinese almost sacrificed everything else for advancing economy during a period following the 1978 transformation when “everything was looked at for money” and people from all walks of life would “plunge into the sea” (go into business).

Such “economicization” or commercialization of Chinese society after the de-politicization of the economic state did not bode well for social stability and harmony. In a sense, this is even worse than the previous time of politicization since the loosening up of political control and the waging of economic reform let out all kinds of social issues and problems that the reborn economic state was in an awkward position and unprepared to deal with. The situation triggered an outcry from within and outside China, which caused civil unrest time and again including the infamous Tiananmen Square killings that shocked the whole world. Here politics certainly played a role, especially since the loosening up of political control did not lead to fundamental political reform while some of the protest activities were criminalized and subdued by political or even military forces. However, deep-seated social issues and problems tend to be the underlying reasons for civil unrest and political

consequences, while politics alone is unlikely to be the cure or culprit for what happened. It is fair to say that for post-Mao leadership the biggest politics was “open door” and reform. Yet, failing to adequately address some of the serious social issues and problems could have failed the reformist government.

However, it seems that was the risk that the fully realized economic state was willing to take. On the one hand, there were mounting social problems following the breakup of the old economic and social security systems. On the other hand, they often met with blind eyes and lip services with GDP growth as the primary performance indicator for government leadership at all levels. Many scholars have noted the lack of social policy studies in China during this period. The de-politicized Chinese state’s almost exclusive focus on the economy, no matter how negative it has been on the handling of social issues and problems, was mandated by the economic state’s primary mission and driven by a desperate need to seize the last chance to prove itself and survive the serious challenges in the post-Mao era (Chen Sheying 2002b). Only with a broad historical view and a deep understanding of the GPP change (from “class struggle as the key link” to “economic construction as the center”) can such a risky development strategy make sense with a realistic assessment of the possibility for resolving various social issues and problems during the special time period.

Here let us take inequality, one of the most outstanding social issues nowadays, as an example to illustrate the importance of the historical context. Ironically, the Chinese economic reform began with the acceptance of inequality as a counter-measure to widespread poverty under communist egalitarianism in order to boost productivity or efficiency (Chen Sheying 2008). Economic inequality used to be considered (at least theoretically) incompatible with the socialist system (although as a political power relationship inequality was legitimate no matter how brutal it was against alleged “class enemies”). While “class struggle” had been held as the key link in Chinese political and social life, class did not mean anything in terms of the distribution and redistribution of resources in the socialist economic system. Although not existing exactly in reality, egalitarianism as an ideological principle had prevented economic inequality from expanding dramatically as it is nowadays. That practice, however, had most Chinese people remain poor while “eating out of the same big pot” (*da guo fan*) had become a well-known and deadly syndrome of the socialist economic system resulting in low productivity (Chen Sheying 1996; Adamchak et al. 1999). When the de-politicized economic state rediscovered the lost goal of efficiency, the leadership was determined to achieve it, at whatever price including even the sacrifice of equality. Under the direction of Deng Xiaoping, “letting a portion of the population get rich first” became a new state policy. Since equality is not equal to equity (Chen Sheying 2002c), this policy was well articulated and justified as being fairer than the previous egalitarian ideology to those who made greater contributions to the society. The underlying reason for this initial reform measure, however, was for the economic state to provide incentives to boost economic output under Deng’s famous, pragmatic “white cat or black cat” philosophy. And inefficiency, not inequality, was the main concern at that time under the nation’s newly transformed GPP reorganizing everything around economic construction as the sole center.

Therefore, what we see as a major social problem today might not be a problem at another point in time since the social need at that time could even be the other way around. After the implementation of “open door” and reform, economic inequality became more and more prominent (Khan and Riskin 1998; OECD 2012). Inequality came with its problems, and efficiency vs. equality is a hard issue in both capitalist and socialist societies (Blau and Ruan Danqing 1990). When economic inequality went unbridled and/or intertwined with political inequality, it could seriously impede a country’s development. And remember a growing inequality goes against the socialist principle or ideal (however, they are characterized in the Chinese way) (Parish 1984). To resolve the fundamental issue of inequality and achieve equality, however, piecemeal measures and patchwork will not work and a shift of the country’s GPP is again required to balance the exclusive/excessive economic interests.

Ambitious in economic construction as it was, the Chinese state was frequently criticized by researchers for its inactivity and neglected options in addressing various social issues and problems. The understanding of social policy in China could involve different perspectives as well as various sentiments. For instance, a popular opinion might be represented by a negative attitude towards the entire Chinese bureaucracy. A scholastic conviction might be rooted in the totalitarian explanation of the interest conflicts within the socialist-communist government or society. Nevertheless, there was also a need for a rational analysis of the prescriptions of the Chinese state. An incomplete understanding of Chinese social policy, if mingled with potential preferences, prejudices and stereotypes, could be totally destructive. Since reform might not fully redress the “economic bias” of that GPP in a short term, a widespread frustration and resentment might foil even the most reformist government and exploratory leadership. Appearing outdated and increasingly out of tune with the mounting social demands, the economic state still served as a reminder in our understanding of various social issues and policy responses. On the one hand, the Chinese state always claimed the well-being of the masses or the people as its sole mission and purpose. On the other, the GPP of the economic state, among other factors, prevented it from becoming a full-fledged welfare state. Although the economic state had exceptional potential to afford the expenses of social provision (Chen Sheying 2002a), the real possibility depended on its development needs as well as the specific economic, political and social conditions. The inactivity or staying in a mere advocacy role as a general policy regarding community care, for instance, was at least partly a result of the determined development strategy of the Chinese government as an economic state rather than a welfare state (Chen Sheying 1996).

Economic State in Transition: Challenges and Opportunities

The most significant happenings in the global policy space have included welfare reform among welfare states and economic reform led by the Chinese economic state during the last few decades of the twentieth century. It has been pointed out that the Chinese economic reform initially was also a welfare reform but in a

direction opposite to that of the Western welfare reform (Chen Sheying 1996, 2008). The Chinese reform began by separating statutory welfare provision from (rather than integrating it with) economic work in order to hold individual enterprises accountable for measurable economic results on a more equitable basis. Large numbers of workers were laid off and put on welfare rolls for structural reasons even before a reliable safety net was fully built, which was very different from workfare-centered welfare reform in the United States and some other Western countries (Chen Sheying 2008). The Chinese government found itself in a transition similar to that of the welfare state only after the economic state finally and fully realized itself through the GPP transformation toward de-politicization and a declared focus on economic construction.

While de-politicization implied economicization of the entire society since 1978, the economic state immediately entered yet another process of de-economicizing itself as a result of reform. In real terms, the finally realized, fully committed economic state was immediately undercut by the changes that ensued (in this sense, the socialist economic state never had a chance to stay and be tested in full). Economic reform and “open door” made a lot of economic departments in the government unnecessary and led to organizational modifications (or “institutional readjustment”) undermining it as an economic state structurally and functionally (Chen Sheying 2012). To a large extent, the state has withdrawn from directly running business enterprises. On the other hand, economic growth lifted the standard of living and also increased government revenue for redistribution. Politically, advocates for disadvantaged groups including social policy researchers and social welfare professionals kept pushing for a new shift of the government’s work emphasis with more attention to widespread social problems and mounting social needs (Chen Sheying 2002c, 2012). A review of Chinese public policymaking during the first decade of the twenty-first century helps us to sense an increasing attention to social policy with outspoken criticism against so-called “GDPism,” sometimes even dismissing the rationality of the last GPP transfer of 1978 for its exclusive/excessive economic focus. The post-reform surge of social issues and problems has not only posted serious challenges to public policymaking but also great opportunities for social policy researchers to play an increasing role in shaping the direction for future development. The opportunity window is now opening much wider for the study of social issues and problems in China as it has never been so valued since the founding of the economic state, either at the time of politicization or during the period of extreme economicization.

In terms of the future direction for Chinese public policy and social research, there have been calls for another transfer of the country’s GPP toward a more balanced development strategy (Chen Sheying 2008). A shift of the emphasis from economic operations to the handling of social issues means that the Chinese government would assume and remain in a regulatory role in a market economy largely comparable to that of its Western counterparts. This seems to suggest the validity of so-called convergence theory in social policy study. Here the “balance of economic and social developments” no longer simply means state planning of the levels and ratios of consumption vs. accumulation but is also about redistribution or income

transfer programs. Such programs would depend heavily on government revenues. With regard to the issue of inequality, in the case of the U.S. wages have become more unequal since the 1980s, though the growth of productivity slowed down rather than speeded up and in some years stopped altogether (Burtless 1990). In China, accepting income inequality was a key policy measure of the economic state to boost productivity in launching its economic reform. A continued reliance on this measure, however, is likely to achieve less and less but cause more and more social problems. This is particularly true in view of the flaws in the rules of the economic game, which have not provided equal opportunity to everyone (e.g., corruption cases, bureaucratic capitalism, inadequate regulation/monitoring of the financial markets, unemployment, poverty, etc.). The efficiency-oriented government can no longer turn a blind eye to the fundamental socioeconomic problems that have been fueling a growing national sentiment and political frustration. All these will demand careful reconsideration of the state's policy and development strategy.

Learned from its painful experience in the past, the Chinese leadership is likely to maintain a strong economic orientation as a part of the enduring "Chinese characteristics" compared with the welfare state (in transition, with also increasing attention to economic performance). However, economic, social and political forces are driving the Chinese state's attention to various social issues and problems even though it has not shown much intention to weaken its economic commitment. Under the technocrats' rational model for planning, technology and management would seem to be among the most enduring factors that will continue to promote productivity. However, further reform is needed to create truly equal opportunities for everyone. And necessary income transfer programs will help to control the widening of the income gap and thus maintain the desired equity, equality, and social stability. In this regard, careful design of a social security system with learning from the lessons and experiences of the welfare states may also help.

Gender, Ethnicity, Labor, and the Environment

The discussion in the above provides a general framework for studying social issues and public policy in China with a comprehensive understanding of its evolving development strategy under the ever-changing circumstances. Below, a number of scholarly contributions on issues concerning gender, ethnicity, labor, and the environment will showcase some of the most difficult yet fundamental social issues and problems in contemporary China and their public policy implications.

Part I: Social Problems in Gender Relations

Part I of the book contains four chapters dealing with gender relations and their problems in China. In traditional China, women were viewed as the inferior sex, and as a result, very few of them would hold important political, economic and

social positions. In the few cases when women rose to power, like Wu Zetian in the Tang dynasty and Cixi in the Qing dynasty, they were treated as negative examples of how women in power might lead to disastrous consequences. The Chinese revolution seemed to counter that traditional Chinese belief when Mao emphasized that women could “hold up half the sky.” But the fact of the matter is that women have never held half of the leadership positions, wherever they are. If women had some symbolic importance in the Mao era, that importance has been dwindling in the reform era. Indeed, in the latter era, women have been left to fend themselves against the onslaught of the market economy. Countless rural women have gone off to boom cities seeking jobs only to find themselves subject to all kinds of exploitation and suppression by various kinds of power and capital. If they have children, their children are then often raised by their grandparents in haphazard conditions typical of “left-behind children.” Most recently five such boys, ranged in age from 9 to 13, in Guizhou province died in a trash bin after taking shelter there from the cold (Edward Wong 2012).⁴ Urban women found themselves let go of their jobs when state-owned enterprises were privatized or simply bankrupt. Female college graduates found many job ads say “women need not apply.”

Suddenly Chinese women found that the revolutionary ideal was but a dream almost gone or never came true. Now they have to negotiate their own way out. If higher status of women in the West is the result of many years of hard-fought struggles of women’s liberation movement, Chinese women found that they have to start their own liberation movement now. If a concerted and well-organized women’s movement is not allowed in China, and there is no coherent public policy that deals with women’s affairs, they will have to find their own ways to liberate themselves. That is what we see in these four papers. But it is not easy.

The first chapter of this part, or Chap. 2, by Bryan Ho and Qin Li relates how difficult it is for women to take an active part in political elections at the village level. Their conclusion is based on the findings from a United Nations Development Program’s project in Hubei province on rural women and politics. Social, cultural, economic, and institutional obstacles stand in the way of women’s participation in politics. As a result, few women were elected to the village committees, or otherwise assume leadership positions. Rural elections have been hailed as a harbinger of China’s democratization. But the experience in the past few decades indicates that they are far from successful, and there is no indication that elections will move further up to, for example, the county level, let alone provincial or central levels. We can safely assume that in the absence of a coherent public policy that deals with the social issues regarding women and a women’s movement that deals with the political issues, it is hard to foresee the elevation of women’s status to that of men in China any time soon.

⁴Because of the notorious *Hukou* (residency registration) system, migrant workers cannot get proper social benefits in the cities where they work, and their children are often barred from schooling unless they pay an enormous amount of money. That would give parents little incentive to bring their children with them (Edward Wong 2012).

Under the circumstances, women have to strive for their own interests to the best of their abilities. That may be even relevant to some self-assertive mistresses in their relationship with corrupt government officials as described in the second chapter of this part, or Chap. 3, by Helen Wu. It seems that these women were able to achieve some kind of “equality” with powerful men only through what seems to be an “abnormal” relationship of “interdependencies” with the corrupt officials. They were even instrumental in bringing down the latter, although only when their interests clashed with the latter’s. It is almost a sadomasochistic kind of power relations, and thus can hardly be said to indicate equal status of women. The long list of popular rhymes and corrupt officials fallen partly because of their “improper sexual relationships” with women can tell us not only how corrupt some CCP cadres are but how seriously women have been sexually exploited in the reform era. However much women may benefit from such relations, money or status, they are still properties of the men, and the money they get from the men is embezzled money anyway. This is hardly a healthy kind of gender relations.

The third chapter by Clara To, or Chap. 4, discusses gender relations in a quite different angle. She examines the intra-gender, intra-generational negotiations between daughters-in-law for the mother-in-law’s domestic services in caring her grandchildren. In exchange, the mother-in-law receives old age support from the daughters-in-law and their sons. This is one of the least studied areas from the angle of gender relations. When domestic labor is studied, usually it is the division of household labor between husband and wife. Very few scholars have studied the intra-gender relationship between the daughter-in-law and the mother-in-law, with the husband playing a less important role. Yet, in the countryside especially, this has been one of the most important social problems that has affected the life of millions of women. Many families suffer from bad relationships between the daughter-in-law and the mother-in-law (*po xi guanxi*). A study of this kind not only helps us understand the intricacies of the relationship between daughters- and mothers-in-law, but also what social organizations should be set up to mediate the conflicts between the daughter-in-law, the mother-in-law, and the son, and to provide child-care and elderly support in order to enhance the quality of life of hundreds of millions women in the countryside.

Speaking of social organizations, the fourth chapter of this part, or Chap. 5, by Jun Li is a case study of the Beijing Zhongze Legal Consulting Service Center for Women. As we said earlier, to tackle gender inequality problems in the reform era in China, public policy is important. But when public policy is lacking or not enforced, women have to organize to liberate themselves, or at least protect their interests. Jun Li’s chapter discusses the efforts by this legal service center to help women in need of legal assistance, especially the unemployed and migrant female workers. From her discussion, we see that first of all, hundreds of thousands of women need help in this “capitalist” country with Chinese characteristics. Second, an international support network is crucial not only in the establishment of such NGOs but also in the development of them. Third, although the state may not like such NGOs, since they pose challenges to state practices and policies, they are crucial members of an emerging civil society and are few of the only hopes for combating gender inequalities in China. And fourth, their development strategies, conflict

and cooperation with government agencies, can and should be considered by other NGOs. This we will further discuss below.

Although the four chapters above have not covered all the problems in gender relations in China, they have at least provided a picture of some of the gender inequality problems that China is facing, and what NGOs can do to help solve these problems. In the following three parts, we more or less follow the same pattern of discussion, i.e., social problems and their solutions, especially in the way of NGOs.

Part II: Social Problems in Ethnic Relations

Part II of this volume contains four chapters dealing with ethnic relations and their related social problems in China. Ever since the founding of the PRC in 1949, ethnic relations have been one of the key social issues the PRC needs to handle very carefully. Although ethnic relations between Han and most of the 55 minorities seem to be cordial, ethnic conflicts have persisted between Han on the one hand and Tibetans and Uyghurs on the other. They culminated in the riots on March 14, 2008 in Tibet and on July 5, 2009 in Xinjiang. Between February 2009 and April 2013, in a bit over 4 years, 116 Tibetans self-immolated in Tibetan areas in China, and 98 of them are known to have died. The government has characterized the riots and self-immolations as results of separatist instigation, but the reasons are far more complex than that. Although the four chapters are not meant to investigate the reasons of these events, they nonetheless touch on some of the fundamental issues behind these events, whether these are about national identity and education, about inequalities as a result of economic development, or about the problems of the state's ethnic policies. The final chapter also deals with one solution to the problems, i.e., NGOs in ethnic eras, as in the previous part.

The first chapter of this part, or Chap. 6, is by Chung Dolma, an ethnic Tibetan who is now a graduate student at University of Wisconsin-Madison and who has had extensive experience working for an NGO on the Tibetan plateau. She discusses the education policies in Tibetan areas, how they have been implemented, and what the results of those policies are. She finds that there is a staggering achievement gap between Tibetan and Han Chinese students. This has been attributed to Tibetan students' lack of intelligence, capability, and diligence and thus taken for granted. Therefore the mission of the state's national education is to "civilize" the Tibetans. To "civilize" minorities means to ask them to learn the Chinese language, culture and history at the expense of their own languages, cultures, and histories. This is exactly what has happened in Tibet. If Tibetans are asked to downplay or simply forget their own language and culture and learn from scratch that of the Chinese, one can expect the "achievement gap" between Tibetans and the Chinese to be big. How can it not be, when the former has been shamed into inferiority? The Chinese state has to reformulate its educational policies in minority areas by promoting a genuinely bilingual education that does not sacrifice ethnic minority's own languages, cultures, and histories. A Chinese identity does not mean a Han identity,

and promoting a Chinese identity should not mean the sacrifice of the Tibetan identity (Zhidong Hao 2012a). Much needs to be done.

If the first chapter in this part on ethnic relations focuses on education and identity formation as a source of ethnic conflict, the second chapter, or Chap. 7, by Grace Cheng explores how ethnic tensions reflect some fundamental issues of social justice, or the lack of it, as a result of economic liberalization, increased density of ethnic mixing, and social fragmentation. As more Han and Hui people migrate from the inland to the frontier to look for economic opportunities, they form separate economic networks to the exclusion of the locals. This has aroused much resentment. The riots in the 2000s may be tied to ethnic structures of the regional economy where Tibetans were at a disadvantage. Ethnic boundaries are reinforced, and society is further fragmented. If the state does not work on social justice and social cohesion, we are going to see things go from bad to worse. Indeed, the reform of state policies, where social justice must be at the center, is exactly what the next chapter discusses.

In the third chapter of Part II, or Chap. 8, on ethnic relations, Tom Grunfeld reviews the ethnic policies since the founding of the PRC in 1949. He finds that policies change from time to time, but they have rarely been successful. Since the 1990s, the policy has been of economic growth, with the officials believing that once the living standards of minorities improve, there will be social stability. Reality does not, however, quite support that thinking, as we have seen. The problem is that however the policies change, they seldom deal with what minorities themselves believe that they need the most, such as the protection of their culture and religion and political autonomy. If anything, more of these policies have been made to suppress ethnic minority's own cultural characteristics and limit their political power to the least possible extent. The reform of the ethnic policies must focus on the understanding that Han racism exists and must be overcome, and a new Chinese national culture must be based on the respect for the minority cultures, equality, human rights, and social justice. There must be mechanisms that provide these guarantees (see also Zhidong Hao 2012b).

The reform of minority policies should also include the development a civil society. The last chapter of this part, or Chap. 9, by Xu Liu discusses NGOs in ethnic areas. In his study, Xu Liu finds that many GONGOs and NGOs have made an effort in providing various services in China's ethnic areas, including humanitarian aid, education, poverty-alleviation, environmental protection, medical and health care, and the protection of the rights and interests of women and children. Using Oxfam Hong Kong as an example, the author finds that International NGOs are especially innovative in cultivating relations with the government agencies at various levels, and maintaining good relations with local residents, donors and other NGOs. But as the author recognizes, there are a lot of barriers to the growth of NGOs and their work. The government allows only NGOs whose work advances the goals of the state, so NGOs that advocate the rights of minorities are not allowed. Even their humanitarian aid projects are often treated with suspicion. They do not have clear legal protection as an NGO, and they lack human and financial resources. Nonetheless, some of them are fairly successful in doing what they do.

In addition to Oxfam the author mentioned in the chapter, Machik is another good example. This is an NGO based in Washington DC whose work is equally commendable. According to their Web site at www.machik.org,

Our work has grown organically around an effort to build a community-based education project from the ground up in one rural Tibetan township. At the heart of the work have been direct interventions—building an award-winning school, bringing clean energy and safe drinking water, establishing a library and an organic greenhouse, repairing roads and rebuilding homes, facilitating healthcare missions and caring for the elderly and the poor.

As our work has grown, we have broadened the impact of our work by establishing a women's scholarship program and by investing in training programs and digital media projects as well as dynamic individuals who embody the ideals of community service, learning and social entrepreneurship. These efforts have, over time, enabled us to create a portal for developing new partnerships and synergies on a regional scale. Our work is currently organized around five themes: Education, Conservation and Green Technology, Women's Initiatives, Economic Opportunities, Multimedia and Digital Technology, and Social Entrepreneurship.

Although NGOs are not the only solution to ethnic conflicts in minority areas, they in a sense are helping more than what the government is doing.

Part III: Social Problems in Labor Relations

Part III of the volume contains four chapters dealing with labor relations in China. Indeed, the past 30 years of rapid economic growth have seen not only the straining of gender and ethnic relations but that of labor relations as well. In fact, the rapid growth we have seen, as embodied by the spectacular buildings in cities and the countryside, and the abundance of money at the state's as well as corrupt officials' disposal, is largely based on the work of the labor, especially migrant workers, numbered around 253 million. Yet the labor is among the most disadvantaged groups in China, despite the propaganda that China is a socialist country and the working class is the leading class. These four chapters tell us how the labor is doing, what the state is and is not doing in protecting the rights of the labor, and what NGOs are doing in alleviating the pain, if possible.

The first chapter of this part, or Chap. 10, is by Qingwen Xu, who discusses the state policies in protecting migrant workers and their implementations from a view of Institutional Analysis and Development (IAD). In the past 30 years, the violations of Chinese workers' rights have been rampant, including wage arrears, dreadful and even dangerous working conditions, and prolonged working hours without pay, etc. In the face of increasing labor abuses, the state realized that without the protection of the socioeconomic rights of migrant workers, there would be no sustainable economic development. So the state needed to develop policies of labor protection. In 1994, a Labor Law was passed and workers were afforded rights that were not recognized previously, and in 2008, a tougher Labor Contract Law was implemented.

However, such laws and various other labor protection policies essentially discourage the formation of autonomous, self-governing organizations and collective actions. So the implementation of these laws often becomes problematic. Using the IAD model to evaluate the institutional interaction with rules and norms, the author finds that only a small proportion of migrant workers have had written contracts with their employers for various reasons, and most are still faced with precarious employment conditions. An IAD analysis would point to the need of all the parties to work together in the implementation of the policies, including local governments, communities, migrant workers and families, business owners, labor unions, among others. And indeed there have been some successes, but by and large migrant workers are still facing a series of challenges for upward mobility. As we find in previous chapters, more civil society organizations are needed, including effective workers' unions, and a just society is yet to be built.

The second chapter of this part, or Chap. 11, is by Zhiming Cheng, Haining Wang, and Yuanyuan Chen. Similar to the previous chapter, this paper examines the implementation of the two labor protection laws we mentioned above, but using survey data collected in Guangdong province in 2009. They find that although close to 62 % of their respondents signed labor contracts, about one third of them had experienced at least one rights violation such as forced work, dangerous work without adequate occupational protection, corporal punishment, body/bag searches, assault and battery, imprisonment, and high-risk and hazardous work (such as in a dusty, noisy or toxic environment). Older and female workers were at a disadvantage. Apparently, although the laws did provide the employees with legal grounds to fight for their own interests and for labor unions to play a more important role, employers have tried to circumvent them by retrenching workers, cheating on labor contracts, relocating factories to other regions or countries, and the violations of migrant workers' rights still continue. Nonetheless, laws are still important. The authors find that two major variables that affect migrant workers' access to labor contracts were trade union membership and the understanding of the laws themselves. As the IAD analysis told us above, more social actors need to get involved including especially a strong and functional trade union.

Indeed, the third chapter of this part, Chap. 12, by Xinjun Gao, is an effort to demonstrate how migrant workers' rights can be protected by a coherent societized effort, with a more functional trade union leading that effort. In his research, the author conducted a case study on the work of the Yiwu General Trade Union of Zhejiang province. He finds that in the face of conflicts between capital and labor, which often led to violence, the Union set up a Center for Defending Migrant Workers' Legal Rights. The Center worked closely with the Police Department, the Procuratorate, the Courts, the government's Judiciary Bureau, the new media, law firms, and formed interdepartmental alliances and national and local networks. In a word, they established a societized system of rights defending for migrant workers. The Center actively engaged in mediation, arbitration, and litigation. In addition, the Union was instrumental in pushing for corporate social responsibility (CSR) by Yiwu's enterprises: they designed the Yiwu Standards of CSR covering

15 major items including labor contracts, health insurance, working conditions, education, etc.

But will the Yiwu practice be sustainable? What if Chen Youde, the head of the trade union, whose role in these reforms was indispensable, steps down? Is there a system that guarantees that the good practices will continue? The author is optimistic, but as the following chapter indicates, there are reasonable doubts.

The above three chapters of Part III all examine what might be done within the system, and find that systemic measures can be successful to certain degrees. The last chapter of this part by Zhidong Hao, or Chap. 13, on the role of three kinds of intellectuals in China's labor movement, would propose that from an organic intellectual's point view, there indeed are things that the system can and should do. And there are plenty of organic intellectuals trying to help in this regard as this chapter indicates since their major role is to serve the state. But from a critical intellectual's point of view, that is far from enough. Laws are frequently not enforced, and official trade unions in general help the state and capital more than they help workers. The All-China Federation of Trade Unions (ACFTU), with branches throughout the country, is not a civil society organization from bottom up, but a government organized NGO or GONGO from top down, a government agency, and its head is a member of the CCP's Politburo. The purpose of the official trade unions has been to help consolidate the Party's government of the country. Protection of workers' rights and benefits is only secondary. The role of the organic intellectuals likewise is also limited. Workers are largely left to fend themselves individually or through ad hoc organizations since independent unions are not allowed.

So from a critical intellectual's point view, to allow the kind of inequality and unfairness done to migrant workers is unconscionable. Even though their number is small, critical intellectuals like Zhou Litai, a lawyer, would help migrant workers in their law suits against unscrupulous employers. In 2010, nine sociologists wrote an open letter calling on the state to stop the Chinese model of development characterized by the sacrifices of workers' human dignity. Two NGOs, China Labor Bulletin and Students and Scholars against Corporate Misbehavior, both based in Hong Kong, vigorously investigate and expose unfair practices of enterprises in China and the inability of the official trade unions to protect workers' rights, and call on the state to allow independent unions as an alternative. But if one could not count on the collapse of the totalitarian state, then the most probable course for the transformation of the ACFTU is to allow democratic elections of grassroots union leaders, and then incorporate those unions into the ACFTU. Eventually they should become by and large independent. This would be the beginning of a strong civil society.

Part IV: The Environment and the Environmental NGOs

The last part of this volume, Part IV, turns to environmental issues. As we know, in addition to the gender, ethnicity, and labor problems, one of the consequences of the 30 years of fast development is serious environmental deterioration. The four chapters in this part focus on an analysis of the problems, and what

efforts the environmental movements, especially their NGOs, are making in addressing the problems.

The first chapter of Part IV, or Chap. 14, by Peter Zabielskis, describes for us how bad the environmental problems are. The list of China's environmental woes is long: land degradation, water scarcity and pollution, air pollution, inadequate urban environmental infrastructure, contamination of the rural environment, increasing frequency and intensity of environmental accidents and disasters, loss of biodiversity, and some more specific problems within the above categories like soil pollution, desertification, dust and sand storms, improper disposal of toxic wastes, and mining accidents. The author's detailed research on these problems is impressive. All these are mostly a result of the "get rich quick and clean up later" mentality. One would have to wonder who is responsible and what roles the government has played. And where is public policy? Environmental laws are important but they need to be enforced. *Government* (official plans, policies, and regulations) without *governance* (all of the above but with an additional focus on actual practice—how policy and regulation actually play out on the ground with the input of nongovernmental actors) will not help. That is, a robust civil society that can hold the government accountable, among other things, is needed, as in other spheres of concern in this book. But is the environment a civil society catalyst? Indeed, the political space for environmental activism has expanded; there is an enhanced networking and coordination among NGOs, the media, and environmental experts both domestically and internationally; and the environmental NGOs have become bolder in pushing the limits of political activism, which we will also see in the following chapters. But as the author asks, is civil society the hope for change? The picture is mixed, as we will see now.

The second chapter of this part, or Chap. 15, is by Hao Xin, who himself is the founder of Green Zhejiang, an environmental NGO in Zhejiang province. He describes his organizations' trials and tribulations, and successes. As an NGO, they at first suffered from all the woes that NGOs would suffer from, including lacking a legal status as well as lacking human and financial resources. But they have overcome those woes by collaborating with a government agency and with business corporations while still maintaining a large degree of freedom and independence. They have thus succeeded in various projects as water conservation, an interactive map to track pollution, and a new program entitled *Sales for Green*. This kind of success story, however, is rare. As the author points out, many (in fact maybe most as we mentioned earlier) NGOs are still struggling for survival because of the lack of financial and human resources, and it is not clear whether their approaches can be replicated. Although it is commendable that one company is paying the salaries of its six full-time staff members, it remains to be seen whether that is sustainable, and the cooperation with businesses can always invite suspicion from the public. To establish a CCP branch at the NGO is helpful in garnering support from the government, but it may also invite criticism about its autonomy and independence as an NGO. Nonetheless, these are all interesting experiments and they point to the dilemmas of NGO work and compromises it may have to make to achieve its goals without sacrificing too much of its integrity. The last two chapters paint a picture of

collective action of NGOs and the public in general, whose modes of operation are very different from that of Green Zhijiang.

The third chapter of Part IV, Chap. 16, is by Wangxin Li, Jieyan Liu, and Duoduo Li. By comparing three cases of environmental activism, they describe the drivers for public participation (heightened public awareness of environmental degradation and increasing anxieties over health and property values), the agents leading the participation (environmental NGOs and activists, including those who work in the government), and legal contexts of their participation (insufficient and lacking enforcement). The authors point out that public access to environmental information and public participation in environmental decision-making is the foundation for accountable government, the idea we mentioned above as good governance. But government officials usually do not like the idea of public access and participation although they may pay lip services to it. This leaves no other option but collective action on the part of the concerned individuals and groups. Resources are mobilized, environmentally harmful projects are stopped, and the movement won in these three cases, or at least for now. The question is, as the authors ask in the end of the paper, “How can we see a more systematic change in government decision-making from passively responding to public claims on an ad hoc basis to actively engaging the public and thus enhancing the legitimacy of and mass support for public policies?” The final chapter of this volume may help answer this question of how resources might be mobilized, public participation negotiated, and public policymaking processes transformed.

The final chapter of Part IV and the book, or Chap. 17, is by Kin-Man Chan and Yan Zhou on political opportunity and the anti-dam movement in China, a case study of the successful environmental movement against the planned Nu River Dam. So what made this movement successful? Using the political process theory and its core concept of political opportunity structure, the authors analyze what the opportunity structure was like for the environmental movement against dam constructions. For example, in the “fragmented authoritarianism,” there were officials and government agencies that were sympathetic to the environmental cause and in favor of green GDP. They can become the allies of the movement. Environmental NGOs worked at full speed in using these connections. Local villagers to be affected by the dam were also mobilized, and international forums were used to put pressure on the Chinese government. They also modified their strategies as the occasion required: they switched from its previous “anti-dam” position to one of striving for “procedural justice and public participation,” avoiding the accusation of “extreme environmentalism” and winning public support.

As the authors claim, other social movements face similar political opportunities in China. So the experiences of the environmental movement can be learned by agents of other social movements, and the more opening institutional structure as a result of the environmental movement can also be duplicated by other social movements.

To sum up, in this volume, we have collected 16 papers, four on each of the four social issues and problems: gender, ethnicity, labor, and the environment. Together the authors have described how serious the problems are in each of the four areas,

why they become serious, and what can be done about them. We have not exhausted the social problems in China: they are too many to list here. But the problems we have dealt with in this book may be more profound and fundamental and require more concerted efforts. The systemic causes and solutions we have discussed in these pages are also applicable regarding other social problems. Political, social, and cultural structures need to be examined and reformed, and NGOs and civil society movements in general have to grow to be more robust. The question is how the success of the environmental movement can be replicated in social movements regarding other social issues and problems such as those in gender, race, class or other matters.

There is a good reason why the final chapter is final: it provides us with an important insight about how social movements can be organized in helping solve the social problems we have illustrated or simply mentioned here. In other words, if we want to build a fair and just society, the unfair and unjust practices in gender, ethnic, and labor relations and regarding the environment have to be tackled head-on. Public policymaking processes need to be reformed. But without finding a good and feasible way for public participation, there would be no good public policymaking. For more public participation to happen, not only policymakers but also NGOs and other social activists have to be innovative in doing their work. The way the environmental movement has operated has much to offer to other social movements.

Social change is possible as long as these social movements are able to do their work and policymaking is made more responsible and responsive to unmet social needs. Public policy challenges are plenty but opening up a civil society must be its priority to ensure a truly balanced development strategy toward social justice. Social problems will not be solved by themselves; they will be solved only by people making the necessary efforts. And it is the people who make the public policy change regarding these social problems.

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Part I
Gender Relations in China

Chapter 2

Rural Chinese Women's Political Participation: Problems and Prospects

Chiew-Siang Bryan Ho and Qin Li

Abstract Since the implementation of the Organic Law of Villagers' Committees in the late 1980s, village election has emerged as a prominent instrument for advancing rural democracy in China. As the wave of democratisation spreads, it instills in villagers an awareness of their rights to democratic elections, democratic supervision, democratic decision making and democratic management. Few women, however, have been elected to villagers committees or assume leadership roles. Based on a project funded by the United Nations Development Programme's (UNDP) Funds for Women, this paper uncovers the social, cultural, economic and institutional obstacles that stand in the way of improving women's representation and participation. The current study echoes the findings of scholars in regard to the limited empowerment of women in rural governance despite electoral reforms and elections. State intervention to address women's role in rural politics has failed to take into account various constraining factors on participation within the context of rural society itself. In the words of institutional economics, when the transaction costs for women's participation are high, women abstain not from voting but from playing a more active role in politics. This is particularly so when the costs of participation based on rational, calculable economic interests far outweigh the benefits of participation, given the lack of organisational support and social networks that empower women in terms of their skills, abilities and self-worth.

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Keywords Village elections • Gender prejudices • Transaction costs • Women’s representation and participation • State intervention • Rural politics

Throughout the world, women’s representation and participation in politics remains low (Inter-Parliamentary Union 2009).¹ China is of no exception. During the Maoist era, the attempt to maintain gender equality by means of female representation and participation at all state organs has masked the historically ingrained and deeply rooted gender gap and inequality in the patriarchal society. The opening up of China and the ensuing economic liberalisation has brought about renewed hope for a more equal society. However, Chinese capitalism couched in the rhetoric of “socialism with Chinese characteristics” has unveiled and sustained the “hidden” gender gap socially and culturally rooted in Chinese society. In this patriarchal society, males have enjoyed a relative advantage over females in the competitive world, where *guanxi* and social connections are also tilted to the advantage of male-dominated social networks, Party apparatus, and capitalist enterprises. Economically and politically, women in China remain in a relatively disadvantaged position in view of the trend of low representation and low participation in the economy and in the political system.

In many ways, the current study echoes the findings of scholars concerning the limited empowerment of women in rural governance despite electoral reforms and elections in rural China. While intervention by setting a higher quota for women’s representation in village organisations (e.g. village assemblies) may help, there are real constraining factors on participation within the context of rural society that have to be dealt with. For example, the opportunity costs and transaction costs of participation in election are some of these factors. As more men and younger women leave for work in the cities, older women are left behind to attend to their children and the aged. In the words of institutional economics, when the transaction costs for women’s participation are high, *ceterius paribus* (i.e. all other delimiting factors taken into account), women abstain not from voting or participation, but from involving themselves in decision making and playing a more active role in politics (on transaction costs, see Weingast 1993; Williamson 1985). This is particularly so when the costs of participation based on calculable economic interests far outweigh the benefits of participation.

This paper will first discuss women’s participation in general before moving on to address the low level of women’s participation in China, particularly in the rural areas despite the implementation of elections and villagers’ self-government. We discuss various obstacles and problems hindering women’s participation. The second section introduces current research on helping to improve women’s participation in village governance within the purview of the Organic Law and the trend of

¹Average female participation in both the lower house and upper house or senate of parliaments worldwide is 18.4 % (Inter-Parliamentary Union 2009).

women's participation in general as well as in Chengjiao township of Guangshui Municipality in Hubei province. The third section is our findings and discussion. We present empirical findings on the 20 villages located within Chengjiao township that confirm in many ways the findings of other studies on the obstacles posed by institutional barriers, social prejudices, cultural norms, the gendered division of domestic labour, to women playing a more active role in village governance. We highlight the importance of context and constraining factors affecting women's participation in terms of their motivation to participate in social organisations. Improving women's status through raising their educational level, helping women to be confident of their abilities and building grassroots women's organisations as a part of civil society, is pertinent for raising the level of women's representation and participation in village politics.

Obstacles to Chinese Women's Political Participation

Historically, in some countries, the process of reaching equal representation of women in political institutions, such as parliament, has taken a long time. For example, in Nordic countries comparatively speaking, the transition to democracy has contributed to a more rapid development as the overall change in society has opened "windows of opportunity" to promote women's participation in political life. As noted in the Millennium Development Goals, women's equal participation with men in power and decision-making is part of their fundamental right to participate in political life, and is at the core of gender equality and women's empowerment (Millennium Development Goal 3 2011).² Women have to be active participants in determining development agendas.

Increasing women's participation in politics and securing their access to political life is of particular importance to democratic development and sustainability. Thus, efforts have to be directed at promoting and increasing women's political participation, bringing them together from different political, social and cultural groups with the common aim of reaching the goal of gender equality; however, reality looks different. The Gender Empowerment Measure (GEM), which is collected by the United Nations Development Programme (UNDP), attempts to measure the extent of gender inequality across the globe and estimate women's relative economic income, participation in high-paying positions with economic power and access to professional and parliamentary positions.³ The data show that Chinese women have a relatively low level of political engagement. As women constitute 50 % of the

²Millennium Development Goal 3 Promote Gender Equality and Empower Women. http://www.undp.org/content/undp/en/home/mdgoverview/mdg_goals/mdg3/, last accessed on 20 June 2011.

³More details can be found at <http://www.answers.com/topic/gender-empowerment-measure>, last accessed 16 June, 2011.

population, a political system can only be considered representative to the extent that it involves women in the democratic process and creates an enabling institutional environment for women to play a useful role in advancing democracy (Clark and Lee 2000).

Gender Gap, Village Elections and Women's Participation

From central to local levels, women are under-presented in all state organisations (Rosen 1995; Zheng Yongnian et al. 2009). Jennings's studies with large scale survey data show the political participation gender gap in the Chinese countryside (Jennings 1998). In Tong's studies (2003), Chinese men fare better than women in media attention, political knowledge, interest, internal and external efficacy, and non-electoral participation; also, higher socio-economic groups were more politically engaged than those in the lower strata. In general, women show less interest than men in politics and are more politically apathetic compared to their male counterparts.

In November 1987, the passing of the Organic Law of Villagers' Committees (Trial) offered some hope of a democratisation process in rural China, where the majority of the population resided (Ogden 2002; Thornton 2008). Hence, the process of grassroots democratisation began with the implementation of village elections gradually throughout Chinese villages in 1988. After 10 years of implementation, the trial law became a full-fledged permanent law in 1998. The 1998 Organic Law put forward important institutional requirements, such as anonymous ballots, direct nomination, and more candidates than seats to be filled (unequal quota elections) (Epstein 1997; Guo Xiaoqin 2003; O'Brien and Li Lianjiang 2000; Oi and Rozelle 2000).

In spite of electoral reforms at the village level, however, women's participation has declined (He Baogang 2007). By the end of 2003, more than 2 decades of implementation saw only less than 20 % of women being elected to villagers' committees as members, and only 1 % was elected to leadership positions, such as being the chair of a villagers' committee, according to the Gender Project Team (2009:91).⁴ As rural economy improves, women face stiff competition from men who return to the village from the cities and the prospect of being marginalised in village governance. In contrast to the pre-reform era, Howell (2006:607) observes that the pattern of numerical under-representation in the reform period is not peculiar to China's villages, as women are under-represented in leadership positions at all levels (i.e. central, provincial, county, town and township and village) of the political system. The next section explores the factors hindering women's participation despite the institutionalisation of competitive elections in rural China.

⁴The project leader of the research team is Professor Liu Xiaohong.

Obstacles Hindering Women's Participation in Competitive Elections

Although village elections have been implemented in Chinese villages for more 2 decades, there is still room for implementing elections that measure up to the electoral procedures of a free and fair election (Pastor and Tan Qingshan 2000). In spite of elections, many rural residents have had little understanding of the Organic Law and its significance (He Baogang 2007). Electoral procedures were also opened to the manipulation of local authorities whose officials might have loathed elections, as elections signaled a new basis of authority premised on popular mandate as opposed to the Party as the traditional basis of authority (Liu Yawei 2000).

The electoral process remains a gendered process with gendered outcomes (Howell 2006:619). The Chinese government and some scholars have lauded the implementation of village elections and how self-governance has brought about significant improvements in women's political status (Wang Zhengxu and Dai Weina 2010). In a study on women's participation in and perception of politics in villages in an eastern county, Rudong of Jiangsu Province, Wang Zhengxu and Dai Weina (2010:3) argued that "[r]epresentation of women in local governance bodies remains low, and women villagers' political aspiration and sense of empowerment remain primitive due to a number of socioeconomic, cultural and institutional factors prohibiting more active participation and stronger presence of women in rural governance." The following lists and presents a brief survey of these factors from the works of scholars and show how they undermine women's participation in general and in village elections.

Institutional Factors

According to Howell (2006:613), the Party "nevertheless is a significant channel, laden with symbolic and often material resources, for promoting particular candidates in election processes." Hence, Party membership is a symbol of power and a right to speak out on policy during Party committee meetings; it is sociopolitical capital. The under-representation of women in the Chinese Communist Party is reflected in the extremely slow renewal rate of Party membership for women, resulting in very few women becoming Party members over the years.

In general, women are under-represented in the Chinese Communist Party, and the domination of men in key institutional positions and the role played by men in the election processes pose considerable institutional challenges for women in the election process (Howell 2006). The importance of Party membership and the significance of gendered social networks have further shaped and curtailed women's participation in village politics. The vague criteria set for selecting and nominating female candidates (e.g. "willingness to serve the masses," "putting energy into work") and the profile of a young, competent and educated candidate for participation in election also discriminate against women, "whose life patterns are more noticeably interrupted by childcare responsibilities" (Howell 2006:612).

Furthermore, Party leaders holding sexist views of women's abilities have also reinforced a Party apparatus favouring male dominance. In her fieldwork in Hunan Province, Howell (2006) reported on the internalisation of biased views concerning women's abilities not just by ordinary male villagers, but by Party/government officials as well. Howell (2006:612) highlights the commonly made statement by male Party leaders such as "what can female cadres do?" (*nu ganbu neng gan shenme?*). Thus male leaders believe that the low education level of females and their lack of general knowledge disqualify them from taking up the role of Party secretaries. Besides implementing quotas to promote women, there should be "greater scrutiny of the way recruitment and promotion procedures within the Party, village organs and government structures discriminate against women" (Howell 2006:619). Therefore, state intervention is necessary for curbing the prevalent social norms and attitudes that disadvantage women from gaining political power and authority.

Socio-economic and Cultural Factors

Studies on political efficacy indicate that those who are better educated tend to have a higher degree of internal and external political efficacy. Education is often taken as an important component of socio-economic status. Tong's research findings (2003) on the gender gap and political participation in China show that (1) higher socio-economic groups are more politically engaged than those in the lower strata, (2) higher socio-economic status women are more politically engaged than those of lower socio-economic status (women and men).

In China, the cultural preference for males leads to a gender prejudice in which males are given preferential treatment over females in many aspects of their lives, resulting in women's lower socio-economic status. For example, in rural China, parents are more likely to invest in the education for males due to the higher return compared to females. Davis, Landry, Peng Yusheng and Xiao Jin's study (2007) in Yunnan villages explicated the gendered nature of parental decisions in regard to investment in children's education. Their findings show that parental and village wealth facilitate enrolment, but parental wealth is far more decisive for girls than boys. Moreover, females are more likely to be sent to cities for low waged jobs instead of being kept in school for a longer period of time. Hence, socialisation and structural theories may serve to explain the persistence of the gender gap in women's political participation, given that education is a vehicle of transmission that perpetuates such a disparity. Tong's research reflects aspects of this truth as seen in the persistence of a gender gap, when passivity and socio-economic status are controlled.

Socio-economic structure of Chinese society and the socialisation process matter in explaining the gendered nature of the division of labour and the sexist perception of women's roles in rural China. Howell (2006:610–12) observes that female candidates in village elections failed to win seats due to their lower education attainment. In general, a competitive female candidate is one who has completed secondary

education (Howell 2006:612). In addition, women's own internalisation of their weak ability, lack of competitiveness and passivity also hinders them from putting themselves forward for elections. As Howell (2006:615) points out:

As women take prime responsibility for domestic affairs, and increasingly take on agricultural work and side-line activity, they have even less time to participate in village governance processes. The gendered division of domestic life makes it easier for men to participate in village public affairs.

When prominent positions are all occupied by men, women are relegated to roles associated with their reproductive and domestic responsibilities, namely "family planning" cadre (*jihua shengyu ganbu*). Villagers' committees become "sites through which gender relations are played out and reproduced, and where gendered private roles come to determine men's and women's public roles" (Howell 2006:608–9). The pervasive attitude in relegating women's place in the home and saving the public sphere for men (*nu zhu nei, nan zhu wai*) serve to justify the claim of women's destiny is not in leadership. The cultural norm of placing women's role in the home and men's role in society discredits the significance of women's representation and participation in village affairs.

Bamboo Ceiling Effect, *Guanxi* and Social Milieu

Another problem with women's under-representation in village politics is due to the unintended outcomes of the 1998 Organic Law of Villagers' Committees and other localities' laws on implementation in regard to the stipulation of having an appropriate number of women when no clear quota was set (Howell 2006:612–13). Article 8 of the Organic Law of Villagers' Committees states that the villagers' committee should include "an appropriate number of women" (*funu ying dang you shidang de ming e*) (He Baogang 2007:1–3). Given the vagueness of the clause, local governments have no obligations to follow through. As such, it is up to more progressive local governments who choose to put in place women's role in village politics. This has led to what Howell termed "a bamboo ceiling" effect. In her narration on the implementations in Hunan and Shandong, the pressures on county and township governments to have female candidates and raising villagers' awareness of the issues have led to the casting of a bamboo ceiling on women's representation in view of the vague quota. As a result, "a certain proportion of women' as in the Law, or as in the case of Hunan and Shandong provinces, 'at least one woman' becomes interpreted as a maximum of one. The rope to save women turns instead into a noose" (Howell 2006:612).

Another unintended outcome applies to "Hunan, Hubei and Shandong provinces where the local women's federations have sought to train and encourage the heads of village women's committees to stand for election" (Howell 2006:613). While the Law is well-intended, its vagueness indirectly leads to the selection of a lone female candidate who is often the head of the village women's committee based on her identity as a woman and being considered most suited for taking charge of the birth

control target, which is related to her domestic and reproductive capacity. Thus, Howell argues that all these “limit women’s numerical representation of lone one, thereby casting a bamboo ceiling over women” (2006:613).

Apart from the aforementioned institutional barrier, the challenges posed by *guanxi* and the social milieu are also quite formidable for increasing women’s participation. Village women tend to marry out to other villages. In the new environment, they do not have the advantage of a well-grounded and established social network or *guanxi*. Hence, if they wish to stand for election, they need social capital. This takes time and efforts to cultivate and develop since they arrive in their new villages as social strangers. The social habits of smoking and drinking in a male dominated society also pose as an obstacle to women playing a more active role in society (Howell 2006:615–16).

The changing economic structure of rural China, whereby more older women stay behind attending to agricultural work, present one caveat in regard to women’s participation in rural China. As most men and younger women are out in the cities, older women have to attend to the elderly and the field. Household chores, child-care responsibilities and work all take away a substantial amount of time from women in the villages (Howell 2006:615–16). State intervention to enhance women’s participation may make a difference. Such a difference, however, “is in turn limited by social norms, attitudes and practices that underlie intervention processes, particularly in a context of decollectivisation and the availability of alternative channels of wealth and prosperity” (Howell 2006:612–13). While more women may vote in election, this does not imply that women’s participation is on the rise or is improving.

The alternative channels of wealth and prosperity could also lead to a change in the mindset and attitude concerning the gains or benefits accrued to participation and political life in the villages. In the pre-reform era, participation and political life could underscore the political correctness of individuals towing the line as politics was in command (on state derived feminism and its implications for participation, see Howell 2002). For many older women in the villages, the “new” context of decollectivisation and economic development has also led to a tendency for rational calculation. Such a “cost-benefit” calculation renders political participation a liability rather than a gain. This is particularly the case if the opportunity cost far outweighs the choice of participation in voting or the transaction costs are simply too high for women. Hence, women’s desire to enhance their abilities is due to their concern with improving their economic circumstances. Instead of taking time out to participate in activities organised by social organisations or Party organisations for socio-cultural or political objectives, they may prefer to engage in activities that help them gain better knowledge or skills, thereby improving their incomes. Moreover, the lack of or shortage of women’s organisations at the grassroots level also poses a challenge to enhancing women’s role and empowering them.

Bringing Gender into Politics Research and Electoral Participation

United Nations Development Funds for Women Sponsored Project

United Nations Development Funds for Women sponsored a project in Hubei province so as to “bring gender into the politics of autonomously administered villages.” In this project, the Women Studies Centre at the Huazhong Central Normal University in China collaborated with Guangshui Municipality Women’s Federation in Hubei Province in a project that lasted from May 2005 to the end of December 2008 to help women play a greater role in village governance. Apart from training female cadres, the project aims to raise women’s consciousness on the effect of traditional gender views and its impact on women’s participation in villagers’ self-government. The research also attempted to understand the impact of government policy and the role of grassroots women’s organisations. All the data in this chapter are from this UNDP Funds for Women project.

The research covers 20 administrative villages in Chengjiao township within Guangshui Municipality. In 2005, 30 villages were merged into 20 villages due to the financial stress of local government. Chengjiao township is predominantly agriculturally oriented and had a population of 46,764 people, among which 50.3 % were working in the cities. Of those working in the cities, 47 % were females 30 years of age or younger.

The research employed both quantitative and qualitative approaches. From 2005, researchers conducted 30 rounds of structured and unstructured interviews with 40 male and female villagers and cadres (including county cadres responsible for setting policy). Survey interviews were executed in 2007 from February to April. Of the 550 questionnaires, 534 questionnaires were completed and returned with an almost equal proportion of male and female respondents (47.8 % of male respondents and 52.2 % of female respondents). A random sampling method was used to collect data, taking into account villagers, mainly men and younger women, who worked in the cities. More women than men were engaged in agricultural work as men only helped out during the harvest period. In the cities, most men worked in the construction industry, while women were engaged in art work or the service industry.

Majority of the respondents are in the 26–45 year-old age group. In general, the distribution of respondents in different age groups mirrors the demographic trend in rural China (*see* Table 2.1).

Overall, the education levels of respondents are quite low, with as many as 46.7 % of respondents having primary/no primary education. Respondents with higher secondary (or above) education levels constitute only 8.3 % (*see* Table 2.2).

Table 2.1 Respondents in different age groups ($N=534$)

Age group	Percentage
18–25	3.8
26–35	27.1
36–45	48.5
46–60	13.7
>60	6.9
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University:* 93

Table 2.2 Education levels of respondents ($N=534$)

Education level	Percentage
Without primary education	6.2
With primary education	40.5
Junior secondary education	45.0
Senior secondary or vocational	7.1
University or above	1.2
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University:* 93

Village Elections and Participation in Chengjiao Township

Chengjiao township held its seventh villagers' committee elections in November 2008, which revealed that there were slightly more respondents dissatisfied with the election outcome (39.6 %) than those who were satisfied with the outcome (33.7 satisfied) according to the Gender Project Team (2009:94). Similarly, they also stated that slightly more respondents considered the electoral process unfair (40.2 %), which 35.4 % deemed it fair. Hence, there are still rooms for improving the electoral process and the procedures in election in order to secure free and fair elections.

Both female and male respondents, however, show relatively little knowledge of villagers' self-government (on similar case in Zhejiang villages, see He Baogang 2007:125). The Gender Project Team (2009:95–6) highlights that while 50.5 % of respondents have heard of the law, they have had no idea as to what it entails, and only 8.5 % of the respondents claim that they understand the law well enough. The Team goes on to report that indeed, when asked on a question pertaining to the Organic Law, 5.9 % of male respondents answered correctly, while 6.4 % of female respondents gave the right answer.⁵

⁵ Respondents were asked on what percentage of the vote count was needed for a decision to be passed in the Village Assembly.

Table 2.3 Why did you participate in the last election? ($N=307$) (percentage)

Reasons	Female ($n=157$)	Male ($n=150$)	Total ($N=307$)
The village asked me to take part	37.6	32.7	35.2
Represent my family	5.1	7.3	6.2
Others did so, so did I	13.4	11.3	12.4
It's my right to participate	24.8	24.0	24.4
Election brings benefits	12.7	18.0	15.3
Others	6.4	6.7	6.5
Total	100	100	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 97

Table 2.3 shows the different reasons for participating in the last election.

In general, most female and male respondents did not exhibit an awareness of their rights when taking part in village elections (*see* Table 2.3). Of the 307 respondents who claim to have participated in the elections, most of them did so because of self-interests rather than an awareness of their rights. Only about one quarter of female respondents (24.8 %) and male respondents (24.0 %) participated in village elections out of an awareness of their rights to do so.

Findings and Discussion

Women's Participation and Gender Gap in Representation

Our findings concur with the perspectives offered by others' research findings as cited above. Indeed female respondents in our data show less interest in village affairs than men; they are slightly more politically apathetic than men. The majority of female respondents (65.2 %) are not so interested or not interested at all in understanding village affairs compared with 49.5 % of male respondents being so (*see* Table 2.4).

In addition, female respondents also show little interest in politics. Given a chance, less than a quarter of female respondents would actively pursue village leadership roles compared with almost a third of male respondents eager to do so (*see* Table 2.5).

As early as the 1980s, researchers and cadres within the All-China Women's Federation (ACWF) "began to draw attention to the declining numerical representation of women in Party/state structures at all levels and in both urban and rural areas" (Howell 2006:617). ACWF works at countering sexist attitudes, enlightening women on their ability and providing them with training for specific skills, and ACWF also collaborates with the rural grassroots divisions of the Ministry of Civil

Table 2.4 Are you interested in understanding village affairs? ($N=523$) (percentage)

	Female ($n=244$)	Male ($n=279$)	Total ($N=523$)
Very interested	12.7	19.3	16.3
Somewhat interested	22.1	31.2	27.0
Not so interested	43.1	32.3	37.3
Not interested at all	22.1	17.2	19.4
Total	100	100	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 97

Table 2.5 Given a chance, would you like to be a village cadre? (percentage)

	Female ($n=244$)	Male ($n=279$)	Total ($N=523$)
Yes, actively go for it	23.3	30.1	30.1
Yes, but take it easy	18.0	17.9	17.9
It does not matter	30.2	24.7	24.7
No	28.5	27.3	27.3
Total	100	100	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 98

Affairs in establishing institutional barriers to discrimination through the legal framework, their organisational positions and social networks (Howell 2006:612–618). The Women’s Federation of Guangshui Municipality, Hubei Province’s also makes efforts in raising women’s awareness about their rights and in helping them to improve their abilities and self-perception. The following table elucidates the effect of these efforts on women’s representation and participation in villagers’ committee elections.

Looking at the data from the fifth to the seventh turnover elections for villagers’ committees in Chengjiao township, we observe an increase in women’s representation from the sixth turnover election to the seventh turnover election in terms of the number of female cadres (*see* Table 2.6). The decrease in the percentage of female cadres between the fifth and sixth turnover elections was due to the merger of 30 administrative village units into 20 administrative village units.

Compared to men, women in the 20 villages play a marginal role in village organisations. There were 8 villages without female cadres (Information from the field). Our data show a clear gender gap in the number of those assuming the role of authority and decision making in village organisations. Although a quarter of all cadres in the township are females, none of the female cadres assumed the role of a central figure, such as the secretary or vice secretary of the village Party branches. Most female cadres played a role associated with their reproductive and domestic responsibilities, namely, a “family planning” cadre (*jihua shengyu ganbu*). The percentage of women in the Party committee and/or leadership position is extremely low (i.e. 5%). In the sixth turnover election, there was only one female vice chair of

Table 2.6 Representation of women in villagers' committees and women in village leadership role

Date/number of turnover elections	Number of villagers' committees	Number of village cadres	Number of female cadres	Percentage of female cadres	Number of female in leadership position in the villagers' committees or the village party branches
November 2002/ fifth election	30	220	17	7.7	0
November 2005/ sixth election	20	80	12	15	1 female vice chair of a villagers' committee
November 2008/ seventh election	20	80	20	25	1 female chair of a villagers' committee and 3 members of the village party branch committees

Source: Information from the field

a villagers' committee. By the time of the seventh turnover election in 2008, there were 4 female cadres—1 female chair of a villagers' committee and 3 female members of village Party branch committees (Table 2.6). The endeavour herein is to explain the reason for such little progress.

Institutional Barriers to Women's Participation and Representation

Only a small number of women were Party members: 8.1 % of 1,474 Party members in the township (Information from the field). While Chengjiao township aimed to have 30 % for women's representation rate in village representative assemblies, in the 20 villages, only 16.1 % of 752 representatives were women (Information from the field).

Recalling Howell's claim that the Organic Law poses a limitation to women's numerical representation of lone one and henceforth casting a bamboo ceiling over women, indeed, this lone one (a female candidate) in election was clearly stipulated in the 2005 Guangshui Municipality's Sixth Turnover Election Implementation Plan and the Guangshui Municipality Villager's Committee Turnover Election Regulations. It is stated that "there should be 30 % of women making up the villagers' electoral committee and villagers' representative assemblies. Villagers' committee shall consist of 3–5 members. Among them, there should be one female candidate. During election, a seat will be reserved for the village women's committee." Thus, in our research, one male interviewee's rather sexist outlook reflects the

Table 2.7 Do you agree with the view that the government should clearly specify having at least one female cadre in the villagers' committee? ($N=514$)

	Percentage
Strongly agree	11.9
Agree	63.6
Disagree	16.7
Strongly disagree	7.8
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University: 105*

Table 2.8 Do you agree that having just one female cadre in the villagers' committee is enough? ($N=513$)

	Percentage
Strongly agree	4.7
Agree	41.1
Disagree	43.9
Strongly disagree	10.3
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University: 105*

bamboo ceiling effect when offering his view on why women seldom go about campaigning activities and canvassing works before election.

The competition of female candidates is a clear-cut issue. There is no need for her (the female candidate) to go about campaigning or canvassing for votes. If it is stipulated that there be one woman.... If she has not done badly so far as a cadre, then, she is most likely the only one (to be elected). Besides, it is not gracious for women to go about campaigning or canvassing for votes. Hence, female candidates adopt a "natural" attitude during election (Gender Project Team 2009:99).

Most respondents agree to the view that the government should clearly specify having at least one female cadre in the villagers' committee (*see* Table 2.7, 75.5 %); however, slightly more respondents (*see* Table 2.8, 54.2 % vs. 45.8 %) disagree with the view that having only one female cadre in the villagers' committee is enough.

But, one should be mindful of a difference between the perception of ordinary villagers and that of village cadres as described above in regard to raising the quota of women in the villagers' committees. When village cadres are probed on the possibility of having 30 % of villagers' committee members being women (i.e. similar to the stipulations for village electoral committees and villagers' representative assemblies), they assert that it would be unfair to male cadres and most villagers would not accept this. This appears to reflect the imperviousness of institutional obstacles or social prejudice in a male dominated society. After all, the view of ordinary people in our data indicates otherwise.

Table 2.9 Did you vote for female candidates in the last election? ($N=309$) (percentage)

	Female ($n=157$)	Male ($n=152$)	Total ($N=309$)
Yes	55.4	44.1	49.8
No	44.6	55.3	49.8
Others	0	0.6	0.4
Total	100	100	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 101

Table 2.10 Do you agree that “men’s place is in society, while women’s is the family”? ($N=518$)

	Percentage
Strongly agree	7.5
Agree	48.8
Disagree	28.8
Strongly disagree	14.9
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 100

Cultural Norms and Social Prejudice on Women’s Role in Public Sphere

While 55.4 % of women voted for female candidates, only 44.1 % of men did so, a difference of 11.3 % points (see Table 2.9). And interview data show that many men expressed their view of women as lacking in culture (*mei wenhua*, i.e. without education), good only at playing mahjong, and unfit to be a village cadre. Such notions of women as being “low quality,” passive, lacking in competitiveness also resonate with the self-perception of women themselves. One female interviewee expressed her sense of inferiority by claiming herself as unfit for election and becoming a cadre due to low (i.e. primary) education; she feels that her inability to be articulate also makes her a laughing stock (Gender Project Team 2009:100–1).

Our research shows that the sexist attitude that women’s place is in the home and the public sphere belongs to men still persists as social prejudice against women’s role in the public sphere (i.e. in politics or public affairs).

In Table 2.10, slightly more than half of our respondents (56.3 %) agree to the view that a man’s role is in society, while a woman’s main concern should be the family. However, 43.7 % of the respondents disagree with such a view. While there is no doubt a persistence of a cultural stereotype here, the data could also be indicative of a slight change in such a norm in Chinese society among ordinary people, given a more liberalised social and economic environment.

Table 2.11 Do you agree that women as cadres do well at family planning, but not as the chair of villagers committee? ($N=516$)

	Percentage
Strongly agree	5.4
Agree	34.1
Disagree	49.6
Strongly disagree	10.9
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University:* 101

An interviewee presented a standpoint laden with such prejudice: women as cadres are suited for the role of taking charge of birth control and conflict mediation, as they have no ability in managing village finance or village economy. Other interviewees, both men and women, have expressed the view that female cadres are better than male cadres in attending to sensitive matters related to birth control. Our data indicate a gradual or subtle change in the perception of women's role in public life due to economic liberalisation and the changing structure and value of Chinese society itself. Table 2.11 shows that majority of the respondents (60.5 %) disagree with the view that women are only suited for playing the role of a "family planning" cadre.

However, in the private sphere, the sexist attitude of women's place is in the home and the public sphere belongs to men may not hold as strongly as it does in the public sphere. In a more liberalised economic environment, the status of women at home has been raised significantly even though their role in politics is still not well-received in rural Chinese society. Table 2.12 shows that the status and role of men and women at home reflects little difference. In regard to the view of either man or woman as the decision maker at home, the difference is a mere 5.4 %. Those holding the view that the role played by both men and women in decision making at home (51 %) should be equal far outnumber those who maintain that women's place is in the home and the public sphere belongs to men (17.6 %) or men should make decisions at home (18.4 %).

Opportunity Costs and Transaction Costs of Women's Participation

The opportunity cost of voting can be elaborated on with our data on the high turnout rate of women who voted in the last election (*see* Table 2.13).

More women (63.9 %) than men (51.9 %) voted in the last election (*see* Table 2.13). There is a difference of 12 % points. In our interviews, female respondents who voted in the last election claim that they were representing their families or households in the election. Their rationale for doing so was purely rational and economic.

Table 2.12 Who is the one who makes decisions at home? (N=524)

	Percentage
Man	18.4
Woman	13.0
Both man and woman	51.0
Women’s place is in the home, the public sphere belongs to men	17.6
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 100

Table 2.13 Did you personally vote in the last election? (N=523) (percentage)

	Female (n=244)	Male (n=279)	Total (N=523)
Yes	63.9	51.9	57.5
No	35.2	47.7	41.9
Others	0.9	0.4	0.6
Total	100	100	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 99

Most men who are away earn more than women who stay at home. As a result, women prefer to do the voting on behalf of their family or their husbands so as to avoid incurring a greater loss in terms of a day’s earning (Gender Project Team 2009:98–99). As a result, a higher participation rate of female voters does not imply that women’s role in participation has improved.

While the idea of transactions as a basis of economic thinking could be traced back to John R. Commons (1931), it is frequently thought that Ronald Coase (1937) coined the term “transaction cost” and presented it in his 1937 seminal paper on the nature of the firm. It was only with the publication of Oliver E. Williamson’s *Transaction Cost Economics* (1981, 1985) that transaction costs as costs incurred in a market exchange and subject to price mechanism became widely used. Later, transaction cost economics was used to explain a number of different behaviours, involving not only the obvious cases of buying and selling, but social interactions as well as informal gift exchanges. Cheung (1987) defines transaction cost broadly as any costs that are not conceivable in a “Robinson Crusoe economy,” meaning costs that arise due to the existence of institutions.

Viewed in this light, the obstacles posed by various institutional, socio-cultural and economic factors hindering women’s representation and involvement in rural politics (in terms of authority, leadership role and decision making) increase the transaction costs—social costs, economic or institutional costs—for women’s representation and involvement in rural politics. For example, the need to develop *guanxi* and social connections for women who marry outside their home villages exerts a higher transaction cost than most men who, as natives in the village

Table 2.14 What is your reason for not voting for women? ($N=534$)

	Percentage
Domestic burden hinders women's work	41.0
No female candidate during election	29.2
Do not know enough or understand those women who stand in election	10.3
Women are lacking in leadership ability	10.3
Follow others who did not vote for women	6.4
Reasons not specified	2.8
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 102

typically, possess the social capital. As Wank's work on *guanxi* (1996) illuminates, the strongest obligations in the *guanxi* system are produced by birth and particularly direct kin on the father's side. Relocation for women, thus, deprives them of a similar stock of social capital which men native to the village possess to draw on when competing for leadership position in village election.

In 2005, the merger of 30 villages into 20 villages in Chengjiao township has had the unintended outcome of disadvantaging women in election, resulting in fewer and larger administrative villages than before. The extended parameter poses a challenge for women who have to work hard at cultivating *guanxi* and establishing their social network in a new environment. Being new and an unfamiliar face in a village, the asymmetry of information and weak institutional support due to weak social connections and networks, the gendered nature of local Party mechanisms (particularly so for women who do not have Party membership), all serve to put women in an unfavourable context (on the importance of context for electoral choice, see Dalton and Anderson 2011). The social context and economic conditions also place women in a disadvantaged position. Contrary to Tong's findings (2003) on the gender gap in China, domestic burden and childbearing do have a dampening effect on political culture and participation following the departure of men to the cities for work. Domestic burdens and the electorates' little knowledge or understanding of women contending in elections undermine women's participation in election (*see* Table 2.14).

Thus, contrary to the expectation of democracy as empowering women, competitive elections lead to a decrease of women holding public offices (Howell 2006:607). While policies continue to be made by the elite of the central government in Beijing, election of women to the villager's committees may not make much of a difference to policy making concerning women's rights and empowerment in rural China. Regardless of how minuscule the influence or impact of women in villagers' committees is, the need to help women stand for election and improve their representation and participation in rural China remains a task to be fulfilled.

Table 2.15 Annual salaries of cadres in leadership positions

Annual salary for	Amount (Yuan)
Secretary of village party branch	4,000
Assistant secretary of village party branch	4,000
Chair of villagers' committee	3,500
Vice chair of villagers' committee	3,500
Chair of village women's committee	3,000

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University*: 102

High transaction costs exacerbated by the gendered division of domestic labour, social prejudices, cultural norms and institutional barriers could possibly deprive women of their rights to participate. Many interviewees are of the view that women who have taken part in elections and participated in village governance do so out of a special privilege, namely that of having their parent-in-laws' assistance in relieving them of domestic burdens and childcare responsibilities (Gender Project Team 2009:102; see also Howell 2006:615).

Moreover, the financial gain from being in a female cadre is particularly not attractive. In a village within Chengjiao township, contrary to the official document of Hubei province which stipulates the same/equivalent salary for the chair of a women's federation (i.e. grassroots women's committee) to that of a vice chair in an administrative village, in reality, the village has not abided by official regulations. Moreover, women receive a much lower (annual) salary compared to her male counterparts (*see* Table 2.15).

Some female cadres remonstrated with the township on this problem without avail. Moreover, female cadres in our interview have had no choice but to accept the village's regulations instead. Howell's studies (2006:614) also point to such institutionalised forms of discrimination: "[W]omen responsible for women's work in villages receive little or no remuneration for their efforts."

Improving Education Level and Skills of Females, Organisational Support and Networking for Women

In our study, most women who stay behind in the villages are in the 30–60 year-old age group. Most interviewees do not venture into the cities due to their lack of skills. They hope for more assistance in the form of information in acquiring a skill in art work or embroidery so that they can help out with the family's financial situation. Consequently, such assistance is hard to come by. The fact that women's participation in social organisations is low does not help. Most respondents indicate that they do not take part in any organisation's activities (*see* Table 2.16, 75.6 %). If they do, most are engaged in mutual aid groups (13 %) or economic cooperatives

Table 2.16 Which of these organisations'/groups' activities have you taken part in? (female respondents only, *n* = 246)

	Percentage
Economic cooperatives	5.7
Mutual aid groups	13.0
Cultural/entertainment groups	5.3
Religious organisations	0.4
Have not taken part in activities by any organisations	75.6
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University:* 103

Table 2.17 What is the reason for not participating in women's organisations? (female respondents only, *n* = 185)

	Percentage
No such organisations	36.3
No interest	16.2
No idea as to how to participate	7.0
Others forbid my participation	0.5
No time to participate	40.0
Total	100

Source: Gender Project Team 2009. UN Gender Facility Project Terminal Report. *Women Studies Centre, Huazhong Central Normal University:* 102

(5.7 %) or cultural and entertainment groups (5.3 %). Interview data also show that most female respondents are more concerned with their own social and economic well-being; they show a keen interest in socio-cultural activities as well as work that brings about economic gains.

Apart from the need to improve the education level and skills of women as empowerment, there is also a need to address the lack of or shortage of women's organisations at the grassroots level that promote women's social and economic well-being (*see* Table 2.17). Slightly more than a third of female respondents claim that they have not taken part in women organisations' activities because there are no such organisations (36.3 %). Domestic burdens and economic, as well as other activities (Table 2.17, 40 %), took most of their time for participation in women's organisations. At the same time, 16.2 % of female respondents claim that they have no interest in women organisations' activities. There is, therefore, a pressing need to create rural women's organisations as a part of civil society that offer an avenue for empowering women in terms of skills and organisational support, which will also tackle the opportunity costs of participation or reduce the transaction costs of women's participation.

Conclusion

This paper has showed that context matters in determining electoral choice. While the state may intervene to improve women's representation and participation in village politics (e.g. stating the number of female candidates in election or the quota for women's representation in village assemblies), the context as defined by social, economic, institutional and cultural factors may thwart the intention of such an attempt. The unspecified number for women's participation as stipulated in the Organic Law of Villagers' Committees offers a case in point for illustrating the irony that accompanies such an intervention. Instead of ameliorating the long-held social prejudices and cultural norms that discriminate against women and keep them from participation, the failure to empower women in terms of their education level, skills, abilities, self-perception and organisational support perpetuates different forms of discrimination (i.e. social, cultural and institutional) that stand in the way of women's representation and participation.

The transaction costs for women's participation remain high due to institutional barriers, socio-economic structure and social prejudice and cultural norms as discrimination that undermine women's role and status in village governance. Hence, to counter such prejudice on women's role in politics, it is important to improve the education level and to develop the skills of women, thereby enhancing and reinforcing their self-worth. As discussed above, in the private sphere, many may not agree with the view that women's place is in the home and the public sphere belongs to men. Some may also assert that in the public sphere, women can only fit in to the role of a "family planning" cadre, which is related to their reproductive capacity and domestic responsibilities. Still, the prevalent attitude and norm is such that women should not be too concerned with assuming leadership or role of authority in the public arena. To this end, developing grassroots women's organisations as a part of civil society that lend organisational support in skill development and networking will empower women's to develop the ability to take on and play a more active role in politics, thereby reducing the transactions of women's participation.

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Chapter 3

Self-Assertive Mistresses and Corrupt Officials: The Complex Interdependencies

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Abstract This chapter makes a critical exploration of self-assertive mistresses and corrupt officials in today's China. Through popular rhymes and reports in the state media that confirm the descriptions in such rhymes, it first highlights the senior officials who are brought down for economic crimes and “improper sexual relationships” with women. It then observes more closely the ties between mistresses and officials at various levels of Chinese government. Using a number of concepts such as bodies and social order, economic determinism, power, and violence, it further examines the complex interdependencies of mistresses, and sometimes “three-ways” girls, and officials. Both sides are viewed as providers, consumers, and victims of money and sex, ill-gotten asset keepers, informants for mistresses in some cases, and even murderers in the case of officials. The chapter concludes that the officials who keep mistresses may be at the mercy of their mistresses when the latter have to defend themselves. It has become a powerful weapon for mistresses to politicize their private life by taking the corrupt officials to the authorities if the officials do not meet their demands. While these women's boldness is controversial, it nonetheless reflects the evolving gender relations in contemporary Chinese society.

Keywords Chinese officials • Mistresses • Interdependencies • Popular rhymes • State media

China has witnessed a steep rise in the incidence of corruption in the past three decades along with its incredible economic growth. People in China do not always believe what they see in their state-run media, but when it comes to reports about outrageous corruption cases involving senior officials, most are willing to suspend

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their skepticism. As corruption in China is prevalent, reports of high-profile venal officials meeting their retribution have become increasingly common in the media. This has inspired a wealth of popular verses presented here which have been openly published in China in printed books and periodicals, on the Internet, cell-phones, social media, and so on, including state media. An article appeared in the *Procurators' Daily* (*Jiancha Ribao*, 31 Mar. 2002) headlined “Better listen to popular rhymes” (*Bufang tingting minyao*) appealing to senior officials to sit less in their offices listening to empty reports to them but to go more frequently into the masses for *minyao* (popular rhymes; popular verses), which can help prevent and root out the problem of corruption. The newspaper under the Supreme People’s Procuratorate concludes, “The emergence of *minyao* is the public’s succinct generalization of the behavior of corrupt officials, which sums up the people’s opinions.”

High-Profile Officials Brought Down Related to Mistresses

According to a speech on May 11, 2012 by Cui Hairong, China’s deputy head of the National Bureau for the Prevention of Corruption, between 1982 and 2011, more than 4.2 million Communist Party of China (CPC; the Party) and government officials were punished, 465 of whom were at the national ministry- and provincial-level; over 90 of them received judicial penalties.¹ It is also admitted in the media that 95 % of the officials convicted of corruption had kept mistresses.² Of the six senior officials who were executed for serious corruption, only Zheng Xiaoyu (1944–2007), Director of the State Food and Drug Administration, was not involved in extramarital sexual relationships. The other five, Hu Changqing (1948–2000), Vice-Governor of Jiangxi, Cheng Kejie (1933–2000), Vice-Chair of the Standing Committee of the National People’s Congress and Governor of Guangxi, Wang Huaizhong (1946–2004), Vice-Governor of Anhui, Lü Debin (1953–2005), Vice-Governor of Henan, and Duan Yihe (1946–2007), Chair of the Standing Committee of the Municipal People’s Congress of Jinan, the capital of Shandong, all had more than one mistress, accounting for 83 %.

What do the general public think of corrupt officials involved in using public funds to keep mistresses? The rhyme below, [R1] (Lu Wen 1998:172–3) for instance, appears in one of the most authoritative publishing houses, the China Archives Press, and summarizes the situation of corrupt officials’ sexual life well:

¹http://www.chinadaily.com.cn/china/2012-05/14/content_15290644.htm, last accessed on 15 Oct. 2012.

²http://www.chinadaily.com.cn/english/doc/2005-05/20/content_444275.htm, last accessed on 15 Oct. 2012.

[R1]	Gaoji ganbu youlong-xifeng, Zhongji ganbu zuofeng bu zheng, Putong ganbu liumang chengxing. High-ranking cadres amuse themselves with men and women; Intermediate-ranking cadres are dishonest and immoral in their ways; Whereas ordinary cadres have become by second nature hooligans.	高级干部游龙戏凤, 中级干部作风不正, 普通干部流氓成性。
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These three lines may sound shocking, but speak volumes of truth both before and after their emergence since the scandal of Chen Xitong and Wang Baosen (1935–1995) was exposed in 1995. Chen Xitong was a member of the Politburo, the highest level of China’s decision-making core, and the Party Secretary of the Beijing Committee. He and his accomplice Wang Baosen, Deputy-Mayor of Beijing, were both involved in consorting with women at public expense, in addition to embezzling millions of dollars in money and goods. In 2000, Cheng Kejie of Guangxi and Hu Changqing of Jiangxi, each accepted bribes and accumulated money and properties worth millions of dollars by taking advantage of their positions in the government. Both officials had concubines whereas Hu Changqing used prostitutes as well. The outrageous corruption cases of the high-ranking leaders did not cease to exist in 2000 after the execution of Cheng Kejie and Hu Changqing respectively. Rather, corruption has advanced wave upon wave as if the officials were vying with each other for the lead, with the downfall of Chen Liangyu, another Politburo member, being imprisoned for 18 years on April 11, 2008. Although Chen Liangyu’s “lifestyle” was not considered in meting out the penalty, it is widely circulated on the Web in China that he kept two long-term mistresses over his tenure as Mayor and Party chief of Shanghai, had sexual relationships with staff at hotels he stayed at, often returning their favors with positions in the city.

In addition to those mentioned above, some of the convicted officials at the national ministry- and provincial-level include:

- Vice-Minister of Public Security, Li Jizhou, sentenced to death in 2001 with a 2-year reprieve.³
- Governor of Yunnan Province, Li Jiating, sentenced to death in 2003 with a 2-year reprieve (*Fan-fubai Daokan*, Nov. 2002 and Sept. 2003).
- Party Secretary of Guizhou Province, Liu Fangren, sentenced to life imprisonment in 2004.⁴
- Qiu Xiaohua, head of the National Bureau of Statistics of China, expelled from the Party and his post in 2006 (*Jiancha Fengyun*, 15 Feb. 2006).

³http://english.peopledaily.com.cn/english/200110/23/eng20011023_82949.html, last accessed on 15 Oct. 2012.

⁴http://news.xinhuanet.com/legal/2003-07/10/content_964552.htm and <http://baike.baidu.com/view/304598.htm>, last accessed on 15 Oct. 2012.

- A second one from Anhui Province (after Wang Huaizhong's execution in 2004), Vice-Governor He Minxu, sentenced to death in 2007 with a 2-year reprieve.⁵
- Deputy-Party Secretary of Shandong Province, Du Shicheng, sentenced to life imprisonment in 2008.⁶
- A third one from Beijing (after Chen Xitong and Wang Baosen in 1995), Deputy-Mayor Liu Zihua, sentenced to death in 2008 with a 2-year reprieve (*Jiancha Fengyun*, 15 Mar. 2007; *Fan-fubai Daokan*, Jan. 2007 and Nov. 2008).
- A second one from Guangxi Zhuang Autonomous Region (after Governor Cheng Kejie's execution in 2000), Vice-Governor Sun Yu, sentenced to 18 years of imprisonment in 2009.⁷
- Vice-President and Judge of the Supreme People's Court, Huang Songyou, sentenced to life imprisonment in 2010.⁸
- Guangdong provincial police chief and chairman of the Guangdong provincial committee of the Chinese People's Political Consultative Conference, Chen Shaoji, sentenced to death in 2010 with a 2-year reprieve.⁹
- Party Secretary of the CPC Disciplinary Commission of Zhejiang Province, Wang Huayuan, sentenced to death in 2010 with a 2-year reprieve.¹⁰

The list goes on and on annually and will not likely cease in the foreseeable future. Corrupt officials have been exposed to the public from all parts of the country, including the remote regions of ethnic minorities (Cheng Kejie of Guangxi was ethnic Zhuang and Li Jiating of Yunnan was ethnic Yi). The People's Liberation Army, China's armed forces, was no exception, either. One of five navy deputy commanders and a member of the National People's Congress, Vice-Admiral Wang Shouye, was sentenced to death in spring 2006, with a 2-year reprieve, and his sentence was commuted to life imprisonment in December 2006. He was reported to the authorities by one of his five mistresses, all from the PLA.¹¹ The recent example of corrupt senior officials, still under investigation, is another Vice-Governor of Shandong, Huang Sheng. He was removed from his post in December 2011 and

⁵<http://www.china.org.cn/english/government/237395.htm>, last accessed on 15 Oct. 2012.

⁶http://www.chinadaily.com.cn/china/2008-02/06/content_6444671.htm, last accessed on 15 Oct. 2012.

⁷http://news.xinhuanet.com/legal/2009-09/01/content_11979764.htm, last accessed on 15 Oct. 2012.

⁸http://news.xinhuanet.com/english2010/indepth/2010-01/20/c_13143957.htm, last accessed on 15 Oct. 2012.

⁹http://www.chinadaily.com.cn/cndy/2010-07/24/content_11044018.htm and <http://www.whatsonxiamen.com/tag-+Chen+Shaoji.html>, last accessed on 1 May 2013.

¹⁰<http://msn.people.com.cn/GB/170491/12152917.html>, last accessed on 15 Oct. 2012.

¹¹http://www.asiasentinel.com/index.php?option=com_content&task=view&id=409&Itemid=31, last accessed on 15 Oct. 2012.

was expelled from the Party in June 2012, with allegations of taking US\$9 billion, keeping 46 mistresses and owning 46 properties (*Fan-fubai Daokan*, July 2012).¹² The latest allegations against Bo Xilai, another Politburo member and the Party Secretary of Chongqing, on September 28, 2012, include having “improper sexual relationships with a number of women.”¹³

The ill-gotten money and properties they obtained may vary, yet what is common is that all of them kept mistresses. Some had illegitimate children such as Chen Shaoji, Li Jizhou, Qiu Xiaohua, Wang Huaizhong and Wang Shouye; others, such as Chen Liangyu and Liu Zhihua, made their mistresses have abortions various times; Qiu Xiaohua even committed bigamy. However, the news reports in China’s state media tend to touch on corrupt officials’ economic crimes rather than their dissolute life. The latter is often vaguely described using words like “*shenghuo zuofeng*” (lifestyle) and “*daode baihuai*” (morally decadent), as we see from the case of Chen Liangyu in Xinhua’s news release, “Chen was ‘morally decadent’ . . . , he took advantage of his post to ‘philander’ and traded power for sexual favors”¹⁴ and by the *China Daily* in Qiu Xiaohua’s case, “[He] took a large sum of bribes from enterprises, lived a decadent life and committed bigamy.”¹⁵ Relatively more detailed accounts of their “lifestyle” are often seen in satirical essay journals and popular magazines, and more on the Internet with photos. Meanwhile, numerous anonymous *minyao* or *shunkouliu* (popular rhymes), an honorable tradition in China, have been created along with the widespread corruption in the past decades, poking fun at, or partly exposing specific acts of corruption.

Officials and Mistresses in Popular Rhymes and State Media

Indeed, officials at all levels like to have extramarital relationships with women, whether treating them as mistresses or prostitutes. Let us observe how a dozen or so popular rhymes and state-run media deal with women and officials. The following vivid cycle of rhymes [R2] (Zhen Yan 2001: 195–6) depicts officials from the lowest village level up to the provincial level:

¹²http://www.china.org.cn/china/2011-12/01/content_24052598.htm, last accessed on 15 Oct. 2011.

¹³http://news.xinhuanet.com/english/china/2012-09/28/c_131880079.htm, last accessed 15 Oct. 2012.

¹⁴http://news.xinhuanet.com/english/2008-04/11/content_7959627.htm, last accessed on 15 Oct. 2012.

¹⁵http://www.chinadaily.com.cn/china/2007-01/24/content_790832.htm, last accessed on 15 Oct. 2012.

	Renmin Qin'ai de Ganbu	人民亲爱的干部
[R2]	The Beloved Cadres of the People	
	Cun ganbu: Yao dai BP ji, Bu shi hao dongxi! Zhi zhi yi-er-san-si, hewei ABCD! Jiao bu chu liangshi wo jiu zhuo ji! Village cadres: They wear pagers on their waists, They're no good! They only know 1234, but not ABCD! "If you don't hand in the grain, I'll grab your chickens!"	村干部: 腰戴BP机, 不是好东西! 只知1234,何谓ABCD! 交不出粮食我就捉鸡!
	Xiang ganbu: Shou na dageda, Ji shi tufei you shi ba. Qi zhe motuo dao chu liuda, Chi-he-piao-du wo dou bu cha. Township cadres: They hold cell phones, They are both bandits and bullies. They go everywhere on a motorcycle. "Eating, drinking, chasing after women and gambling, I can do everything."	乡干部: 手拿大哥大, 既是土匪又是霸。 骑着摩托到处溜达, 吃喝嫖赌我都不差。
	Xian ganbu: Chuqu zuo zhe Sangtana, Dahong jingdeng gaogao guan. Pao dao danwei pokou dama, Zuotian chifan zha mei wangba. County cadres: They go out riding in a Santana sedan. They slap a bright red police light high on the roof. They arrive at a workplace and let loose a torrent of abuse: "How come there was no turtle with yesterday's dinner?" ¹⁶	县干部: 出去坐着桑塔纳, 大红警灯高高挂。 跑到单位破口大骂, 昨天吃饭咋没王八。
	Shi ganbu: Tanwu shouhui wo bu pa, Yingying de kaoshan bai zai na. You qian quan dou hao shuohua, Deng wo lao gou le wo zai xia.	市干部: 贪污受贿我不怕, 硬硬的靠山摆在那。 有钱全都好说话, 等我捞够了我再下。

(continued)

¹⁶This is a pun in the original Chinese. Turtles are considered expensive delicacies in Chinese cuisine. A cuckold is considered a turtle with its head withdrawn, meaning he does not dare to confront the other man or men. In this context it could imply "How come there was no married woman offered to the county cadres at yesterday's dinner?" (If so, there would have been a "turtle" present).

(continued)

	Renmin Qin'ai de Ganbu	人民亲爱的干部
[R2]	The Beloved Cadres of the People	
	City cadres:	
	They're not afraid of embezzlement and accepting bribes.	
	They've got powerful patrons behind them.	
	"Money talks, so don't worry.	
	I can step down after I've grabbed enough."	
	Sheng ganbu:	省干部:
	Chumen kai de shi Baoma,	出门开的是宝马,
	Zuoxia qingfu yi da ba.	座下情妇一大把。
	Nuo le ji yi pa shi fa,	挪了几亿怕事发,
	Meiguo jiushi wo laoba.	美国就是我老爸。
	Provincial cadres:	
	The cars they ride in are Pumas.	
	They're surrounded by a bevy of mistresses.	
	They're worried about trouble after embezzling	
	hundreds of millions.	
	"I'll leave for the US – the land I respect as much	
	as my old father."	

The first stanza above corresponds very well to the line “ordinary cadres have become by second nature hooligans” in Rhyme [R1] as the word “chicken” in vernacular Chinese refers to prostitutes, and officials may please themselves by grabbing chickens (*zhuo ji*). In this context it could vaguely refer to young women. An article (*Fan-fubai Daokan*, Aug. 2003) about village officials’ corruption revealed that of all the officials who had been dealt with according to the Party disciplinary measures for their debauched lifestyle, village cadres accounted for 20 %. Their behavior of soliciting prostitutes and womanizing at public expense is satirized in one of the cartoons for the same article. When “the beloved cadres” at the five government levels of the village, township, county, city and province all commit corruption, the 20 % at the bottom, the grassroots, represent merely an average number. What looks interesting to observe is that the higher-level corrupt officials are “surrounded by a bevy of mistresses” and have their way of embezzling money and escaping from being caught, including going abroad. Wang Limin, the Deputy-Chief of the Anti-Corruption Bureau under the Supreme People’s Procuratorate, admitted on September 7, 2007 (*Fan-fubai Daokan*, Oct. 2007), that at the time there were over 200 corrupt officials who had fled abroad. In fact, when he was arrested in 1999, Hu Changqing, Vice-Governor of Jiangxi, was found to have two passports with him using two false names. He had also prepared passports for his mistress and children (*Fan-fubai Daokan*, Sept. 2002 and Apr. 2005).

When we look at the verses satirizing officials at all levels and come across numerous real life stories, we cannot but wonder—Why would women be willing to be officials’ mistresses or *ernai* (second wives), or even prostitutes serving officials? Rhyme [R3] (Wu Zhou 2006:439) gives us the answer in the hookers’ own words:

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- | | | |
|------|---|------------------|
| [R3] | Kudai song-yi-song,
Neng ding ban nian gong.
I'll loosen my dress for a while
That's worth half a year's work. | 裤带松一松,
能顶半年工。 |
|------|---|------------------|
-

The scene depicted in rhyme [R4] (Wu Zhou, 439) about women in rural areas and small towns specifically show the advantages of prostitution:

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- | | | |
|------|--|--|
| [R4] | Waichu yi tiao lan kuzi,
Huilai chuan zhe ni liaozhi,
Shou shang dai zhe jin jiezi,
Daili dou zhe xin piaozi,
Jiali gai le xin fangzi,
Wunong buru dang biaozi.
When she leaves home she's wearing a pair of shabby pants;
When she comes back she's wearing wool ones;
She's wearing a gold ring on her finger;
Her pockets are stuffed with new banknotes;
She's built a new house at home;
It's better to be a hooker than work in the fields. | 外出一条烂裤子,
回来穿着呢料子,
手上戴着金戒指,
袋里兜着新票子,
家里盖了新房子,
务农不如当婊子。 |
|------|--|--|
-

The above two rhymes sound like testimonies of the century-old Chinese saying that people generally “laugh at the poor but not prostitutes” (*xiao pin bu xiao chang*). The phenomenon is also supported by the first stanza of a new poem [R5] (Zhen Yan, 253):

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|------|---|---|
| [R5] | “Xiao” Zi Ge
Youren xiao pin bu xiao chang,
Biaozi ye gei li paifang;
Guan ta pinzhi xiang yu chou,
Zhiyao you nai bian shi niang.
The Laughing Song
Some people laugh at poverty but not prostitution;
They'd recognize the prostitutes' contributions.
No matter whether their virtues are high or low,
They'll lick the hand that feeds them. | “笑”字歌
有人笑贫不笑娼,
婊子也给立牌坊;
管她品质臭与香,
只要有奶便是娘。 |
|------|---|---|
-

Some women can be very assertive if looked down upon as shown in [R6] (Zhen Yan, 4):

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- | | | |
|------|--|--|
| [R6] | Xiagang Nügong
Xiagang nügong bu luolei,
Tingxiong zoujin yezonghui,
Shei shuo women wu diwei,
Zuotian hai pei shuji shui?
Laid-off Women Workers
Laid-off women workers don't shed tears.
Throwing out our chests, we enter nightclubs proudly.
Who said that we have no social status?
Yesterday I even slept with the Party Secretary. | 下岗女工
下岗女工不落泪,
挺胸走进夜总会,
谁说我们无地位,
昨天还陪书记睡? |
|------|--|--|
-

Now we seem to understand why these women do not feel ashamed but are on the contrary proud. The last line above reveals the secret. Party secretaries and high-ranking officials are the patrons of many upscale song and dance halls, hair stylists, saunas, and entertaining establishments. An article in *Anti-corruption Herald* (*Fan-fubai Daokan*, Dec. 2007), a monthly run by the CPC Disciplinary Commission of Zhejiang Province, observed, “As long as you go to the entertaining places, you will often find some Party officials. By contrast, you hardly see any of them if you go to libraries and reading rooms.” Corrupt officials can certainly afford conspicuous consumption as their bills are often footed by the public expense account or paid for at the expense of the rich (Bai Xue 2002:8).

[R7]	Nüren xiagang bie liulei, Daban daban kuai qu yezonghui, Peige peiwu you peishui, Baichi baihe zhuan xiaofei. Laid-off women, don't cry. Dress up and make up—off you go to the nightclubs. Accompany the guests for singing, dancing, and sleeping. You eat and drink for free and you earn tips, too.	女人下岗别流泪， 打扮打扮快去夜总会， 陪歌陪舞又陪睡， 白吃白喝赚小费。
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What type of guests would the women like to accompany the most? Rhyme [R8] (Bai Xue, 38) tells us the truth straightforwardly:

[R8]	“Sanpei” nǚ Yi pei kuanr, Er pei guanr San pei kaoshan shiquanpair. The “Three-Ways” Girls One, go with rich guys, Two, go with officials, Three, go with patrons who have real power.	“三陪”女 一陪款儿， 二陪官儿， 三陪靠山实权派儿。
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No doubt, those who have real power must be rich officials. As for why the male guests like to look for the “three-ways” girls, they have a good reason to satisfy their own ends (Bai Xue, 38): “Spend the money at public expense; find pleasure for myself, so why shouldn't I just enjoy it?” As for what the “three-ways” women enjoy, rhyme [R9] (Zhen Yan, 34) provides some details:

[R9]	Sanpei Yao Bu jingshang bu dagong fengliu xiaosa du nianqing, Bu shangshui bu naliang gongzuo zhi xu yi zhang chuang, Bu fen hei bu fen bai shashi xuyao shashi lai, Bu chuli bu dongnao haochi-haochuan hua bu liao, Bu yunü bu shengnan bu gei jisheng tian mafan,	三陪谣 不经商不打工风流潇洒度年轻， 不上税不纳粮工作只需一张床， 不分黑不分白啥时需要啥时来， 不出力不动脑好吃好穿花不了， 不育女不生男不给计生添麻烦，
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(continued)

(continued)

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- [R9] **Sanpei Yao** 三陪谣
 Wu zaoyin wu wuran zi dai shebei qiu fazhan, 无噪音无污染自带设备求发展,
 You fu xiang you qian hua shichang tiaozhan zan bu pa. 有福享有钱花市场挑战咱不怕。
- The Song of the Three-Ways Girls**
 We don't run any business or work outside, but are free and easy and young.
 We don't pay income tax or grain tax, but only need a bed for work.
 We're available daytime or nighttime whenever you want to come.
 We don't exert ourselves or use our brains, but we eat well, dress well and spend little.
 We don't give birth to a boy or a girl and we don't cause trouble about birth control.
 We don't make noise or pollution but seek to develop our natural equipment.
 We enjoy ourselves, have money to spend and don't fear the challenges of the market.
-

Of course, these girls cannot afford to violate China's family planning policy without the approval of their powerful protectors. Who would dare to challenge the girls when their patrons are officials? On the other hand, the corrupt officials' fate may also be in the hands of hookers if the latter are caught. Rhyme [R10] (Zhen Yan, 285) tells some truth:

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- [R10] **Bu Gai Ganxie de Ganxie** 不该感谢的感谢
 Xiaotou touchu le jutian, 小偷偷出了巨贪,
 Sanpeinü gongchu le zangguan, 三陪女供出了脏官,
 Zousi de banchu le tequan, 走私的搬出了特权,
 Zaojiazhe duanchu le kaoshan. 造假者端出了靠山。
- The Gratitude That Shouldn't Have Been Expressed**
 The thieves' stealing brought the corrupt officials to light.
 The three-ways girls confessed the names of the dirty officials.
 The smugglers exposed the privileged powerful.
 Those who make fake goods revealed who their backers were.
-

As three-ways girls mentioned above usually do not have many chances to serve really top leaders, the officials in their confessions may not be high-ranking enough. By contrast, the top officials' mistresses may control their lives a little better. However, all types of women may make officials be afraid as we see in [R11] (*Jiancha Fengyun*, 15 Feb. 2007) below:

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- [R11] Yi pa xiaojie youbing, 一怕小姐有病,
 Er pa qingren huaiyun, 二怕情人怀孕,
 San pa laopo pinming, 三怕老婆拼命,
 Si pa qunzhong xiexin. 四怕群众写信。
- Fear one: The girls are sick;
 Fear two: His mistresses are pregnant;
 Fear three: His wife will fight him to the bitter end;
 Fear four: The masses will inform against him in writing.
-

Why would those powerful men be afraid of the “girls” who become sick? In a verse entitled “Five do’s and don’ts for high-ranking cadres” (*Lingdao ganbu wu yao wu buyao*), number four gives us a glimpse of sexually transmitted diseases among the officials who amuse themselves with “girls” or *xiaojie*, a euphemism for prostitutes (Lu Wen, 28): “Keep your health; don’t get contaminated by those diseases that you can’t explain.” Yet, of all their fears, line four mentioned above, including people in both genders, wives, mistresses and “girls,” are no doubt the worst of all for officials. Although it is by no means easy for the informants, it happens from time to time.

Let us now discuss officials and mistresses more thoroughly in the next part with four sections.

Self-Assertive Mistresses and Corrupt Officials: The Complex Interdependencies

One may argue that the popular verses quoted above adopt hyperbole or artistic exaggeration often seen in satirical poetry, but given China’s political environment and limited freedom of speech, who would dare to be bluntly hypercritical of the Party and government officials if popular poetry does not mirror countless true facts already reported in the state media?

Mistresses: Not Victims but Self-Assertive Women

Life for mistresses can be less entertaining than it sounds in rhymes, not to mention that of three-ways girls or prostitutes. Life for officials might not be easy in their circles, either, but it must be so much better; and the power they have leads them to find sexual outlets as they wish. The question remains: Why would women be willing to be officials’ mistresses? No matter who the women are, would they choose to do this? Or do the circumstances make them do so? Or are they forced into these situations by male officials? This study finds that the answer may vary or be due to a mixture of numerous factors.

First, women are not always victims as they might be thought to be. The option to have physical relationships with married male officials, no matter who initiates them first and what the motivations are, is nobody else’s business and in a way reflects a woman’s desire to strive upward in society. Who controls what a man and a woman do behind a closed door? If some women’s behaviors are unacceptable by conventional standards, which are set by men in a patriarchal society, they nevertheless reflect the hypocrisy of corrupt officials and ethical decline at large. Some women, be they villagers, laid-off workers, hair stylists, business people, or officials themselves, have overthrown the tyranny of constrained living and opted for having both money and pleasure, and follow their own feelings, as they wish. They do not necessarily await men or authorities’ approval for their lifestyle. Liu Songtao, who

was the President of No. 3 Hospital of Chongqing and who is currently serving a 12-year imprisonment for corruption, put it plainly when he defended himself for keeping extramarital sexual relationships (*Jiancha Ribao*, 17 Jan. 2008), “So many women like me and I have no choice.” There is certainly no shortage of women who enjoy being officials’ mistresses, most of whom choose the option willingly.

Second, like any aspects of social life, there are winners and losers. The same is true for both men and women in the official-mistress relationships. Society tends to favor winners, mistress winners included. Zhao Lihong, called “a professional lover” in the state media (*Jiancha Fengyun*, 15 June 2006), was Beijing Deputy-Mayor Wang Baosen’s mistress and later became Zhao Ange’s lover. In 2004, Zhao Ange, the former Vice-President of the Bank of China, was sentenced to life imprisonment for taking bribes to bankroll their future marriage, but Zhao Lihong was already abroad safe and sound. Li Wei, a refugee from Vietnam to China at the age of seven and now “the number one mistress under heaven” (*Caijing Magazine*, 14 Feb. 2011), was a shared mistress of at least a dozen of senior officials at the ministry- and provincial-level, including Li Jiating, Governor of Yunnan, Du Shicheng, Deputy-Party Secretary of Shandong, Huang Songyou, Vice-President of the Supreme People’s Court, and Liu Zhihua, Deputy-Mayor of Beijing. Her powerful lovers made her a billionaire and she repaid them by landing them in jail. She was detained for a while but was released in 2011 without charges and with most of her assets remaining intact and some increasing in value. No wonder these two super mistresses have some admirers among bloggers even though corrupt officials are detested. Zhao Lihong was actually Zhao Ange’s fiancée. When love and sex, beauty and ugliness, attraction and disgust become intertwined, the idea of who is right and who is wrong remains unclear.

Third, there are obviously practical financial benefits that encourage some women to become an official’s mistress. Shared mistress Li Wei’s assets are estimated over ten billion yuan by *Caijing Magazine*. Although Guizhou Party Secretary Liu Fangren’s mistress was a hairdresser, she and her other lover, who she had met before Liu Fangren, could easily obtain large-scale construction and renovation projects worth nearly a hundred million yuan. Later she was transferred to work from the hair salon to a bank with the help of the provincial Party Secretary. Her experience as Liu Fangren’s mistress is typical of that described in [R6], [R7] and [R8] above. The question raised in [R6] sounds crudely sarcastic: “Who said that we have no social status?” Interestingly, Liu Fangren and his hairdresser mistress’ rendezvous place in a hotel was gladly arranged by her other lover in order to win more profitable businesses from the number one official in Guizhou Province.¹⁷

Fourth, for those who have political aspirations and who want a faster career promotion, becoming an official’s mistress seems a short cut. This has worked well for numerous mistresses from “three-ways” girls with primary education to those with an advanced degree. Chen Li was a rural high school dropout. Having been the mistress of Jiao Junxian, Party Secretary of Jingmen, a city in Hubei Province, she

¹⁷<http://review.jcrb.com/zyw/n455/ca327294.htm>, last accessed on 15 Oct. 2012.

wanted to become an official herself. Before long, all her credentials were prepared for her, including her Party membership and undergraduate degree certification. She worked her way from the Deputy-Director of the Propaganda Department to the Deputy-Bureau Chief of three government offices in the development zone of Jingmen—the Bureau of Culture, the Bureau of Radio and TV, and the Bureau of Press and Publication.¹⁸ In recent years, it is no longer strange for women with a graduate degree to become a senior official's mistress, and as a result they climb the corporate ladder more easily. Li Yong, a famous Guangdong-based TV broadcaster with a master's degree and the Party membership, is one example of this. She is now serving 3 years in prison not for being the Guangdong police chief Chen Shaoji's mistress, but rather for accepting bribes.¹⁹

In sum, in today's capitalism with Chinese characteristics, money triumphs over morality. While money is largely in the hands of the rich and powerful, officials' mistresses are by and large regarded as beneficiaries rather than victims. They make a conscious decision to be with male officials even though they are fully aware that the officials are married. This phenomenon is the paradigm of the theory of bodies and the social order. As Schatzki and Natter (1996:2–3) indicated,

For it is not bodies alone, but more crucially individuals and their identities, that are constituted through the social shaping of bodies. There come to be individuals (subjects) – human beings with particular identities, genders, characters, joys, understandings, and the like – largely through bodily transformations that result from the immersion of bodies in the field of social relations and power.

From the theory of economic determinism (Young and Arrigo 1999:94–5), a Marxist one, economic events determine, shape, and influence all social forms. That certainly includes using the power of the female body for social mobility. No wonder being an officials' mistress is realistically their best option for social-economic advancement and they even climb on the sociopolitical ladder as we see in the case of Chen Li. This rural high school dropout worked as a “three-ways girl” before becoming an official by herself. Without the backup of her lover cum official, how could she change her life so radically and so quickly?

Officials: Not Just for Sex but Also a Status Symbol

While it is in some women's interests to be officials' mistresses, the same must be true for some male officials to keep mistresses. It has become a common saying in China that behind every corrupt official, there is at least one mistress. An anonymous satirical verse (Zhen Yan, 7) about the rich and powerful men describes the practice vividly:

¹⁸<http://www.xinhuanet.com/show.asp?id=1619> and <http://www.people.com.cn/GB/paper83/1794/289766.html>, last accessed on 15 Oct. 2012.

¹⁹http://news.xinhuanet.com/comments/2010-10/25/c_12696523.htm, last accessed on 15 Oct. 2012.

[R12] Qingfu	情妇
Yang yi ge shi renwu,	养一个是人物,
Yang liang ge shi dongwu,	养两个是动物,
Yang san ge cheng zhiwu,	养三个成植物,
Yi ge bu yang shi feiwu.	一个不养是废物。
Mistresses	
When he keeps one mistress, he's a character.	
When he keeps two mistresses, he's an animal.	
When he keeps three mistresses, he becomes a brainless vegetable.	
When he doesn't keep any mistress at all, he's a dimwit.	

We do not know how many male officials are “dimwits” nowadays. We do know, however, that about 95 % of officials charged with corruption fall into the category of a “character” or an “animal” or a “brainless vegetable” or worse. In some places, 100 % of corrupt officials keep mistresses.²⁰ In Shenzhen, Guangzhou and Zhuhai in South China, every official involved in the 102 corruption cases investigated during 1999 was found to be having affairs.

The number of mistresses every corrupt official has may be higher. With “three-ways” girls, the number can go up to as many as three figures! Zhang Erjiang, Party Secretary of Tianmen, a city in Hubei, admitted that he had sex with 107 women other than his wife. Xu Qiyao, Director of the Jiangsu Provincial Ministry of Construction, kept sexual relationships with 146 women.²¹

The same question poses: Why are male officials interested in having extramarital relationships with women? The answer varies, too.

In 2001, Jin Weizhi, President of the Nanjing Dairy Group, a state-owned enterprise (SOE), made a frank confession (*Gongren Ribao*, 14 Aug. 2001), “Of the senior cadres (*lingdao ganbu*) at my rank, who doesn't have several mistresses? This is not just to meet the physiological needs, but also to have a status symbol. Otherwise, people will really look down upon you. Eating and drinking, the relationships between men and women, things like those are all minor issues to us.”²² In fact, his remark, although wrong-minded according to the Party's own discipline, is typical of what male officials think at any rank, high or low, but hardly any official would acknowledge it publicly except those who are particularly thick-skinned like Zha Jingui. As the Director of the Vehicle Administration of Nanjing, Zha Jingui liked to boast, proudly, that there were 12 flowers (girls) in *The Dream of the Red Mansion*, the most famous classical Chinese novel in the eighteenth century, but he had 13!

²⁰<http://baike.baidu.com/view/510753.htm>, last accessed on 15 Oct. 2012; see also the *China Daily* Web site under note 2.

²¹http://www.hq.xinhuanet.com/tbgz/lianzheng/2007-09/06/content_11073639.htm, last accessed on 15 Oct. 2012.

²²<http://www.people.com.cn/BIG5/shehui/46/20010814/535192.html>, last accessed on 15 Oct. 2012.

Indeed, officials like Zha Jingui in China have not only inherited traditional Chinese patriarchal culture, but have also outdone their predecessors. Anne Cranny-Francis and her female colleagues (2003:15) at Macquarie University, Australia, hold, “Patriarchy is a social system in which structural differences in privilege, power and authority are invested in masculinity and the cultural, economic and/or social positions of men.” It seems in today’s China, gender inequalities obstinately persist despite women’s self-assertiveness to some extent.

We wonder, however, without the power of their positions and a large amount of money through embezzlement, how could contemporary Chinese officials afford to keep their mistresses? Was Jin Weizhi running a private dairy product company or an SOE with public ownership? It is an open secret in China that when an SOE makes profits, those in charge benefit the most privately; when it loses money, those in charge write the losses off at the expense of the state. No wonder SOEs are not so efficient. We also know that the directorship of the Nanjing municipal vehicle administration would not financially allow Zha Jingui to keep 13 mistresses. Not in our wildest imagination. Ingrained in some male officials’ minds, women are like property, something they can own when they have money. This is merely a casual act like eating and drinking. For them, to have mistresses for senior cadres is expected and not to have any becomes abnormal. This is obviously the attitude revealed in Jin Weizhi’s words. The combination of China’s political environment, i.e., the concentration of power by the one-Party monopoly, and male authority in Chinese patriarchy together nurture the mentality of Jin Weizhi and the like, that the more mistresses a man keeps, the more capable he is, and hence the higher social status he has. Having extramarital affairs embodies sophistication at the male vanity fair. Their corrupt behavior corresponds exactly to what was described by British historian Lord Acton (1834–1902) (Hirsch et al. 1993:313), “Power tends to corrupt; absolute power corrupts absolutely.”

In the Common Interest of Making Money

If keeping a mistress or mistresses is psychologically satisfying and also physiologically necessary, having a mistress engage in dubious activities that an official is prevented from doing himself can be beneficial for both of them. These activities could include, but are not limited to, buying a piece of land at a lower price and selling it at a higher price, making real estate investments in China’s land rush, trading commodities in and outside of mainland China, soliciting and accepting bribes, or even conducting money laundering outside of mainland China. When it is inconvenient for the official to do something that would bend the rules within the Party, his trusted mistress can play a role in handling it because they have the common interest. In this sense, such a mistress has become a “particular affiliate” (*teding guanxiren*), defined as a person who has such a relationship as close relative, mistress or lover, or any other common interest with a state functionary (*guojia gongzuo ren yuan*).²³

²³<http://baike.baidu.com/view/1326380.htm>, last accessed on 15 Oct. 2012.

Li Ping, Guangxi Governor Cheng Kejie's mistress, was truly a particular affiliate in the 1990s, well before the legal term was coined in 2007 when the practice of mistresses doing business became widespread. She was in fact Cheng Kejie's accomplice for finding bribers, smuggling and taking bribes. After Cheng Kejie had obtained 41 million yuan through kickbacks (almost US \$5 million then) at different times, all arranged by Li Ping and other business people. It was Li Ping, again, who managed to deposit the illicit money in Hong Kong, making use of her Hong Kong resident permit. It is clear that neither Cheng Kejie nor Li Ping could get rich so quickly without close collaboration, taking advantage of his political influence and her social networks in and outside of mainland China. Their interdependencies were effective but illegal, reaching far beyond the ethical matter of adultery between two married persons.

Ironically, Cheng Kejie's capital punishment and Li Ping's life imprisonment, both sentences carried out in 2000, have not deterred interdependencies of officials and mistresses from happening. At least Cheng Kejie and Li Ping planned to divorce their respective spouses and get married somewhere some day after grabbing enough money. Their dream was very close to what is satirized in [R2], in the stanzas about municipal- and provincial- level cadres, except that Cheng Kejie's ranking was even higher as the Vice-Chair of the Standing Committee of the National People's Congress, China's parliament.

Divorced or not, married or single, all corrupt officials and their mistresses share the common interest of making money. Beijing Deputy-Mayor Liu Zhihua was also in charge of building the Beijing Olympic venues. His mistress Wang Jianrui, divorced, obtained three projects to build the tennis center, hockey field and shooting range through Liu Zhihua. By giving various Olympic projects to the right people, Liu Zhihua alone or together with Wang Jianrui obtained seven million yuan in kickbacks. The properties that they solicited from developers were all in her name as it would be inappropriate to use his name in his position.²⁴ According to one of his other mistresses, a single, unmarried returnee graduated from a British university, Liu Zhihua, seeing that many people sought after him for their applications for all kinds of projects, guided her, "As a matter of fact, mistresses are also human resources. If managed by scientific methods, 'bad assets' can be turned into good ones." He then let her run a 150-room five-star resort hotel in Huairou in suburban Beijing, with some of his investment. As the guests were mostly those from the offices and enterprises using public funds and they all came for Liu Zhihua's approval for their businesses, the resort was very profitable. Liu Zhihua then bragged that "using business for keeping mistresses" (*yi shang yang qing*) was his unique creativity.²⁵ It is hard to believe that this practice was invented by him, but only a bright dignitary like Liu Zhihua was able to coin a neologism that summarizes the phenomenon in succinct Chinese.

²⁴http://bbs1.people.com.cn/post/1/0/2/88909506_1.html, last accessed on 15 Oct. 2012.

²⁵http://www.jl.xinhuanet.com/2006shangye/2007-03/22/content_9584512.htm; <http://xinhuashe2007.home.news.cn/blog/a/0101000029400447370EFDBB.html>, last accessed on 15 Oct. 2012. Some bloggers suspect the truthfulness of the story told by Xilin, a pen name of one of Liu Zhihua's mistresses, originally published in *Zhiyin Wenzhai* (*Zhiyin Digests*), No. 3. 2007, but the article by Gao Ji (*Jiancha Fengyun*, 15 Mar. 2007) in the state media confirms Xilin's story.

Power, as indicted by Ward and Edelstein (2009:122), is commonly defined as the ability to exercise one's will over others. Hilary M. Lips (1991:14) gives the definition of power as "the capacity to make things happen as one wants them to, to have an impact on one's world." Although male officials control the majority of power resources, there are occasions that officials cannot exercise their power easily for personal gain. This is the time the mistresses use or develop their power. By combining his power with her own in the common interest of acquiring wealth, the mistress can control her life better, including money and security in her relationship with the official. In other words, as a mistress plays an important role in their common interest of making money, she may work things out to her advantage and gain some independence and power.

Politicizing and Publicizing Their Private Life, Gender Difference

In today's China, corrupt officials and mistresses no longer just commit adultery, but are often mutually dependent on making money. When a mistress feels that she is not getting a fair share in the relationship or the official does not meet her demands for money, status, and/or love, she may threaten to politicize their private life by taking him to the authorities, informing them of his corrupt behavior. There is no lack of such examples in recent years. The team of seven mistresses of Yang Feng, Deputy-Party Secretary of Xuancheng, a city in Anhui Province, is just one of them reported in the media (*Zhongguo Qingnian Bao*, 27 July 2006; *Fan-fubai Daokan*, July 2006). They joined forces to throw him in jail for 10 years in 2006 for embezzlement after they found Yang Feng began to flirt with another young woman working in a hotel bar.

A more sensational example in 2007 is the 11 mistresses of Pang Jiayu, Vice-Chair of the Shaanxi Political Consultative Conference, Party Secretary and Mayor of Baoji, Shaanxi Province. They helped bring down the man who they shared and who was known as the "Zipper Mayor" (*Jiancha Fengyun*, 15 Mar. 2007) for his casual sexual behavior. Pang Jiayu had helped the women make big money by assigning them or their husbands, his subordinates, huge government or other financial projects. In one water-diversion project in which Pang's wife and mistresses were involved, water pipes exploded and collapsed only half a year after completion. After some of their husbands were sentenced to death for corruption in cases related to Pang Jiayu, the 11 mistresses decided to denounce Pang Jiayu to the authorities and they succeeded along with other informants against Pang Jiayu.²⁶

²⁶http://news.xinhuanet.com/comments/2007-12/04/content_7195884.htm, last accessed on 15 Oct. 2012.

By contrast, when a male official is really fed up with his wife or his mistress who demands something that he is unable to do or which could adversely affect his career, he may go so far as to murder her. There is no shortage of such examples, either. Among the six highest-profile senior officials who were executed for corruption, Vice-Governor Lü Debin of Henan, who earned his Ph.D. from Kansas State University in 1985, hired two men in 2005 to kill his second wife who did not get along with him in their family life and who had threatened to expose his corruption to the authorities (*Jiancha Fengyun*, 1 Oct. 2005). As for Duan Yihe of Shandong Province, after being told by his mistress, time and again, to divorce his wife and marry her, he hired someone to blow her up in a car in 2007, because she wanted to become his wife, which would have adversely affected his career as a senior official (*Jiancha Fengyun*, 15 Aug. 2007). As for municipal- and county-level officials who have murdered their mistresses, there are at least ten more reports in the media in recent years.

It is worth noting that under extreme circumstances, the women chose to inform the authorities and thereby politicized their private life. They seemed to believe that if she could not gain much, he should not be allowed to gain too much, either. These mistresses were hailed by the public that believe that “*qingfu fanfu*” (mistresses opposing corruption) could be more effective than the official anticorruption campaigns. By comparison, in unbearable situations, each of the two male officials turned to violence by hiring killers, hoping nobody would know who was behind the murder; but in each case the public learned the news quickly or instantly. In fact, according to many sociologists, violence is a social and political act, both determined by and central to the continuation of power relations of gender, sexuality, age, “race,” and so on (McDowell and Sharp 1999:286–7). Indeed, the murder case of Lü Debin’s wife and that of Duan Yihe’s mistress are both for the sake of preserving the male officials’ political career. This study also observes that to bring Pang Jiayu to justice, it had taken male informants as many as 9 years; but once his disgruntled mistresses decided to help by providing evidence, Pang Jiayu was quickly sentenced to 12 years of imprisonment. This supports what Ward and Edelstein (2009:123) argue that “women’s power does not have to look like men’s power.” It seems that whatever action will benefit mistresses more or minimize their losses, they will take it. They are very pragmatic.

Conclusion: Women Are Learning to Gain Power

While men are still predominant in political and economic arenas in China, which is true even in the wealthiest societies of the West, what do women really want? They simply try to have a fair share in society even though they may have to struggle for that in some alternative ways. Being an official’s mistress seems one choice if she happens to be pretty and attractive, but not necessarily so. It seems they can at least exercise power through the effective use of seduction to conquer men and then acquire wealth. Chinese wisdom has already developed a simple, perhaps plausible, theory about it (Lu Wen, 170):

[R13]	Nanren you qian jiu bian huai, Nüren bian huai jiu you qian. When a man has money, he becomes bad. When a woman becomes bad, she'll have money.	男人有钱就变坏, 女人变坏就有钱。
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In some cases, women like to keep an intimate relationship with men, which has even raised the issue of gender equality in an amusing way to defend women (Zhen Yan, 12):

[R14]	Nannü Pingdeng Nanren keyi jinwucangjiao, Nüren keyi wohu-canglong! Gender Equality Men can keep mistresses in love nests; Women can keep crouching tigers and hidden dragons!	男女平等 男人可以金屋藏娇, 女人可以卧虎藏龙!
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If only women could afford to have “crouching tigers and hidden dragons,” a metaphor for men. The Chinese phrase in the second line above may also refer to the men who are kept or financially supported by women. There are reports about corrupt female cadres who kept men who were not necessarily rich and powerful. But in reality that kind of gender equality is tiny and therefore insignificant.

What seems important for women is the type of men who lead them to turn bad indicated in [R13]. In this regard, the famous words by Jiang Yanping are to the point (Yang Yuanxin 2002:3), “When a man dallies with women, he can ignore their social status; when a woman dallies with a man, she cannot but pay attention to his social status. In a society where men are in power, only those women who know how to open up and take advantage of men’s values can be regarded as the truly wise women.” Her words are time tested, supported by rhymes [R6] and [R8] in this study, and practiced by Jiang Yanping herself successfully, to a large extent, from the time she was a storage keeper to her ascent to the position of the Vice-President of the Hunan Construction Engineering Group, a woman cadre at the provincial deputy-minister level (*fu-tingji*). She knew only too well that “*men are in power*” in society. By offering sex and money to her male superiors in key posts, she got promoted and won numerous business projects, but she was eventually caught for accepting huge bribes. In 2001, she was sentenced to death penalty with a 2-year reprieve.²⁷

In addition, obviously, having sex with married officials serves not merely as a way of making a comfortable living, but could also be for the sake of the ego and self-gratification. Some mistresses pluck up enough courage to express their

²⁷<http://news.xinhuanet.com/english/20010724/433020.htm>, last accessed on 15 Oct. 2012. According to Yin Ziyu’s article “Jiang Yanping de yuzhong shenghuo” (Jiang Yanping’s life in prison), her sentence was commuted to life imprisonment in 2003 and was further reduced to 18 years in 2005 due to her good performance in jail, *Jiancha Fengyun*, 15 Apr. 2006, 51.

self-identity no matter what others gossip about them. The examples in this study and many more in society show that given China's sociopolitical environment, once women become powerful officials' mistresses, they are magically empowered to do well in many aspects of life, including illicit business and economic activities. Officials, on the other hand, may be at the mercy of their mistresses when the latter have to defend themselves. It has become an effective weapon for mistresses, as a last resort, to politicize their private life by taking the corrupt officials to the authorities if the officials do not meet their demands.

"Around the globe, in every type of society, male power is viciously inscribed on women's bodies." This was true in past millennia and true when Harriet Bradley (2007:181) reached her conclusion in her book *Gender*, and it still remains so up to this day. Yet, some Chinese officials' mistresses have truly brought down their men. In the complex interdependencies of mistresses and officials, women are not necessarily victims, but can be very much self-assertive. They are learning to gain power, thereby controlling their own lives better. While these women's boldness is controversial, it nonetheless reflects the evolving gender relations in contemporary Chinese society.

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Chapter 4

Domestic Labor, Gendered Intergenerational Contract, and Shared Elderly Care in Rural South China

Clara Wai-chun To

Abstract In rural China, care for the aged has mainly been considered as reciprocal obligations among adult sons and parents. However, recent studies have pointed to the need to examine the pattern of elderly support as a result of intra-generational negotiation in an extended family context, and the significant role of daughters-in-law in bargaining for shared parental support. This chapter examines the pattern of shared elderly care in relation to daughters-in-law's equal access to the mother-in-law's domestic services. It argues that old age support is a result of negotiation not only among parents and adult sons but also *among* daughters- and mothers-in-law based on an increasingly emphasized equity principle. It highlights the significant role of the mother-in-law's gender-specific labor in the form of child care and household assistance as an exchange token for elderly care, and how equal access to her domestic labor besides parental property is intricately tied to the shared responsibility of elderly support among sons. It suggests that changing inheritance due to state policies on land and the family since the 1950s, gendered intergenerational contract, and transformation in the regime of reproductive labor with decollectivization are keys to understanding these patterns.

Keywords Domestic labor • Intergenerational relations • Elderly care • Inheritance • Daughters-in-law • Mothers-in-law

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Introduction

While the majority of rural elderly in China still depend on their children for old age support,¹ social, economic, and familial changes in the past five decades, particularly after decollectivization since the early 1980s, have posed serious challenges to old age security (China Research Center on Aging 2003; Pang Lihua et al. 2004; Yan Yunxiang 2003). Studies have shown that parents invest in their adult children in the form of monetary and labor transfers, such as providing housing, lavish marital gifts, child care, and domestic help as strategies to secure elderly support (Pang Lihua et al. 2004; Clara Wai-chun To 2005; Yan Yunxiang 2003; Zhang Hong 2005). Studies which support the short-term mutual aid model stipulate that grandchild care and other services such as household help are provided in exchange for elderly care (Lee Yean-ju and Xiao Zhenyu 1998; Secondi 1997; Silverstein et al. 2006; Yang Hongqiu 1996).

Although these studies have pointed to the role of child care and other services as compensation for elderly support, they mostly look at the dyadic relationships of parents and adult children and examine the kind of their individual attributes favoring intergenerational transfers in the form of money and time. Recent developments have pointed to the importance of examining the issue of elderly support and care within an extended family network (Cong Zhen and Silverstein 2011; Zhang Weiguo and Wang Yuesheng 2010) and the role of daughters-in-law in the negotiation of support in rural China (Clara Wai-chun To 2005; Zhang Weiguo and Wang Yuesheng 2010). Instead of simply investigating the individual attributes of parents and married children such as income level, age, education, health condition, marital status, and contextual variables such as proximity to children (Bian Fuqin et al. 1998; Chen Feinan et al. 2000), the pattern of elderly support is considered as a result of intra-generational negotiation among adult sons, who shared the responsibility of care for the aged (Miller 2004; Zhang Hong 2004; Zhang Weiguo and Wang Yuesheng 2010).² More importantly, since elderly support and care often involve gendered tasks like meal preparation and personal care likely to be performed by daughters-in-law, daughters-in-law have played an important role in the negotiation process (Zhang Weiguo and Wang Yuesheng 2010).

¹Until recently, there has been no pension scheme for rural elders as in the urban areas. It was not until 2009 did the central government established a pension scheme on voluntary contribution, which will be expanded further under the 12th 5-year plan.

²Although recent studies have reported enhanced ties and support from daughters as well as increased incidence of uxori-local marriages (as a result of one-child policy) in rural China (Judd 1989; Shi Lihong 2009; Zhang Weiguo 2009), elderly support is still largely considered an obligation of sons who inherit parental property and contracted land, with personal care to be provided by daughters-in-law (Cong Zhen and Silverstein 2008b). Nonmigrant married sons still live close or next door to their parents in the same village after setting up their nuclear family (Cohen 1992, 1998; Wang Danyu 2004).

The literature discussed above highlights the significant role of domestic services, intra-generational negotiation in an extended family context, and the role of daughters-in-law in affecting the provision of elderly support. Yet, they are inadequate in the following ways. Firstly, they fail to explain why parents' domestic labor in the form of child care and household help is important in exchange for elderly support. Secondly, although scholars have pointed to the role of daughters-in-law (in intra-generational negotiation) in elderly care, they do not investigate the negotiation *among* mothers/daughters-in-law *and* sisters-in-law in domestic work which is gendered. Thirdly, they fail to understand that elderly support is not only an obligation of adult sons but also tied to the transfer of property at the time of household division as a part of the long-term intergenerational contract. Shared responsibility among sons is intricately tied to their equal share of parental property. Fourthly, since the majority of these studies are quantitative analysis, they fall short of explicating the underlying rationale—the equity principle—that guides the shared responsibility in elderly care *among the brothers*. Fifthly, in relation to this, there is no examination of how changing inheritance or intergenerational transfers as a result of state policies on land and the family may have strengthened the emphasis of the equity principle and shared responsibility of elderly support among sons, as well as the role of mother-in-law's domestic labor as the key to securing financial and practical help in return.

This chapter argues that elderly support and care, being highly gendered tasks performed by daughters-in-law in patrilineal and patrilocal rural China (Davis-Friedmann 1991; Cong Zhen and Silverstein 2008b), is a result of negotiation not only among parents and adult sons but also among mothers- and daughters-in-law based on an emphasized equity principle. It highlights the significant role of the mother-in-law's gender-specific labor in the form of child care and household assistance as an exchange token for elderly support. Moreover, the emphasis on shared responsibility of elderly support among sons is intricately tied to an equal access to elderly women's domestic labor besides parental property. It proposes that state policies on land and the family since the 1950s as well as recent market-oriented reforms have resulted in changing inheritance and regime of reproductive labor. These transformations, rather than simply modernization with rural economic reforms, are keys to understanding the increasingly important role of elderly women's domestic labor in exchange for support and the emphasis on shared responsibility to old age care among sons.

Literature Review

Decline in Security of Elderly Care and Parents' Strategies

While elderly care is still mainly provided by family members in rural China with the lack of a comprehensive pension system, social, economic, and familial changes since the collectivization era, particularly with market-oriented reforms

since 1978, have put the elderly in a disadvantaged position (Croll 2006; Ikels 2006). Elimination of private ownership of land since the 1950s, early transfer of parental property to adult sons at the time of marriage (Cohen 1992; Yan Yunxiang 2003), changing economic opportunities favoring the young rather than the old, and rising costs of wedding expenses (Sargeson 2004; Clara Wai-chun To 2005; Yan Yunxiang 1996) mainly borne by parents leave many rural elders with little economic resources in old age. Decreasing family size (Zimmer and Julia Kwong 2003) and out-migration of the young to cities for employment have also reduced the source of support for parents (Giles et al. 2010). Rising consumerism (Davis 2000; Clara Wai-chun To 2005) and an emphasis on downward transfers to dependent children (Croll 2006) further put financial support to elders in competition for children's economic resources.

While the majority of rural elderly still depend on their adult children for elderly support, the decline of parental authority and the erosion of filial piety have made elderly support less secure over time (Cheung Chau-kiu and Alex Yui-huen Kwan 2009; Rita Jing-Ann Chou 2010; Guo Yuhua 2001; Yan Yunxiang 2003). With decollectivization in the early 1980s, institutional support provided by the people's communes to the elders through economic and moral sanctions against unfilial sons and collective welfare provisions has been radically reduced (Bartlett and Phillips 1997). Under the new economic context, the norm of intergenerational reciprocity has suffered severe challenges with the erosion of filial piety. Although both parents and sons believe that it is the parents' duties to raise and provide for the sons, reciprocity is no longer guaranteed but has to be "balanced and maintained through consistent exchange" (Yan Yunxiang 2003:178) of material and non-material resources (Guo Yuhua 2001:233, 246; Zhang Hong 2005).³ As a result, parents have to invest in various strategies and "earn their keep" to secure elderly support by building houses for sons and providing lavish marital gifts, as well as services such as child care, household help, and assistance in cultivating the land or crops (Pang Lihua et al. 2004; Clara Wai-chun To 2005; Zhang Hong 2005). Studies have shown that elderly parents who provide child care, household assistance, and housing to their adult children will receive more transfers in the form of money or food in return (Lee Yean-ju and Xiao Zhenyu 1998), including remittances from children who worked as migrant laborers (Silverstein et al. 2006; Cong Zhen and Silverstein 2008a).

³Recent studies on daughters' enhanced ties and contribution to their parents suggest that daughters may share a different logic of intergenerational reciprocity to parents from sons, and support them out of love and/or obligations, particularly when they have more financial resources.

Shared Elderly Support, Inheritance, and the Norm of Equity in Traditional and Contemporary China

While the literature on old age care examines it as long-term reciprocal relations or short-term exchanges between parents and adult children, most studies look at the dyadic relationships and individual attributes of parents and adult children favoring the provision of support. Recent studies on household division in China demonstrate that elderly support is closely tied to inheritance and property transfers, involving all the male heirs in a larger family network based on an equity principle. Under a partible inheritance and patrilineal system, sons will inherit family property at the time of household division and they share the responsibility for elderly support in return (Wakefield 1998).⁴ Although elderly support is often considered as a part of the intergenerational contract between parents and male heirs (Davis-Friedmann 1991; Greenhalgh 1988), it is actually a joint arrangement settled among brothers at the point of household division. Guided by the norm of equity, sons will share not only parental property such as living quarters and other assets but also the responsibility of providing elderly support in return in the form of food and money, and medical care, which are recorded simultaneously in detailed household division contracts (Miller 2004; Wakefield 1998).

In traditional China, although land and family property were normally divided among all the sons more or less on an equal footing (Cohen 1976; Wakefield 1998), studies have shown that in practice variations in actual amount of property allocated to different sons did exist. Sons may receive extra property based on their contribution to the family (Xing Tie 2000), for hosting a sacrificial ceremony to ancestors (Zhang, Q. 2009, cited in Zhang Weiguo and Wang Yuesheng 2010), for cultivating parent's land for their old age support (Martin C. Yang 1945), or for providing elderly support in other ways including coresidence (Wakefield 1998). A brother living with the parents (involving services for elderly care and support) may manage the land set aside for elderly support (*yanglaotian* 养老田⁵), have his share of elderly support in money or grain reduced (Wakefield 1998), or receive the parcel of *yanglaotian* after the parents die (Fei Hsiao-tung 1959). In other words, his extra contribution in productive and domestic labor (i.e., elderly care performed by his wife) was being compensated in the form of money or property, and the equity principle

⁴Daughters marry out and receive a dowry instead of inheritance. In return, support given by daughters is neither expected nor contracted in household division agreements (Cohen 1998; Miller 2004).

⁵The piece of land was considered as the parents' property, which was either rented for income to support the elderly or managed and cultivated by the sons on an equal basis, or by one of the sons with whom the parents lived with. It would either be divided up by all the sons after the death of both parents and paying for their funeral (Wakefield 1998) or given to the son who had been taking care of the parents (Fei Hsiao-tung 1959).

could then be maintained. At the same time, the mother would provide domestic help to this son whom she would likely coreside with if her health conditions allowed.

While greater responsibility for elderly support taken by a particular son was likely to be compensated in the form of money or property before 1949, equal share in support is emphasized nowadays and is being achieved in various forms which may be either new innovations or preexisting practices that have gained popularity over time. Recent studies showed that shared responsibility for elderly support among sons has continued into the reform period (Clara Wai-chun To 2005). It may take the form of shared contribution in cash or in kind, meal rotation (Clara Wai-chun To 2005; Zhang Hong 2007; Zhang Weiguo 2009), or splitting up the elderly couple so that each parent will live and eat with one son (Clara Wai-chun To 2005).

Intra- and Intergenerational Negotiation for Mother-in-Law's Unpaid Labor in Exchange for Elderly Care in Contemporary China

Besides the emphasis on shared support, recent studies point to the important role of daughters-in-law and their equal access to parents' domestic help in the negotiation of shared responsibilities of old age care. Studies which take a gender perspective in analyzing the provision of elderly care have shown that women (e.g., daughters) are more likely to provide practical and emotional help to their parents while men offer financial assistance (Zhang Heying and Montgomery 2003).⁶ In the context of rural families, daily care are more likely to be performed by and expected from daughters-in-law rather than married daughters due to patrilocal residence (Cong Zhen and Silverstein 2008b, 2011). Studies on meal rotation as a form of elderly support have highlighted the important role of the daughters-in-law (Yan Yunxiang 2006; Zhang Hong 2007; Zhang Weiguo 2009) in bargaining for shared elderly support. Conflicts and disagreement among parents and sons in the latter's responsibility for support arise due to unequal access to the former's help with household chores (Miller 2004: 72–73). However, they did not take a step further to examine the transfers *among* daughters- and mothers-in-law in domestic labor and the relationship between daughters-in-law's equal access to domestic services from the old and provision of elderly care. After all, child care, household assistance, and elderly care involving practical help and personal care on a daily basis besides financial help are often gendered tasks performed by women of the two

⁶The majority of studies including a gender variable usually examine sons' and daughters' different behavior and attitudes toward old age support (Li Shuzhuo et al. 2004; Xie Yu and Zhu Haiyan 2009; Yang Hongqiu 1996).

generations. Elderly support is therefore a gender and intergenerational issue involving the labor of two generations of women besides being a reciprocal relationship between sons and parents.

Research Methodology

This chapter is a part of a larger ethnographic study⁷ conducted in Baijia village (pseudonym)⁸ in the Aotao township of Conghua City in Guangdong province of the People's Republic of China. The total population of this village was 212 in 52 households, with an average household size of 4.1, slightly higher than the national average of 3.68 and 4.04 in Guangdong province for rural family households in 2000 (Population Census Office 2002:8–9). Land was divided and allocated to rural families in 1981 and again in 1984 on a per capita basis. Basically, the economic model in this village is characterized by off-farm employment and agricultural production stratified by gender and age with middle-aged men and young people mostly working off-farm. Married women participate in small-scale sideline production, subsistence farming, and cash-earning activities. Elders may engage in agricultural and sideline production, or provide child care and other household help to their adult sons depending on age and gender of the parents, as well as marital status of their children. According to the vice-chairman of the village committee (village government), the average annual per capita income of rural households in this area was 2,000 *yuan* (\$241.84) in 1999,⁹ compared to 3,628.95 *yuan* (\$438.81) across Guangdong province and 2,210.34 *yuan* (\$267.27) across China (State Statistical Bureau, PRC 2000:21).

Since the focus of this chapter is on intra- and intergenerational negotiation for parental support among in-laws, I included the households of the eldest and the youngest married sons and daughters-in-law in the family together with their living parents in the sample, who likely lived in a separate household than with their married sons. Out of the 52 households in the village, 27 households meeting the above criteria were selected in the sample. Thirty-four married women, including co-residing in-laws, of the sample households were interviewed in the original study between 1998 and 2000. Nine were elderly women/mothers-in-law married between

⁷The study used a triangulation of qualitative methods, complemented by quantitative data on basic biographical data. Multiple visits were made to conduct semi-structured in-depth interviews with women in the sample households and sometimes with their husbands in an informal and casual atmosphere, with each lasting for one to two and a half hours. Interview data were recorded verbatim immediately (in Chinese) after each interview and coded using a coding scheme developed during the process of research, following the grounded theory method (Glaser and Strauss 1967; Strauss and Corbin 1990).

⁸I use pseudonyms for place names and informants in this paper.

⁹The exchange rate in 1999 was USD 1 = 8.27 *yuan*.

1940s and 1960s with two or more sons, with four other elderly women having only one son. Since the focus of this chapter is on intra- and intergenerational negotiation of elderly support, I limit the analysis to those women having more than one married son. Due to the limitation of the sample size, I do not attempt to make conclusive statements but would like to highlight some important observations and make suggestions for reasons behind the patterns. Having said that, many trends found in this village such as declining parental authority and increasing insecurity in elderly care, provision of child care and other domestic services for married children, norm of equity in sharing parental property and elderly care, and employment pattern particularly for the young have been reported elsewhere and are not uncommon in other parts of rural China (see review discussed earlier).

Findings

This chapter shows that mother-in-law's domestic help not only plays a significant role in exchange for shared elderly support but is also a result of negotiation among daughters- and mothers-in-law in an extended family context. During my fieldwork, villagers frequently associated elderly women's child care and household services with parental support when I asked about the division of domestic labor. Moreover, they emphasized equal share of mother-in-law's services in connection with equal share in responsibilities of care among adult sons.

Yan and Uncle Fa's case is the most frequently cited example by the villagers and an excellent illustration of importance of mothers' assistance in domestic labor in exchange for elderly support, and the negotiation between the two generations of women and among sisters-in-law in contemporary rural China. It demonstrates clearly the equity principle in sharing both parents' labor and elderly support, and the role of daughters-in-law in guarding this principle.

This couple had three sons who married in 1982, 1990, and 1995, respectively. Uncle Fa and his wife, Yan, had their two elder sons divided out from their household early on when they were married. They did not help the elder daughters-in-law with child care nor domestic chores as they still had to accumulate savings for the other son's wedding expenses. However, the mother helped the youngest daughter-in-law with child care and domestic chores while living with them. The parents also provided the couple with a new style house but not the two elder sons.¹⁰ It invited criticisms from and elicited conflicts with their two elder daughters-in-law, who complained of their favoritism in providing exclusive domestic help to the youngest

¹⁰With rising standard of living, a new style house becomes a must for rural young men to get a wife since the 1990s (Sargeson 2004; Clara Wai-chun To 2005).

one. A woman who herself did not receive any help from her mother-in-law described the situation as follows:

... They didn't help their eldest and second sons with child care; they didn't help either one of them. At that time, the parents wanted to work more in the field to save money to get their third son married. Later they helped their youngest son with child care. The elder ones complained, saying that they had to support them, but they didn't help them.

Due to complaints and heavy criticisms from the other daughters-in-law, they were then forced to live and eat separately from the youngest son after a year of his marriage, and only assisted him with child care but not with other chores. The mother-in-law also started to provide partial child care to her second daughter-in-law recently due to complaints by the latter.

Yan and Uncle Fa's case illuminates the active role of daughters-in-law in negotiation across and within generation, and the significance of mother-in-law's domestic help in exchange for shared support from adult children in several ways. Firstly, as we have seen earlier, a daughter-in-law's access to her mother-in-law's help is a result of negotiation among sisters-in-law, rather than simply with the elderly woman. Daughters-in-law may challenge the differential treatment of the mother-in-law toward a particular member due to their shared responsibility in elderly care.

Secondly, the complaints from the two elder daughters-in-law based on the argument that they also have to support the parents without receiving domestic help in return demonstrates the latter's status as an important exchange token for elderly care.

Aunt Bi, who had two married sons and was helping her younger daughter-in-law with child care, explained this as follows:

Well, when you can't work any more in the future, you have to rely on your sons for support. If you don't help them with child care, they won't support you in the future.

Her comment clearly demonstrates the importance of domestic help, here in the form of child care, as a prerequisite for securing old age support. It echoes other studies in the fact that exchange rather than reciprocal obligation has become the new logic of intergenerational reciprocity (Guo Yuhua 2001; Clara Wai-chun To 2005; Yan Yunxiang 2003) (see further discussion below).

Thirdly, in-law's bargaining for equal access to elderly women's help is tied to the shared responsibility for parental support among sons based on an equity principle. While parental support is expected to be a shared duty, it is provided on the basis that the mother-in-law will help her children on an equal footing. This is well demonstrated in the comments made by Aunt Bi's husband, Wai:

... The parents belong to all (the sons)(*gongjiade* 公家的), sometimes they will fight because of child care. They will say that the parents favor one over the others, helping the other with child care but not themselves. Even if their children are older and do not need the parents to take care of them, they still want the parents to help with feeding pigs. All of them give equal amounts of grain to the parents.

Wai's comment on parents' labor as "public" or "common assets" (*gongjiade*) shows that not only sons have equal claims to parents' assistance, but demand and expectation on parents' help are tied to the shared responsibility in elderly support

among sons as well. It is noteworthy that since child care, sideline production like feeding pigs and preparing animal feed, and other household chores are mostly gender-specific tasks, it is mother-in-law's labor, both productive and reproductive, which is in stake. Although parents' assistance is an intangible service provided by the elderly, it is considered as shared "property" similar to material assets, which all the sons may lay equal claims on. An equal share to parents' labor is fiercely guarded by daughters-in-law as elderly support is shared. The fact that Wai discussed it in connection with elderly support (i.e., providing grain) further underscores its status as an exchange token as discussed earlier.

A survey of the families with living parents in the village under study echoes the pattern of shared elderly support and the exchange relationship between daughter-in-law's equal access to mother-in-law's help and elderly support discussed above. As we can see from Table 4.1, in cases of families with two or more sons who married before 1981 (i.e., Xiaoxia and Aunt Yong), if the mother-in-law helped both or more daughters-in-law with child care, elderly support was shared among sons. This was also the case in which the elderly woman (i.e., Fang) helped both daughters-in-law with household chores besides child care. It seems to follow the pattern of shared elderly support regardless of the number of sons or the historical period. Shared elderly support may also take the form of meal and residence rotation (Jing Jun 2004; Zhang Weiguo and Wang Yuesheng 2010) or a split family of the older couple, as in the case of Waixin and Hua, where father and mother lived and ate separately with different sons so that the equity principle was being maintained.

What may be even more revealing of the exchange relationship between elderly women's unpaid labor and old age care as well as daughters-in-law's role in negotiating the provision of support are cases in which sole support is provided by the son's family receiving exclusive help from the mother. This is particularly evident in cases in which assistance in household chores other than child care is provided for an extended period of time, as in the case of Youjin, Xiang, Hua, and Yan. Xiang's case clearly revealed this principle. She provided child care to both daughters-in-law, but only helped her eldest daughter-in-law with a wide range of domestic chores including fodder preparation. Her husband owned a store at the market, and did not live in the village with his sons. Her younger daughter-in-law, Zhen, recalled how her mother-in-law helped her sister-in-law, showing some resentment toward the old woman who passed away in 1998:

To : Did your mother-in-law still work in the field (when you married your husband)?

Zhen: She stopped working in the field early on. She had to stay at home to help with child care. My sister-in-law married in for a long time, she had several children.

To : Did your mother-in-law help you?

Zhen: Before my mother-in-law passed away, she only helped her elder daughter-in-law, cooking, chopping vegetables for fodder, cooking fodder, doing child care, sweeping the floor, doing household chores, etc. She helped her with everything, she didn't help me.

Table 4.1 Mother-in-law’s domestic help and elderly support before and after decollectivization in 1981

Name	No. of sons	Help DILs ^a with child care	Household help to DILs	Living with one son	Elderly support
<i>Before 1981</i>					
Xiang	2	Both DILs	Elder DIL	Elder son	Elder son
Xiaoxia	2	Both DILs	No	No	Shared
Waixin	3	All three	Elder DIL before 1981	Parents lived separately with two sons, later widower in rotation	Parents lived separately with two sons, later widower in rotation
Youjin	3	Eldest DIL	Eldest DIL	No	Eldest son
Aunt Yong	6	Third to sixth son	No	No	Shared
<i>After 1981</i>					
Fang	2	Both DILs	Both DILs	No	Shared
Hua	2	Second DIL	Second DIL	MIL ^a with second son, father-in-law in city	MIL by second son; father-in-law paid “room and board”
Aunt Bi	2	Second DIL; partial help to elder DIL	No	Lived in second son’s quarter (son lived in city)	MIL ate with elder son, father-in-law in city
Yan	3	Third DIL; later partial help to second DIL	No	No	Father-in-law still working

^aDIL stands for daughter-in-law, MIL stands for mother-in-law

To : She only helped your sister-in-law?

Zhen: She helped her with all the household chores.....

.....

To : So did you share with your brother-in-law providing grain for your mother-in-law at that time?

Zhen: Well, she helped (her) with chores, she would eat with her. Sometimes when my husband was around, we prepared more dishes; then we would have the kids taking some of the food to my mother-in-law.

Zhen’s case clearly demonstrates that old age care involves all the daughters-in-law in the extended family rather than simply a dyadic relationship between parents and a particular child. Since her mother-in-law violated the norm of equity by helping her sister-in-law with household chores on an exclusive basis, she saw no obligations to share elderly support. Even though the elderly woman did provide

child care to both daughters-in-law, which might be “necessary” for securing elderly support, exclusive help in domestic chores to one daughter-in-law may provide an excuse for the others to relinquish their responsibility and provoke resentment from the non-recipient. Shared elderly support was reciprocated on the basis of a fair contribution by the mother-in-law, which was fiercely guarded by the young women.

While studies have considered changing pattern of elderly support as a result of modernization with rural economic reforms since the late 1970s, my data have shown otherwise. As we can see from the table, the pattern of equal access to mother-in-law’s labor in exchange of shared support is not something new and appears to have held strong even during the collective era.¹¹ This also applies to the cases in which exclusive help to a particular son is compensated with sole support by that son. A noted difference, however, between the patterns in the two periods is that elder daughters-in-law are more likely to receive help during the collectivization era, whereas the younger ones appear to have an advantage in her access to the elder’s labor after 1981. This is a result of the changing status of senior women’s productive and reproductive labor with decollectivization (see further discussion below) and the tendency for them to delay “retirement” from field labor to save money for their sons’ wedding expenses (Clara Wai-chun To 2005).

Reasons for Emphasis on Shared Support and the Important Role of Mother-in-Law’s Domestic Labor

Although studies discussed earlier suggest that changing intergenerational relations to the disadvantage of the elderly may explain the need for parents to provide services and transfers to their adult children as strategies to secure old age support, it leaves the following questions unanswered. Why is mother-in-law’s domestic labor an important token for exchange? Why is equal access to mother-in-law’s assistance tied to shared responsibility of caring for the parents among sons? Why do daughters-in-law emphasize and fiercely guard the norm of equity in sharing mother-in-law’s labor and elderly care in contemporary rural China? I argue that changes in intergenerational transfers and inheritance as a result of state policies on land and the family, gendered intergenerational contract, as well as changes in the regime of reproductive labor with decollectivization¹² are keys to understanding the phenomenon.

¹¹The difference being that elderly women’s labor was regulated by the state under the work point system during the collectivization era, and their labor contribution to their daughters-in-law was counted as work points to be debited from the work point total of their in-law’s household account. For instance, Aunt Yong’s daughters-in-law had to pay work points each month for her help in child care. See more details at the end of this chapter.

¹²See Clara Wai-chun To 2005, Chap. 3 in particular.

Change in Intergenerational Transfers or Inheritance

We have seen in the discussion earlier the importance of property, particularly land, in settling a joint and fair arrangement for elderly support among sons. Land was the major material base for providing old age support with a parcel of land (*yanglao-tian*) usually being set aside at the time of household division. If one of the sons took up a greater responsibility or provided sole support to his parents, he would be compensated by allocation of additional land, housing, or other forms of property. The confiscation of land by the state since the mid-1950s disrupted the traditional pattern of shared property for equal responsibility in elderly support among sons, particularly in cases in which a son provided exclusive old age support. With the dismantling of the people's communes, even if peasants are allocated plots of land for agricultural production, only use rights of land are transferred to sons upon household division.¹³ Land is now divided up on a more or less equal footing among the brothers,¹⁴ and thus loses its function as an extra compensation to the son responsible for elderly support. Moreover, since agricultural activities are not as "profitable" as off-farm activities, land is not considered as a valuable intergenerational transfer or inheritance as in pre-1949 period.¹⁵

While housing replaces land as the most significant inheritable property for the majority of rural families, it is regarded as an entitlement to sons and fails to replace land in settling a fair arrangement for old age provision. This is because according to the *norm of equity* and the *parental responsibility of getting sons married*, housing is provided to every son. Since a new house becomes a must for finding a wife in a highly competitive marriage market (Sargeson 2004; Clara Wai-chun To 2005), parents have no choice but to build new houses for their heirs. As Uncle Guang, a father of two married sons, and other elderly men explained, "One cannot kick one's sons out of the house!" Parents cannot punish their sons for not being filial by not giving him the house or letting him stay in the house. Even if housing becomes more and more costly, it is a parental obligation to all the sons and becomes more of a necessary investment for elderly support. If both land and housing cannot compensate a son for providing care exclusively nor guarantee elderly support, mother-in-law's domestic labor becomes an increasingly important exchange token and precious "common good" in exchange for elderly support.

Having said that, I argue that the mother-in-law's labor becomes a point of contention particularly among daughters- and mothers-in-law due to the differential gendered intergenerational contract between sons and daughters-in-law with their

¹³An exception is the piece of land allocated to rural families for house construction (*zhaijidi* 宅基地), which is inheritable together with the house.

¹⁴In cases in which the elder brother divides out from the parental family before the younger brother(s) gets married, he will be given his share of land roughly in proportion to the number of male siblings in the family.

¹⁵There may be exceptions in land-depleted areas or suburban areas near large cities where land may become a lucrative resource if compensated for use in urban development.

parents(-in-law), as well as changes in the regime of reproductive labor after decollectivization. These changes make elderly women's assistance a scarce and valuable resource highly desired by daughters-in-law, particularly with marketization of the rural household economy since 1978.

Gendered Intergenerational Contract and Negotiation for the Mother-in-Law's Labor

While parents and adult children have reciprocal obligations which can be conceptualized as an intergenerational contract (Greenhalgh 1988), these obligations not only extend into the years beyond children's marriage but are gendered as well (Clara Wai-chun To 2005:108–112). As Uncle Fa delineated the limits of his duties as a parent, they include not only getting his sons married and building a house for them but also helping with child care (and household help) which are often performed by mothers in reality.

My sons want me to help them further, I can't do that. I earn a couple hundred yuan for my own expenses, I don't have to ask my sons for support. I built houses for them, got them married. I could say that I accomplished my tasks (*renwu* 任務)...Now I only help them with child care.

While fathers and sons reciprocate each other with transfer of material assets in the form of property including housing (and skills) and elderly support in the form of food and money, transfer of intangible goods are provided in the form of child care and household services by the old who receive elderly care and practical help in return. As transfer of services are gendered tasks most likely performed by women of the two generations, elderly care in the form of food preparation, assistance in household chores, and physical care are mostly the daughter-in-law's duty in rural China where patrilocal residence is still widely practiced (Davis-Friedmann 1991). Young married women are thus most concerned about having a fair share in elderly care. It will put more demand on their domestic labor on top of their already heavy burden in productive and income-generating activities with diversification of the rural economy after decollectivization (see discussion below). Moreover, unlike sons who have blood ties and an emotional bond with the parents, daughters-in-law's relationships with their in-laws, being "outsiders" to their marital family, are more likely to be based on short-term exchanges.

Changing Regime of Reproductive Labor

While rural economic reforms put greater demand on women's productive labor (Croll 1988; Jacka 1997), the mother-in-law's labor, both productive and reproductive, becomes more valuable (Clara Wai-chun To 2005). Dismantling of the people's

communes brings not only an end to collective agricultural production but also changes in the regime of reproductive labor by reducing the access to alternative source of female substitutes for child care services. In the collectives, child care services were made available for young married women by paying work points to their own mothers-in-law or other senior women, who were often artificially forced to retire early from field labor once an elder daughter-in-law married into their family (Parish and Whyte 1978). This is no longer the case with decollectivization, leaving the mother-in-law as the only alternative source of help.

Moreover, with diversification of the household economy and greater demand on women's productive labor, older women's labor becomes a valuable resource. It is advantageous for young women to get their help in domestic chores and sideline production, which is more lucrative (like help in preparing animal feed). Although the elderly women may legitimately excuse themselves from offering domestic help to their in-laws as they delay their "retirement" from field labor nowadays to save money for their younger sons' marriage (Clara Wai-chun To 2005), it is not the case after all the sons are married. Daughters-in-law will fight for their mother-in-law's help or they would at least not want to see their sisters-in-law having any privilege over themselves. The elder daughters-in-law who feel that they have already been deprived of child care assistance when their mothers-in-law devote their energy in saving money for their brothers-in-law's marriage expenses would guard fiercely the right to the elderly women's help against any preferential treatment by their mother-in-law to their younger sisters.

Conclusion

This chapter examines the pattern of old age care from a family network perspective with a specific focus on the role of gendered labor of mothers-in-law and the negotiation among daughters- and mothers-in-law. It demonstrates the need to go beyond individual attributes of or dyadic relationships between parents and children in order to fully appreciate the complexity in the provision of elderly support in rural Chinese families. It shows that intergenerational reciprocity in caring for the parents should be examined as not only obligations between parents and sons but also a "gendered" intergenerational exchange *among* mothers- and daughters-in-law in an extended family context. It is not only a long-term arrangement tied to the transfer of family property between parents and adult sons but also a result of intra-generational negotiation among daughters-in-law. While shared responsibility of caring for the parents among sons is being increasingly emphasized in contemporary China, it is closely associated with an equal access to the mother-in-law's domestic assistance by the daughters-in-law based on an underlying equity principle. It highlights the importance of examining women's unpaid labor and the role of daughters-in-law as crucial factors in determining the pattern of parental support. As feminist scholars have pointed out, gender is *not* simply an individual attribute (e.g., sex of children or parents) but a set of social relations (Scott 1986).

Since elderly care involves not only financial support but also personal care and daily maintenance, it furthers our understanding on the issue of elderly care by investigating the gendered intergenerational contract and negotiation among in-laws rather than simply examining the behaviors of sons versus daughters.

Although studies suggest that modernization and rural economic reforms are pivotal in changing the pattern of support, this chapter demonstrates that state policies on land and the family since the 1950s play a significant role in the development of shared parental support and an enhanced role of parents' unpaid labor as an exchange token. It suggests that the elimination of land as a major inheritable property and reduced access to alternative source of domestic help with the dismantling of rural collectives leave the mother-in-law's intangible services as a valuable asset in exchange of elderly support.

Acknowledgement This work was supported by the Wenner-Gren Foundation for Anthropological Research, Inc. [grant number 6398]; the China Times Cultural Foundation Young Scholars Award 2000; and the Pacific Cultural Foundation [grant number SC7810].

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Chapter 5

The Growth and Dilemma of Women's NGOs in China: A Case Study of the Beijing Zhongze Legal Consulting Service Center for Women

Jun Li

Abstract This paper is concerned with the case study of a women's nongovernmental organization (NGO) which is engaged in public-interest litigation and legislative advocacy. This study attempts to analyze the development of Chinese Women's NGOs under the influence of the international community and the state after the fourth World Conference on Women. The opportunities for the occurrence and development of these NGOs are due to transnational feminism, and may also be influenced by the agendas of developed countries; but the foreign concepts, discourses, and funding provide resources and weapons for activists in women's NGOs. These international factors also play a role as a bonding agent in the interaction between the NGOs and the domestic government. Another aspect is that, with the appearance of NGOs, some innovative elements can be seen in the dynamic interaction between society and the state. However, the relationship between NGOs and the state has not yet been institutionalized. The ambiguity and uncertainty of the status of NGOs affect their development.

Keywords Feminism • Nongovernmental organization • Gender • Law

Since the 1980s, during the era of neoliberal reform and opening up, the Chinese state has substantially quitted social welfare. While China experiences another social stratification, there have been new signs of "women's issues." When the party-state replaces socialistic ideology with developmentalism, a patriarchal culture resurges. Problems concerning women's property rights and personal rights stand out in the domestic sphere of marriage and family. Male elite, such as

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scholars, deputies to the People's Congress, and committee members of the Chinese People's Political Consultative Conference (CPPCC), have proposed "women back home"¹ as a policy option to cope with social problems related to unemployment and family education (Jiang Yongping 2001). Women of different social status have their own problems: female cadres' losing elections, the unfavorable employment environment for female graduates from universities and colleges, girls' dropping out of school, urban female workers being laid-off, migrant female workers having insufficient protection of their rights and interests, and some rural women being deprived of their land contract rights and stock ownership in collective economies. In the market-oriented resource distribution, women of all social classes are facing the loss of their rights (Liu Bohong 2000).

At this time, the original theory of "equality between men and women" advocated by the Communist party-state failed to explain the new complicated reality and was gradually being marginalized under the tide of reform (Min Dongchao 2003). The global feminist discourses of the fourth World Conference on Women (Li Huiying 1996), the diversified practice of nongovernmental organization (NGO) forums, and a great many sponsors from developed countries have brought new resources to cadres of China's Women's Federation system and the first generation of NGO leaders.

The Beijing Zhongze Women's Legal Counseling and Service Center (originally the Women's Legal Studies and Service Center of the Law School at Peking University, hereinafter called "the Center at Peking University," "the Zhongze Center," or just "the Center") is an NGO established in this macro environment to provide free legal aid to women, to carry out impact public-interest litigation, to participate in legislative advocacy, and to provide judicial advice on women's rights in judicial cases.

As an NGO designed to provide aid for Chinese women facing typical legal difficulties, the practice of the Zhongze Center reflects the various new issues concerning women's rights arising after the reform and opening up of China.

This paper attempts to recount the development of the Center, analyzing the Center's entangled relationships with both transnational feminism and the state, and how this relationship network shapes the Center's practice. First, the establishment of the Zhongze Center is introduced. Second, the development and main responsibilities of the Center are discussed. Third, this chapter then analyzes challenges and opportunities faced by the Center. The last part is a discussion of the Center's relationship with the state. This study is based on interviews with the founders and the main members of the Zhongze Center, and a study of various texts from the Center, such as their internal work reports.

¹"Women back home" is a policy that was proposed to encourage women to leave their jobs temporarily or permanently and to go back home to look after their households and children's education while giving employment opportunities to men and increasing male wages.

Origin: “Given Birth by the World Conference on Women”

Like many Chinese women's NGOs, the Beijing Zhongze Legal Studies and Service Center for Women was established after the fourth World Conference on Women. It was the nongovernmental forum of the fourth World Conference on Women that has brought in the concept and mechanism of the NGOs. The role of promotion and supervision provided by this nongovernmental forum also induced domestic civil organizations of that time to consider the issue of status identification. As the All-China Women's Federation (ACWF) was always referred as the largest women's NGO in China by the Chinese Government in its reports to international organizations and on international occasions, it is equal to a political “desensitization” of the NGO in China (Liu Bohong 2000).

According to Fisher, the discourses related to NGOs on the fourth World Conference on Women have both created the knowledge base of NGOs and defined their practices, which has had a direct impact on the organizational behavior of Chinese women's groups (Naihua Zhang 2001). More importantly, hosting the World Conference on Women was a significant experience for the first-generation Chinese women NGO leaders, who either had experienced discrimination and humiliation in their own life or had been showing deep concern for women's issues in a transforming society. In addition, while organizing the conference, they were able to have access to documents from international organizations and feminist theories, where they've learned the terms used to explain and define these experiences (Ge Youli and Susan Jolly 2001).

Besides, the NGO forum of the World Conference on Women has brought in a kind of new and vigorous experience for the women's movement, which directly helped to create the first generation of NGO leaders. Guo Jianmei, the director of the Zhongze Center, talked about her experience at the World Conference, which in some ways represents the shared feelings of the first-generation leaders towards this conference. Guo said:

The World Conference on Women is absolutely the reason (that I became a public-interest lawyer). I was responsible to report as a journalist to the female lawyer's forum ... I was very passive at first; but the second day I was there; I found I could not be without it. Though from different races with different skin colors, they assembled themselves into one body full of vigor, enthusiasm and energy! My blood was surging within me. We communicated and shared common points from the depth of our souls; what they discussed was just what was in my mind ... In this diversified world, I came to find my home and companions, something common in spirit.²

In fact, the World Conference on Women had already placed the founders of this NGO on the right track earlier. At the end of 1989, China started to draft the *Law of the People's Republic of China on the Protection of Women's Rights and Interests*. During legislation, an expert group was told to accelerate the legislation in order to

² Author's interview with Guo Jianmei.

complete the commitment to *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* before the opening of the World Conference on Women.³ Before that, the policy on equality between men and women was only some scattered legal expressions without a centralized and uniform basic law for women's rights and interests.

At that time, Prof. Yang Dawen, an expert in household and marital law, was a drafter of laws. Guo Jianmei, a young cadre in the department of rights and interests of the ACWF, was temporarily transferred to serve in the drafting office. Among the founders of the Women's Legal Studies and Service Center of the Law School at Peking University were the two of them and other staffs in this office, lawyer Xu Weihua from the rights and interests department of the ACWF and Prof. Ma Yinan from Peking University, became the founders of the Women's Legal Studies and Service Center of the Law School at Peking University.

After the *Law on the Protection of Women's Rights and Interests* was legislated in 1992, Yang Dawen and Chen Mingxia, experts on women's law, took the lead to establish trial cadre training and legal publicity in remote towns in Hebei province. This project was financed as an academic research project by the Ford Foundation. This group of legal workers shared their primary experiences at the NGO forum of the fourth World Conference on Women. During this process, the experiences of the legal center for women of the University of Maryland also enlightened them to establish an agency in Beijing providing legal aid for women nationwide.

The status of an NGO is the primary matter to be solved. In its early stages, the predecessor of the women's legal studies and service center was the women's department of the law office established by several faculty members of the law college of Peking University. However, legal aid was regarded as a state responsibility in China and a private sector law office was not allowed to provide this service separately. Finally, Yang Dawen et al. established a legal aid center in Peking University so that no registration was required under the name of teaching, research, or the activities of a college, evading the rigorous policy for the registration of NGOs. The Center was just nominally linked to Peking University and was independent in HR and financial matters. This continued until March 2010, when Peking University published an announcement that the Center would no longer be linked to Peking University. After that, the Center was independently managed by the "Qianqian Law Office" and the "Zhongze Legal Consulting Service Center for Women" was registered with the industrial and commercial administrative bureau.

Its predecessor, the Center at Peking University was established in December, 1995. In the same period, with Beijing as the main stage, the first generation of women's NGOs of China was successively established and most of its cadres and directors had taken part in the NGO forum in the 1995 World Conference on Women. Similar to the Center at Peking University, these organizations are linked

³ Author's interview with Yang Dawen.

to an official organ or association, such as a periodical office, an association of female journalists, a provincial Women's Federation, and so on; its initiators were also the employees of the Women's Federation and its media.

Guo Jianmei resigned from the journal of the National Lawyer's Association in 1996 and became the first exclusively public-interest lawyer in China, namely, the deputy director of the Center at Peking University. Her engagement in the work of a grassroots NGO as an exclusive worker was the only instance at that time; 16 years later, they are still the only legal NGO run by an exclusive staff that provides public-interest litigation for women in China.

The smooth foundation of the Center at Peking University is closely related to the tolerance the Chinese Government has shown to NGOs following the World Conference on Women. Since 1996, the Chinese Government has launched a series of documents and laws concerning non-governmental organs and commonweal donations (Xia Guomei 2010); however, none of these women's NGOs was formally registered.

Working Approaches

China's NGOs are basically involved into two types of work: direct services and policy advocacy. Some NGOs stress one of them while the Center at Peking University integrates both and arrives at mutual development.

Strategy Adjustment: From "Women" to "Gender"

Originally, most cases the Center received were from petitioners in Beijing. The four lawyers then working in the Center, unable to bear the numerous and complicated cases and constant failures in litigation, successively left the Center, rendering it unlikely to survive.

After 1998, the Center had to adjust its strategy and set three standards for cases it took: first, the litigant is in extreme poverty and unable to exercise her rights after being seriously hurt; second, the case is typical, worthy of study, and able to promote legislation and judicature; third, it involves up-to-date issues such as the protection of the rights and interests of unemployed female workers and migrant female workers. With these adjustments to the selection of their cases, the Center began to operate smoothly. They undertook "the first case about migrant female workers' asking for their wages" and successfully obtained compensation for a woman and her baby girl, who died of AIDS from an infected transfusion.

After 2002, when the Center already enjoyed an illustrious reputation, its scale was expanded and the number of full-time employees increased to more than ten. The Center was also divided into different departments, such as research, litigation, projects, Web magazine editing, and so on. However, the next bottleneck concerned

management. At that time, the Ford Foundation financed WINROCK⁴ to organize a 3-year training program to improve the leadership of Chinese women. Three core employees of the Center participated in this training, which included NGO strategic planning, financing skills, council governance, resource mobilization, and methods and ideas for maintaining credibility, leadership, and influence.

This training has also resulted in a significant transition of the Center's strategy and goals. Liu Xiaodi, a partner of the Center and an official of the Ford Foundation, defines it as the transition from "women and law" to "gender and law." Namely, the key task of the Center has changed from providing legal aid for women to public-interest litigation concerning women's rights and interests.

Liu Xiaodi described this transition in the following words:

What "gender and law" considers is—how gender affects our interests and lives in society and law? What assumptions does the institution have for gender? Which factors have not been included? These are two different angles. "Gender and law" emphasizes that every woman has the opportunity to develop her own potential and should not be excessively restricted by gender. "Women and law" stresses how to help women, and emphasizes the particularity and weakness of women. (Zhang Qi 2009).

This division between "gender" and "women" also hints that the working concept of the Center is different from the traditional "work concerning women (fun gongzuo)" of socialism, which is dedicated to "equality between men and women"; instead, it has a closer tie with international feminism, especially the mainstream concept as found in the documents of the World Conference on Women (Min Dongchao 2003, 2005), where gender is used as a tool to analyze power relationships and social structure. On this basis, the influences of policy and law are evaluated, and attempts are made to reform policy and law from the perspective of gender to protect women's rights. Importance is attached to women's subjectivity in this process, rather than simply protect women as a "minority group" (Sharon K. Hom and Xin Chunying 1995; Li Huiying 2003).

Impact Litigation: The Application of Comprehensive Approaches

In 2004, the Center transferred its focus from legal aid to public-interest litigation, and conducted legislative and policy advocacy through typical lawsuits. In China, public-interest litigation usually refers to litigation representing the interests of one group and the beneficiaries are uncertain individuals. The concept of the

⁴The Winrock International Institute for Agricultural Development is an international NGO, which came to China in 1981 and conducts rural development, environment protection, and sustainable energy and ability construction of NGOs.

public-interest litigation applied by the Center is somewhat different from that. The cases undertaken by the Center all have *specific* victims and litigants, covering almost all the difficulties faced by Chinese women and girls. Cases include a young girl who was refused admission to a bar for having an injured face; families of female workers who could not get compensation for the death of their daughters at work; married-out women⁵ who have lost their rights to land compensation; female staffs who were fired for getting pregnant; female workers whose salary was deducted; wives who were burned by their husbands or suffered from sexual violence; female teachers who encountered sexual harassment from school directors, and interns who met with sexual assaults from company presidents; and pupils raped by teachers who had criminal records of sexual assault.

In addition to their attention to the issues of gender inequality and discrimination behind these cases, the Center also attached importance to integrating resources from the various cases, conducting media publicity and advocating the reform of laws and policies.

40 % of this type of litigation undertaken by the Center ended up failing. Litigation involving marriage and family property had a higher success rate while more lawsuits involving land rights and labor rights failed. However, failure of a lawsuit does not mean the failure of the Center. Instead, the Center can get to know the structural problems behind these cases—deficiencies in law and policy, and the factors influencing the judiciary process.

For the staff of the Center, “reforming” or “impact” lawsuits are better ways to define cases like these:

... if we can solve many problems at the institutional level through this kind of litigation, we can help a large group of people with the protection of women's rights and interests, and guard their rights and interests at the institutional level. Lawsuits of this type will meet with great difficulty as what we have to use to solve them is the powerful but outdated state system. Therefore, we need to mobilize every maneuverable strength from civil society, including the media, related experts, and other NGOs, to deal with this kind of lawsuit. (Tian Silu and Hou Fang 2005).

The Center successfully dealt with a famous case in 2006. That year, 28 “married-out” women from a village in Inner Mongolia Autonomous Region were deprived of land contracting rights and distribution rights for new residential and commercial buildings in their home village by the village committee. The Center represented them to attend this lawsuit. Before this case was won, the 28 litigants had already spent 10 years fighting this case.

Guo Jianmei recalled, “we had contacted journalists of the *China Women's News*, the director of the People's Congress of the Inner Mongolia Autonomous Region

⁵“Married-out women” refers to women who are married to men who are not members of the women's village and collective economic organization. Many of these women lose the same rights to land that are enjoyed by other members of the village.

and the chair of the Regional Women's Federation. The participation of the media had a great effect." This case ended up in victory and the 28 married women were granted compensation of over 10 million yuan (about 1.6 million dollar). It set a precedent for a verdict according to both the article on equality between men and women in the Constitution and *the Law on the Protection of Women's Rights and Interests*. The court adjudicated that the decisions made based on the "democratic discussions of villagers" infringing the rights and interests of women are illegal, despite its ubiquity nationwide. The case was included in that year's *Case Judgment Guide Book (Shenpan Anli Zhidao Shouce)* of the Supreme People's Court.

Many public-interest litigations are conducted in this mode. In its early stages, the Center chose to expose the cases to the media to prevent any possible judicial corruption and any indifference on the part of the judge. When a case had attracted a certain amount of attention from the public and encountered difficulty in litigation, the Center would organize a seminar, which was also a news release. Among the participants were experts in women's law and related fields in Beijing, NGO workers and cadres from official mass organizations such as the ACWF, and even some staffs of government departments. The opinions of experts, especially the applicable explanation of the ambiguity of the law and the conclusions about the case, were publicized through the media to add the pressure of public opinion. Legal opinions from the seminar would be handed over to the prosecutor and the court by the lawyer for their reference. The opinions given by the experts and law drafters from the capital do have the power to influence the decisions of the local judges. In addition, pressure imposed by deputies of the People's Congress and members of the CPPCC was also found to be one of the Center's effective approaches. The third strategy, which was also found to be the key to the success of many cases in the context of dependent judicature, is senior leaders' instructions and comments. The senior leaders they turn to are mostly the former chairmen of the ACWF.

Advocacy: Legislative Suggestions

The Zhongze Center aims to promote legislation in related legal fields, and revise or modify conventions of the judiciary and related supporting systems. As the Chinese judicature is not a case law system and the results of a judgment have limited influence, legislation and policy advocacy become more important. The first method of advocacy is that the Center organizes experts to study and discuss the application of laws, and then makes proposals to legislative organs reviewing violations of the Constitution, as well as making legislative suggestions.

For example, regarding document No. 104 (1978) issued by the State Council which regulates the different retirement ages of men and women, the Center once proposed a review of violations of the Constitution contained within the document to the Standing Committee of the National People's Congress. Regarding issues about marriage and family, personal rights, and the right to work and to education, the Center has organized gender scholars and law experts to hand in dozens of

opinions about legislation and revision. An influential case in point is its urging of the Ministry of Education to remove the restriction on the reproductive rights of female graduate students at school. As Chinese law lacks an explanation of the concept of sexual harassment and measures for punishment, the Center suggested judicial interpretation of sexual harassment in workplace. In terms of the legislation of *Property Law* and the revision of *The Organic Law of Village Committees*, the Center suggested adding related terms to make sure that village autonomous organizations and collective economic organizations cannot deprive villagers of their legal rights at will. The Center called for abolishing “the Crime of Whoring with Young Girls”—an accusation that in fact allows the possibility of officials and the rich to avoid the more serious crime of rape and thus suffer a lesser punishment after having sex with underage girls. In 2012, it was revealed by the media that in the recruitment procedures of a great many colleges, the admission requirements for girls were much higher than for boys. While mobilizing public-interest lawyers in each province to provide legal assistance to female students, the Center also gave legal opinions to the Ministry of Education.

Advocacy: Embedded in the System as “Projects”

The Land Rights Project for Women is another way in which the Center advocates legislation that pays more attention to cooperation with government departments and modifying the policy-making environment of the judiciary. The land rights of rural women are widely infringed upon in rural areas of China. According to the Report on Major Results of the Third Wave Survey on the Social Status of Women in China made by the ACWF, 21.0 % of rural women did not own any land in 2010, an increase of 11.8 % compared to 2000; 27.7 % of rural women lost land due to the change in their marital status (married, remarried, divorced, and widowed) while the case for men is only 3.7 %; the proportion of landless rural women is 9.1 % higher than that of rural men (survey group for the social status of Chinese women 2011). What women are deprived of is not just the contract right to land owned by a village collective, but also their shares in the village collective economic organizations and compensation for land acquisition when village land is taken by the government or corporations.

After accumulating sufficient cases involving the land rights of women (mostly ending in failure), the Center realized that problems concerning land rights are hard to solve through a judicial approach and that the root cause lies in “village regulations and folk conventions (cun gui min yue),” namely, the community regulations and rules established by autonomous village organizations. Before revision, the Organic Law of Village Committees didn't specify which government department is responsible for reviewing the legitimacy of village autonomous charters, village regulations, or decisions made by villager deputies, and there were no regulations for rectifying illegal actions and remedying victims. Therefore, despite the instruction given by the Supreme People's Court that such conflicts should be handled as

civil disputes, with the complexity of these problems and the difficulties in implementation (the court found it hard to order the villagers to re-contract their land as an implementation of the verdict), these problems remain unsolved when the courts, civil administration departments, and township governments prevaricate.

With the financing of the International Republican Institute (IRI),⁶ the Center established the “Women Watch China” Network.⁷ Since investigation started in 2006, the Center has established experimental units for “rural women’s land right protection and policy advocacy” in three provinces—Hebei, Hunan, and Jiangsu. The project intends to cooperate with local Women’s Federations, and to provide gender awareness training and legal knowledge for local judicial and administrative departments and village committees so as to change their thoughts and concepts. On the one hand, the Center encouraged and helped villagers to revise village regulations and folk conventions; on the other hand, the Center urged the government to launch related policies and measures to guarantee the land rights of rural women.

The experimental unit in Hebei has achieved significant progress. In Xingtai municipality, the intermediate people’s court of a prefecture-level city issued documents to provide guiding opinions for related disputes in the city. In the experimental unit in Lianyungang of Jiangsu province, the municipal Women’s Federation and municipal civil affairs bureau jointly issued instructive documents to guarantee the equal economic rights of rural women.

Lin Lixia, Secretary General of the Women Watch China Network, stated, “China is very large and its economic and cultural levels vary in different areas as do matters concerning land rights. Therefore, we established experimental units in different provinces to provide a factual basis for national legislation and to develop some effective methods.”⁸ Next, the Center plans to spread the experiences and achievements made in eastern areas to western provinces in poverty.

Similar proposed projects also include the establishment of sexual harassment prevention mechanisms in companies, cooperation with the Supreme People’s Court to train female judges, and education of people in the concept of law-enforcement and basic skills regarding *the Convention on the Elimination of All Forms of Discrimination against Women*. The Center cooperated with the Ministry of Land and Resources—through the rural land flow center, the experimental unit guaranteed the land rights of women where the land and its owner are separated (the permanent residence of the owner and the contracted land are not in the same geographic area).

⁶An NGO that promotes election, democratic governance, and government by law for developing parties and NGOs around the world.

⁷A project that organizes media and scholars to study and report on the current status of Chinese women’s rights and interests, and publicize their findings.

⁸Author’s interview with Lin Lixia.

Discussion on Problems and Chances in Development

Capital and Human Resources

The Zhongze Center shares development problems in common with most Chinese first-generation NGOs. Low salary levels and insufficient social security (NGO development and communication Web site 2011) are among those problems. The pressure from government on the development of grassroots NGOs subjects participants to great career risk and it will be hard for them to make long-term career planning. Though the founders of NGOs are from the elite, a bottleneck in career development makes it difficult to recruit high-quality talented people as successors and staff.

People working in grassroots NGOs in China enjoy relatively low salaries and poor welfare due to the scarce funding accessible to these NGOs. This is especially true for the advocacy-oriented NGOs, because both the foundations sponsored by government and foundations sponsored by entrepreneurs in China are more willing to support charitable projects rather than “sensitive” ones related to policies and law. It is also impossible for advocacy institutions to be granted fund-raising permits for the time being. Starting with the \$60,000 sponsored by the Ford Foundation, the Center now has about \$200,000 in project grants per year, with all funding coming from the above-mentioned international foundations and UN Women. The Center also has a foundation established in Hong Kong 1 year ago, the effect of which is still being tested.

Compared with other NGOs, the Zhongze Center is not under as much financial pressure as some, but most of its sponsors are from international societies (Ford Foundation, the Open Society Institute,⁹ IRI, and UN Women), and funding for many projects does not include manpower expenses. Though the income of the lawyers at the Zhongze Center is higher than that of their counterparts in other NGOs, it is lower than that of other lawyers with the same qualifications, so human resource is one of the Center's problems.

Development Dominated by International Factors

During the development of the Center, international factors are always an important driving force. Firstly, once established, the Center gained the special attention of women in international political circles. In 1998, when the Center had great difficulty surviving, First Lady Hillary Rodham Clinton and Secretary of State Madeleine

⁹A foundation established by financier George Soros.

Albright of the USA both visited China and a chat with staff of the Center was on their schedule. Up to now, Hillary has had eight interviews with Guo Jianmei. In the same year, the Center cooperated with the British Council to hold a China-British legal seminar at which the First Lady Cherie Blair was also present. There have been other famous visitors, such as Nane Lagergren, wife of Annan, former Secretary General of the United Nations; Margarida Sousa Uva, wife of Jose Manuel Barroso, chairman of EU; and so on.

These high-profile visitors have brought the Center to international attention. Guo Jianmei was successively granted the 2007 Global Women's Leadership Award by Vital Voices¹⁰ and the 2009 Simone de Beauvoir Prize for Women's Liberty, and the "2011 Women's Courage Award" by the State Department of the USA.

As mentioned at the beginning, the initiator of the Center was inspired by the NGO forum at the fourth World Conference on Women and the ideology came from the world of transnational feminism. Guo Jianmei said, "it is a must to introduce 'gender awareness' in the modern sense and 'awareness of women's rights' to China" (Tian Silu and Hou Fang 2005). In fact, the legal personnel of the Center receive the most important training of their professional career during overseas visits and at conferences presented by people or organizations from outside mainland China. They have hardly received any resources from China's own governmental system.

What is remarkable is that official interaction between the Center and official units usually arises from opportunities coming from international interaction and exchange. For example, representatives of the ACWF and members of the Center once jointly took part in a review session of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2006. In 2012, when the affiliated Women's Studies Institute of China (WSIC) of the ACWF was required to present an NGO Shadow Report to the CEDAW, the Center undertook the composition of themes such as labor and employment, land rights, and gender violence.

As for the influence of international organizations on Chinese women's movements, various analyses and comments are available in academic circles. What Tani Barlow criticized is that the World Conference on Women and overseas foundations have promoted the interaction of Chinese women's movements with the overseas feminist movement, but this is resulting in Chinese women's movements being absorbed into what she defined as the "International American Feminist Movement," the ideology of the common theme of feminism defined by a whole set of well-financed, neoliberal, and America-oriented ways (Cecilia Milwertz and Wei Bu 2007). It is true that the women's rights concepts of the Zhongze Center stem from the USA or have been introduced into China by partners of the USA, and even the contact with women's NGOs from the Philippines and India is also based on the

¹⁰An NGO having Hillary as one of its initiators and headquarters in Washington, and which is concerned with global women's economic empowerment, human rights, and political participation.

partnership network of the Ford Foundation in Asia; however, the Center's own experience shows that Chinese NGOs do not take on all the agendas of their sponsors. As said by Guo,

I have benefited a lot from experiences with public-interest litigation and legislative advocacy as well as from the concept that "women's rights are human rights" learned from America. These experiences are very helpful and practical for me. However, overseas sponsors and people in the same industry sometimes wanted to push some things. At that time, I told them that due to the practical situation in China, foreign experiences, though they are excellent, must strive to make a "soft landing"; so we must say no to some things. We, the 6 earliest women's NGOs of China, once exchanged experiences and one of our topics was the "soft landing".¹¹ "Soft landing" means depoliticization.

For Americans, everything is an institutional matter. I agree that change in an institution can solve problems from their root causes. But, we can only adopt mild, constructive and evadable approaches, and avoid any relations with politics in China ... This compromising process is just the process of making a soft landing.¹²

For example, it is the sponsor's expectation that the Center develop a lawyers' network for public interest in a short time so as to promote legal reform through joint efforts by collecting similar cases. When the Center acted for Li Ruirui, a petitioner illegally arrested and raped by a guard of a "black jail" (a place where the local government locked up petitioners in order to stop them from appealing to the highest authority for help), the sponsor expressed their hope that the Center not only work on one single case but also collect more similar cases to challenge the social stability maintenance system. Guo replied, "I agree this is a very effective and powerful strategy, but I cannot launch it."¹³

Lack of Institutional Affiliation but Not Lack of Interaction with Government Agencies

So far, the Center in Beijing has not had institutional affiliations with any government agencies such as the ACWF. Most of the Center's contact with these agencies such as ACWF, the judiciary, the Supreme Court, institutions of higher education, research units, and the official law academy is made through individuals. The founders of the Center are either experts in the legislation of women's law who have close relations with senior officials of the ACWF, the judiciary, the Supreme People's Court, the Supreme People's Procuratorate, and top-class jurists or they are graduates of the law school of Peking University who have amicable relations with the judicial system of each area and with some officials.

¹¹ Author's interview with Guo Jianmei.

¹² Ibid.

¹³ Ibid.

Without interpersonal relations, there is no way of moving on ... they turn a deaf ear to you if you adopt a regular and formal approach. It can be said that most of our successful advocacies and communications with official units are not made through open and regular approaches. Usually, half of them are official and half are in private. Without the leverage of private relations, official units just keep you out of the door.¹⁴

“Leveraging by private relations” is extremely important to legislative advocacy in China. For example, with the help of acquaintances serving in the ACWF and the legal council of the standing committee of the National People’s Congress, legislative suggestions from the Center have affected the legislation of the *Property Law of the People’s Republic of China* issued in 2007, and the modification of *The Organic Law of Village Committees* passed in 2010. Both have absorbed legislative suggestions about the economic rights and interests of female villagers made by the Center.

The official media are also the allies of the Center. Commercialized media can pressure the public to form opinions, but they usually prefer to report legal disputes appealing to the middle class and urban readers, such as same-age retirement, sexual assault, and sexual harassment. They have little interest in the cases of rural women or lower class women, such as the land cases of married-out women and salary disputes of migrant female workers, due to the absence of an interesting story and typical characters in such cases. When such cases occur, it’s always the official media at the central authorities level, such as the “Half-Sky” program¹⁵ on CCTV and the “China Women’s News,” that help to broadcast them.

Though these central level *official* media lack the degree of influence on the public that the commercial media enjoys, their *high* administrative level means that they can be used conveniently to contact senior female cadres. With the Central Government’s use of the official media to help monitor local affairs, this channel will become a power for influencing the scruples of local officials. As “China Women’s News” affiliated with the ACWF has established news bureaus in each province and keeps in close contact with the local Women’s Federation, some local correspondents are willing to help the Center promote advocacy projects in their local area, which may make a difference to the reputation of the performance of local Women’s Federations.

Nonetheless, interpersonal relations are still required to guarantee the normalization and persistence of the work of the Center. For example, when organizing seminars, only invitations made by senior personnel from the Center in person can guarantee the attendance of some important officials and experts. When the HR mechanism in some government organs changes, the Center will find it hard to maintain its relations.

Paradoxically, the officials and brains of both the government and the Women’s Federation, as individuals, are willing to take part in legal reform on the Center’s

¹⁴ Author’s interview with Guo Jianmei.

¹⁵ Women’s TV programs produced for the fourth World Conference on Women, but were marginalized and stopped in 2010 for the lack of market value.

NGO platform, but the very institutions they work in, that are unable to respond to the appeals of nonofficial organizations, cannot provide them with such opportunities.

Women's Federation: Potential Resource Network

Another paradox is the relationship between the Center and the official women's movement organizer—the Women's Federation. Despite the absence of an institutional affiliation between them, the projects launched by the Center locally are promoted through its relationship with the Women's Federation on provincial and municipal levels. Whether a project can successfully mobilize the local government to cooperate or not is up to the coordinating ability of the Women's Federation.

During the third World Conference on Women, the *Nairobi Forward-Looking Strategies of Implementation for the Advancement of Women for the Period up to the Year 2000* was adopted, which proposed that institutional mechanisms at national level be established to improve women's status. In response to this, before and after the fourth World Conference on Women, three mechanisms were established by the Chinese Government. They are the National Working Committee on Children and Women (NWCCW) under the State Council, the Special Working Group on Women and Children of the Committee for Internal and Judicial Affairs under the National People's Congress, and the Women and Youth Committee of the Chinese People's Political Consultative Conference. Working committees on children and women have been established on all levels of government, from provinces, autonomous regions, and municipalities right down to counties. Their secretarial offices are placed within the Women's Federation of the corresponding level, and these committees are responsible for the drafting of the *Planning for the Development of Women*. A system of joint working conference for the protection of women's rights has been established by the People's Congress in many provinces and municipalities, members of which include personnel from related government offices, the Procuratorate, and the court. Discussions focusing on key women's rights issues are to be held annually. Tasks that require each government office to take up its different responsibilities and examine their fulfillment are assigned by the Committee for Internal and Judicial Affairs under the People's Congress at the provincial level. This working mechanism, with women's issues as its focus, is meant for holding dialogues, establishing contacts, coordinating different institutions, and implementing tasks concerning which the Rights-Defending Department of the Women's Federation is entitled to make suggestions and has the virtual right to lead the agenda. All these working mechanisms allow capable Women's Federation workers a chance to mobilize various resources to deal with issues related to women's rights.

Due to the influence of the fourth World Conference on Women, among the three great "mass organizations" authorized by the Chinese Government, the Women's Federation is the only one that has a direct contact with international organizations. With their large number of projects, the international organizations have also changed the Women's Federation, and especially the concept and agenda of the

local Women's Federation. Therefore, officials in the Women's Federation and the NGO workers have learned the same "gender perspective" from their experiences of international exchange, which has laid the foundation for their cooperation. On the other hand, the Center's work can be incorporated into the performance of the local Women's Federation, since their working responsibilities overlap to an extent. It is noteworthy that it is these unique individuals that have promoted the cooperation between these organizations, and that NGOs don't naturally fit in *with* the Women's Federation.

Dilemma of Survival: Political Validity of NGO

In 2012, while the Zhongze Center and the Jiangsu Women's Federation jointly participated in women's land rights protection projects, the experience of the experimental unit in Lianyungang was recognized by the provincial Women's Federation and was promoted across the whole province. However, the Zhongze Center was not invited to an exchange conference that the leaders of the ACWF attended, for the reason of their "being too sensitive." In the previous year, the Center cooperated with the Women's Federation of Heilongjiang province. With the financial support of UN Women, the Center conducted a project that promoted the participation of women in community governance; however, their partner gave up the project, under pressure from the provincial government.

These are two examples of the plight in which the Center gets trapped. In the interviews, staff of the Center expressed once and again that indeed, they have capital and talent problems, but given their political troubles, these problems are no more than secondary. NGOs in China do not have any legal guarantees, and are even regarded as some kind of threat to political stability.

Before 2004, the Center was under less political pressure. With women's liberation and the equality of men and women being one of the bases of regime legitimacy in China, issues concerning the rights and interests of women were not sensitive. However, since 2004, with the government's vigilant attentiveness to the "color revolutions,"¹⁶ the NGOs in China have been having a tough time.

NGOs attract the attention of the Security Department for the following reasons: firstly, they are related to "sensitive topics" like human rights and political reform;

¹⁶"Color revolution" is a term that was widely used by the media to describe various related movements that developed in several societies in the former Soviet Union and the Balkans during the early 2000s. Participants in the color revolutions have mostly used nonviolent means of resistance, also called civil resistance. Such methods as demonstrations, strikes, and interventions have been used as protest against governments seen as corrupt and/or authoritarian, and to advocate democracy; and they have also created a strong pressure for change. These movements generally adopted a specific color or flower as their symbol, hence the term, "color revolution." The color revolutions are notable for the important role played by NGOs and particularly for student activists organizing creative nonviolent resistance.

secondly, they get funding from foundations the Chinese Government does not trust; thirdly, they may become involved in group incidents, such as interregional cooperation, opposition, and petitions or protests and strikes. The Center's focus on rights maintenance and legal reform issues should be classified as the first type; their sponsors—the Open Society Institute and the IRI—are untrustworthy foundations; the public-interest lawyer network organized by the Center in 2006 belongs to the third situation.

After 2006, the Center started to accept the financial support of the Open Society Institute and IRI. With the accumulation of capital, the Center started to construct a nationwide public-interest lawyer network, hoping to provide training to promote the participation of public-interest lawyers, and to build up cooperation in handling lawsuits. Since then, the Center has attracted the attention of the Security Department (secret police). The interference once became so severe that a well-prepared public-interest lawyer training seminar had to be cancelled and their work suspended.

In March 2010, Peking University announced that the Center would no longer be linked to the name of the university (Wu Xiaolei 2010). The reason is that the Center could not meet the university's requirements for an affiliated research unit in that a director and at least five employees of the unit must be employees of the university. However, as far as the staffs of the Center are concerned, the real reasons are their acceptance of capital from sensitive overseas organizations, the establishment of the public-interest network, and their involvement in sensitive cases. This was at the time when the Center had just accepted the case of petitioner Li Ruirui who was illegally arrested and raped by a guard of a black jail.

In 2011, an order came from the Security Department that the Center stop their projects in cooperation with the Open Society Institute and the IRI. As a compromise, the government required the Center to communicate with it and report their work to each government department involved. The basis for this compromise is self-evident: with the Center's international reputation, its shutting-down would cause some political fallout. "They do not want you to die, but don't want you to have so much influence, either."¹⁷ The result is that the Center can still undertake projects financed by some "sensitive organizations" under certain premises, a solution completely unimaginable for other NGOs.

Guo emphasized repeatedly that the security department affirmed that the Center "has not made any political mistake." Not making political mistakes and not striking directly at the system may be the best choice for most first-generation NGOs after the fourth World Conference on Women. Activists try to avoid politicization and cooperate with the state by taking advantage of gaps in the current system structure to gain a certain amount of space to maneuver in.

This tug-of-war over legality reflects the complexity of the issues concerning women's rights and interests in China. Compared with other human rights issues

¹⁷ Author's interview with Lin Lixia.

concerning the political system and governance, issues of women's rights and interests are under less pressure; however, being a part of human rights, women's rights and interests are hard to keep separate from politics. This also tends to explain the ambivalent attitude of the Chinese Government regarding the incorporation and rejection of NGOs.

Depoliticization may affect the relationship between the Center and their clients, its inability to mobilize grassroots women resulting in insufficient empowerment of its clients. The Center's dependence on the Women's Federation network also reflects this insufficiency. In contrast to this is the "Public Alliance," a legal NGO in Beijing that was severely stricken by the government by way of tax inspections and the arrest of its director. However, the "Public Alliance" had mobilized a huge client group—for example, active movements of migrant parents who strived for equal rights in college entrance examinations for their children.

A document from the Center states, "some clients' social status, education and life experience pose barriers to their cases, and have brought extreme difficulty to the Center's work."¹⁸ These clients, unable to understand the significance of their cases to women as a group, have not become active participants. Instead, what they wanted was nothing but free legal services. In the case of land rights mentioned above, after getting compensation of more than ten million yuan, all litigants changed their phone numbers, refused to cooperate with the media to publicize this case, and cut off contact with their lawyers—and this was not exceptional at all. The lack of a strategic alliance between elite feminists in Beijing and local grassroots women, and the outcome of the relationship between women's NGOs and the state before and after the World Conference on Women, also set limitations on the NGO workers' practice.

Conclusion

As mentioned above, Chinese NGOs still have to face political difficulties. These difficulties are the external factors that result in NGOs' having internal problems with funding, human resources, and management. Therefore, advocacy-type NGOs have to rely on overseas resources to survive and develop, and thus the NGOs' promotion of grassroots empowerment suffers.

It was transnational feminism that provided the opportunity for the emergence and development of Women's NGOs in China, the jobs of which may even be affected by the agendas of European countries and the USA (Min Dongchao 2005). The concepts, discourses, and capital from the West do provide resources and weapons for the activities of NGOs, and remain an influencing factor in the informal interaction between NGOs and the domestic government.

¹⁸The Center's summaries of the last 10 years.

While women's NGOs were established in China in the context of the transnational feminist movements and grew with the support of overseas resources, ACWF has also changed within such a context. Because of international funding, projects and discourses have also been introduced into the Women's Federation system, and international factors, such as international documents like CEDAW, have become the bonding agent between the Women's Federation and NGOs both in theory and in practice. Though the relationship between the Women's Federation and NGOs hasn't been institutionalized, given favorable conditions, the resources of the Women's Federation can be used by NGOs, ranging from their network to their role in promoting policy-making to improve women's status.

Different factors guarantee the possibility of noninstitutional cooperation between the Women's Federation and NGOs: the multiple roles of the Women's Federation (as an NGO on behalf of women¹⁹ keeping in close contact with the National Working Committee on Children and Women—the national mechanism dedicated to improving the status of women), the different properties of the different internal layers of the Women's Federation, and the agency of feminist individuals working in the Women's Federation.

However, the unique position of the Women's Federation results in the absence of its virtual cooperation with women's NGOs in routine work. The Women's Federation plays a dual role both as a political assistant of the Communist Party and the representative of women's interests (Jin Yihong 2001), with its organizational characteristics varying between governmental and nongovernmental. In terms of gender awareness, the Women's Federation is left behind the women's NGOs, which pick up the discourses of transnational feminism more professionally and rapidly. The cooperation between them is more likely to be found in private relations and in accidental, disperse, and local projects; thus such experiences cannot be promoted or copied on a large scale. Without a standing communication mechanism, it is hard to bring new issues, demands, and experiences concerning women's rights to decision-making and legislative departments, ending up in a waste of resources.

Currently, the Chinese Government has started a reform of the system for the management of social organizations in developed urban areas by loosening up on the registration of NGOs. It is doing this with the hope of developing official mass organizations—the local Women's Federations, the local Youth League Committees, and the local Federation of Trade Unions—into “hub-typed social organizations” (Wang Yang 2012). While allowing the legal existence of more NGOs, official mass organizations can incorporate them and popularize party organization within the NGO community.²⁰ Such a policy adjustment, with a strong sense of national corporatism, may preliminarily institutionalize the relationship between NGOs and the government, enabling domestic financial support to be accessible to NGOs, but it

¹⁹The Women's Federation is a women's NGO with counseling status in the United Nations Economic and Social Council (ECOSOC).

²⁰The contents of the official meeting that the author attended.

may also weaken the independence of NGOs, especially in the case of advocacy-type NGOs. It remains to be observed what influences such a reform will bring, emphasizing the service function of NGOs while playing down their accountability and role in policy mechanisms.

Acknowledgement Acknowledgement is given to Wu Meiyang, Song Shaopeng, Cai Yiping, Lv Ping, Feng Yuan, Feng pengpeng, and Ke Qianting for their opinions of revision.

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Part II
Ethnic Relations in China

Chapter 6

Language, Learning, and Identity: Problematizing the Education for Tibetans

Chung Dolma

Abstract In almost every society, underachievement is a common problem in underprivileged social groups. This underachievement tends to be normalized and attributed to an intrinsic weakness of the group. But what are the fundamental reasons for the gap between minority and majority groups in academic studies? To what degree are the socially and economically marginalized people liberated by formal education? This chapter attempts to understand these major questions in the case of Tibetan students by utilizing linguistic and psychological lens. It argues against several prevalent assumptions about formal education for Tibetans and addresses educational issues such as language studies, medium of instruction, bilingual education, preferential educational policies, civilizing mission of education, and self-esteem.

Keywords Academic achievement • Stereotype • Medium of instruction • Bilingualism • Identity

Introduction

It is commonly believed that Tibetan areas have made great educational progress in past decades. In June 2011, Xinhuanet published evidence of dramatic improvement in Tibetan schools since 1951 in the form of promising school enrollment, decreasing

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illiteracy, increased school numbers, and government investment statistics (Xinhuaneet 2011).¹ Indeed, the universalization of the 9-year compulsory educational policy in Tibetan areas has made basic education accessible to even those Tibetan children from poverty-stricken communities. However, to what degree do the promising numbers truly reflect the benefits brought by educational development to Tibetan people? In her discussion about ways of measuring success and progress in international development work, Willis (2005:13) points out, “development measures are nearly always quantitative; by focusing on quantitative measurement, the subjective qualitative dimensions of development such as feelings, experience and opinions of individuals and groups are excluded.” Willis suggests that by ignoring qualitative analysis, a very integral element of necessary review is excluded. So for Willis, it would be inappropriate and unreasonable to assess and evaluate the development of education in Tibetan areas solely by relying on quantitative measurement. Actually, education is a far more complicated and multidimensional human experience, which is impossible to accurately represent in numbers. Yet in reality, numbers are powerful enough to legitimize government actions and policies which, more often than not, act to further the gap between mainstream and marginalized groups.

Tibetans generally believe that positive change (i.e., upward social mobility, human capital, personal and social development, and improvement of life quality) will automatically come along with formal schooling. Unfortunately, quite often education does not necessarily serve the interests of all members of society. After 16 years of case study in rural Zambia targeting 50 village boys and girls, Serpell (2010) concludes that education, specifically schooling, rarely made changes in the lives of these boys and girls. Rather, it alienated them from their own culture and community. Education can be utilized to uphold and disseminate the social and political values of the majority classes. In their book titled *Education as a Political Tool in Asia*, Lall and Vickers (2009) elaborately illustrate how education is used as an effective political tool by nations to meet different political needs. For example, women’s empowerment education is a trend in international development work. However, Longwe (1998) points out that it is exactly through schooling that women are forced to accept values and rules of the patriarchal society. Willinsky (1998) claims that the legacies of imperialism in education continue to divide the world by highlighting differences among people.

All these counterpoints prompt us not to discount the value of education in minority classes, but to further examine the quantitative analysis collected and advocated by political authority. So it is of great importance to scrutinize the meaning of education for Tibetans, and to disclose the problems existing within the education system. This chapter explores specific problems in educating Tibetans by investigating a widespread phenomenon among Tibetan students: statistically speaking, Tibetan students lag far behind their Han Chinese peers with a staggering

¹Xinhuaneet is hosted by Xinhua News Agency, the official press agency of the People’s Republic of China (PRC). It is considered one of the most important official Web sites of the PRC.

achievement gap in all levels of academic studies. I will discuss what makes this phenomenon possible and its implications for Tibetan students.

My arguments in this chapter fall into four main parts. Firstly, I will give a clear description of the existing achievement gap between Tibetan students and their Han counterparts under a number-driven school assessment system in China. Secondly, I will argue that the mainstream society's practice of categorizing and stereotyping Tibetans normalizes the achievement gap. Thirdly, although there may be many factors that may contribute to Tibetan students' poor academic performances, such as curricula, textbooks, teaching methods, and so forth, I will explore this question from two aspects: the mission of education and medium of instruction (MI) for Tibetan students. I will particularly discuss how misunderstandings and irrationalities in the abovementioned two aspects affect the formation of Tibetan students' identity and personhood. In the last part of the paper, I will elaborate some of my own thoughts on an ideal education for Tibetans.

This paper draws on linguistic and psychological perspectives on language, learning, and identity, as well as my own educational and professional experiences. In this study, formal schooling is interchangeably used with education, since formal schooling in Tibetan areas remains the major, if not only, form of education. It should also be noted that given slight political and geographical differences among and within the three main Tibetan areas (also known as Greater Tibet) in China,² Tibetan students that are under discussion here mainly refer to those who are from central Tibet, which is officially known as the Tibet Autonomous Region (hereafter TAR).

A Staggering Achievement Gap and Its Countermeasures

Due to a staggering achievement gap between Tibetan and Han Chinese students, education in Tibetan areas is considered of lower quality than education in inland China. Although quality education has been promoted all around China, exam scores are still widely adopted as the only benchmark for assessing students' qualifications for next level studies and educational success at large. Therefore, the only available method of examining Tibetan students' success is to look at their exam scores. Due to an inability of scholars to obtain specific information, it is impossible to compare exam scores of individual students. Thus, to understand the achievement gap, this chapter analyzes the minimum entrance exam scores for secondary and college education.

In the TAR, each year the minimum college entrance exam scores are divided into two standards: a higher one for Han Chinese and a lower one for ethnic minorities, which, in the TAR, predominantly consist of Tibetans. Referring to official

²The three main Tibetan areas (Chlkha Sum in Tibetan) include Eastern (Kham), Northeastern (Amdo), and Central (U-Tsang) areas. The TAR only includes U-Tsang and some part of Kham area (Giles and Tezin 2005; Feigon 1996).

information distributed on the TAR Department of Education and Examination Web site, the TAR 2012 minimum college admission scores in humanities and sciences are drastically different for Han and ethnic minority students. Han Chinese students have to outstrip their Tibetan counterparts by up to 170 points in humanities and 180 points in sciences (Tibet Autonomous Region Department of Education and Examination 2012). This enormous gap in the standard of college admission seems to indicate that Tibetan students are intellectually inferior to Han Chinese students in the TAR. They are admitted into institutions of higher learning with lower entrance exam scores (Bass 2005). This differentiation is part of the central government's preferential education policies catered to the "special" needs of Tibetan students and some other ethnic minorities.

The gap becomes more daunting when Tibetan students are compared with Han Chinese students from other parts of China more academically competitive than the TAR. Tibetan students who achieve the minimum score still have to depend on the lower minority standard to gain entrance to prestigious Chinese universities. This phenomenon is scrutinized by Clothey (2005), who explores China's policies for minority nationalities in higher education by focusing on one particular academic setting: the Central University of Nationalities in Beijing. According to her findings, in both the humanities and sciences, students from the TAR have the lowest minimum enrollment standards. This is a significant gap (up to 183 points) even when compared to minority students from Xinjiang and Inner Mongolia. Even in examining a university specifically tailored to minority students, let alone more prestigious universities such as Peking University and Tsinghua University, Tibetan students lag far behind national averages.

When Tibetan students take advantage of these lower entrance standards and enroll in Mainland Chinese universities, they often find it difficult to compete in a more rigorous and competitive learning environment. Because of this phenomenon, almost all key universities in China apply a special policy towards enrolled Tibetan students: lower requirements for all course exams. For instance, if the majority of students are able to pass a course with an exam score of 60 points, the cutoff line for Tibetan students is 40 points. Still, every year there are a large number of Tibetan college students who either have to spend more years in college to graduate or simply leave college without obtaining an expected degree. Even after graduation, most young Tibetans continue depending on preferential policies to gain equal access to job opportunities. For instance, the National Examination for Civil Servants, which is the main route for employment in the TAR, exercises lower standards for Tibetans in almost every field.

Thus, Tibetan students are protected by various preferential policies. Without these preferential policies, most Tibetan students would not have an opportunity to go to college or obtain a good job. This achievement gap is now widely accepted as an irreversible fact. A great many people may wonder if there is something inherently wrong with Tibetans as an ethnic group that dictates that they must rely on the state's preferential policies. But is it so? If there is no genetic evidence of unintelligence, then the problem lies with the education system. The following sections of this chapter attempt to address these flaws in the educational system.

Normalization of the Staggering Achievement Gap

When schooling (specifically exam scores) functions as a way to categorize people, Tibetan students are generally regarded as less intelligent, less capable, and less diligent than other ethnic groups, most especially Han Chinese. The Tibetan people are thus stigmatized. Han Chinese are viewed as superior and Tibetans inferior. As a part of western China, Tibetan areas are widely considered economically, culturally, and even ethnically backward (Bass 2005). Particularly, because of its geographical isolation, Tibet is considered by most Chinese people as a faraway and alienated place with a harsh climate, poor living conditions, and mysterious Buddhist culture. This sense of otherness leads numerous Han Chinese to mystify and stereotype the Tibetan people. By way of alienating the Tibetan other, most Han Chinese position themselves at the social and political apex.

Wang Lixiong, a prominent Chinese scholar in China's minority issues, extensively analyzes this particular Han mentality concerning Tibet and Tibetans. Wang Lixiong points out the "egotistic pride" of Chinese people, especially "a feeling of cultural superiority" held by Chinese officials. He further defines these attitudes as cultural imperialism in Tibet (Wang Lixiong 2009:124). According to Jing Lin, another Chinese scholar, it is exactly the "great Han mentality" that makes Han Chinese view Tibetans as "primitive, dependent, and ignorant" (Jing Lin 1997:194). Usually, this mentality is practiced and perpetuated by the mainstream society with seemingly good intentions. This point is echoed by Bass (2005:434), who notes that the Chinese Government officially states that all its development programs in the TAR are a way to transform an "ethnically and culturally backward society" into a modern, socialist culture.

The superiority of Han Chinese also keeps them from understanding and appreciating the diverse culture of ethnic minorities. Here, I would like to share my own college experience to illustrate my point. As I was then the first and only Tibetan student accepted to my department, for almost all my teachers and classmates I was the first Tibetan that they had ever met in person. I was pleasantly welcomed as the only minority student in my class. On the other hand, I was shocked by the great ignorance and prejudice my peers and teachers held towards my culture. They were surprised to know that Tibetans have their own language called Tibetan. They believed that even urban Tibetans live in tents. They were even slightly upset to discover that in Tibet during P.E. lesson, students play all kinds of games, rather than riding horses. They told me I did not look like a Tibetan because of my lighter skin and the way I dress. What they said made me realize how their understanding of Tibetan culture was restricted to a series of stereotypes. Han supremacist thinking is always present in Han Chinese culture, consciously or unconsciously.

Thus, on the one hand, Tibetan students' underachievement is somehow expected by the mainstream society. On the other hand, it reinforces the common stereotypes about Tibetan people, becoming a self-fulfilling prophecy. This cyclical, circular logic normalizes the phenomenon that Tibetan students lag in academic studies. The poor performance of Tibetan students is likely to be considered an intrinsic

characteristic or weakness of the Tibetan ethnic group. Most students and educators in Tibetan areas take it as a fact that Tibetan students are less intelligent and capable than their Han peers. Consequently, few educators make efforts to find out the fundamental reasons for Tibetans students' underachievement in schools. As a result, Tibetan students are deprived of conducive resources and support that facilitate better achievement. Next section explores the root causes of this educational breakdown from two aspects: the nature of education and the language of instruction.

A Civilizing Education as the Culprit

The well-established system of stereotypes discussed in the previous section leads to a national education policy with “a civilizing mission” (Popkewitz 2008). Popkewitz (2008) employs this term in the context of minority and immigrant education in the United States. He believes that this particular civilizing mission is driven by American exceptionalism. If the education of Tibetan people is examined from this perspective, it can be concluded that an education driven by Han exceptionalism has been put into motion in order to “civilize” and “modernize” the Tibetan ethnic group. This touches upon the question of “whose knowledge is of most worth” (Apple and Christian-Smith 1991). In other words, who has the right to decide the legitimate or the official knowledge in school curricula?

In every society, the politically and economically advantageous group uses its legitimacy and authority to define official knowledge (Apple 2006). In fact, formal (governmental) schooling becomes an effective way to implement the official knowledge via school curricula and textbooks. Vickers (2009:57), a former editor of English language textbooks within the People's Education Press, a main textbook publisher in China, points out that the national unified textbooks promote a Chinese culture (zhonghua minzu wenhua), “which in practice denotes a rather homogenised vision of ‘Han’ culture.” A great many Han Chinese educators strongly believe that learning Han Chinese culture and language is in the best interest of the minority students. For instance, Wan Minggang and Zhang Shanxin (2007:141) state that bilingual proficiency is conducive to Tibetan students' learning “advanced knowledge and culture” (referring to Han Chinese culture). Similarly, for Cheng Yanyan and Dai Qingxia (2007:75), one important purpose of bilingual education is the “improvement of literacy and civilization” for ethnic minorities. It is astonishing, offensive even, that these scholars imply minority culture, here Tibetan culture, as a lesser culture. Yet, the subconsciousness of superiority is commonplace among many Han Chinese educators.

Furthermore, through detailed analysis of textbooks in the TAR, Bass (2005) concludes that textbooks are used to open Tibetan students' minds to the deficiencies of their existing culture while presenting them with a new set of values and beliefs embedded in Han Chinese and political culture of the PRC. Nowadays, few young Tibetans have any notions of the history of Tibet before the 1950s. They know only that it was a dark, feudal state, which was liberated by the PRC.

Most students are ignorant of the richness of Tibetan culture, the work of prominent Tibetan scholars, and the entire cannon of Buddhist philosophy. In contrast, they are well versed in Han Chinese history from the first Xia Dynasty to the establishment of the PRC, heroic biographies of the Communist Party, and thoughts of the successive party leaders. In a nutshell, the Tibetan education system works to indoctrinate students into a system that advances and praises Han Chinese culture while relegating to barbarism the history and culture of all minority groups.

This civilizing mission of education greatly influences teaching methodology. Teachers, ignorant of their own deeply ingrained prejudices, expect Tibetan students to perform poorly. Tibetan students' underachievement becomes normalized socially, in the classroom, and politically, in the form of preferential education policies. Through lower exam standards, both Tibetan and Han Chinese teachers impress upon Tibetan students their inability to compete with Han Chinese students.

During my school visits in the TAR, I saw some teachers discourage and demotivate the acquisitive minds of some higher achievers by saying, "You are not required to learn this complicated content."³ This type of teaching practice creates not only a strong sense of complacency but also a sense of dependency, especially in higher studies, where Tibetan students are more frequently and deeply exposed to preferential policies. All too often, top Tibetan students, who have made it to prestigious universities, find themselves labeled as slow learners. This damages their self-esteem and confidence. Tibetan students will be patronized and humiliated by the kindest and most supportive Han Chinese teachers and classmates with well-intended remarks such as "What you did was way beyond my expectation," "Wow, you are not like other minority students," "I am really surprised that you even know this stuff," and so on. Few Tibetan students take these remarks as compliments. Rather, they realize that these remarks are rooted in the far-reaching stereotypes about Tibetan students.

Hence, through education, Tibetan students are most likely to internalize their inferiority to the Han Chinese, which cultivates a sense of great shame of their Tibetan identity. In her article *Moving Beyond Shame*, Hooks (2003), a distinguished black American educator, provides us with great insights into how this particular sense of shame affects a person's identity and ability to learn. Some of her thoughts on black American education are worthy of citing at length here: "A pervasive sense of shame is the ongoing premise that one is fundamentally bad, inadequate, defective, unworthy, or not fully valid as a human being"; "shaming as a weapon of psychological terrorism can damage fragile self-esteem in ways that are irreparable"; "until the power of shaming is taken seriously as a threat to the well-being of all students, particularly individuals from marginalized and/or subordinated groups, no amount of support staff, positive programming, or material resources will lead to academic excellence" (Hooks 2003:94, 99, 101).

³I worked as an Education Project Officer within Save the Children Tibet Program from July 2007 to August 2011. During that period, I visited numerous rural schools in Lhasa valley areas (including seven counties and one district), and Lhoka and Ngachu prefectures of the TAR.

Likewise, Tibetans are handicapped by a comparable shaming practices in education. Like an invisible weapon, the feeling of shame deprives Tibetan students of self-confidence and self-appreciation. When students lack confidence, they tend to give up hope of improvement. In my own case, I was surprised to find that I excelled academically and enjoyed my studies in the United States more than I had in China. Through my own experience as an international student, I have come to believe that a foundation of academic confidence is based upon three conditions: whether I am treated differently from other students, whether my ideas are appreciated, and whether my teachers have faith in my abilities.

Out of these personal experiences, I believe, comes the crux of my argument. Consistent appreciation and encouragement from my American teachers have given me the motivation and strength to meet and exceed the level of excellence that they expect from me. After about 18 years of education, I came to understand that my differences from others in cultural and educational background are precious assets rather than a source of shame and backwardness. However, in Tibetan education, students are constantly subjugated to the shame that they already feel deep inside. It is exactly this internalization of shame or inferiority that impedes students from pursuing improvement and achieving success in their studies and career.

In addition, this civilizing mission legitimizes a series of policies and practices that leave many educational questions unanswered. In the following section, I call into question the language of instruction and bilingual education policies in TAR.

Language Acquisition and Academic Achievement

The Complexity of the Medium of Instruction in the TAR

Since 1949, the medium of instruction for schools in the TAR has undergone a series of adjustments along with the changes in the Chinese Government's policies on ethnic minorities (Zhou Minglang 2001). Ma Rong (2011) conducted a thorough historical review and detailed analysis on the development of bilingual education in the TAR. He points out that since 1999, the Government of the TAR has been encouraging frontline teachers and educators to tailor MI according to specific local needs and context. Since the late 1990s, in the TAR there has been an obvious trend towards adopting Chinese language teaching. By 2007, almost 95 % of primary schools in the TAR taught Chinese from Grade 1 and adopted it as the primary language of instruction. 13 % of Tibetan students in middle schools, and only 5.7 % of Tibetan students in high schools, were taught core subjects in Tibetan. All secondary specialized schools and higher institutions taught all subjects in Chinese except Tibetan literature, traditional Tibetan medicine, and Tibetan language. Sangay (1998), a Tibetan scholar, points out that since 1997, Chinese language has become the language of instruction in almost every primary school. Although there are some differences in the views of these two scholars, it is clear that Chinese has replaced or is replacing Tibetan as the MI in the TAR.

I agree that learning Chinese language has a major role in education in the TAR, especially as it is the only MI in higher education. However, the MI in primary schools is actually a far more complicated issue in practice. Rather than being based upon local needs and circumstances, the language of instruction is largely dependent on the availability of textbooks. In the TAR, most primary schools, including rural schools, adopt Chinese textbooks for major subjects and some optional subjects. There are some variations in terms of math textbooks. According to my own informal research, up to 2012, three counties in the Lhasa valley switch to Chinese textbooks from Grade 3, two counties use the Chinese version from Grade 1, one county adopts Tibetan textbooks only in Grade 3, one county uses Tibetan textbooks from Grade 1 (starting in 2010), and almost all urban schools use Chinese textbooks.⁴ Moreover, from middle school on, all subjects except Tibetan language utilize Chinese language resources.

This being said, using Chinese textbooks does not mean that the MI has become Chinese language. Through more than 100 rounds of classroom observations in rural primary schools in nomadic, farming, and urban areas of the TAR, I concluded that a pure MI, or teaching only in one language, is impossible in a classroom context. What contributes to this situation is that a small number of teachers know only Tibetan (mostly informal teachers selected from their communities) and some teachers know only Chinese (mostly Han Chinese teachers and some young Tibetan teachers). In addition, the majority of Tibetan teachers are bilingual, but many of them have limited linguistic skills, and most Tibetan students are not sufficiently bilingual to learn new things in a second language. Therefore, although the MI for current primary schools in the TAR has increasingly become Chinese language, a monolingual education is yet to form. Tibetan language continues to be necessary as a tool to improve the function of Chinese as the MI so that a smooth transition to a Chinese-monolingual higher education is secured.

Bilingual Education or Monolingual Education

Examining this complicated relationship between textbook language, language of instruction, and student comprehension, the question one must first ask is whether this kind of bilingual education is needed in Tibetan areas or not. The ultimate aim of bilingual education for minority students is to achieve better academic results, social development, national unity, and cooperation among different nationalities (Cheng Yanyan and Dai Qingxia 2007; Wan Minggang and Zhang Shanxin 2007). Has the bilingual education in Tibetan areas achieved its purported purposes? Baker (2011) developed a typology of bilingual education. Based on the situation of the MI, and overall language teaching in the TAR, bilingual education in the early

⁴This information was collected through informal telephone interviews with seven people who work for seven different County Education Bureaus of Lhasa, and six teachers from three different counties and one district of Lhasa.

period (from preschool to middle school) follows a “transitional model.” The later period, beginning in middle school, is characterized by a “mainstreaming/submersion model.”

In other words, in the earlier period of their studies, Tibetan students have to learn their mother tongue in order to prepare for second language acquisition. As Benson (2009) similarly pinpoints, in transitional bilingual education model, the teaching and learning of the first language merely serve as a bridge to effectively transfer learning in the second language, when the first language is phased out from education. As for Tibetan students, not only do they fail to enhance the literacy of their mother tongue well in their initial stage of education, but also the mother tongue is gradually phased out and replaced by Chinese. From middle school (Grade 7) on, the language of the classroom is predominantly Chinese, and it is exclusively Chinese in college education. In inland classes,⁵ Tibetan students go through a Chinese-monolingual education starting in middle school. Tibetan language is in danger of being demoted and replaced by the dominant language. In higher education, it is completely replaced by the dominant language. For Baker (2011), this kind of bilingual education is known as “subtractive bilingual education.” What we should have, however, is an “additive” bilingual education, in which the learning of a dominant language benefits the learners without posing a threat to their first language.

Indeed, it is not exaggerating to say that the current bilingual education in the TAR is a purely subtractive bilingual education. In other words, the goal of bilingual education is to replace the mother tongue or the first language by using a second or a dominant language as MI in teaching (Wang Binhua 2005). Therefore, it is no wonder that Schluessel (2007:151), who has carried out research on bilingual education in Xinjiang, notes, “in the case of Xinjiang and of China in general, ‘bilingual education’ is a euphemism for the mandatory increase in the use of Mandarin in minority-language-speaking children’s school environment in place of the languages that are those students’ everyday medium of communication.”

Language Acquisition and Academic Achievement

In addition to endangering minority languages, this problematic bilingual education has negatively affected Tibetan students’ academic performance. A close relationship between linguistic skills and academic achievement is identified and discussed in the national and global context of education. Research in international educational development has confirmed that students’ learning achievements largely depend on their reading fluency (Abazi 2010). “Students whose reading skills are weak will fall farther and farther behind as they move through primary and lower

⁵This is a Chinese Government preferential educational policy in the TAR. Under this policy, each year top Tibetan students are selected to receive their education (from middle school to university) in major cities in mainland China. It has been effective since 1985 (Postiglione et al. 2007).

secondary school” (EQUIP 2008:14). “The reading comprehension and speed of a second language learner decline because of their lack of familiarity with the semantic and syntactic constraints of the target language” (McLeod 1994:184). In what way has the current subtractive bilingual education model affected Tibetan students’ academic performance, then?

As was mentioned earlier, upon starting their formal schooling (in urban areas from preschool education), most students in the TAR have to learn at least two languages in a classroom environment. Children have to acquire an “academic language,” which is more abstract and sophisticated than a “social or conversational language” in order to understand teaching and learning content (Grant and Sleeter 2011; Baker 2011). For beginners, it is challenging and frustrating to learn new knowledge even in their mother tongue, let alone in a second language. It is too ambitious to expect Tibetan children from rural areas, which comprise “nearly 71 % of all children in TAR,” to learn both languages well in the beginning of their learning career. To complicate the matter, quite a number of parents have a poor command of Tibetan language, let alone Chinese. In the TAR, about “90 % of Tibetan children” live in a linguistic environment where they are exposed to and familiar with only Tibetan language (Wan Minggang and Zhang Shanxin 2007:141). Nevertheless, in Lhasa most Tibetan students have to learn complicated subjects such as math and science in Mandarin Chinese from Grade 1.

According to Baker, “acquisition can occur in the classroom when the focus is on content learning and second language acquisition is seemingly a by-product” (Baker 2011:114). However, to many Tibetan students, all subjects turn out to be Chinese language courses before they actually get into any learning content. For instance, when a teacher teaches a simple math lesson, they have to first spend a large amount of time explaining some Chinese words and sentences. Children end up studying both language and subject content together. The “swim and sink” submersion education elaborated by Baker vividly describes the tremendous desperation, struggle, and anxiety that Tibetan students go through from the beginning of their academic studies. It conveys the idea of “a language minority student thrown into the deep end and expected to learn to swim as quickly as possible without the help of floats or special lessons” (Baker 2011:211). Naturally, most students will sink into the pool of a pro-monolingual education no matter how hard they try to learn to swim. What makes matters worse is that a great many Tibetan parents and their children do not see the benefits of learning their mother tongue, since from middle school on every subject except Tibetan/English language courses is tested in Chinese.

As a result of all these factors, most Tibetan students have a poor command of their mother tongue. Many students who attend Tibetan inland classes completely lose their mother tongue. Additionally, and arguably due to their lack of a solid mother tongue, students’ second language skills are similarly underdeveloped. Cobbey (2007:183) observes, “the more developed the mother tongue language and literacy is, the better the transition to the national language and literacy will be.” This principle is defined by Cummins (2000) as “common underlying proficiency,” which believes that high proficiency in the first language can assist better acquisition of a second language. Apparently, Tibetan students have too low command of

their mother tongue to assist their learning of Chinese language and other subjects. As a result, most Tibetan students fail to attain native-level proficiency in either Tibetan or Chinese.

Some linguists define this phenomenon as semilingualism⁶: a failure to attain strong academic proficiency in either a first or a second language (Cummins 2000). Indeed, even those who have received relatively high-quality education become semilinguals without native-level proficiency in Tibetan or Chinese. This is also why almost all young Tibetans speak a code-mixing Tibetan (mixed with Chinese and sometimes with English); and they usually describe themselves as a “hybrid of nothing” with a tone of a self-mockery. It is nearly impossible for them to express their ideas by using pure Tibetan or Chinese. Worse still, this semilingualism forms a vicious cycle of linguistic deficit among Tibetans: children who are taught by teachers with low linguistic skills go on to be parents and teachers. Apparently, difficulties and problems in language learning herald the beginning of their failures in school. Tibetan students are not on an equal footing with their Han Chinese peers right from the starting line, which generates further exclusion in higher education.

Irrationalities of a Monolingual Education

Concerning linguistic diversity in the European Union, Furstenu (2002) observes that immigrant minority languages are considered as a source for immigrants’ disintegration into a mainstream society that openly promotes diversity. Similar inconsistency and contradiction exist in education of Tibetan students. On the one hand, every ethnic minority is entitled to use and develop its mother language and script (Zhonghua renmin gongheguo xianfa 2012). Tibetan language teaching is highly advocated as a way to promote Tibetan culture and a symbol of ethnic equality in China (Wan Minggang and Zhang Shanxin 2007). On the other hand, the education system prioritizes Chinese by instilling it with political and economic power. It is clear that a weak bilingual education is taking place for the purpose of a monolingual education in the TAR. There are two main rationales behind this: the earlier and more frequently Tibetan students are exposed to Chinese, the more improvement they can achieve in their learning and a monolingual system enhances political stability and harmony by integrating minority students into mainstream culture (Jing Lin 1997). The current bilingual education model seems to have achieved neither of the two purposes.

First, as mentioned earlier, the current bilingual model is not helping with children’s language acquisition. In the TAR from middle school education on, all exams except the Tibetan language exam are conducted in Chinese. For students from

⁶Although the notion of semilingualism has been criticized by many scholars for its negative impacts to the language minorities (Baker 2011), I use it here merely as a way to describe the situation of language acquisition of Tibetan students.

Tibetan inland classes, Tibetan language is an optional subject and its scores are not counted in either high school or college entrance examinations (Postiglione et al. 2007). Furthermore, in college education, Tibetan language is only taught in Tibetan study-related majors. Naturally, under these circumstances, most educators and Tibetan parents believe that it is vital for Tibetan students to start learning Chinese as early as possible so that they are able to thrive academically and professionally. Therefore, students lose their Tibetan language. Meanwhile, they are not necessarily gaining Chinese language fluency since this method goes against the rules and processes of children's linguistic acquisition. Research indicates that on average it takes 2 years for a child to achieve conversational proficiency in a second language, and for academic level proficiency, it takes 5–7 years (Cummins 2000). Therefore, it is irrational to make Tibetan children learn every subject only in Chinese beginning with preschool education. Rather, there should be scientifically designed and well-coordinated language and subject learning schemes or curricula regarding both Tibetan and Chinese languages as teaching media and as subjects in and of themselves.

Second, is the current bilingual model enhancing social and political stability? Schluessel (2007) illustrates how in Xinjiang the implementation of monolingual education attempts to achieve a national unity by dissolving the collective identity among the Uyghur people. The same method is practiced in Tibet, but Tibetan language is an important factor that distinguishes Tibetan people from other nationalities (Wan Minggang and Zhang Shanxin 2007). In addition, as Tochon (2009) argues, the disappearance of one language decreases human beings' ability to think differently. This implies that people who speak the same language tend to hold similar mentalities than others who speak a different language. Apparently, the strong cultural and linguistic bond among Tibetans poses a threat to the highly centralized Chinese Government. Therefore, through a subtractive bilingual education, which is gradually replaced by a monolingual education, Tibetans develop a high command of Chinese language, becoming illiterate in their mother tongue. It is anticipated that not speaking their mother tongue will destroy the special connection among Tibetans, enabling them to easily assimilate to the mainstream culture.

However, the decline and loss of Tibetan language do not necessarily bring about an intended social hegemony and "harmony." In contrast, Ma Rong (2011) reminds us of the danger of forcing minorities to learn Chinese language, giving rise to resentment from the minority population, especially among social elites and intellectuals. Ma Rong's idea is illustrated by Schluessel (2007) who identifies the Uyghur's resistance and resentment towards Chinese learning and describes how speaking only Chinese has become a source of shame. There are many resemblances between Tibetans and the Uyghur: Tibetans, who speak Chinese rather than their mother tongue, are often treated as Han Chinese and are subjected to open and secret discrimination by their fellow Tibetans.

However, although language is an important factor in ethnic identity, the inability to write and speak their mother tongue does not necessarily compromise Tibetans' self of identity. Instead, the cultural and linguistic disconnect created by formal schooling makes a lot of Tibetans resentful and resistant towards the central government. Their native-level command of Chinese language provides them with great

advantages to become powerful dissident voices for Tibetans. Actually, a great many Tibetan writers who write only in Chinese have greatly enhanced the Tibetan national articulation (Wang Lixiong 2009).

Summary and Implications for a Better Education

An Education of Liberation and Enhanced Values

In his discussion on education for black Americans, Woodson (1933/1990:2) claims that schools are places “where they are convinced of their inferiority.” Judging from the achievement gaps in Tibetan schools, formal schooling in the TAR seems to work in the same way. Schooling reinforces the notion that Tibetans are inferior and unworthy. In education, this function of schooling could be defined as an unplanned curriculum. It refers to knowledge that is not deliberately taught, but students acquire it from their surroundings and how their society perceives them. Grant and Sleeter (2011:169) have also noted that “the unplanned curriculum ends up teaching in more powerful ways than does the planned curriculum.” This residual knowledge greatly alters cognitive development of the students, which influences not only their ability to learn but also their personal development. Therefore, one aim of this chapter is to identify the injustice and ineffectiveness of stigmatizing and pathologizing Tibetan students in education. Educators and teachers have to design education programs in such a way that it will not only eliminate Tibetan students’ sense of intrinsic inferiority but also enhance their self-esteem and confidence.

Rather than blame the victims for their poor achievements, educators, policy makers, parents, and students have to be aware that the provision of preferential policies may be only a temporary measure. Continual ostracization is certainly not a solution to ensure long-term educational equality and equity for Tibetan students. In the long run, the preferential policies, as “positive discrimination” or “affirmative action” (Wang Chengzhi and Zhou Quanhou 2003; Sautman 1998), are not only a disincentive to students’ progress and accomplishment in academic studies, but they also divert educators’ attentions and efforts to address the fundamental reasons for the staggering achievement gap. Actually, genuine equality and equity are attainable in part through changes and reforms in language issues, school curricula, teaching strategies, and hierarchies of power.

A Bilingual Education for Bilingualism and Biliteracy

This chapter by no means opposes the implementation of bilingual education in Tibetan areas and the learning of Chinese language. As a matter of fact, most Tibetans are willing to learn Chinese for their daily survival and broader occupational

opportunities (Postiglione et al. 2007). Few Tibetans resent the practice of bilingual education as a theory. On top of this, the benefits of learning a second language are well documented in large bodies of scholarly literature (see Grant and Sleeter 2011; Skutnabb-Kangas 2000). Built on several other scholars' work, Tochon (2009:656) introduces a long list of advantages of learning second languages. Some academic benefits include "increasing native language ability," "sharpening cognitive and life skills," and "increasing chances of entry into college or graduate school." However, in the case of Tibetan students, all these positive outcomes are yet to amalgamate. In my opinion, it is because bilingual education in Tibetan areas lacks an essential premise: high proficiency in both Tibetan and Chinese language. In other words, the bilingual education in the TAR is a monolingual model cloaked in the form of bilingual education. There are heated debates about bilingual models and their implementation in ethnic minority areas of the PRC (Ma Rong 2011). Regardless of the typology, a strong and effective bilingual education should have bilingualism, biliteracy, and biculturalism as intended outcomes (Baker 2011). This chapter proposes an additive bilingual methodology, which will be conducive to developing high-level biliteracy in Tibetan and Chinese.

For this purpose, firstly, high-quality language instruction, especially mother tongue instruction, should be ensured. We have discussed the significance of mother tongue education for the acquisition of a second language and new knowledge. Unfortunately, in my work experience in rural schools of the TAR, I observed a shortage of Tibetan language teachers and a surplus of Chinese language teachers. This is a common problem in wider Tibetan areas when old generations of Tibetan teachers are replaced by young teachers. Most young teachers prefer to teach Chinese instead of Tibetan. This is mainly because most young teachers either do not know or have a poor command of the Tibetan language. A language barrier between Chinese language-educated Tibetan teachers and their Tibetan students arises. In the meantime, a relative surplus of Chinese language teachers does not mean that highly qualified Chinese language teaching is available. Actually, a great many Tibetan teachers are good at reading and writing, but poor in speaking since they speak more Tibetan than Chinese in their daily lives. Therefore, on the one hand, teacher training programs should train qualified bilingual teachers. On the other hand, the qualifications of language teachers should be raised.

Secondly, a late exit of Tibetan language as the MI should be carried out. As I have explained, one of the two bilingual education models in Tibetan areas is a transitional bilingual education. The transitional bilingual education falls into two main categories: early-exit and late-exit bilingual education (Merino and Ramirez 1990). Educational research has proved that early exit of mother tongue as the MI is an important and determinant factor in students' underachievement (Benson 2009; Collier and Thomas 2002). Children should learn through their mother tongue or first language till at least Grade 5 or 6 (Benson 2009). In their 6-year study on long-term academic achievement of language minority students in the United States, Collier and Thomas (2002) found one important factor for high achievers: they received 4–5 years of primary schooling in their first language before arrival in the United States (Collier and Thomas 2002). In Tibetan context, studies have also

approved that Tibetan students achieve much better academic performances while they are taught and tested in their mother tongue rather than Chinese (see Wang Shiyong 2007). Therefore, this chapter suggests that Tibetan students should be educated in their mother tongue at least through primary school.

Last but not least, the status of Tibetan language should be enhanced in the education system. One important approach of achieving this aim is that, like Chinese language, Tibetan language should be treated as a main course in practice. Just naming Tibetan language as a main course amounts to nothing. Instead, the result of the Tibetan language courses should be accounted for in major exams, such as high school and college entrance examinations. This approach is particularly for Tibetan students who are included in the Tibetan inland classes. Moreover, the teaching content and methods of Chinese language teaching should be culturally relevant for Tibetan students. Developing teaching materials for bilingual education should not be reduced merely to a project of translating Chinese materials into Tibetan language.

Conclusion

Throughout this paper, the dichotomy of inclusion and exclusion of Tibetan education is clear. When the central government attempts to include all Tibetan students in education, it simultaneously excludes many more Tibetan students. When policies include the rights of Tibetans, practices exclude their chances to realize their rights. This educational function of inclusion and exclusion is known as “double gestures” of schooling (Popkewitz 2008). To achieve a genuine inclusive education for Tibetan students, it is of great importance for educators, parents, and students to be aware of the double gestures of education. With this awareness, various assumptions and problems within education for Tibetans could be identified and altered. Ultimately, an education with the best interest of Tibetans in particular and of China’s development in general is possible. In addition, a successful education for Tibetans means “Education that is about empowerment, liberation, transcendence, about renewing the vitality of life” (Hooks 2003:43). However, how to liberate and empower Tibetans remains a tremendous challenge to educators and policy makers. This chapter is an initial attempt to open dialogues and discussions on better educating the Tibetan ethnic group in the TAR.

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Chapter 7

Interpreting the Ethnicization of Social Conflict in China: Ethnonationalism, Identity, and Social Justice

Grace Cheng

Abstract Accompanying the tremendous growth of the PRC economy has been the ethnicization of social conflicts. This chapter explores why tensions between social groups in the PRC have frequently been cast in ethnic terms in recent decades. It questions the characterization of such tensions as “ethnic conflicts” and argues instead that they are reflections of fundamental issues of social justice, which will not be resolved solely by ethnic solutions, such as minority rights and ethnic autonomy. The chapter explains how ethnicity is made salient as a result of the increased density of ethnic mixing resulting from intensified migration within the PRC, as well as the impact of other aspects of economic liberalization and global integration. It is also a reflection of a social fragmentation that is the result of the crisis faced by the state. The crisis is marked by the undermining of the state as an autonomous unitary actor by the forces of decentralized economic power within the country and global pressure from without. The state’s failure to effectively address critical problems like regional disparity and economic and physical displacement contributes to the ethnicization of identity, as groups are put in increasing competition with each other in overlapping spaces and markets. The turn to a cultural basis of identity, therefore, arises as the material basis for a “civic” identity tied to the state no longer exists.

Keywords Ethnicization • Ethnonationalism • Ethnic conflict in China • Social justice

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Introduction: The Resurgence of Ethnicity in the PRC Today

Ethnicity is resurgent in the PRC today. The diverse manifestations of this have both positive and negative implications for the stability of the Chinese polity. Among the positive manifestations are expressions of the pride in ethnic heritage among ethnic minorities and those of mixed Han and minority parentage. There has been a dramatic rise in the population counted as members of minority nationalities: from 6.62 % of the total population in 1982 to 8.49 % according to the 2010 census. This suggests many individuals formerly identifying themselves as “Han” claiming other ethnic backgrounds. This may in part be attributed to state policies, such as exemption from the one-child policy, as well as affirmative action programs (*youhui zhengce*), which provide individuals with incentives for self-identification as members of minorities.

This trend also indicates a new openness and appreciation of ethnic diversity in Chinese society. Indeed, ethnicity is “chic” among the emerging consumer class, which demonstrate increased interest in ethnic cultures, particularly food, aesthetics, performance, and other cultural displays. Meanwhile, some scholars believe that a distinct form of multiculturalism has emerged in the PRC (McCarthy 2009). These signs of social integration reflect some successes in state efforts to promote ethnic diversity and the social standing of minorities since the 1980s. They indicate what a postnational China may potentially look like, if we understand the notion of the postnational as a condition characterized by the transcending of the national frame—and the exclusionary identity and narrow interests associated with it—for a model of multicultural coexistence, tolerance, and even celebration of diversity.

While many positive efforts have been made towards this end, the question of the depth of the state’s commitment to ethnic diversity was raised by observers of the opening ceremony of the 2008 Olympics in Beijing, in which most of the “ethnic characters” were played by members of the Han majority in ethnic costume. The lack of minority participants in the performance suggested the state’s desire to control ethnic expression and the lack of representation and participation by minorities in practice (Kim 2011).

Whatever the case, the state has reason to be anxious about many manifestations of the ethnic resurgence. The ceremony’s representation of multiethnic harmony contrasted with the violence that surrounded the Olympics, including a Uighur attack on public security forces in the Xinjiang Uighur Autonomous Region (XUAR) as well as rioting by ethnic Tibetans in the Tibetan Autonomous Region (TAR) and surrounding Tibetan regions following a state clampdown on monasteries commemorating the 49th anniversary of the Dalai Lama’s exile. The international media’s focus on the PRC’s ethnic policies, particularly with regard to ethnic Tibetans, sparked an angry response by Han nationalists. Meanwhile, sentiments against affirmative action and minority rights found among Han were intensified following attacks on Han communities in the western provinces.

While many have commented on the rise of nationalism among the Han, the opposite phenomenon of fragmentation among the Han has also become evident. Self-differentiation among the Han on the basis of their distinct ethnolinguistic regional

heritages may be observed both among wealthier communities as well as migrants from poorer regions. Groups assert such identities in the context of their mutual encounters, which are the result of the massive economic and physical displacement of communities accompanying the country's rapid economic transformation.

An intense rate of mobility has placed many different groups in direct competition over limited space, markets, and resources throughout the country. Although many of these conflicts have been cast in ethnic terms, these are less about ethnic cultures coming into conflict in the PRC than the underlying problem of social justice that has been sacrificed in the country's pursuit of economic growth, which has resulted in a destabilizing social fragmentation. Thus, despite portrayals to the contrary in some accounts, ethnonationalism is on the wane in the PRC, not only among the Han but also among other ethnic groups. This does not mean, however, that the resurgence of ethnicity does not pose a potential threat to the viability of the state. On the contrary, the casting of so many social conflicts in ethnic terms reflects the negative side of the transition to the postnational: the crisis of the state, particularly its diminished ability to redistribute social goods and thus promote a national identity based on common civic values. Therefore, the PRC's transition to the postnational also presents a potentially destabilizing path marked by social conflict and fragmentation.

The “Ethnic Conflict” Perspective

Despite the state's efforts to improve the material conditions of Tibetans and Uighur, expressions of discontent among these communities seem to be intensifying. Many analyses have adopted an “ethnic conflict” approach to these developments, which reflects all the problems of the concept of “ethnic conflict” (Gilley 2004). “Ethnic conflict” analysis interprets conflicts between groups that are characterized by distinct ethnic markers as the result of essential antagonisms between the groups or of irreconcilable cultural differences. The fundamental problem with this analysis is that such assertions cannot be validated or tested. Critics of the concept have demonstrated that what were often dubbed “ethnic conflicts” in the post-Soviet sphere were actually linked to structural changes taking place in the post-Cold War transition (Crawford and Lipschutz 1998). The transition from communist rule created insecurity, thus leading to the turn to community networks as the source of material support as well as identity.

Many social conflicts involving different ethnic groups in contemporary China also may be linked to the impact of structural changes on relations between groups. Because the groups are distinguished on the basis of ethnic identity, these conflicts may give rise to a form of identity politics, bringing together individuals who become socially marginalized as a result of the destabilization of the communities to which their individual well-being is tied. Ethnicity becomes salient in this mode of advancing the particular claims of those participating in such behaviors, which involve issues that are typically classified as social justice issues.

Because communities have as their basis a consciousness of historical collective cultures, cultural and social justice issues may appear so intertwined that they become difficult to distinguish. However, identity politics are “ethnic” in nature only if the individuals involved are motivated by attacks on their collective culture. Such instances are rare and intractable, as the issue that gives rise to conflict must be “purely identificational, often irrational, and deeply impervious to amelioration,” for example, acts involving the Ayodhya temple and Temple Mount (Gilley 2004:1160). In most other instances, ethnicity is a means for a political entrepreneur to mobilize supporters (the means-based approach) or is the basis for identity with a group whose motivation for participating in social conflict is some form of structural deprivation (the ends-based approach).

Therefore, it is the critical cause, such as a form of social injustice, as opposed to the proximate cause of the conflict, such as a police action against a member of the group, that should determine whether a conflict is ethnic in nature or not. This distinction is important because identification of the causes informs the type of solutions offered. Therefore, because it may be difficult to disentangle cultural issues from social justice issues, analysis of social conflicts should begin with discovering the particular conditions in which such phenomena arise before it can be legitimately concluded that they are ethnic conflicts.

Problematically, many political analyses of ethnicized social conflicts in the PRC have been preoccupied with cultural issues and often resort to cultural explanations. Many works interpret these conflicts as the result of the historical and ongoing disadvantages that arise from the hegemony of the majority culture. Their central concern is addressing the particular issues faced by minority ethnic groups through better implementation of minority rights principles, such as mechanisms for more effective representation, broadening inclusion of minorities in decision-making, training of state officials on better practices and in ethnic languages, and promoting intercultural understanding through multicultural education.

This approach is valuable as far as evaluating the PRC’s record against a normative standard. However, the reforms and measures prescribed may not be effective in addressing the tensions between ethnic groups. In European states, where material conditions and human rights records are far better, such solutions to intergroup tensions—multiculturalism, minority rights, consociationalism, autonomy, and referendums on sovereignty—have not resolved the problem of exclusionary practices and intergroup tensions. Even prior to the 2005 riots in Clichy-sous-Bois near Paris, which spread throughout Europe, the ineffectiveness of these programs was the subject of intense debate in Europe. Therefore, while achieving the improved rights and material conditions enjoyed in the West is a highly desirable objective, Europe’s problems suggest that such measures alone may not guarantee multicultural coexistence, but may actually intensify intergroup competition.

With multiculturalism declared a failure in Western Europe by prominent political and intellectual figures, scholars are rethinking the premises of such policies and investigating of the deeper roots of their failure. They have argued that the existence of minority rights does not guarantee respect for minority groups in the public sphere or within political institutions (Taylor 1992); that multiculturalism has failed

to promote common ground while solidifying separate identities (Bhabha 1992; Parekh 1999); that minority rights, multiculturalism, and affirmative action create competition among groups (Delanty 2008); and that autonomy regimes often drive communities further apart, as well as restrict the choices of individuals belonging to “protected” communities (Smith and Cordell 2008).

Although the two often overlap, ethnicized social conflicts differ from ethnic protest against the state in that they may become intensified with the state’s adoption of measures to promote the well-being of some groups if it fails to also address the fundamental issues that create the context for hostile relations between groups. Therefore, scholars of ethnic relations in Europe go beyond evaluation of the state’s implementation of rights and protection of minority cultures and regard this as insufficient for analysis of tensions that erupt despite state provision of group protections. For example, they recognize that many members of the white working class experience intense competition and lack of personal work and financial security and therefore question “special” guarantees for groups based on ethnic membership (Delanty 2008). With the withering of the welfare state, minority rights and related programs produce greater competition over a diminishing amount of goods and opportunities.

Therefore, racism and ethnocentrism are not explanations of white working class hostility to minority rights programs but are indications of other problems. Such tautological explanations also quickly fell out of favor in analyses of social conflicts in Eastern Europe in the 1990s. Even in examining the rise of xenophobic nationalism among white Europeans, European social theorists do not regard racism, ethnocentrism, and xenophobia in Europe as persistently latent features of European civilization. For example, Habermas (1991) explained the rise of xenophobic German nationalism in the 1990s on the basis of state crisis, describing it as “welfare nationalism.” Such attitudes are not explanations of ethnic tensions but symptoms of contemporary developments, particularly the dismantling of the welfare state and globalization’s pressures on national economies.

In contrast, there is little effort to explain racist or discriminatory attitudes in the PRC. Instead, they are sometimes characterized as part of a supposedly long tradition of “Han chauvinism” in works that suggest that the source of tensions is the inherent Han ethnic bias of the state (Harrell 1994; Rossabi 2004; Smith 2008; Bovingdon 2010). To be sure, there are undoubtedly tensions between communities, as well as numerous instances of racism and discrimination. Beyond this, there are discernible disadvantages faced by many minority groups in terms of education level, access to education, language and skill training, as well as access to capital. However, to the extent that these attitudes and problems exist, the neglect of rigorous theorization of the reasons for the present state of animosity between groups leads to distorted analysis and unrealistic solutions, which are not necessarily normatively desirable.

Those who perceive an essential cultural antagonism between Han and other communities tend to support preserving differences and divisions among ethnic groups as a strategy for protecting ethnic minority communities. The most problematic of these is the sovereignty solution (Smith 1997; Bovingdon 2010). The visions

upon which this strategy is premised are unrealistic and have already proven problematic in historical cases where it has been applied. Its focus on cultural and territorial issues also obscures the pervasiveness of human rights deprivation and fundamental lack of social justice that foster insecurity and intergroup competition.

The fixation on the cultural dimension and territorial solutions diverges from thinking elsewhere in the world. Popular support in the West for ethnic self-determination has raised concerns among scholars about the moral hazard such support creates, since Western states are unlikely to intervene in support of self-determination. Therefore, support for intervening on behalf of oppressed groups may contribute to intensifying ethnic conflict within states, because it emboldens these groups to rebel despite the unlikelihood of intervention (Kuperman 2008). Since the breakup of Yugoslavia, the viability of new states has also become a major concern, since they are faced with collapse if external support were to be withdrawn. Experience has shown that territorial autonomy regimes established within states may also prove detrimental for minority groups, as they may result in the withdrawal of material support from the state for these ethnic groups. Furthermore, they only address the issue of cultural autonomy, which is an issue of contention between an ethnic group and the state, so they are unlikely to deliver resolution of the underlying issues that gave rise to conflicts between groups in these regions. Lastly, given the inevitability of other minorities (including diasporic groups), any type of territorially based solution presents a real threat of ethnic cleansing.

For these reasons, the concept of non-territorial autonomy has reemerged in discussions about the dilemma of ethnicized social conflict in Europe (Coakley 1994; Nimni 2005; Smith and Cordell 2008). This concept has appealed to scholars and policymakers because of their broadened normative agenda: to address collective cultural claims without violating the rights and liberties of other groups or individuals and without hindering the development of transcommunal exchange and cooperation.

Ethnic Identities in Context

Besides the practical issues with autonomy regimes, various scholars have noted that the idea of self-determination fails to adequately confront the problem of identity. The idea of a right to self-determination has always received critical interrogation by normative and legal theorists because of the fundamental problem of determining which peoples constitute a nation or which are entitled to such status. Furthermore, once determined, the problem remains of how membership in the nation should be defined. Given the fluidity of identity, these problems have been revealed in practice, even in consociational models of ethnic autonomy (Ghai 2011). Yet, those who support the principle of ethnic self-determination tend to view ethnic groups as self-evident social actors whose identities are inevitably nationalist in character. The tendency to presume the (inevitable) national character of ethnic identity results in the tendency to interpret conflicts in a national, rather than local or regional, context.

Against this perspective, the present ethnic resurgence in the PRC reveals a fragmentation of identities, beyond those officially recognized by the state. This suggests that ethnic identity indeed is relational, that is, it becomes evident to individuals in the context of their encounters with other communities or external institutions. Ethnographic works on the PRC have shown that identities are fluid rather than fixed, the outcome of historical processes rather than essential or inevitable consciousness (Gladney 1996). They illustrate the highly localized contexts in which identities are configured by groups in different ways (Harrell 2001; Wellens 2010).

The relational nature of ethnic identity is also reflected in the assertions of distinct identities on the basis of ethnolinguistic differences among those categorized as “Han.” This phenomenon trends against that of Han ethnonationalism and is not a new problem, but a persisting one. The enormity of the challenge of constructing a unified consciousness among the Han was noted throughout the nineteenth and twentieth centuries by Chinese (Han) nationalists, who lamented the diversity of languages and cultures among those who would be considered Han (Fitzgerald 1996).

Although most officially recognized ethnicities (as nationalities) in the PRC today were constructed in large part on the basis of Stalinist principles, the categorization of the Han and Hui nationalities were not. The term “Han” is a term that came into usage to refer to this group in modern times by nationalists in the nineteenth century. As national identities are the result of political projects, such projects can falter or fail for a variety of reasons. The Communist Party gained support for its national agenda not by virtue of the readiness of Chinese to accept the notion of a common identity but because of its promise of social justice and their coherence and effectiveness in the context of ongoing war and instability. Social justice provided the material basis for a national “civic” identity. The abandonment of this social justice agenda in the reform period has deeply undermined the state’s ability to promote a unified national identity on the basis of common ideology or civic values. As a result, collective culture has stepped in as an alternative basis for identity. The assertions of ethnolinguistic distinctions by various communities officially categorized as “Han” are reflections of this. In the context of their conflicts over different claims—from preserving wealth and protecting property to securing social justice and a basic livelihood—not only do their socioeconomic differences become apparent, but also the linguistic, cultural, and other differences among them.

Many works, however, rest on the assumption that the Han comprise a unified ethnic nation and regard the PRC as its political expression. Therefore, the state is considered at best negligent of the interests of non-Han groups or at worst explicitly hostile and imperialistic in its treatment of these groups (Harrell 1994; Rossabi 2004; Smith 2008). Consequently, this view also presumes that the state’s policies aim at creating optimal conditions for the members of the majority ethnic group at the expense of others. However, other scholars have shown that region, not ethnicity, is a stronger determinant of whether a community is disadvantaged (Gustafsson and Li 2003). This critical variable is shaped by geography as well as historical settlement and economic patterns, and exacerbated by the “urban bias” of communist development during the pre-reform period, then the coastal bias of the reform era development strategy. Given the specific character and conditions of local economies

and other factors, some ethnic groups have fared well with the influx of Han migrants, such as the Nuosu in Sichuan Province (Heberer 2007).

As the critics of the concept of “ethnic conflict” have argued, it is difficult to prove or test any theory of ethnic bias. Furthermore, empirically it is implausible to argue that the state’s policies have widely enriched the lives of Han and Hui migrants, who are often construed by critics as part of a “Chinese colonization” of minority regions. On the contrary, for many, migration is the result of their involuntary displacement from their “homelands” as a result of their diminished ability to sustain a livelihood locally in the current economy. Their migration often yields marginal, if any, economic gain, while it places the migrants’ personal security at great risk (Sautman 2008). Migrant communities are often spatially, socially, and economically segregated on the basis of their language and skills, which are reinforced by the social networks they rely upon to organize their migration and survival in urban areas. As “illegal” migrants in most cases they are denied access to basic social goods and services by the *hukou* (household registration) system, with some cities looking to emulate Beijing’s experiment with fencing off migrant residential areas, which is intended to contain these communities.

As a result, migrant communities face discrimination based on their status as “outsider,” which is marked by language, appearance, customs, and skills. Their distinction from receiving communities by virtue of these factors and their place of origin is a construction of ethnic difference (Honig 1992, 1996; Lipman 1997; Ma and Xiang 1998). Rather than adopting a politics of class difference, migrants reify their ethnicity by retaining identity with their native places, or *laoxiang*, which suggests the extent to which opportunity structures are “ethnic” in character even among the Han. Therefore, as Gladney (Council on Foreign Relations 2008) has pointed out, whereas Uighurs complain of Han discrimination in Xinjiang, members of different “Han” groups carry out their social existence through separate economic networks hailing from the same *laoxiang*, which function in languages distinct from those spoken by other Han. This pattern of practice may be observed throughout the PRC, as well as historically among the diaspora.

The ethnicization strategy may also be found among better-off groups who conceive of themselves as communities besieged by threatening Others. The more affluent Chinese in the south assert their distinct “Tang” lineage against the presence of poorer migrants from other provinces in their midst, as well as against the attempted exertions of control over them by the political center in the north. This assertion reflects the perception among many southerners of both migrants from poorer provinces in their midst and the central government in Beijing as threats to their hard-earned wealth, as Beijing seeks to bolster its legitimacy by redistributing their wealth to these poorer regions. Such ethnic self-identification in part may be understood as the subjective efforts of southern communities to retain control over their local economies.

These examples illustrate how ethnic identity is constructed on the basis of collective networks made salient under specific conditions. Some local governments have even recognized such differentiation of identity among locals and migrants and

are attempting to reduce social tensions between these groups through “multiculturalism” in education (Kawai 2012). In the PRC today, this ethnic resurgence is an outcome of the decentralized growth process, which produces sectional interests on the basis of regions, characterized by distinct languages, cultures, and histories. The assumption of the national context of ethnic politics obscures the impact of state macroeconomic policy on complex local economies and, therefore, the local dimensions of these communal conflicts and the social justice issues that give rise to them.

Ethnonationalism on the Wane

In his study of the PRC’s 1956 Ethnic Classification Project, Mullaney (2011) concludes that, if communities were left to their own, they would have defined their identities in highly local terms. Local context remains important in shaping identity formation and related processes in the PRC today. For example, in Southwest China different communities conceive of their ethnic identities in distinct manners, employing elements such as culture, kinship, and history to expand or constrict the boundaries between them (Harrell 2001). Scholars of the region thus argue that local context is essential to comprehending the scope of identity (Wellens 2010).

These works contrast with Kaup’s (2002) argument that officially determined administrative boundaries have hindered the consolidation of ethnonational identity among the Zhuang. Despite acknowledging that the concept of a Zhuang nationality is an artifact of the state and the lack of national consciousness among the Zhuang historically and presently, Kaup nevertheless suggests that the consolidation of national identity would be more effective for achieving the goals of the Zhuang as a whole. This assumption runs contrary to historical experience, which reflects that beyond threats to their common cultural institutions disparate communities have difficulty coming to internal agreement at the national level, given that local experiences and interests are often different.

Just as ethnonational identity is but one possible construction of ethnic identity, ethnonationalist protest also is but one, though not always necessarily the most effective, form of ethnic protest. The issue of effectiveness, of course, is defined by the objectives that those participating in the protest would like to achieve. The scope of ethnic protest, like the configuration of ethnic identity, reflects the particular contexts from which they emerge. The two cases below illustrate the variation in the scope of ethnic protest.

Although studies have demonstrated that all migrants are treated poorly regardless of ethnic background (Davin 1999), Tibetan and Uighur communities in cities outside of TAR and XUAR experienced discrimination and poor treatment during the riots of 2008 and 2009, respectively. The discrimination of Tibetans and Uighurs by Han during these crises reflected the ethnic issue in a national context. While the proximate cause was the violence against fellow Han in Tibetan regions and the XUAR, the critical cause was the Han nationalist resentment of international

support for ethnonationalist calls for independence for Tibet and Xinjiang, which Han nationalists perceive as attacks on Chinese sovereignty.

The conflicts between competing ethnonationalist groups over territory and sovereignty over these regions have garnered much attention. Meanwhile, conflicts between groups as played out at local levels have largely been neglected. The dominance of ethnonationalist framings of such conflicts is not unusual. In several “bias incidents” in the USA in the 1986–1991 period, African-American community leaders reframed the brutal treatment of Caribbean immigrants to illustrate their claim of the improbability of justice for blacks in the USA.¹ In contrast, the immigrant communities of the victims of these incidents did not share the perception of the violations as an indication of the futility of integration into US society. Similarly, the Han and Hui in Tibetan-majority towns, who were victims of the 2008 Tibetan riots, and the Tibetan migrants in Han-dominated cities, who bore the brunt of Han nationalist disgruntlement in the riots’ aftermath, should not be presumed to perceive the issues at a national level or embrace the political agendas of their nationalist counterparts.

In the USA, despite predictions of imminent race war following these incidents, black nationalism has been on the wane among African-Americans. Although there are limits to comparisons with the situation of African-Americans, these cases illustrate that the significance of such conflicts at the national and local levels often reflect two separate sets of dynamics, which may converge on certain issues but diverge on others. As with the “bias incidents” in the USA, there has been an over-emphasis on the national context of the Tibetan and Uighur issues, rather than local dimensions. This reflects the securitization of these issues by both the PRC leadership and foreign analysts. With regard to the latter group, their focus on Han nationalism and their tendency to represent these conflicts as the result of the state’s imperialistic behavior parallel Western anxieties about the PRC’s expanding role in world affairs (Shambaugh 2008). Support for territorial autonomy or sovereignty for non-Han nationalities echoes a desire to contain “China’s rise,” which threatens the interests of competitor states. The portrayal of the Chinese state as an irrational actor enlarges the security threat represented by the PRC, although alternative analyses are possible. For example, we can apply Toft’s (2006) analysis of “ethnic

¹One of these was the 1986 “Howard Beach incident,” in which a Trinidadian immigrant, Michael Griffith, was killed after being attacked and chased onto a highway by a gang of whites. Another incident took place in 1990 and involved a dispute between a Haitian-American shopper and a Korean-American shop owner. It escalated into a boycott by blacks of Korean groceries, culminating in firebombings and fights. In both these cases, African-American community leaders arguably stoked African-American resentment by highlighting police bias in these incidents. The 1991 Crown Heights incident began with an Orthodox Jewish driver hitting a 7-year-old immigrant boy from Guyana. Several nights of rioting followed, as a dispute over whether a Jewish ambulance failed to treat the dying boy. What is significant in these three cases is the contrast between the consciousness motivating African-Americans, as descendants of involuntary immigrants, who saw the incidents in terms of a history of oppression of blacks in the USA, and the perspectives of the victims’ communities, who saw these offenses in more specific context.

conflicts” in the post-Soviet sphere, which finds that groups that comprise relatively concentrated majorities in specific territorial spaces are most likely to demand sovereignty. Accordingly, such groups are most likely to incur harsh responses by states for which such demands set destabilizing precedents if other groups with similar characteristics also seek secession. Toft concludes that, given that territorial integrity is an integral element of state identity, the effort to extinguish threats of separatism is logical because they represent existential threats to the state.

As such, the PRC remains overly concerned with the threat of “splittist” movements. However, as is the case with the Basque in Spain and Quebecois in Canada, ethnonationalism is on the wane among Tibetans in the PRC, while the consolidation of such an identity among Uighur continues to falter. While some of the perspectives and objectives of many Tibetan and Uighur protestors are also typical of ethnonationalist protest, upon closer inspection the primary frame of reference of ethnic protest in the Tibetan regions and the XUAR remains highly localized. Therefore, although policy-makers in the PRC continue to treat problems in the TAR and XUAR largely as security issues, they are more likely reflections of a social justice crisis and the deficiencies of political institutions.

Since the PRC launched its “war on terror” against the Uighur community, the ethnonationalist movement has become more prominent internationally. However, within the XUAR Uighur identity remains highly fragmented. Scholars have observed this throughout the past century (Akiner 1991; Millward 2007). The historical East Turkestan Republic² reflected the linguistic, ethnic, and religious diversity of the region and was conceived as multiethnic to reflect its population of Uighur, Kirghiz, Kazakhs, Hui, Manchu, White Russians, and Mongols. This diversity posed obstacles to the Republic, although East Turkestan independence movements historically were multiethnic, not vehicles for Uighur national independence. Today, although conflicts between Han and Uighur persist in the region, scholars report that there’s little evidence of widespread support for a specific Uighur independence movement in the XUAR (Baranovitch 2003; Shichor 2012).

There does appear to be some consolidation of ethnic identity among the Uighur in recent years. However, this is more accurately characterized as ethnic regional protest rather than ethnonationalist movement aiming to unify the group and establish a separate state (Yiftachel 1997). Actions that threaten the group based on its identity may mobilize both ethnonationalist and ethnic regional protests, such as the beating deaths of two Uighur workers in a factory in the coastal city of Guangzhou that triggered the violence in the Xinjiang capital of Urumqi in 2009. Despite this overlap with ethnonationalist protest, ethnic regionalist protest does not aim at territorial separation, given geopolitical constraints and the tremendous costs of such pursuits. Instead, ethnic regionalist resistance persists in response to intensifying competition over ownership or use of land, as well as the heightened visibility of socioeconomic inequalities. Their physical assaults on the system and on

²The three efforts to establish the East Turkestan Republic in 1933, 1944, and 1949 were short-lived.

competitor ethnic groups reflect underlying protest against the policies that have created a new ethnic geography in the region (Yiftachel 1997:103).

Regarding a case with many similarities to the Tibetans', Yiftachel (1997) differentiates between Palestinian ethnonationalists, who can be found among the diaspora as well as in the Palestinian territories and in Israel, and Palestinian ethnic regionalist resistance within the State of Israel. In both the Tibetan and Palestinian cases, there are factors common to the ethnonationalist and ethnic regionalist protests among them, including symbolic protest events that form collective memory and identity: in the Tibetan case, this includes the exile of the Dalai Lama and state repression of the Tibetan clergy. While the objective of ethnonationalists is national reunification and territorial independence, ethnic regional protest aims at ethnic self-determination and/or other rights for that part of the ethnic group in the region where the protest takes place. Yiftachel argues that the objectives of many Palestinians within the State of Israel have adjusted in accordance to the withering of the hope of Palestinian recovery of land lost to Israel, given the intolerable costs of such efforts. Therefore, their objectives should be distinguished from those of ethnonationalists.

Based on reports of their reactions to the incidents of 2008 and 2009, it is not likely that resident Han communities embroiled in the violence in the TAR and XUAR, share the same objectives as Han nationalists. In 2008, the resident Han (and Hui) communities in the Tibetan regions did not participate in anti-Tibetan demonstrations or even retaliated to the violence meted against them. Possibly because of lack of preparedness for such an outbreak of lawlessness, the local police did little to protect these communities. As many of those targeted in the Tibetan riots were poor migrants, the state's subsequent crackdown on suspected Tibetan instigators of the violence was viewed less as an effort by the state to protect them than one to assert state power. A similar perspective was reported among Han, who protested in Urumqi in late 2009 against the lack of state protection against syringe attacks against the community allegedly by ethnic Uighur. Indeed, many Han in Xinjiang have been critical of the state for creating the context for the hostility between the groups.

External Linkage and Local Ethnic Tensions

As discussed above, the territorial solutions urged by scholars supporting the claims of ethnonationalists are problematic. Normatively, the major objections are that such solutions place other groups—the inevitable minorities and diasporic groups—at a disadvantage, if not at physical risk, while hindering the development of trans-communal links by rigidifying group difference. These approaches also lack a social justice agenda and fail to allow for fluidity of identity. The following case involving Hui communities illustrates these problems.

The 2008 Tibetan riots in the TAR and Tibetan-dominated parts of Gansu, Qinghai, and Sichuan provinces reflect as much historical regional interests and

local dynamics, as they do resistance to policies of the PRC (Fischer 2005). The actual participants in the 2008 riots against Han and Hui in Lhasa and other Tibetan towns were unemployed Tibetan migrants from rural areas. To conclude that they share the political objectives of ethnonationalists presumes the successful consolidation of ethnonationalist agenda. However, various Tibetologists have demonstrated that internally the Tibetan national movement faces the same fundamental issues of any nationalist effort to consolidate a national identity and mobilization (Shneiderman 2006). Ethnic Tibetans prompted by the PRC's call to "overseas Chinese" to return "home" demonstrate the limits of the ethnonationalist effort to promote national identity consciousness among all ethnic Tibetans (Vasantkumar 2012).

Beyond the practical problem of effectively reaching an entire ethnic population, the constitution of ethnonational identity may be undermined by other developments. This is particularly true when a religion is central to the project of ethnic identity construction, as Tibetan Buddhism is to the Tibetan ethnicity, because such definitions of ethnicity are likely to be disrupted by the transmission of the religion beyond ethnic boundaries. For example, the Palestinian issue has morphed from an Arab then Palestinian ethnonationalist issue to one dominated by Islamist movements, whose identity and political orientation are informed by religion rather than cultural and linguistic identity. In recent years in Malaysia, where ethnicity has historically been the basis for the major political parties, the deep association of Islam with Malay ethnic identity has been upset by the great numbers of ethnic Chinese converting to Islam (Bakar 2008). These issues may not have arisen yet with respect to the association of Tibetan Buddhism with the ethnonationalist Tibetan movement, but the centrality of the religious dimension—particularly the clergy—to the movement and its construction of ethnic difference may face challenge, given the growing numbers of middle-class Han converting to the practice (Barnett 2008). On the other hand, the survival of Han adherents to this variant of Buddhism during the anti-Tibetan backlash of 2008 also reveals that the de-ethnicization of Tibetan Buddhism may cause Han nationalism to eventually falter as well (*ibid.*).

The notion that the Hui nationality is the only ethnic category based explicitly on religion is not accurate, in practice or in principle. Like the "Han" nationality, "Hui" is a broad category created by the state to distinguish so-called "Chinese Muslims" from Turkic and other "ethnic" Muslim groups. Hui are of mixed "Han" and "foreign" Muslim descent, particularly Muslim traders from western and central Asia who were active in the historical overland and maritime trade in China. Because of their commercial and artisan vocations, Hui communities may be likened to diaspora groups, as they are situated along such historically established commercial networks that traverse through western China, as well as in the coastal region. The Ningxia Hui Autonomous Region was established in 1958, although the Hui form less than one-third of the population there, as most Hui communities are not territorially based.

Hui communities speak one of various "Han" languages (of which there are eight major families and numerous variations within each) as a "mother tongue" and retain

some “Chinese” customary practices. Depending on the context, their “Chineseness”—or degree of Sinicization—may define their “ethnicity” in relation to others. For example, many of the targeted “Chinese shop-owners” in the 2008 riots in Tibetan towns were Hui (Wang 2008). There have been dozens of riots by Tibetans during the past two decades against the Hui, as well as attacks on Hui mosques and coordinated boycotts of Hui businesses in regions where Tibetans are concentrated and Muslim commercial and other vocational communities have been present since the Yuan dynasty (Council on Foreign Relations 2008). The chronic violence against the Hui raises the question of whether they serve as a convenient target for frustrated Tibetans whose grievances are actually against the state, or if this is a much more localized antagonism that persists in the context of a rapidly changing economy.

One factor likely behind Tibetan targeting of the Hui is the loss of business opportunities for Tibetans in recent decades. During the reform period, many Hui revived their commercial networks and subsequently came to dominate the relatively more lucrative emerging commercial sector, so that for example by 2008 Hui had come to own the majority of souvenir stands in Lhasa. Fischer (2005) suggests that Tibetan riots against Hui in 2003 were instigated by Tibetan businessmen and nationalist monks, whose distinct interests would be served by the push of Hui from the regional economy. The roots of the riots in the 2000s may therefore be tied to the ethnic structure of the regional economy, with the Tibetans’ economic reliance on commodity products becoming subject to world commodity price fluctuations, while Hui commercial and vocational enterprises fared relatively better. Historically, until the beginning of the reform period, however, the landless Muslims of the Tibetan regions were considered to be poorer than Tibetans, who dominated the local social hierarchy. Therefore, recent economic developments have radically upset the local social order, which typically instigates efforts by groups to restore their relative status from erosion.

Given the context in which tensions between Tibetans and other ethnic groups arise, the promotion of Tibetan cultural rights or regional autonomy will not resolve the challenges that external economic forces pose to the Tibetan reliance on commodity production. Nor is it a normatively valid position to sanction the Hui’s return to their prior subordinate status vis-à-vis the Tibetans if the economy could somehow be shielded from change or exchange with other communities. Therefore, while ending the human rights and other abuses of the state should be a goal and would alleviate some of the tensions in the region, it would not necessarily defuse the tensions between resident ethnic communities, even if migration from other parts of the PRC were somehow halted.

Diasporic groups, such as the Hui, are disadvantaged by territorial autonomy schemes. As they tend to be spatially dispersed to serve economic niches, the identities of Hui communities arise from the distinct sociological character of their ethnic economic networks, rather than from physical concentration in a “homeland.” Hui are also distinguished from each other by ethnolinguistic differences, sectarian and social practices. Geographically scattered throughout the country, including in regions dominated by Tibetan and Turkic ethnic groups, their roles and positions in each regional economy vary. Hui communities present in Tibetan regions were

historically subordinates on the social hierarchy over which Tibetans reigned. Meanwhile, Hui (Tungan) in Xinjiang have held a significant role in the economy since they were established in the region in the early and mid-Qing dynasty, when they brought significant trade with metropolitan China.

Despite their established historical presence in the western provinces of the PRC, given their lack of direct claims to territorial space, Hui are not likely to demand territorial autonomy, so they are less likely to provoke the ire of the state as are groups that constitute a concentrated majority in a specific territorial space. This seems to have translated into less advocacy for issues of concern for their communities. For example, while the PRC's tightening of restrictions on the religious practices of Uighurs have received critical attention because similar restrictions have not been placed on Hui religious institutions, attacks on Hui religious institutions by Tibetans have not drawn much critical commentary. This may reflect also the tendency to resort to culturalist explanations that treat Hui and Han communities as part of a collective "Chinese" threat to non-Sinicized minorities. The proposed alignment of the "Chinese"—Han and Hui—against other ethnic groups, however, is not tenable. Historically, different Hui groups supported the state while others supported its opponents, based on calculated group interest rather than any organic affinity to a "Hui" national group or to the Chinese state. For example, during the late Qing, some Hui militias from the northwest supported the imperial effort to pacify Muslim rebellions and supported imperial rule in Gansu. Meanwhile, Tibetan forces often supported the Qing military in pacification campaigns against Muslim rebellions. Following the demise of the Qing dynasty, some Muslim families sought favor with the Republican government while others served warlord armies in Xinjiang, contributing to the fragmentation of the state (Forbes 1986).

Hui and Han communities have clashed elsewhere in the country, such as in Henan Province in November 2004, which resulted in a number of deaths after members of the two groups attacked each other and set buildings on fire. Meanwhile, a recent work on Muslims in the PRC cites numerous incidents of state discrimination against the religious freedom and other rights of the Hui as well as ethnic conflict between Han and Hui communities since the state's founding (Armijo 2008). The contrast between treatments of the Hui as an aggrieved religious minority in the PRC and those who regard the Hui as part of a "Chinese" threat to non-Sinicized nationalities reflects the problematic methodology of sifting through events to find examples of specific types of culturally based conflicts—whether religious, ethnic, or "civilizational"—in order to advance the case of essential communal difference between groups on one of these bases.

Conclusion

As the social conflicts described in this chapter demonstrate, conflicts are erupting not only between ethnic minority nationalities and Han communities, but also between local and migrant groups as well as between groups with longstanding relations. The ethnicization of social tensions in the PRC shows that, far from

having an individualizing effect, the liberalized economy has thus far stimulated the social networks that shape identity and reify the boundaries of communities, even while they converge with other groups in overlapping spaces. With the state's abandonment of its social justice functions in this context, many groups have come into intense competition with each other over limited social spaces, markets, and resources, thus giving rise to social conflict. The resulting social fragmentation leaves individuals to look to collective networks instead of the state for social and material support, as well as for identity.

Therefore, the turn to a cultural basis of identity arises as the material basis for a "civic" identity tied to the state no longer exists. Individual rights and group rights are as a consequence indivisible. However, prescriptions for resolving ethnic tensions tend to rest on group rights, defined in a rigid manner that reifies differences among groups and fails to acknowledge individual choice, the fluidity of identity, or the context of intergroup competition. Historical experience elsewhere has shown that approaches that emphasize group rights, cultural differences, and territorial solutions are not effective in alleviating such conflicts, but may instead intensify them if the underlying issues are not addressed. Critical to resolving communal tensions is the state's ability to address the social dislocations and radical disruptions of local and regional economies that are their basis.

Although issues of concern for minorities should not be ignored, minority rights and ethnic autonomy cannot guarantee that equal forms of respect are granted to minorities, as they may intensify intergroup competition, nor will they resolve conflicts which do not fit the "ethnic minority politics" framework. Instead, social justice must be at the center of any reform effort in order to diminish intergroup competition and other sources of hostility between groups, as well as enhance individual choice. The structure of the economic growth engine, which produces the dislocations and inequalities that give rise to social tensions and hampers the state's ability to act autonomously vis-à-vis local power interests, must also be reformed. Although previously considered radical, the latest global financial crisis has already prompted thinkers around the world to reconsider the fundamental features of the global economy as well as the functions of the state. Such crisis moments in history allow for creative reform. For the PRC, this is an opportunity to rethink its present growth-oriented strategy and to recover a social justice agenda. This does not signal a return to a universalist socialist culture, but calls for the continued transition to a postnational condition in which identities are asserted as a matter of pride rather than a basis for exclusion and discrimination.

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Chapter 8

A Harmonious Society: National Policies and Ethnic Relations

A. Tom Grunfeld

Abstract Since the establishment of the People's Republic of China in 1949, central government officials have been unable to agree on a single policy of how to deal with the 55 officially designated ethnic minorities in China. For many minorities, especially ones with small populations or those who have lived in close proximity to Han Chinese for centuries, the problems have been minor. When it comes to others, however, i.e., those who have had little contact with Chinese over the centuries and who have experienced some form of self-government, the authorities in Beijing have struggled to find a workable solution. One set of policies were enforced during the 1950s, only to be changed in the 1960s and then changed again in the 1970s, further altered in the 1980s. Since the early 1990s China's policy towards the restive minorities has been one of economic growth. Their hope is that a substantial increase in the material well-being of these peoples will lead to a reduction in strong ethnic solidarity and nationalism. Billions upon billions of *renmenbi* have been pumped into these regions, especially Tibet and, to a lesser degree, Xinjiang. This chapter explores these policies, the ideology behind them and looks at the results of this massive investment strategy.

Keywords China • Soviet Union • Ethnic relations • National polices • Harmony

Earlier drafts of this chapter were presented at the “Beijing Forum: The Harmony of Civilizations and Prosperity for All—Diversity in the Development of Human Civilization,” Beijing, PRC, 2007 and the “Left Forum,” New York City, 2011.

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Introduction

Almost all of the 200 or so nation states in the world, including China, are multiethnic. On the positive side, heterogeneity can create a rich social, cultural, and political fabric that enhances society. On the negative side, contending cultures can potentially lead to antagonisms ranging from the benign (peaceful political, language, and/or territorial disputes) to the disruptive (restraints on economic development) to the extreme (forced assimilation, ethnic cleansing, violent protests, and the breakup of a state).

Historically ruling elites have paid very little attention to the needs of ethnic, or other, minorities, finding it sufficient to exploit them in good times and militarily crush, or forcibly assimilate, them in times of conflict. Governments which usually represent the interests of the majority, have changed their attitudes and today strive, with a handful of exceptions, to establish a climate of peaceful coexistence among the various ethnic groups they govern. This has been especially true during the last half of the twentieth century which witnessed a revitalization of ethnic awareness and greater demands for recognition among ethnic minorities around the world who, above all else, struggle to maintain their unique characteristics. While referring only to his own country, Soviet leader Mikhail Gorbachev could have been talking about most states when he noted that ethnic nationalism was the “most fundamental vital issue of our society” (Sancton 1988:32).

Relations between minorities and the majority of the population vary considerably depending on geography, history, politics, language, religions, etc. (Brown and Ganguly 1997:7–11). Indeed, many recent hostilities have resulted from ethnic conflicts: Rwanda, Iraq/Kurds, Indonesia, Yugoslavia, Sri Lanka, and Guatemala, to name but a few. These conflicts sometimes resolve themselves through the breakup of a larger state into smaller ethnic-based states as in the cases of the Soviet Union and Yugoslavia and sometimes through the birth of proto-nations such as Kurdistan and Palestine. The best case scenario for multiethnic societies—as American policy makers liked to put it—would be a “melting pot” where ethnic and religious identities recede and become secondary to feelings of nationalism for the country they reside in. This, however, never really works well, even in the United States. Consequently, the “melting pot” theory has been replaced by a “salad bowl” metaphor where every ingredient is clearly identifiable but put together to create an exciting new whole, the ultimate goal being cultural diversity, political unity, and equal rights.

But even the salad bowl imagery of communal bliss can be off the mark. As the former Singaporean Prime Minister, Lee Kuan Yew, once noted, “I used to believe that when Singaporeans become more sophisticated with higher standards of education, these problems [Malay-Chinese ethnic animosities] would diminish. But watching Belfast, Brussels and Montreal rioting over religion and language, I wonder whether such phenomena can ever disappear” (Fellows 1971:5).

Ethnic minorities have begun not only to organize among themselves to protect their identities but have also joined together to collectively assert their demands. In 1991 the Unrepresented Nations and People’s Organization (UNPO) was established in The Hague and today boasts a membership from some 50 regions

(Tibet, Taiwan, Inner Mongolia, Xinjiang, as well as native peoples in Africa, the Americas, Europe and more) representing some 200 million people who are trying to work together to protect each other's interests on a world stage.¹ While hyperbolic, it was Gorbachev who understood the almost universality of the ethnic dilemma when he quipped, on a visit to Yugoslavia in 1988; "show me a country without nationalist problems, and I will move there right away" (Tagliabue 1988:1).

The term "ethnic" is "...derived from 'ethnos,' the Greek word for nation in the sense of a distinctive ethnic group." Sociologists and anthropologists use the term to identify "a group with a common cultural tradition and a sense of identity which exists as a subgroup of a larger society" (Conner 1973:2).

Karl Marx believed in the primacy of class over nation and he theorized that various ethnic groups would disappear but not before nations went through a period of "national in form, socialist in content;" an intermediate stage where local languages and culture were permitted to exist as a way of allaying any suspicions by the minority group. This was critical, he argued, for "...the neutralizing of such suspicion enhances the minority's psychological receptivity to the message ('socialist in content'), an element of which is ultimate assimilation" (Conner 1973:18–19; Newman 1991). Both Marx and sociologist Emile Durkheim predicted that modernization, the spread of education, and urbanization would eventually end ethnic identification.

It was Vladimir Lenin who was faced with the reality of having to put these Marxist policies into practice and as a pragmatic matter he permitted national minorities to maintain their cultural identities when it came to language, education, and religion as long as they adhered to the principles of socialism and did not pose a political threat.

The Soviet Union was the first state to institutionalize "ethnoterritorial federalism," i.e., classifying citizens by their biological nationalities. One Russian academic, writing in 1924, characterized the USSR as a large communal apartment building in which the "national state united various republic and autonomous provinces ... [where each represented] separate rooms" (Slezkine 1994:416). Lenin went so far as to propose ethnic autonomy and even the possibility of secession but he suffered a stroke before he could implement these policies and we will never know if he would have indeed done so.

Lenin's successor, Josef Stalin, agreed that managing ethnic nationalism required considerable care. "A minority is discontented not because there is no [extraterritorial] national union but because it does not have the right to use its native language," he observed in 1950, "allow it to use its native language and the discontent will pass by itself." He went on to argue that the more rights and opportunities a national minority would enjoy, the more "trust" it will have in the state (Slezkine 1994:416).

But then how does one build that trust and manage, and perhaps eventually eliminate, ethnic tensions? "The essence of the nationality question," Stalin argued, "... consists of the need to eliminate the backwardness (economic, political and cultural) that the nationalities have inherited from the past, to allow the backward peoples to

¹See <http://www.unpo.org>, last accessed on August 15, 2012.

catch up with central Russia” (Slezkine 1994:423; Esmen 1991). As we will see this notion that economic development can diminish, even eliminate, ethnic nationalism is alive and well today in China, a policy of winning hearts through stomachs.²

To be sure, Stalin knew that when the state was threatened he could easily jettison his political philosophy and the sensibilities of the ethnic minorities were simply ignored as witnessed by his forcible deportation of ethnic groups around the nation: Crimean Tatars, Volga Germans, Chechnians, etc. These repressive policies ended with his death (Jalali and Lipset 1992–1993:593; Tuminez 2003). These actions, the failure of the winning hearts through stomachs strategy and the general inability of the Soviet state to make non-Slavs feel as though they were equal citizens of the Russian state, led to the alienation which resulted in the creation of several ethnic-based nations immediately upon the Soviet Union’s collapse.

After the end of the second world war, and certainly by the 1960s, theories pertaining to ethnic minorities needed rethinking.

More emphasis was now placed on peaceful coexistence—a harmonious society—which is essential for economic development, social peace, territorial integrity and the preservation of the ruling elites’ power. To this end governments have implemented a plethora of policies designed to allow ethnic minorities to feel that they are stakeholders in the nation-state they reside in. Or, in the very worst cases, have used repression in an attempt to force the minorities to assimilate into the majority culture.

Discontent among minority ethnic groups leads to burgeoning nationalism (“local nationalism” as it is known in China) which, in turn, can lead to a series of challenges to a government. While in some cases ethnic groups live in relative harmony with their majority neighbors (usually in cases where minorities feel culturally and politically secure such as the French in Quebec or the Basques in Spain), there are far more examples of government policies that have failed to meet these lofty goals and often, inadvertently, highlight and intensify the very differences between the groups. For example the promotion of one language, religion, customs, etc., by extension, denigrates others (Jalali and Lipset 1992–1993:593; Tuminez 2003).

Power invariably lies with the state which gives it an enormous advantage as to how it responds to dissent, how it defines the terms of negotiations and, indeed, the very nature of the discourse. Government policies aggravate situations when they fail to convince their citizens that they represent their aspirations. The policies that work best are those that safeguard the interests of the minority: interests—and this is crucial—as defined by the minorities themselves rather than the state (Welsh 1993).

States need to acknowledge the legitimacy of minority aspirations. State policies, in the words of one scholar, are only “...successful when [they] simultaneously increase [their] sphere of influence and respond credibly to popular demands... [and] whether or not it succeeds...depends on its ability to persuade people that it is beneficial to themselves” (Eriksen 1991, 1993).

²This notion is widespread. Recently the President of the Romanian Senate has ridiculed the “ethnic obsessions” of the Hungarian minority in his country and urged “economic strengthening” (Szilak 2011).

There are a number of necessary conditions required for peaceful multiculturalism. Above all minorities must have a sense of cultural security. Beyond that, minorities must feel politically and economically equal to the majority by having equal access to education, the labor market and/or other shared facilities. State policies should take account of cultural differences. As one scholar summed it up: “Governments should depoliticize ethnicity by maintaining the rule of law, favoring civic over ethnic conceptions of citizenship, broad civil rights protections, secularism over state religions, linguistic diversity, promoting multiculturalism, building broad support for affirmative action policies in education and economics...” Ultimately, governments have only four options: “...forced assimilation, induced assimilation, benign accommodation and ‘toleration with attitude’” (Brown 1997:513–514).

The People’s Republic of China

Since the inception of the People’s Republic of China (PRC) in 1949 policies towards ethnic minorities have varied considerably. The perpetual changes have created a climate of uncertainty where the most vulnerable are forever anxious that current policies will drastically change once again. Consequently, building trust is the state’s greatest challenge, even prior to the implementation of government policies.

The Chinese Communist Party (CCP) originally implemented policies which respected the differences among the various nationalities, even promising the possibility of secession in the 1930s (Grunfeld 1985). But, during the Cultural Revolution (CR) minorities were deemed “culturally inferior,” and their cultural and religious practices were attacked while many minority languages were prohibited while others, such as Mongolian, Tibetan, Uygur, Kazak and Korean, were severely curtailed. Untold thousands of minority people were persecuted and killed. To cite but one example, *Renmin Ribao* (21 November 1980) reported that in Inner Mongolia 346,000 people were wrongfully persecuted, of whom 16,222 died during the CR.

The most repressive policies ended by 1971 and restrictions were further loosened in later years. Since the 1980s all Chinese, regardless of their ethnicity, have seen considerable improvements in their material lives as well as far more personal liberties. There are down sides to these reforms of course such as corruption, sizeable income disparities and inflation and, when it comes to the minorities, far more competition for jobs, issues of language rights, property rights, historical narratives, resource allocations, etc. As mentioned above, before any policies can prove effective, the central government needs to implement confidence building measures if it hopes to win the loyalty of its minorities (Lake and Rothchild 1996).

To date it appears that while economically better off, many ethnic minorities continue to distrust the central government and ethnic tensions persist, largely, I believe, due to policies which exacerbate minority anxieties.³ Policies such as Han

³Not all minorities can be described this way. For a distinctly different ethnic minority experience see Lankov (2007).

migration into minority areas, growing political and economic inequality between the Han and ethnic minorities and increasing cultural restrictions have all exacerbated the alienation which has never been completely vanquished since the dark days of the Cultural Revolution.

While the worst period was the Cultural Revolution there were signs of alienation prior to those years. For example, in 1962 70,000 Uyghurs and Kazaks fled, with their livestock, across the Soviet border. And there were localized rebellions in Liaoning, Gansu, the Ningxia Hui Autonomous Region, Tibet and Yunnan before and during the Cultural Revolution (Dreyer 1997:369, 370–373).

Many of these antagonisms against the central government were not only economic or political but had more to do with fears pertaining to culture, language and religion. As the Dalai Lama's current chief negotiator with Beijing put, "The core of our demands is the protection of our identity"⁴ (Kedzierska 2007).

Not surprisingly the Chinese authorities' greatest fear is instability and loss of power, a common theme in almost every multiethnic state. However, while many states recognize the need for cultural security, in China, especially since the early 1990s, difficulties concerning ethnic minorities have been deemed as purely a problem of economics, much like Stalin's rendering in the old Soviet Union. That these policies failed in the USSR seems not to be remembered in China, while on the other hand the consequences are burned deep into the authorities' psyches. "In the USSR things were stable until it broke up and then 15 republics became independent..." *Renmin Ribao* noted, "so-called Tibet autonomy would only trigger conflicts among different ethnic groups" (Dalai Lama 2007).

For more than half a century the debate in Chinese political circles has been over whether to take into account the particular characteristics of the ethnic minorities (i.e., allow them considerable cultural latitude) or whether to implement the same policies and standards that are used for the majority Han population. The advocates for the former held power during the 1950s and 1980s and the advocates for the latter in the 1960, 1970s, and since the early 1990s.

Chinese officials of this latter camp believe the former's policies led directly to unrest and therefore were dangerous to the state. In Tibet, Mao's policy of incremental change in the 1950s, they argue, led to the 1959 Lhasa revolt. Similar policies advocated by CCP Chairman Hu Yaobang, they believe, led to demonstrations in Tibet in the late 1980s (Goldstein 2004:207). As one Western scholar saw this debate, there was a "...seemingly intractable policy dilemma: accommodationist policies may lead to secessionist demands, but assimilationist crackdowns will almost certainly lead to violent backlashes and perhaps open rebellions" (Brown and Ganguly 1997:25).

Immediately after the CR was over, the accommodationist policies of the past were vigorously defended. As Politburo member Ulanhu, a Mongol, wrote in 1981:

...for a long period it was mistakenly stressed that the problem of nationality is, in essence, a problem of class ... It inappropriately led to a movement against local nationalism. Local

⁴One slogan from the Tunisian revolt during the Arab Spring was "dignity before bread" (Friedman 2011).

nationalism and Han chauvinism alike are contradictions among the people which should be overcome ... Moreover, some legitimate national feelings and normal differences in work were regarded as manifestations of local nationalism and were wrongly criticized and struggled against ... The mistake in nationality work was manifested in our inadequate respect for the minority nationalities' autonomous rights ... We saw with distress that the relationship between nationalities deteriorated and that national regional autonomy existed in name alone. A *disaster* had befallen the minority and Han people [emphasis added]. (Ulanhu 1981)

And even the highest levels of the communist party at the time echoed the same theme. An editorial in *Renmin Ribao*, signed by “Special Commentator,” argued:

The experiences in the post-liberation years point to the fact that in the areas inhabited by minority peoples there are two different working policies—either running affairs according to the special characteristics of these nationalities and areas, or mechanically copying the policies, tasks and methods used in the areas inhabited by the Han people. Which of the two we adopt will determine whether we succeed or fail in our work in this field. To this day there are still many problems in areas inhabited by minority peoples. If we look into their causes, most of them are connected with the working policies. (Special Commentator 1980)

Policies in the Reform Period

Today, policy is made by those who are less sympathetic to the cultural needs of the minorities, individuals who firmly believe that economic development will inevitably lead to the minorities realizing that they are stakeholders in the PRC. According to Chinese President and CCP Secretary-General Hu Jintao; “The emphasis should be laid on improving the living and working conditions of farmers and herdsmen, development is the basis and key to tackle all the problems in Tibet” (Hu Jintao 2005). His alleged successor, President, Xi Jinping, recently told Tibetan officials that the main focus of their work must be Tibet’s economic development (Xi 2011).

“Tibetans’ incomes and economic well-being are continuing to steadily rise,” according to Qiangba Puncog, at the time the Chairman of the Tibet Autonomous Region (TAR) who rejected criticisms that Tibetans were being forcibly assimilated, “The success of the region’s economic and social development should be judged by the improvement of people’s living conditions” (Chinese 2007).

Yet contrary to what Chinese officials believe, it is these very policies which create the cultural insecurity that drives ethnic tensions and encourages and promotes ethnic nationalism. Indeed, the process of economic modernization does not undermine ethnic divisions it could very well exacerbate it by increasing ethnic group interaction and heightening conflict (Singh 2008:39–42).

The Chinese government has also blamed outside forces for the unrest inside China. While there is no doubt that people outside China are instigating revolt against the Chinese government, there is no independent evidence, nor anything from Beijing, which could support claims that this encouragement has been significant.

Those enamored of assimilation also harbor feelings of superiority, Great Hanism or Han Chauvinism. For example, in a document from the mid-1990s, referring to Xinjiang, one cadre wrote, “we must firmly adhere to the principle that we [the Han] are in charge [and we allow only what is advantageous] to us” (Zhang 1993).

There are other opinions, of course, although they tend not be published in the general press (Zeng 2004). China’s foremost anthropologist, Fei Xiaotong, asserted that the primary reliance for economic development must be placed on the minorities themselves with some limited skilled labor brought in from the outside, “Blind migration must be curbed and replaced by planned migration,” he cautioned⁵ (Heberer 1989:99).

And there is Phuntso Wangye, the first Tibetan member of the CCP and the interpreter for the Mao Zedong-Dalai Lama talks in Beijing in 1954 who wrote a letter to the Chinese Cabinet spokesman’s office in 2007 saying, “Only ‘fools’ and extreme leftists,’ or, ultra-conservatives, would run counter to Chairman Mao Zedong’s directive that ethnicity and religion were the key to handling the Tibet issue well” (Tibetans 2007).

Phuntso Wangye also told the *Reuters* news agency that he believed most Tibetans want the Dalai Lama to return to Tibet. That would be a tacit admission that winning the hearts of the Tibetans will take more than successful economic policies. This view was echoed by no less than “...a group of retired former military officers who served in Tibet in the 1950s and 1960s ... [who] submitted a ten-thousand-character critique of current policy in Tibet that ... tried to refute the contention that the Dalai Lama had been duplicitous in the 1955–1959 period and argue that he is someone China can negotiate with today” (Goldstein 2004:216).

What these various critics of current Chinese policy are arguing is that previous policies which tried to reassure ethnic minorities of their cultural preservation would do more to win their allegiance than material benefit. Or, at the very least, that cultural preservation is a necessary preliminary component to economic development in order to lessen ethnic tensions and ‘local nationalism.’ As Tibetologist Melvyn C. Goldstein described the policies of the early 1950s, “Mao’s optimal goal also took liberation as a given but laid out a much more ambitious, sophisticated, and nuanced strategic vision for Tibet, the prime focus of which was to incorporate it in a manner that created a stable, loyal Tibet that accepted its place as a part of China and willingly implemented socialist reforms” (Goldstein 2007:542).

In the end the success of any policies can only be judged by how effective they are in achieving their aims. The PRC has pumped enormous sums of money into minority areas and especially into Tibet. From 1951 to 1958 the central government provided 90 % of Tibet’s revenues. From 1965 to 2005 the central government contributed 100 billion RMB; the years 1952–1989 saw an annual increase which averaged 14 %. For the first decade of the twenty-first century development aid totaled US\$45.4 billion. For the next Five Year Plan (2011–2015) China will invest US\$21.38

⁵From Minzue Tuanjie (7, 1985:10) and Nei menggu shehui kexue (4, 1984:19). Quoted in Heberer (1989).

billion to finance 226 major projects. And the results of these investments are obvious: life expectancy has risen from an average of 35.5 years to 67 and child mortality has dropped from 43 to 3.1 % (Womack 2007:449; Wang 2007; Fish 2010). And, as mentioned before, more material goods, especially for those in the urban areas of Tibet. Yet, while ethnic minorities are far better off materially, most minority areas—60 years on—remain the poorest in China, and, worst of all, the gap is growing.

For example, the 2005 national literacy rate in China is officially 88.96 %, in Tibet it is only 55.16 %. In Qinghai, 60 % of Tibetan females are illiterate. According to the *2000 Population Census of the People's Republic of China*, the Tibetan illiteracy rate (47.55 %) is five times the national average (9.08 %). In Tibetan areas Tibetans own only 20 % of businesses while jobs such as in construction are closed to most Tibetans (Wang 2007:449; 2000 Population Census (2002) Table 2–3). According to Wangye one problem is the quality of teachers and teaching materials. While Tibetans have trouble learning adequate Chinese in the public schools, a foreign NGO-run Tibetan-English Training Program has proven that Tibetans can learn sufficient English in 2 years to score very high on the TOEFL exams (Wang 2007:449).

There are two overarching problems with Chinese minority policies: the policies themselves and how they are implemented (US Congress 2005:iii). According to one observer,

There are today essentially three factors that undermine the national and cultural identity of minorities. First, lower-level officials often obstruct even the implementation of centrally determined policies. These are not only Han but also minority officials ... A second factor is 'Han Chauvinism' (*hanzuzhuyi*), which finds expression in contempt for and discrimination against the habits, customs and cultures of the minorities. But the gravest undermining factor is the deficient sensitivity that permeates the bureaucracy all the way from the central authorities down to the local level in searching for a way to integrate modernization and development on one hand, and in deference to the customs and cultural identity of the ethnic groups on the other (Heberer 1989:128–129).

The constant drumbeat of Han modernity and superiority—that the minorities can only achieve development if they learn from the Han in order to justify Han dominance, only serves to perpetuate a sense of inferiority, and resentment, among the minorities, especially when coupled with the lack of pressure on Han cadres to learn local languages and customs. Government interference with cultural institutions further exacerbates the problem (Gladney 1994). These constant reminders of their inequality, lack of autonomy and alleged inferiority all lead to growing ethnic nationalism which repressive measures can only mask in the short term.

Distrust of minorities, even minority cadres, is obvious—to the minorities at least. In more than 60 years there have been no Tibetan CCP Secretaries in Tibet, the most powerful position in the region. In Xinjiang, in 2000, of the 124 municipal, prefectural and county levels, all party secretaries were Han (Becquelin 2004:363). And it gets worse. “Since July [2007] CP secretaries from 54 of Tibet’s 74 counties have been fired and replaced by cadres from elsewhere in China...” because they “didn’t speak out against the exiled spiritual leader [Dalai Lama]” (China 2007).

As one Uygur cadre recalled, “In real life there are a few circumstances that are hard for people to understand, but if minority *minzu* and Hans have a difference of opinion, *minzu* comrades will be given a whole series of hats (*maozi*) such as ‘*minzu* attitude’ (*minzu qingxu*)” (Yin and Mao 1996; Bovington 2002:71). In other words, there is a double standard in judging cadres.

This division between the Han and minorities can be seen from another example in Xinjiang where ethnic minorities who have become assimilated into Han society are looked down upon by their compatriots, colloquially referred to as “the fourteenth minority” (there are only 13 official recognized minorities in Xinjiang). One common problem is that these Hanized cadres are often more skilled in the Chinese language (especially the written language) than in their native tongues. Ethnic minorities who grow up in China’s eastern cities, or live there a long time, are referred to disparagingly as being more *han hua* [sinicized] than those who live in predominately minority areas (Clothey 2005:403).

The most obvious expression of Chinese policies in the minority areas is the open migration of Han into areas where they have not traditionally lived. One Western scholar deems this migration as a serious impediment to ethnic amity.

Immigration policy was and is a violation of the rights of the autonomy of minorities, even if it has helped to create an industrial base for their regions. The autonomous administrative units have neither the means nor the right to undertake countermeasures. The influx of the Han population undermines the strength of the autonomous minority of a region, and it can also disrupt the economic structure ... and result in the cultural dominance of the Han. Thus ... the Han can easily secure for themselves leading positions in economic development and undermine the development of and identity of the local minority population. Tensions between nationalities ... are the natural consequences of this immigration policy” (Heberer 1989:97–98).

“The continued migration of Han into Tibet has intensified the sense of separate identity among Tibetans,” argues Lobsang Sangay, the current head of the Tibetan administration-in-exile, thereby “creating an increasing overt feeling of ‘us vs. them.’” In almost all the Tibetan areas, conceptual and physical separation of the two groups has created two separate worlds” (Sangay 1999).

In the past there have been overt demonstrations of anti-Han “backlash” such as in Inner Mongolia after the CR when the Mongols tried to send Han back into China Proper. The CCP denounced the Mongols for “*fan han pai wai*” [oppose the Chinese and reject outsiders]. “In 1981, Inner Mongolia was rocked by a month-long strike by regional college and middle school faculty and students opposing Document 28, a central government directive increasing the number of Chinese immigrants to the area.” Those strikes were severely repressed (Bulag 2004:102, 108).

Results of the Reform Era Policies

Nevertheless, in 2011 protests broke out again in Inner Mongolia. “We feel like we are being drowned by the Han” said a Mongol student at Hohhot Nationality University, “the government always talks about ethnic harmony, but why do we feel so oppressed?” (Jacobs 2011).

While immigration may be the major irritant, the most emotional issues are cultural, especially religion. “If the authorities continue with the current policies of meddling with religion, making religion lose its philosophies and systems,” observes the Chinese author Wang Lixiong, “people’s superstitions could become easily perverted and easily fomented, leading to extremism and social instability.”⁶

Two vivid examples of the failure to reassure Tibetans that their religion is safe from interference were the flight of two prominent lamas: Arija Lobsang Thubten from Kumbum Monastery in Qinghai in 1998 and the Karmapa Lama from Tshurpu Monastery, near Lhasa, in 2000. Both had worked closely with the Chinese authorities and both were considered loyal to Beijing but both felt that religious restrictions had become too onerous (Goldstein 2004:212; Arija 2010).

Another recent example of this interference in religion is the “Regulation About the Reincarnation of Living Buddhas in Tibetan Buddhism.” The regulation (not a law) was promulgated by the National Religious Affairs Bureau on 13 July 2007⁷ (International Campaign 2007). It calls for “management measures for the reincarnation of living Buddhas in Tibetan Buddhism” by government agencies rather than leaving these issues to the religious authorities. Speculation outside of China held that the intent of these regulations was to have government oversight over religious power in preparation for the inevitable selection of a new Dalai Lama when the current cleric dies.

Not surprisingly unhappiness, frustration, and feelings of powerlessness lead to resistance, real and growing, in some instances passive resistance. Despite hardships and dangers about 300 Tibetans leave Tibet for India and Nepal each year; many are children sent by their families in search of monastic or secular education (Sangay 1999). And in Xinjiang, “since the state uses extremely coercive measures to repress any inklings of Uygur opposition, resistance must be covert ... stories, songs and jokes which can be transmitted and enjoyed beyond the reach of the invigilating and disciplinary apparatus of the state” (Bovingdon 2002:43).

In Qinghai Province, in the summer of 2007, local officials found it difficult to get Tibetans interested in traditional, but now government-run, festivals. Not long before, the Dalai Lama, from his Indian exile, asked his countrymen to stop wearing their traditional animal furs for environmental reasons. In a demonstration of the Dalai Lama’s continued influence even after some 50 years of exile, Tibetans in their multitudes complied, despite efforts by officials to counteract the Dalai Lama’s request. “We are an ethnic region, and we want to create a festive atmosphere and promote our uniqueness,” Zhou Hongyuan, the Han deputy governor of the Yushu Tibetan Autonomous Prefecture implored in a failed attempt to counter the Dalai Lama’s instructions, “It has been our tradition for thousands of years to wear fur” (French 2007).

Given his ability to get Tibetans to comply with his wishes, the constant drum-beat of attacks on him in the media and the continuing banning of his photograph

⁶<http://news.sohu.com/20070802/n251386214.shtml>.

⁷The Chinese original can be accessed at http://www.china.com.cn/policy/txt/2007-08/03/content_8623414_2.htm.

make it very clear that the decades of demonization of the Dalai Lama have failed; indeed, as disenchantment with Han policies increases he has become more popular as the symbol of resistance. Chinese authorities have consistently failed to understand how integral the Dalai Lama is to Tibetan culture. In effect, Beijing policies and actions in Tibet are having the opposite effect of what was intended; the more they denigrate him, the more they compel Tibetans against their will to denounce him the more popular, and powerful, he becomes. Moreover, demonization makes it harder for Beijing to reconcile with him.

There is a tendency on the part of the Chinese government to brand all resistance and/or criticism as “splitism,” punishable by imprisonment and even death. This disproportionate response by the authorities may be needed to restore order in some cases and to reassure some, especially the Han, but it further alienates the very people whose allegiance the government is trying to win over (Bovingdon 2002:46, 66). The government’s decision to treat all politically motivated actions as criminal acts is a part of this alienation and comes from a failure to adequately address grievances through reform and institutional change. The demonstrations in the late 1980s in Tibet were not about any specific events but rather a built up anger, never fully dissipated from the CR, at the increasing number of Han and Hui migrants and government policies which the Tibetans deemed to be against their interests. Then, as now, the greatest problems are not economic or political, but cultural.

There is no better evidence of the failure of China’s minority policies than the widespread unrest in the Tibetan regions in March 2008 and in Xinjiang in July 2009. Despite the economic gains of recent years alienation between the ethnic groups appears to have gotten worse.

Among Tibetans there were over 300 protests recorded across the larger area of Tibetan inhabitation, an area twice the size of the officially designated Tibet Autonomous Region (2008 Uprising 2010). The depth and breadth of this anger against Chinese rule was unprecedented even leading, for the first time, to Tibetans attacking and killing Han Chinese. The estimates of the number of deaths, both Han and Tibetan, range from a few dozen to hundreds.

A year later unrest broke out among the Uygurs in Xinjiang. Rumors sparked an incident where some 1,000 Uygurs attacked Han in the streets of Urumqi, the capitol. It took over a month for the authorities to restore order who then proceeded to cut off all cell phone and Internet access until May 2010, almost a year later. Here too, estimates of the number of dead range from dozens to hundred.

In both cases thousands of minority people were arrested and in Xinjiang some 30 or so were executed by the state.

By the middle of 2011 many places in both regions remain armed camps, with police and military units in the streets and surveillance cameras everywhere. These actions are explicit manifestations that the government of China does not trust its own citizens. The feeling is mutual for among the Tibetans and the non-Hans in Xinjiang there is a climate of fear and intimidation, hardly a situation conducive to making them feel they are truly citizens of the People’s Republic of China.

Yet even these dramatic events have not induced Chinese officials to reexamine their belief that all of the problems concerning minorities stem almost exclusively

from economic conditions. On the other hand it is clear that the ethnic minorities have issues they deem far more urgent than their economic status. To wit:

- Restrictions on religion.
- A diminution of their languages and customs.
- Chinese migration to their areas and the resulting second-class status of the indigenous people in their own land.
- Han Chinese as local leaders.

And the authorities have much to worry about because even repression has not dampened the willingness of the people to protest policies they object to. In October 2010 the provincial authorities issued a decree that would have abolished bilingual education in Qinghai Province making Chinese the sole language of instruction. Almost immediately thousands of Tibetan students poured into the streets to express their anger. Tibetan students at the major minorities university in Beijing also demonstrated.

Within days a petition was circulated by Tibetan teachers condemning this government order as was another extraordinary petition signed by dozens of retired Tibetan officials. In a long, very legalistic argument, they refer repeatedly to the danger that this policy will threaten “social stability.”

When we retired cadres were young the Han cadres who came to Tibet were basically proficient in the Tibetan language. It was completely forbidden to study or to use minority nationality languages during the Cultural Revolution, but this was immediately corrected following the Third Plenary Session [of the 11th National Party Congress in late 1978, when Deng Xiaoping’s post-Mao program of reforms was adopted]. Today, the world has changed and it is normal for minority nationalities to study the Chinese language, but almost no Han cadres have grasped nationality languages or scripts—there are even nationality cadres who don’t study their own nationality’s language; fewer and fewer agencies of autonomy use nationality languages and scripts, nationality languages are becoming ever weaker, and nationality personnel resources are becoming ever more marginalized. Such a trend will have a serious impact upon nationality relations in Tibetan autonomous areas. It is hoped that the provincial Party Committee and the provincial government will pay a high degree of attention, and that each autonomous area will seriously address the situation, respond positively, and reverse such similar situations as soon as possible.

And they allude to the inherent problem.

At the same time, even though two years have passed, the shadows of [the events of 2008] still hang heavy over the Tibetan people, and people are full of worries and concerns, wondering whether the Central Committee and the State’s policies on Tibet will change, and whether the treatment of Tibetan cadres, masses and students and the treatment of Tibetan culture, language and religion will change. In times such as these, at a moment such as this and against this background, breaking off the continuity of laws and policies, implementing large-scale so-called reforms and implementing limitations on the use of Tibetan in “the teaching language of instruction and materials,” people are easily terrified and teachers, students and their parents are easily led to chaos, which is not beneficial to stability, harmony or unity. (Retired 2011)

Given this unrest it is not surprising that Chinese officials such as TAR Communist Party chief Zhang Qingli continually call for an “intensified struggle against Buddhism and a ‘life and death’ struggle against the Dalai Lama and his ‘clique’”

(Zhang 2006; Senior Chinese 2011). Like many other governments in similar situations, Beijing responds to overt expressions of ethnic hostility with repression. Take, for example, the 1996 “Strike Hard” campaign which was launched to curb political activism. “. . . the high level of state repression initially incited committed activists to increase their level of violent anti-state mobilizations,” according to one student of these campaigns, “for this reason, the Strike Hard campaign actually contributed to an upsurge of protests *before* it led to their decline. . . . By enabling shared grievances to form across the territory, the Chinese state’s repressive tactics may have actually laid the groundwork for future anti-state collective mobilization in Xinjiang” [emphasis in original] (Hierman 2007:48–49). Additional “Strike Hard” campaigns in later years proved equally counterproductive and, as we saw, did nothing to prevent the popular uprisings in Tibet and Xinjiang in recent years.

Some minority intellectuals have been speaking out eloquently. For example, Abduqadir Jalalidin, “one of the best-known Uygur intellectuals today” who, in his historical novel, *Qum basqan šähär* (“City Burned by Sand”) wrote, “If I construct a hell of my own devising, no matter how terrifying its flames, I will call it heaven. But a heaven built by others will cause my trees to wither”⁸ (Bovingdon 2002:55).

There is also the outspoken Tibetan-Han poet and blogger, Woser, who, in her book, *The Twin Sisters*, observed that, “wherever they [Tibetans] go, they feel exiled; those of them who never forget their homeland are the ones in exile all their lives. They may blend into the world with aches in their hearts, but it is not difficult to recognize them in every corner because on their broad foreheads is carved an invisible mark of banishment” (Yu 2006).

At a 2002 Chinese national conference on Tibetan studies in Chengdu, the late Tibetan poet, Yidam Tserang, who had joined the CCP in the 1950s, said: “This is a Tibetan studies conference. Why aren’t we speaking Tibetan . . . What is the unity of all nationalities? The unity must be based on equality. Lately, people only emphasize unity without considering the importance of equality. Since 1965 what we [cadres] have opposed is not Han-chauvinism but so-called ‘local nationalism’ and ‘national tantrums.’ These phrases are a curse placed upon minority cadres and intellectuals. They have been a weapon that silenced what we wanted to say. . . .” (Yu 2006).

Conclusion

Only the central authorities have the power to determine which policies will be implemented in the minority areas in China. The evidence seems to suggest that the ethnic minorities who are the subjects of these policies are rarely, if ever, consulted.⁹

⁸Bovingdon calls Chinese rule in Xinjiang “colonial. . . because the Uygurs I spoke to experienced as such” (Bovingdon 2002:69).

⁹While there are many ethnic minority *ganbu* (cadres) the evidence shows that they are unable to express any views that are counter to government policies.

The lack of minority officials in positions of power means that only the Han voice is heard. And that voice is often ignorant of the realities in minority areas. Only when the concerns of the minorities are truly taken into consideration and implemented in national policies, local nationalism will begin to dissipate. Only then will ethnic tensions be reduced, and only then will economic development be truly meaningful for the minority peoples of China.

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Chapter 9

NGO Development in China's Ethnic Areas

Xu Liu

Abstract While China has enjoyed rapid economic growth in the past three decades, its social structure has also undergone significant changes. Nongovernmental organizations (NGOs) are playing an increasingly important role in local social and economic development. NGOs in China's ethnic areas are also emerging and many of them are doing a commendable job in education, poverty alleviation, environmental protection, and protection of women and children's rights and interests. This study looks at the development of NGOs in China in general and in China's ethnic areas in particular, and examines the way NGOs operate. We find that despite all the difficulties of human and financial resources, many NGOs have persisted in their good work. The future development of NGOs, however, requires that the state provide a better legal environment, and that the society provide more support. NGOs are the key players in a civil society. Without strong NGOs, there would be no strong civil society. The resolution of ethnic conflicts in minority areas needs a strong civil society with NGOs as key players.

Keywords China • NGOs • GONGOs • Minority areas • Ethnic relations

Since 1978, encouraged by the reform and opening up, China's economic development has attracted worldwide attention and introduced tremendous social change. China's economic progress has been commendable, but the social problems accompanying it have been serious. The changes are especially conspicuous in the country's ethnic minority areas. While these areas have seen tremendous economic growth in the

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midst of reform, the country's ethnic minorities have not fully benefited from the socioeconomic development, and their level of poverty remains high. The uneven development of China's ethnic minority areas has resulted in a population of people who are unable to meet their basic needs for subsistence, culture, or religion and whose animosity toward the dominant culture and politics has increased.

It is clear that the government should have promoted the development of ethnic minority regions and improved their social, economic, educational, cultural, religious, and infrastructural statuses to maintain ethnic harmony and social stability. However, China is still a developing country, and the traditional developmental ideology of ethnic regions is not able to meet the needs of these regions. Under the current framework, the state does not have adequate capacity to improve social service supplies and address the unmet demands of its minority regions.

The emergence of nongovernmental organizations (NGOs) offers a new choice to governments for modulating China's ethnicity questions. In truth, NGOs contribute to civil societies by providing various means for expressing and actively addressing societies' varied and complex needs. NGOs promote social pluralism, diversity, and tolerance while protecting and strengthening cultural, ethnic, religious, linguistic, and other identities. They advance science and thought, develop culture and art, protect the environment, and support all activities that make a civil society vibrant. NGOs motivate citizens across social aspects to act on their own rather than depend on state power and beneficence. They create an alternative to centralized state agencies and provide services with greater independence and flexibility. NGOs provide a mechanism by which governments and the markets can be held accountable by the public, all toward creating a more inclusive society and relieving China's ethnic problems.

The growth of NGOs around the world is nothing short of phenomenal. Following international trends, the Chinese Government has begun to encourage the development of NGOs to strengthen social support; however, the number of NGOs is small, and their relationship with the government is still evolving (Fisher et al. 2012). Since the 1990s, China has seen a significant rise in the number of nonprofit organizations and NGOs. These organizations mainly engage in charities, environmental protection, education, women's affairs, children's affairs, and other aspects of social welfare and social undertakings. As it turns out, NGOs have been playing a key role in addressing ethnic problems and supervising government management.

However, in sharp contrast to the rapid development of NGOs, academic attention to this topic is still lacking. Studies concentrate mainly on concrete case descriptions or the field-specific effects of NGOs, such as those related to poverty-alleviation aid and the welfare of women and children. This chapter is one of the few chapters that focuses on the work of NGOs in ethnic minority areas and their ways of operation.

I present this study in four parts. First, I examine the growth of NGOs in China in general and China's ethnic areas in particular. Second, I discuss the work NGOs are doing in these areas, analyze their operating modes, and provide some examples to estimate their effects on the areas. I also trace the problems NGOs face. Finally, in the concluding section, I make some suggestions on how to promote NGO development and help NGOs to play a more important role in resolving ethnic conflicts in China's ethnic minority areas.

The Growth of NGOs in China in General and in China's Ethnic Areas in Particular

NGOs are not a recent phenomenon in China. They have historically included factions (such as *Qingbang*) and provincial and country guilds (such as *Shanshan hui-guan*) that existed throughout the Qing dynasty and achieved strength and legitimacy through confidential or open activities that promoted social support. They have also progressively expanded their scope of activities by including information-sharing, mutual-aid-of-economy, and mutual-protection strategies, among others. In addition, China's minority regions have been involved with traditional NGOs, such as "Jidu" described by Chen Bo (2009) in Tibet.¹

After the birth of the People's Republic of China (PRC) in 1949, the Chinese Government co-opted or abolished all independent social organizations, including religious organizations, professional societies, and labor unions, throwing NGO development into low gear. In the 1990s, the government put a new focus on the state's withdrawal from society. The theme, as advertised by the Chinese Government, was "small government, big society." As Deyong Yin (2009) suggests, the number of NGOs (including foreign NGOs) began increasing dramatically during this period. Much as they have in the whole of China, NGOs in the country's ethnic areas have experienced periods of rapid development since the 1990s. According to the National Bureau of Statistics of China, by the end of 2010 there were 445,631 NGOs nationwide, including 245,256 social organizations, 198,175 non-enterprise units run by NGOs, and 2,200 foundations (see Table 9.1).²

In China, the Ministry of Civil Affairs and other government civil affairs departments are in charge of registering and managing NGOs.³ The aforementioned figures do not include foreign NGOs in China, as there are no uniform registration rules for foreign NGOs and many do not have offices or staff permanently based in the country. NGO information on ethnic issues is controlled more tightly than other

¹"Jidu" comes from Tibetan language pronunciation. It is a traditional mutual benefit and cooperation organization in the village of Ba in Tibet. Its functions are mainly performed in daily activities, such as housing, production, funerals, education, and so on. When one faces difficulties and requires aid, he or she will be helped by others and record it as a standard of helping others. As such, in the view of Chen Bo (2009), it is also a social support network that exists in a guild (a religious organization that fosters a belief in secular society) or economic mutual-aid organization. The households are their basic unit, but the individual person will sometimes take part in it.

²Scholars usually divide NGOs into business-oriented international NGO (BINGOs), government-operated NGOs (GONGOs), and civilian NGOs by their missions, structures, and degrees of autonomy to make research easier (Jon 2000; Ogden 2002). However, the divisions get fuzzy; it is often difficult to determine when an NGO is independent of a business or a government partner and when they are its partner, or in fact control the NGO. For the convenience of statistics, NGOs are divided into three categories: foundations (*jjinhui*), social organizations (*shehui tuanti*), and private non-enterprise units run by NGOs (*minban fei qiye danwei*) in China (Wang Ming 2006).

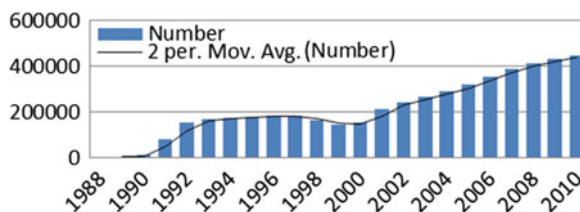
³Shehui Tuanti Dengji Guanli Tiaoli (Regulations on registration and administration of social organizations) (promulgated by the State Council, Oct. 25, 1998, effective Oct. 25, 1998). Please see the Web site at <http://baike.baidu.com/view/438452.htm>, last accessed on May 22, 2012.

Table 9.1 Number of NGOs in China (2005–2010)

Year	Total number of NGOs	Social organizations	Non-enterprise units run by NGOs	Foundations
2005	319,762	171,150	147,637	975
2006	354,393	191,946	161,303	1,144
2007	386,916	211,661	173,915	1,340
2008	413,660	229,681	182,382	1,597
2009	431,069	238,747	190,479	1,843
2010	445,631	245,256	198,175	2,200

Source: *Zhongguo Shehui Tongji Nianjian 2011* (China Social Statistical Yearbook 2011). (2011). Beijing: China Statistics Press

Fig. 9.1 NGO growth in China. Source: *Zhongguo Shehui Tongji Nianjian 2011* (China Social Statistical Yearbook 2011). (2011). Beijing: China Statistics Press



areas. According to surveys conducted by Li Junqing, only 46.13 % of the NGOs in China's ethnic areas have registered, and more than half have not registered (Li Junqing and Chen Xuqing 2010). As such, it is impossible to calculate the exact number of NGOs operating in China's ethnic areas. Though there are no official statistics available, based on nationwide statistics we may be able to presume that NGOs in China's ethnic areas have also developed since the 1990s.

Figure 9.1 divides the trend of national NGO growth into three stages: the initial stage (from the reform and opening up to 1988), the development stage (from 1989 to 2000), and the rapid development stage (from 2001 to now).

The Initial Stage

The initial stage spans from the reform and opening up to 1989. In this stage, following the processes of introspection and the reform and opening up, NGOs began appearing again after the Cultural Revolution. Owing to a lack of government management, an integrated system of law, and a unified registration and supervision pattern, the NGOs developed in a state of relative freedom until 1988. During this period, their growth in China's ethnic areas entered a period of high tide, embodied in two aspects.

First, GONGOs established by the government before the Cultural Revolution, such as the All-China Women's Federation of five autonomous regions for ethnic minorities, returned to activity gradually. Following the breakout of the Cultural

Revolution, in a general mood to transform the “old state machine,” women’s federations at all levels were organizationally subjected to attacks, and their very existence was at stake. Under the effects of the storm to seize power by force and the general turmoil, the All-China Women’s Federation was put under military control until the new revolutionary committee system was introduced. Women’s federations at local levels throughout the country also collapsed. Late in the Cultural Revolution, they were rebuilt from a grassroots to a provincial level (Geng Huamin 2006), and the All-China Women’s Federation finally resumed work in 1978 at the Fourth National Congress of Chinese Women (Geng Huamin 2009). Other people’s organizations and social groups in China’s ethnic areas underwent experiences similar to the women’s federations.

Second, with the deepening of the reform and opening up, many new social organizations were established by the central and local governments. For example, the China Children and Teenagers’ Fund (CCTF) was the first independent, nonprofit charity organization in China, established in 1981 by individuals dedicated to resolving youth welfare issues. As was required, though, it had to affiliate itself with All-China Women’s Federation and subject itself to the supervision of the Ministry of Civil Affairs of the PRC. It is a strong and well-connected charity that helps hundreds of thousands of minority children and teenagers every year. One of the key priorities in China’s development and poverty-alleviation plan was the CCTF’s Spring Bud Project, which financially benefited approximately 107 girls in Butuo, a county situated in southwestern Sichuan Province and inhabited by the Yi ethnic minority. Of these girls, 26 are now employed or have stable sources of income. The rest have either become self-employed or have taken jobs as migrant workers.⁴ Another example can be seen in the Xinjiang Uygur Autonomous Region. As of 2009, the CCTF had donated 11,988 people and built 239 Spring Bud classes and more than nine Spring Bud primary schools, with donation amounts reaching 6.952 million Yuan (Jin Yong 2009). Following the CCTF, the China Soong Ching Ling Foundation was established in May 1982. According to Wang Ming (2007), Director of the NGO Research Center at Tsinghua University, 34 national level foundations were established from 1981 to 1989, and more foundations were built in all parts of the country.

BINGOs and civilian NGOs had not developed due to ideological prejudices. During this period, however, international NGOs gradually began entering into China. The Ford Foundation set up its China office in 1988, operating under the governance of the Chinese Academy of Social Sciences. It is clear that some GONGOs were beginning to work in China’s ethnic areas during this stage.

The Development Stage

The development stage spans from 1990 to 2000 from its slowest period to its fastest period. After the high-speed development seen in previous years, NGO

⁴Spring Bud Project. <http://en.ctcf.org.cn/promore.asp?lm=22>. Last accessed on June 25, 2012.

development in China's ethnic areas hit an all-time low in the late 1980s. Some international NGOs such as Greenpeace withdrew from China after the Tiananmen Incident owing to political reasons. However, Deng Xiaoping's Southern Tour and the 1995 UN Fourth World Conference on Women, which convened in Beijing, created a golden opportunity for NGO development in China's ethnic areas. Soon thereafter, NGOs began developing rapidly again under the effects of government reform that adopted the slogan "big society and small government." During this stage, NGO development in China's ethnic areas took place in three ways.

First, GONGO development had gradually become regular and systematic since the implementation of The Measures for Administration of Foundations (published in 1988) and of The Regulations on Registration and Administration of Social Organizations (published in 1998). Benefiting from the shift in government support from the central to the local, different kinds of NGOs built an effective resource mobilization mechanism and became a powerful social force. The GONGOs operated such projects as the China Youth Development Foundation's (CYDF's) Project Hope,⁵ the China Population Welfare Foundation's (CPWF's) Program of Happiness,⁶ and the China Charity Federation's Candlelight Project.⁷ Along with the implementation of these projects in China's ethnic areas, the educational, living-standard, and medical situations in ethnic minority areas have improved remarkably.

In addition, international NGOs began to warm up. Heifer International, World Vision, Oxfam, the Salvation Army, and others set up offices in China and offered projects to the ethnic areas to improve their situations.

Thirdly, grassroots NGOs began to appear in China's ethnic areas. The Jinpa Project in the town of Yushu in Qinghai province is a good example of a local grassroots NGO. Registered in 2005 as a charitable organization in both China and Scotland, Jinpa was founded with the express purpose of helping the communities of remote high-plateau areas with basic necessities, including access to the outside world, education, and health care. It is only with help from the Jinpa Project and cooperation with the authorities that these communities will have a chance at a future. Their remoteness and inaccessibility have placed obstacles to the authorities and made the residents wary and even frightened of outsiders. The director and staff of the Jinpa Project grew up in rural and often remote areas of Yushu. They were accustomed to the difficulties and hardships of the region; as they speak the local dialects, they are able to communicate and work well with the people to identify problems, make development plans, and implement projects. This unusual

⁵"Project Hope" is a Chinese public service project organized by the CYDF and the Communist Youth League (CYL) Central Committee. Started on October 30, 1989, it aims to bring schools into poverty-stricken rural areas of China and help children whose families are too poor to afford it to complete elementary school education.

⁶The "Program of Happiness" was established in 1995 by the CPWF to help impoverished mothers.

⁷"The Candlelight Project" (*zhuguang gongcheng*) was established in 1998 by the China Charity Federation to help teachers with financial difficulties improve their standard of living and to offer them further study opportunities.

combination of local background, dedication to a hands-on way of working, and an ability to respect and work with authorities has made the Jinpa Project successful. It has been a well-known social organization in China's ethnic areas since its establishment by Tashi Tsering with 900¥ in 1996.⁸

The Rapid Development Stage

The last 10 years have been a period of rapid development for NGOs in China's ethnic areas. According to China Social Statistical Yearbook, by the end of 2010 there were 445,631 NGOs nationwide, including 245,256 social organizations, 198,175 non-enterprise units run by NGOs, and 2,200 foundations—40 times the amount in 1990 (*China Social Statistical Yearbook 2011, 2011*). However, counting unregistered social groups, some domestic scholars estimate that the actual number of all NGO types in China is about three million (Chen Xiangyang 2005). Although it is impossible to calculate the exact number of NGOs operating in China's ethnic areas from these figures, they do show that NGOs have developed rapidly and are more politically enlightened than ever.

More projects have begun operation in China's ethnic areas, such as the Xuan Yuan Education Fund Association. As a nonreligious, nonpartisan, non-profitable charity registered in Hong Kong, their objective is to organize and mobilize domestic and overseas ethnic Chinese people to support the development of education in China through various means. The association has so far made inspection tours in 25 provinces, municipalities, and autonomous regions in China, and found that many schools in China's rural areas and minority areas are in urgent need of renovation. As of the end of 2011, the association had successfully translated its donations to renovation projects for 174 schools across 20 provinces, municipalities, and autonomous regions including Gansu, Shandong, Xinjiang, and others. There are eight schools located in Xinjiang, four in Inner Mongolia, six in Guangxi, and two in Ningxia.⁹

Further, more NGOs were established in China's ethnic areas during this stage, including the Muslim Culture and Education Foundation in 2003, Tallinn Khan (Friends of Prairie) in 2002, and the Inner Mongolia Bayannaocer City Wulateqianqi Boya Culture Association in 2007. Many unregistered NGOs in China's ethnic areas, such as the Jinpa Project, went on to register.

Finally, more international NGOs set their formal offices up in China's ethnic areas and operated their projects through personal participation. World Vision is an example: in response to the invitation of the State Council Leading Group Office of Poverty Alleviation and Development's Foreign Capital Management Center, World Vision began participating in the Community Driven Development (CDD) pilot program in the Wengniute Banner in Inner Mongolia Autonomous Region in 2006.

⁸For the introduction of the Jinpa Project, please see their Web site at <http://www.jinpa.org.cn/About%20us%202.html>, last accessed on May 22, 2012.

⁹School rebuilding, please see their Web site at <http://www.xuanyuan.hk/English/ItemList.asp>, last accessed on May 15, 2012.

The roles of World Vision include conducting training, giving guidance to project managers and staff, and assisting with projects. Through the implementation of this 3-year project, a new community-driven poverty-alleviation model is explored, in hopes of improving the poverty-alleviation development system in China.¹⁰

How Do NGOs Work in China's Ethnic Areas?

The number of NGOs increases every day, and their outstanding performances have gradually been recognized by the public. In this section, we discuss how NGOs work in China's ethnic areas by examining their work areas and operating modes.

NGO Activities in China's Ethnic Areas

The term “NGOs” was coined in 1945 by the United Nations to describe the role of consultants in UN activities that were not part of any national government (Lewis 2006). According to Lewis (2001), “NGOs are usually understood to be the group of organizations engaged in development and poverty reduction work at local, national, and global levels around the world.” In spite of the many different definitions, NGOs are clearly established on a common ideal for how life is viewed and valued. They boast a wide variety of structures and goals. Some seek to gain rights for citizens, others work to provide public services in regions neglected by governments, and still others work with international donors to distribute project funds (Boulding and Gibson 2008). The National Ethnic Orphans Relief Fund is a good example: it was initiated by a world-renowned neurosurgery expert from Xuanwu Hospital and Capital Medical University named Ren Lingfeng and set up jointly by the CCTF and the Yunnan Lijiang Orphan School. Its purpose is to rescue Chinese orphans in poverty-stricken ethnic minority areas and enable them to receive a good education. As a result of the educational support provided to national orphans, education in ethnic areas is on the rise.¹¹

NGOs are driven by people with common interests. They perform a variety of services and activities. The activities of most Chinese NGOs are determined by a goal or a task. Some focus on specific issues in China, such as human rights, the environment, and health. According to a report by Prof. Wang Ming (2007) of Tsinghua University, NGOs in China are active mainly in social services (45 %), survey and research (43 %), industrial association and social work (40 %), legal counseling and service (25 %), policy consulting (22 %), and poverty reduction (21 %).

¹⁰Our Programs. Please see their Web site at http://www.wvchi.org.cn/index.php?option=com_content&task=category§ionid=10&id=31&Itemid=97, last accessed on May 15, 2012.

¹¹National Ethnic Orphans Relief Fund, please see their Web site at <http://en.cctf.org.cn/prozi.asp?lm=25&lm2=39>, last accessed on May 15, 2012.

Fig. 9.2 NGO activities in China's ethnic areas



Most of the active NGOs in China's ethnic areas focus on promoting the transformation of local society from traditional to modern, including changing the minorities' lifestyles and behavior to meet the demands of local social and economic development, and protecting the rights and interests of all ethnic groups. To be more specific, most NGO activities in China's ethnic areas can be described in terms of the following categories (see Fig. 9.2).

In fact, each NGO may work on a number of issues. In their study of over 400 NGOs in China's ethnic areas, Li Junqing and Chen Xuqing (2010) found that about 80 % of them engage in educational activities, 70 % in medical and health care, 65 % in poverty-alleviation aid, over 40 % in environmental protection, about 40 % in charitable aid, and close to 20 % in legal aid (see Fig. 9.3).

NGO Operating Modes in China's Ethnic Areas: The Case of Oxfam Hong Kong

In practice, NGOs have found various ways to operate, all with the common goal of trying to help people in need. Although different NGOs have different modes of

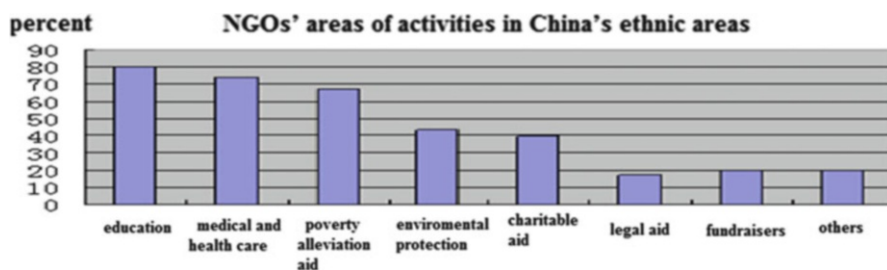


Fig. 9.3 Percent of NGOs and their areas of activities in China's ethnic areas. *Source:* Li Junqing and Chen Xuqing (2010: 74)

operation, the most frequently used form is the program or the project. We have chosen Oxfam Hong Kong as an example to analyze NGO operating modes in China's ethnic areas.

Introduction of Oxfam Hong Kong¹²

Oxfam Hong Kong is an independent international development and humanitarian organization working against poverty and related injustices. It began in 1976, when volunteers came together to open a second-hand shop and raise funds for antipov-erty projects around the world. Oxfam Hong Kong has been working on poverty alleviation and emergency relief in China since 1987. In 1992, it opened its first field office in mainland China in Kunming, followed by offices in Beijing, Guiyang, Lanzhou, and Chengdu. In 2004, the agency set up its China unit to manage program expansion.

About one-third of Oxfam Hong Kong's total program expenditure goes to poverty alleviation in mainland China. The majority of programs are located in Yunnan, Guizhou, Guangxi, Guangdong, Gansu, Shaanxi, Sichuan, and Beijing. The programs in mainland China focus on rural community development, livelihood improvement, emergency relief, gender equity, advocacy, basic education, small-scale infrastructure (such as water systems for drinking and irrigation), health care improvement, and NGO development.

Since 1987, more than 800 million Yuan has been allocated to help thousands of people, including poor farmers in remote mountainous areas, ethnic minorities, women and children, migrant workers, and HIV-AIDS patients. The agency has supported projects in almost every province, region, and municipality. However, the ethnic areas in China always receive more attention than others.

¹²For information on Oxfam Hong Kong, please see their Web site at http://www.oxfam.org.hk/en/china_206.aspx, last accessed on May 15, 2012.

How Does Oxfam Hong Kong Operate in China's Ethnic Areas?

Oxfam Hong Kong has established many programs in China's ethnic areas, including in southwest China, which is home to many nationalities. As such, we have chosen to analyze the organization's southwest China project office (established in 1992) (Cai Linpin 2005). We will discuss four aspects of its operation, including its external conditions, organizational structure, funds, and program operation.¹³

The External Conditions

The external conditions of the organization can be considered in terms of its legal environment, policy environment, and institutional relationships with different departments and groups. These external conditions influence the poverty-alleviation project implementation process to adopt certain means of mobilizing capital, manpower, and other resources.

First, Oxfam Hong Kong has a free and easy legal environment. According to China's "Regulation on Registration and Administration of Social Organizations," NGOs must be registered at the relevant agencies of the civil affairs department, and be affiliated with an official organization like a GONGO. As a branch agency, Oxfam's southwest China project office belongs to Oxfam Hong Kong. Its registration, business departments, and so on raise a series of legal questions for which there are no clear provisions. The office is actually a management and operation mechanism based on a cooperation agreement signed by Oxfam Hong Kong and the Yunnan Provincial Poverty Alleviation Office and other government departments. Because it does not have to qualify as an independent corporation, its activities are less restricted, but also less protected.

Second, Oxfam Hong Kong has constructed a free policy environment for itself. As an NGO, value neutrality is its basic principle. It always maintains a neutral attitude on actions to help the poor, focuses only on poverty alleviation, and tries to avoid sensitive issues such as politics, religion, and ideology. During program operations, it usually builds cooperative relations with departments that have government backgrounds, such as the Poverty Alleviation Office, All-China Women's Federation, and the Ethnic Affairs Commission. The Chinese Government has also implemented a series of positive policies and measures to encourage NGO participation in social services—important for Oxfam Hong Kong's southwest China project office to achieve its goals.

Finally, the office has established good connections with government, local residents, donors, and other NGOs in the area. An increasing number of cooperation agreements makes it clear that Oxfam Hong Kong has established solid relationships with minority-area local governments, including Nanhua, Mouding, and

¹³“China Programme Committee of Oxfam Hong Kong: xiangmu shenqing zhiyin ji xiangmu guanli gaishu (program application guide and management brief)” (2009), at http://www.oxfam.org.cn/userfiles/application_handbook.pdf, last accessed on May 15, 2012.



Fig. 9.4 Organizational structure of Oxfam Hong Kong's southwest China project office. *Source:* Yang Yunxin (2001)

Yongren in Yunnan province in 2008 (Zeng Qiwu 2008) and Guangxi Zhuang Autonomous Region in 2010 (Wu Siyong 2010). Oxfam has built a good reputation among people from all social circles due to its efficiency and responsibility during the long project implementation process and has obtained the full trust of donors. In the program implementation process, it has also built good relations with local residents by serving them wholeheartedly, and with other NGOs in ethnic regions through its communication and cooperation.

Organizational Structure

As a branch agency, the organizational structure of Oxfam Hong Kong's southwest China project office can be divided into three classes (see Fig. 9.4). The project representative dispatched by Oxfam Hong Kong is mainly in charge of the whole organization's operation. The project coordinator holds a middle position and is in charge of coordinating concrete programs and administrative affairs. Under the project representative, there are three middle officers in charge of development programs, emergency rescue programs, and office administration, respectively. The program officer is part of the organization's basic staff and is in charge of program implementation. Other administrative personnel are in charge of daily jobs within the organization and support other departments. There are 20 personnel in the southwest China project office, and most of them are part-time volunteers.

Funds

Fund-raising is an important concern for NGOs in China's ethnic areas. This subsection discusses how Oxfam Hong Kong raises and spends its funds. According to the organization's 2010 report, its total income was HK\$230 million, HK\$10 million,

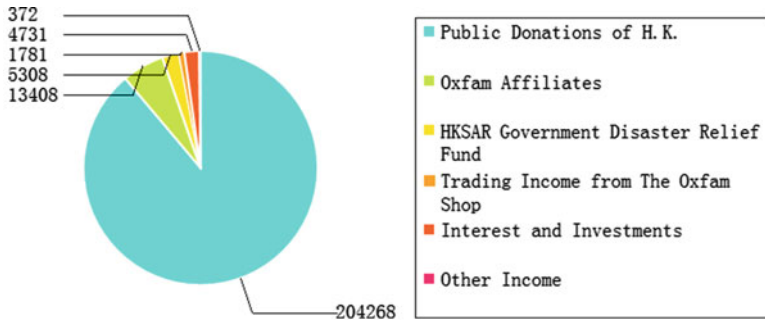


Fig. 9.5 Oxfam income in 2010 (HK\$'000). *Source:* Annual report 2010/2011, at <http://www.oxfam.org.hk/filemgr/1326/AR10web.pdf>, last accessed on May 6, 2012

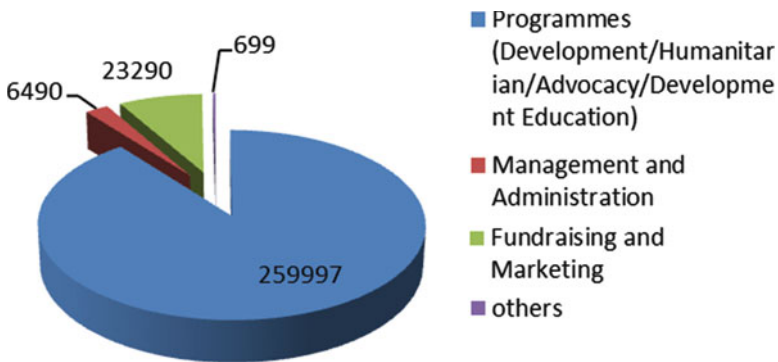


Fig. 9.6 Oxfam expenditures in 2010 (HK\$'000). *Source:* Annual report 2010/2011, at <http://www.oxfam.org.hk/filemgr/1326/AR10web.pdf>, last accessed on May 6, 2012

or 4.5 % higher than in 2009–2010. The organization uses five primary channels to raise funds (see Fig. 9.5). Public donation is the most important channel. Monthly donations amounted to HK\$132 million for the year, and Oxfam Trail Walker income reached \$29.5 million. Program costs were the biggest expenditure, and the management and administrative costs ratio decreased from 2.7 % in 2009 to 2.2 % in 2010.

According to Yang Yunxin (2001), the source of funds for a concrete program in China's ethnic areas is mainly divided into two parts. The first part is the program investment made by Oxfam, half of which comes from Oxfam Hong Kong and the other half from Oxfam International and other network members. This investment accounts for two-thirds of the total. The second part comprises matching funds provided by the local government, usually amounting to less than one-third. Local residents' labor contributions are another important part of project resource implementation. The total investment is distributed by the county program office (established by Oxfam Hong Kong) and is supervised and audited by Oxfam Hong Kong's supervising department and a world famous auditing company (see Fig. 9.6).

Program Operation

The program operation process can be divided into five aspects: selection, design, implementation, evaluation and acceptance, and supervision. A program's content and area are decided in the selection process. Poverty is the basic principle behind the choices. Therefore, Oxfam tends to select state or provincial poverty regions in China's ethnic areas for program operation. The information is usually provided by local partners, such as the Provincial Poverty Alleviation Office. Local government attitudes, the selected village's social and natural conditions, and the demonstration effect are taken into consideration when deciding on an area. Local residents' attitudes are also important in program selection.

The program design step is marked by consummation and richness of detail. It is a process participated in by the county program office and local residents, whose subjectivity is the most important factor in the design. The program implementation regulations are formulated by the local residents through discussion, during which suggestions from vulnerable groups and marginalized populations are paid special attention to. The county program office takes charge of organization and guidance, and ensures consistency between the program implementation regulations and Oxfam Hong Kong's vision. Local governments do not intervene in the design, nor is their intervention necessary.

The program is usually implemented by local residents, who also comprise the program staff. During implementation, the program officers are mainly responsible for guiding the program staff on how to work and for ensuring consistency between the program's development directions and Oxfam's core concepts. Under the guidance of the program officers, the program staff is in charge of mobilizing and organizing local farmers and helping them to solve the problems that arise during implementation. The Smaller Sum of Loans Program is a good example: to implement this program, local village residents established a fund management group with the help of the program workers, while Oxfam workers provided all kinds of vocational training to local residents. The goal of the program was to help the village establish a concept of community and establish a self-development system. Residents not only obtained developmental resources but also built a stronger desire for development than they had before.

Program evaluation and acceptance are conducted by a group of professors organized by Oxfam's southwest project office to estimate the status of a program's implementation. Both economic indicators and social development indicators are standard for this estimation. In determining the development of the whole village, the professors pay more attention to the progress of the vulnerable groups and marginal populations. As such, a community's integrated development level and integrated development talent are most important to the success of a program's implementation.

Finally, from beginning to the end of the program, there is systematic program supervision by four parties, including local governments, investors, Oxfam itself, and benefited residents. The government's supervision is a kind of macro supervision. They focus on the political direction of the program and make sure that

it is operating legally. Investor supervision concentrates mainly on a program's expenditure and effects. Oxfam's supervision pays attention to a program's effectiveness of operation through many reports and plans. Benefited residents concentrate on a program's management and implementation status. Because many programs are self-managed, they build up an effective supervisory system that can include financial affair oversight.

Barriers to NGO Development in China's Ethnic Areas

Although NGO development in China's ethnic areas has become more rapid, it is not yet rapid enough. There are many barriers to development, and prolonged, strenuous, and unremitting efforts are needed to make it sustainable.

First, local ethnic area governments and social organizations have yet to form an equal and effective partnership. As Zakaria notes (1995), the state recognizes that in an increasingly complex and expanding system, it is unable to continue to dominate all aspects of China's social, economic, and political life. As a result, the state has, in a top-down manner, allowed NGOs to form to advance state goals. However, the Chinese Government also strongly opposes NGO involvement on issues relating to China's political independence or territorial integrity, such as advocacy for a free Tibet. China's minority areas are mostly located in the southwest and northwest border areas, and these areas have an extremely important strategic significance to China, especially Xinjiang and Tibet. Therefore, local governments do not trust the NGOs in China's ethnic areas in independent management of their programs for fear that they may deviate from the purported goals. When Zhouqu County was struck by devastating mudslides in 2010, the donations and financial assistance fell under the unified management of local governments.¹⁴

While NGOs have a crucial role to play in promoting a more inclusive society, many officials do not fully recognize it. In contemporary China, NGOs are treated only as a supplement to the mixed social welfare system. Lacking an understanding of the NGOs' roles, responsibilities, and operations, China's central and local level governments do not allow NGOs to play a full role in helping solve ethnic conflicts even when the government itself is obviously ineffective in alleviating the tensions in ethnic areas.

Second, NGO operations in China's ethnic areas lack the protection of relevant laws. There are no uniform NGO laws at the level of central government. At present, there are three regulations promulgated by the State Council (including The Regulations on Registration and Administration of Social Organizations, The Interim Regulations on Registration of Non-enterprise Entities, and The Regulations on Administration of Foundations). There are two regulations promulgated by the

¹⁴“Zhouqu xian jiuzai zijin wuzi guanli banfa yi chutai” (Rules and regulations on the management of relief fund and materials for the county of Zhouqu) at <http://www.gn.gansu.gov.cn/html/2010-08/4778.html>, last accessed on May 6, 2012.

Ministry of Civil Affairs, including The Interim Measures for Registration of Non-enterprise Entities and The Interim Measures for Banned Illegal Civilian Organizations. There are no laws or regulations at the local level that are compatible with the status of China's ethnic areas. The five autonomous regions have legislative power in accordance with the relevant provisions and stipulations of the Constitution and the Law of the People's Republic of China on National Regional Autonomy. All of this leaves NGOs in a daze; as a result, their operations in China's ethnic areas may be unrestrained as long as they avoid sensitive issues, such as those pertaining to human rights and politics. However, their legal rights are not being protected, and local governments can intervene in their daily operations anytime they want, especially in China's ethnic areas.

Third, NGOs in China's ethnic areas have limited ability for growth because they tend to lack management skills, resources, or information necessary to improve their operations. The fund-raising capacity of these NGOs is frequently in question. According to reports, there are three fund-raising channels available to these NGOs, including overseas sources (Hong Kong, Macau, and Taiwan) (52.16 %), financial aid through social organizations in China (except government) (29.88 %), and government sources (14.11 %). However, 81.47 % of the NGOs in China's ethnic areas lack the necessary funding (Li Junqing and Chen Xuqing 2010). Only a certain number of NGOs can get support from government or overseas. The question of human resources is also important. According to Fisher et al. (2012), over one-third of NGO staff members were recruited in the last year, reflecting the recent incorporation of one-third of NGOs, staff exodus, and organizational growth. In China's minority areas, many NGO staff members are part-time, and trained staff members are difficult to maintain due to language barriers and high employee turnovers.

Conclusion and Suggestions

Like it or not, NGOs are fast developing in China's ethnic areas. Their work is inevitably changing the ethnic area development trend. But even though their increasing presence in ethnic areas and their contributions to the development of those areas are obvious, they remain part of a marginal group without a clear legal status. Nonetheless, many of them find ways to operate fairly successfully without causing themselves too much trouble, as Oxfam has done. They are able to raise funds for their operations, implement their programs, and empower the local residents.

Still, the official and social recognitions of NGOs in China's ethnic areas are rather low. The existing administrative system of local governments limits NGO development. NGO operations in China's ethnic areas require a functioning legal environment and policy regulations that are compatible with ethnic area development. Indeed, NGOs are in a daze over their lack of a strong support network. They have limited ability for growth. Research on and support for NGOs in China's ethnic areas are lagging behind their development. Civil society awareness is still weak, and donations are largely government driven.

Some measures can be taken to improve NGO environments in China's ethnic areas. The Party and the state need to modify their governance and policies and establish a unified legal system for these NGOs. The rights, responsibilities, and benefits of local governments and NGOs should be balanced, and NGOs should be given more opportunities to communicate with governments and other social organizations such as donor organizations at home and abroad. An effective civil society is needed for the growth of NGOs in China's ethnic areas.

In a word, NGOs can play a more important role in the future development of China's ethnic areas. But they need public policy support.

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Part III
Labor Relations in China

Chapter 10

Labor Contract, Trade Union Membership, and Workplace Relations: A Study of Migrant Workers in Guangdong Province, China

Zhiming Cheng, Haining Wang, and Yuanyuan Chen

Abstract Based on survey data collected in Guangdong province in 2009, this chapter examines the workplace relations and satisfaction with employment conditions among migrant workers after the implementation of the 2007 Labor Contract Law (LCL). Our analysis shows that trade union membership and better understanding of the LCL helped improve migrant workers' access to labor contracts. Trade union members were also more likely to sign medium-term contracts than short- or open-term contracts. Also, a better understanding of the LCL improved migrant workers' satisfaction with the labor contracts they signed. However, having a labor contract also came with reduced monthly wages, and sometimes coexisted with rights violations against migrant workers. This implies that employers may have been duplicitous in setting up contracts, and that while trade unions might have generated some positives for employee benefits, these may have actually come at the cost of better monthly wages. We also found that the degree of familiarity with the LCL, rather than the presence of a trade union, played a statistically positive role in determining monthly incomes, suggesting that labor authorities need to strengthen the enforcing abilities and effective functions of trade unions.

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Keywords China • Guangdong province • Migrant workers • Labor contract • Trade union • Workplace relations

Introduction

China has experienced extensive urban labor reforms since the 1980s in two major stages. The first stage occurred between the mid-1980s and late 2000s, and radically reshaped the industrial, labor, and workplace relations landscape. During these reforms, the state sector declined, while the private, foreign, and informal sectors emerged and expanded rapidly in terms of their employment and output (Park and Cai 2011; Cooke 2002; Sabin 1994).

Urban residents holding nonagricultural *hukou* (household registration) were an inextricable part of this process. During Mao's era and the early stage of the opening-up reforms, most working-age urban residents were assigned to work units, such as governmental agencies and affiliations, state-owned enterprises (SOEs), and collective-owned enterprises (COEs), and these provided them with wages, social security, housing, education, and so on. These state-allocated jobs—and the associated elite status of being socialist workers—were called the “iron rice bowl” and were constitutionally deemed to be lifelong positions in the socialist regime (Cao et al. 1999; Ding et al. 2000).

Well into the reform era, urban workplace relations experienced a fundamental transformation. The Chinese Government promulgated a series of policies and laws to decentralize and formalize workplace relations in the emerging market economy. Since the mid-1980s more and more newly recruited workers in the state sector have been required to sign labor contracts—in part designed to terminate the lifetime employment system (Guthrie 1998, 2001). The pace of changes in workplace relations was further accelerated by the national state sector reform which commenced in the late 1990s. State workers were laid off and their ties with the state were largely terminated during the closure, bankruptcy, restructuring, and privatization of a large number of SOEs and COEs (Lin et al. 1998; Wang et al. 2004). Consequently, the former socialist-style workplace relations faded and mostly disappeared. An urban labor market was gradually established, and became increasingly open and competitive (Knight and Yueh 2009; Jie Shen 2007).

Another major group involved was rural-to-urban migrants. After the reforms, the tight restriction on domestic migration imposed by the *hukou* system was gradually loosened to meet the huge demand for labor in coastal cities (Fan 2002; Solinger 1999; Sun and Fan 2011). Since then, agricultural *hukou* holders have been allowed to enter and exit the urban job market freely. Between 1982 and 2010 the urban floating population—the majority of which were rural-to-urban migrant workers—increased from 6.57 to 221.43 million; in other words, the ratio of floating to total population increased from 0.66 to 16.16 % (National Bureau of Statistics of China 1985, 2011).

Migrant workers have traditionally mainly worked in relatively low-tier jobs, such as in factories, construction sites, small and private businesses, and households, where they could earn more than in agriculture work in their home villages (Fan 2004; Pun 2005). However many of them were involved in noncontractual, unregulated, or informal workplace relations that gave limited or no protections (Seeborg et al. 2000). Such migrants typically curtailed their living expenditure in order to save, and often remitted the most of their incomes back home (Ping Huang and Shaohua Zhan 2008). In sum, they suffered poor living, working, and pay conditions, and they became one of the most vulnerable and disadvantaged socioeconomic groups in urban China (Frenkel 2001; Weiping Wu 2002; Wong et al. 2007).

Aiming to amend migrant workers' vulnerabilities, and define the rights and obligations for involved parties in the newly formed workplace relations, the Chinese Government enacted the 1994 Labor Law (effective January 1995), which required employers to sign labor contracts with their employees (Zhu and Warner 2000). However, employers have since showed poor compliance, and most migrant workers have not been offered any contracts. Even for those who were, many contracts were temporary, short term, or even invalid. In addition, certain other long-standing issues (such as labor abuses) remained untouched—or even less regulated—by the 1994 Labor Law.

Generally, migrant workers' working and pay conditions have not significantly improved—or even deteriorated—since the implementation of the 1994 Labor Law (Cooney 2007). Some of the most commonly seen problems have been poor pay, wage arrears, inadequate social security, long working hours, unpaid overtime compensation, illegal retrenchment, and lack of occupational health and safety protections (Anita Chan 2001). Between 1994 and 2007, the number of documented labor disputes under official arbitration increased by more than 25 times, from 19,098 to more than 500,000; and the number of employees involved increased by more than eight times, from 77,794 to 650,000 (Ministry of Labor and Social Security 1995–2008).

The background of the second—and current—stage of labor reforms is that the Chinese Government expresses its desire to divert its development path from export-oriented, labor-intensive manufacturing to high-value-added production, in order to boost domestic consumption especially after the recent global financial crisis. Some coastal economies experienced considerable labor shortages, implying the potential arrival of the Lewis turning point, which marks the end of an unlimited labor supply at the subsistence wage rate (Zhang et al. 2011). These transformations pressured technological improvement, industrial upgrades, and, more fundamentally, better economic incentives and social security for workers to keep them living, working, and spending in cities. However, labor abuses have been rampant, and have even worsened, since the mid-1990s. A large and growing number of these disputes have erupted into public demonstrations and mass incidents. The labor laws and regulations have been inadequate for solving employer–employee disputes, and employees have clearly lacked sufficient legal protections (Xiaomin Yu 2007).

To fulfill its development ambitions and amend the deficiencies in the 2004 Labor Law, China enacted the 2007 Labor Contract Law (effective January 2008,

hereafter the LCL) (Ngok 2008). The first item in the LCL proclaims that it is formulated to perfect the labor contract system, make explicit the rights and obligations of both parties of the labor contract, protect the lawful rights and interests of laborers, and build and develop harmonious and stable workplace relationships. The general trend leans towards increased employee protection, but less employer freedom. The LCL has more detailed regulations than the 2004 Labor Law on the applicability of different types of labor contracts, such as fixed-term and open-term contracts, probationary period, contract termination, labor dispatching, and overtime work (Cooney et al. 2007; Däubler and Wang 2009).

Although a significant number of employers have tried to circumvent the LCL by retrenching workers, cheating on labor contracts, and relocating factories to other regions or countries, the LCL actually does provide employees with legal grounds to fight for their lawful rights. An increasing number of labor disputes were recorded after the implementation of the LCL, particularly in coastal cities. During one quarter after the implementation of the LCL in 2008, labor courts in Guangzhou, Shenzhen, and Dongguan in Guangdong province (in the Pearl River Delta) filed more than 10,000 cases of labor disputes—twice as many in 2007; a similar upsurge of labor disputes was reported in areas such as Beijing and Shanghai municipalities, and Nanjing in Jiangsu province (in the Yangtze River Delta) (Harris and Luo 2008).

The LCL also attempts to confirm the leadership role that trade unions should play in collective bargaining and the formalization of labor management at firms. The LCL specifically authorizes trade unions to enter into collective bargaining agreements and negotiate salaries, working hours, holidays, and benefits with employers. This is based on the successful experience of some Western countries, where trade unions have provided effective legal protection and produced wage premiums for workers (Lewis 1986; Corneo and Lucifora 1997; Freeman 1984; Gittleman and Pierce 2007; Hirsch 1997; Lanot and Walker 1998; Wim 2007), and where trade unions have played significant roles in improving social security and employee benefits for workers (Blank and Card 1991; Budd and Brey 2003; Budd and McCall 2004; Hirsch 1997).

The actual performance of China's trade unions has been controversial, however. As China's only legal trade union, the All-China Federation of Trade Union (ACFTU) and its branches at various levels are supposed to play positive roles in shaping workplace relations. Indeed, they did help increase the rate of labor contract signing in the context of the transitional economy (Lu et al. 2010). In addition, major changes after the implementation of the LCL included professionalizing trade union officials, and granting trade unions more administrative power to interfere directly in labor affairs and disputes and organize collective bargaining (Cooney et al. 2007; Lan and Pickles 2011).

Although trade unions at the national and provincial levels have been relatively aggressive in supporting pro-labor legislation, those at the city or the firm level are still weak, and lack the capacity to engage in improving labor conditions and workplace relations for workers (Ding et al. 2002; Howell 2008). One reason is that trade unions in China suffer from the dilemma of having a double identity—as both a state apparatus and labor organization (Feng Chen 2003). They are usually required

by the authorities to help maintain social and political stability, to closely monitor workplace relations, and control unauthorized labor organizing. Simultaneously, they are also expected to defend workers' rights and interests as their peers do in Western countries.

Despite the presence of labor laws and trade unions, migrant workers' lawful rights have been frequently ignored and violated by employers. A survey conducted in 40 cities in 2004 shows that less than 12.5 % of migrant workers signed labor contracts, 52 % were denied wage arrears, 68 % were deprived of weekends, and 54 % never received overtime compensation (State Council Research Office 2006). The 2005 *One Percent National Population Sample Survey* shows that only a small proportion of migrant workers had access to unemployment benefits (7 %), pensions (15 %), and medical insurance schemes (18 %), while approximately 62 % did not have access to any of these (National Bureau of Statistics of China 2007).

At least at the beginning of its implementation, the LCL did not substantially improve working and pay conditions. Official statistics show that in 2009 migrant workers' mean monthly income was only 1,417 yuan—approximately one-fifth of an urban local's. Nearly 60 % of migrant workers did not sign labor contracts, and their average working hours were 58.4 h/week, which is longer than the lawful limit (National Bureau of Statistics of China 2010). Even for workers with labor contracts, one-third said that their labor contracts did not specify conditions such as the length of working hours, the employer's contribution to social insurance premiums, or the renewal and termination of contracts (Wang et al. 2009).

Recent research that followed the implementation of the LCL has examined the institutional changes, the impacts of the LCL and trade unions on labor conditions, and worker representation (Friedman and Lee 2010; Croucher and Miles 2010). However, this emerging research area still tends to pay scant attention to migrant workers. For instance, so far, only a few empirical studies suggest that the labor contracts have had positive and statistically significant effects on migrant workers' wages and social welfare (Zhanxin Zhang and Huili Hou 2008; Yi Chen and Yangyang Liu 2010; Ruijun Sun and Zinan Li 2010).

An inadequate understanding particularly exists regarding the mechanism through which labor relations have been changing and evolving in recent years using quantitative data. The present chapter aims to fill these gaps in the literature by using a series of econometric models, in order to explore the follow-on effects of the LCL on some aspects such as labor contract signing, migrant workers' satisfaction with employment conditions, and wages, benefits, and labor rights.

The rest of the chapter is structured as follows. The next section introduces the research background, data, and descriptive statistics. It is followed by a section examining the determinants of (1) migrant workers' labor contract signing; (2) the length of the labor contracts they signed; and (3) their satisfaction with these labor contracts. Then the next section examines whether labor contracts, trade union membership, and familiarity with the LCL (1) increase migrant workers' wages; (2) improve their employee benefits; and (3) reduce employers' violations of their rights. The last section summarizes the key findings and draws some conclusions.

Data

The data used in this study was collected in July 2009 through a research project entitled Migrant Workers in the Pearl River Delta of Guangdong Province conducted through the School of Sociology and Anthropology at Sun Yat-Sen University, Guangzhou, China. The data collection followed a proportional sampling framework that distributed the samples among nine cities, according to the gender, industrial, and regional distributions of migrant workers obtained from the results of a provincial population census. Street intercepts and purposive snowball sampling techniques were used to identify and recruit respondents. In order to maintain representativeness, no more than three samples were selected from each enterprise. Finally, 1,766 valid responses were received from 1,806 interviewees. The distribution of valid samples across cities is presented in Table 10.1.

Table 10.2 presents descriptive statistics of the variables to be analyzed in later sections. The first set of variables consists of labor characteristics, including labor contract signing status, length of, and satisfaction with, contracts (if workers had signed them), earnings (basic wage and total income), access to employee benefits, violations of labor rights, degree of familiarity with the LCL, and trade union membership. Some of these variables were used as independent or core explanatory variables in later analysis, depending on different specifications.

Approximately 62 % of the migrant workers studied had signed labor contracts. Nearly half of these were short-term (lasting less than 1 year) and nearly one-third were medium-term contracts (1–3 years). Only 4 % were long-term contracts (more than 3 years), and one-fifth were open-term contracts. Most migrant workers were satisfied (41 %) or very satisfied (3 %) with their labor contracts. One-fifth were dissatisfied, but had agreed to sign up to the contracts nonetheless. However, a striking finding was that approximately 16 % were forced by employers to sign contracts they defined as unsatisfactory.

On average, a migrant worker earned a monthly basic wage of 1,306 yuan. Their mean monthly income, which included overtime and other compensation in addition to the basic wage, was 1,662 yuan. Because 65 % worked overtime, hourly

City	Observations	Percentage
Guangzhou	298	16.87
Shenzhen	417	23.61
Zhuhai	87	4.93
Foshan	154	8.72
Zhaoqing	61	3.45
Dongguan	527	29.84
Huizhou	62	3.51
Zhongshan	99	5.61
Jiangmen	61	3.45
Total	1,766	100.00

Table 10.1 Sample distribution

Table 10.2 Descriptive statistics

	Observations	Mean/percentage	
Labor contract signed (yes)	1,732	62 %	
Labor contract length	999		
Short term (less than 1 year)		46 %	
Medium term (1–3 years)		32 %	
Long term (more than 3 years)		4 %	
Open term		19 %	
Labor contract satisfaction	1,068		
Unsatisfied (forced to sign)		16 %	
Unsatisfied (agreed to sign)		21 %	
Satisfied		41 %	
Very satisfied		3 %	
Monthly base wage (yuan)	1,724	1,305.80	(850.32)
Monthly income (yuan)	1,729	1,662.34	(972.14)
Hourly base wage (yuan)	1,715	5.03	(3.70)
Hourly income (yuan)	1,720	6.37	(4.23)
Number of employee benefits	1,714	2.81	(2.53)
Number of rights violations	1,730	0.33	(0.65)
Familiarity with the LCL	1,728		
Very unfamiliar		14 %	
Unfamiliar		37 %	
Neutral		37 %	
Familiar		10 %	
Very familiar		2 %	
Trade union membership (yes)	1,729	8 %	
Female	1,766	46 %	
Age (years)	1,763	28.63	(8.86)
Urban <i>hukou</i>	1,764	20 %	
Education	1,766		
Primary school or below		11 %	
Junior high school		43 %	
Senior high school		34 %	
College or above		11 %	
Unmarried	1,766	47 %	
Changed job at least once	1,766	70 %	
Occupation	1,747		
Manager		7 %	
Technician		17 %	
Ordinary worker		76 %	
Industry of employer	1,730		
Competitive industry		54 %	
Monopolistic industry		8 %	
Other		39 %	
Ownership of employer	1,723		
SOE/COEs		9 %	
Private enterprises		82 %	
Individual businesses (<i>getihu</i>)		7 %	

(continued)

Table 10.2 (continued)

	Observations	Mean/percentage
Other		2 %
Size of employer	1,725	
Small (fewer than 100 employees)		36 %
Medium (100–1,000 employees)		42 %
Large (more than 1,000 employees)		22 %

Source: Authors' calculation

Note: Standard deviations are in parentheses

earnings were also calculated. Their mean hourly basic wage was 5.03 yuan and mean hourly income was 6.37 yuan.

According to China's labor laws, employees are entitled to three types of leave (sick leave, paid leave, and maternity leave) and five social insurance schemes (medical, pension, work-related injury, unemployment, and maternity) as their legal employee benefits. However, most migrant workers were able to access only a few of these. On average, a migrant worker had less than three, and only 4 % of migrant workers had all these employee benefits.

The survey also collected information on eight types of labor rights violations against migrant workers. These were forced work, dangerous work without adequate occupational protection, corporal punishment, body/bag searches, assault and battery, imprisonment, and high-risk and hazardous work (such as in a dusty, noisy, or toxic environment). On average, slightly fewer than one in three workers experienced a rights violation. Approximately 21 % experienced one instance of rights violation, approximately 4 % experienced two, and approximately 1 % experienced three instances and more.

Scoring on Likert-style five-point scales, only a small proportion stated that they were familiar (10 %) or very familiar (2 %) with the LCL, implying that most migrant workers had inadequate knowledge about the law. In addition, only 8 % were trade union members.

The second set of variables comprises individual characteristics. Approximately 54 % of migrant workers were male and 46 % were female, while 47 % were unmarried. Their average age was 28.6 years. Approximately 70 % had changed their jobs more than once during their migration period. Most had finished junior high school (43 %) and senior high school (34 %). A small proportion (11 %) had college or university qualifications. The vast majority (80 %) held rural *hukou*. The rest (20 %) who held urban *hukou* were mainly former rural residents who changed their *hukou* during urban expansion to formerly rural areas where they lived.

The final set of variables contains employer characteristics. The majority of migrant workers were employed in private enterprises (82 %) and competitive industries (54 %). Approximately 76 % were ordinary workers and engaged in the so-called three-D jobs (that is, dirty, dangerous, and demanding) such as construction, which are generally shunned by urban locals (Fan 2003; Knight and Song 1995; Yang and Guo 1996). In addition, they were concentrated in small- (36 %) and medium-sized (42 %) enterprises. Only one-fifth worked in large enterprises.

Empirical Analysis

Determinants of Labor Contract Signing

After controlling for other factors, we first test whether trade union membership and degree of familiarity with the LCL (as two key explanatory variables) affected labor contract signing (as a binary variable). The logistic regression model used is in the form of

$$\ln \left[\frac{P(Y = 1|x)}{1 - P(Y = 1|x)} \right] = \alpha + \beta X + \varepsilon,$$

where the dependant variable is the log odds that a migrant worker had signed a contract: a migrant worker either had signed ($Y=1$) or had not signed a contract ($Y=0$); X is a vector of independent variables, including aforementioned labor, individual, and employer characteristics; β is a vector of estimated coefficients for the sets of independent variables which were added to the model gradually; and ε is the error term.

Table 10.3 presents the estimated impacts of independent variables on the log odds of migrants having signed a contract. The results show that being a union member or having better knowledge of the LCL increased the odds of having signed a contract while controlling for other independent variables (*sic passim*). In sum, union membership and better familiarity with the LCL were positive and statistically significant factors influencing contract signing.

The coefficients for control variables were informative. Migrant workers who were married, better educated, or attended occupational training were more likely to have signed labor contracts. These results for the latter two variables are consistent with human capital theory, which emphasizes the importance of human capital accumulation in a labor market (Schultz 1961, 1993). If we take the person's previous job-hopping record as a proxy for future tendencies, those who had changed jobs before were less likely to sign a labor contract, possibly because they did not want to be confined by contracts. Differing from the results of prior studies, *hukou* status was an insignificant factor, perhaps because the samples mainly selected among factory workers due to the purposive focus of data collection.

Regarding employer characteristics, only the type and size of employers show significant effects. More specifically, migrant workers in larger enterprises, or in SOE/COEs, were more likely to have signed contracts relative to those in smaller or private and individual enterprises. These enterprises, as the major targets of labor law enforcement, have shown better compliance with the LCL in terms of signing contracts with employees, although not necessarily in other areas of employment satisfaction as demonstrated below.

Table 10.3 Determinants of labor contract signing

	Model 1	
	Coefficient	Standard error
Trade union membership (ref: no)	0.6213**	(0.2933)
Familiarity with the LCL	0.3831***	(0.0713)
Age	-0.0108	(0.0096)
Female (ref: male)	-0.1309	(0.1232)
Education (ref: primary school or below)		
Junior high school	0.0379	(0.1968)
Senior high school	0.2154	(0.2161)
College or above	0.9978***	(0.2872)
Married (ref: unmarried)	0.3342**	(0.1666)
Untrained (ref: trained)	-0.5618***	(0.1501)
Urban <i>hukou</i> (ref: rural <i>hukou</i>)	0.0103	(0.1612)
Changed job (ref: unchanged)	-0.2374*	(0.1304)
Occupation (ref: technician)		
Manager	0.1433	(0.2779)
Ordinary worker	0.1161	(0.1639)
Industry of employer (ref: monopolistic industry)		
Competitive industry	-0.0405	(0.2368)
Other	-0.1217	(0.2386)
Ownership of employer (ref: SOE/COE)		
Private enterprise	-0.5456**	(0.2420)
Individual business (<i>getihu</i>)	-1.1399***	(0.3307)
Other	-1.6884***	(0.5237)
Size of employer (ref: small)		
Medium	1.4112***	(0.1302)
Large	2.4144***	(0.2005)
Constant	-0.2858	(0.5372)
Log likelihood	-874.7643	
Pseudo R^2	0.2090	
Observations	1,677	

Source: Authors' calculation

Note: (1) The variable for the familiarity with the new law was customarily treated as continuous variable; (2) *, **, and *** denote significance at 10 %, 5 %, and 1 % levels, respectively

Determinants of Labor Contract Length

We adopted a multinomial logit model to estimate the probability that a migrant worker signed one of the four types of labor contracts classified as short, medium, long, and open terms. This model is an extension of the logistic regression model designed to suit the circumstance that does not follow the multivariate normal distribution (Press and Wilson 1978). It is appropriate for analyzing the relationships between covariates and a dependent variable that has three or more possible unordered outcomes. The model is in the form of

$$\ln \left[\frac{P(Y = i|x)}{P(Y = r|x)} \right] = \alpha_i + \beta_i X + \varepsilon \quad (i = 1, 2, \dots, n; \quad i \neq r),$$

where i is the type of contract; r is the medium-term contract serving as the reference group; the dependent variable is the log odds that a migrant worker signed the i type of contract relative to a medium-term contract; X is a vector of independent variables; β_i is a vector of estimated coefficients showing the impacts of X on the probability of signing the i type of contract relative to a medium-term contract; and ε is the error term.

The results in Table 10.4 show that union members were less likely to sign short- or open-term contracts than medium-term contracts. This implies that trade unions help more migrant workers get medium-term contracts compared with the other types. The degree of familiarity with the LCL did not have statistically significant effects on any type of contracts signed. In other words, migrant workers' knowledge of the new law had no substantial influence on the duration of contracts they signed.

We also report the results of controlled variables. Because a high turnover in experienced, skilled workers could bring about significant business losses, employers tended to sign open-term contracts with workers who attended occupational training or who were older. One of the underlying reasons is that these workers had better human capital accumulation. This is similar to that for contract signing, as discussed above. Another reason may be that the LCL requires employers to provide open-term contracts to employees who work for 10 or more years for the same employer. Since this information is not captured by the survey, it is not considered in the models.

Different from the last scenario, *hukou* status emerged as a significant factor. Urban *hukou* holders had lower odds than rural *hukou* holders of having signed short-term contracts compared to medium-term contracts. Amongst the variables for employer characteristics, only the size of the employer had a statistically significant impact. Relative to smaller ones, medium- and large-sized enterprises were more likely to offer employees medium-term contracts, indicating that the latter provided migrant workers with more stable employment in terms of duration of contract.

Determinants of Labor Contract Satisfaction

Migrant workers' satisfaction with labor contracts was measured as an ordinal response in the survey. Therefore, a proportional odds model was adopted to model the dependence of satisfaction on covariates. The proportional odds model is in the form of

$$\log \left[\frac{P(Y \leq m|x)}{P(Y > m|x)} \right] = \tau_m - \beta_m X \quad (i \leq m < M),$$

where Y denotes the response category in the range $1, \dots, M$, with $M \geq 2$, and let $P(Y \leq m|x)$ be the cumulative response probability when the covariate is held at x ; X

Table 10.4 Determinants of labor contract length

	Model 2 (short term)		Model 3 (long term)		Model 4 (open term)	
	Coefficient	Standard error	Coefficient	Standard error	Coefficient	Standard error
Trade union membership (ref: no)	-0.7649***	(0.2539)	0.0388	(0.4755)	-0.8657**	(0.3464)
Familiarity with the LCL	0.1301	(0.0914)	0.2551	(0.2139)	0.0907	(0.1140)
Age	0.0147	(0.0146)	-0.0274	(0.0372)	0.0359**	(0.0177)
Female (ref: male)	0.0210	(0.1607)	-0.6195	(0.4016)	-0.1995	(0.2038)
Education (ref: primary school or below)						
Junior high school	0.2249	(0.3068)	-0.6515	(0.8720)	0.3463	(0.3821)
Senior high school	-0.2014	(0.3170)	-0.0458	(0.8436)	-0.2002	(0.3994)
College or above	-0.3530	(0.3591)	0.4387	(0.8977)	-0.3700	(0.4488)
Married (ref: unmarried)	0.0934	(0.2202)	0.5440	(0.5141)	-0.2109	(0.2784)
Untrained (ref: trained)	0.0148	(0.1664)	-1.1022***	(0.3765)	0.3829*	(0.2206)
Urban <i>hukou</i> (ref: rural <i>hukou</i>)	-0.3681*	(0.1965)	-0.6595	(0.4735)	0.1968	(0.2420)
Changed job (ref: unchanged)	0.0651	(0.1674)	-0.3072	(0.3774)	-0.3141	(0.2042)
Occupation (ref: technician)						
Manager	-0.2512	(0.3390)	-0.1318	(0.7171)	0.3235	(0.4042)
Ordinary worker	-0.0192	(0.2176)	0.0363	(0.4904)	0.0985	(0.2776)
Industry of employer (ref: monopolistic industry)						
Competitive industry	0.1529	(0.2970)	-0.5542	(0.8093)	-0.1775	(0.3823)
Other	0.0991	(0.1685)	-0.1385	(0.4058)	-0.3482	(0.2177)
Ownership of employer (ref: SOE/COE)						
Private enterprise	0.0864	(0.2384)	-0.7162	(0.4591)	0.2118	(0.3140)
Individual business (<i>getihu</i>)	0.7410	(0.6238)	0.4729	(1.2549)	0.6803	(0.7598)
Other	-1.6626	(1.1545)	-30.0892	(3.20E+06)	1.3668*	(0.7569)
Size of employer (ref: small)						
Medium	-0.1075	(0.2186)	-0.2507	(0.5586)	-0.8862***	(0.2614)
Large	-0.8134***	(0.2355)	-0.0007	(0.5459)	-0.8849***	(0.2735)
Constant	-0.0506	(0.6749)	-0.3366	(1.5755)	-1.1073	(0.8356)
Log likelihood	-1,062.018					
Observations	984					

Source: Authors' calculation

Note: (1) The reference group is medium-term contract; (2) *, **, and *** denote significance at 10 %, 5 %, and 1 % levels, respectively

is a vector of independent variables; and β_m is a vector of estimated coefficients for the m response category.

The results in Table 10.5 show that better familiarity with the LCL positively and significantly improved migrant workers' satisfaction with contracts. However, being a union member did not enhance their satisfaction with contracts. This reflects that the function of trade unions was impaired due to their limited coverage, and possibly because of the high mobility of migrant workers.

Although trade unions are required under the LCL to defend workers' interests, their influence has been limited, and they have been unable to improve workplace relations for migrant workers effectively. For example, in Guangdong province, trade unions have often failed to establish branches and represent migrant workers in foreign-owned enterprises (Zhu et al. 2011). Another study argues that trade unions at the workplace actually prevented collective consultation from providing an adequate framework for the regulation of workplace relations (Clarke et al. 2004). Nonetheless, the results for core explanatory variables suggest that through disseminating the knowledge of labor laws among migrant workers, trade unions can help workers better protect their own lawful interests.

The results for the control variables show that female workers or trained workers were more likely to be satisfied with their contracts. The reasons may include that female workers had lower expectation than male workers due to their long-standing disadvantage in China's urban labor market, and that trained workers with better skills were more likely to be offered better contracts by employers. Nonetheless, the most educated migrant workers were less likely to be satisfied with the contracts compared with the least educated ones, and this indicates better contract consciousness among the former group. Migrant workers in medium-sized enterprises tended to be less satisfied with their contracts compared with those in small enterprises.

Earnings, Employee Benefits, and Labor Rights Violations

Earnings

The Mincer earnings function posits the theoretical foundation that earnings is the sum of a linear function of years of education and a quadratic function of years of potential work experience in the standard form (Mincer 1974), or with other factors in various extended forms (Heckman et al. 2003). Following this intellectual tradition, we modeled whether migrant worker's wages and incomes were determined by types of contracts, union membership, and familiarity with the LCL, after controlling for other factors in the form of

$$\ln(E_i) = \alpha + \beta_1 X_{1i} + \beta_2 X_{2i} + \varepsilon_i,$$

Table 10.5 Determinants of labor contract satisfaction

	Model 5	
	Coefficient	Standard error
Trade union membership (ref: no)	0.2078	(0.2376)
Familiarity with the LCL	0.3830***	(0.0805)
Age	0.0048	(0.0124)
Female (ref: male)	0.3398**	(0.1392)
Education (ref: primary school or below)		
Junior high school	-0.0374	(0.2732)
Senior high school	-0.0391	(0.2816)
College or above	-0.5353*	(0.3217)
Married (ref: unmarried)	-0.0891	(0.1893)
Untrained (ref: trained)	-0.2413*	(0.1446)
Urban <i>hukou</i> (ref: rural <i>hukou</i>)	0.1693	(0.1711)
Changed job (ref: unchanged)	-0.1624	(0.1444)
Occupation (ref: technician)		
Manager	0.2298	(0.2853)
Ordinary worker	0.0333	(0.1842)
Industry of employer (ref: monopolistic industry)		
Competitive industry	-0.3488	(0.2508)
Other	-0.2568*	(0.1469)
Ownership of employer (ref: SOE/COE)		
Private enterprise	-0.3264	(0.2161)
Individual business (<i>getihu</i>)	-0.3243	(0.4576)
Other	-1.6346**	(0.6769)
Size of employer (ref: small)		
Medium	-0.4164**	(0.1749)
Large	0.0825	(0.1993)
Log likelihood	-926.6778	
Pseudo R^2	0.0350	
Observations	850	

Source: Authors' calculation

Note: (1) The variable for the familiarity with the new law was customarily treated as continuous variable; (2) *, **, and *** denote significance at 10 %, 5 %, and 1 % levels, respectively

where E_i is the log of monthly or hourly earnings as measured by wage or income for the i th migrant worker; X_1 is a vector of three core explanatory variables; X_2 is a vector of other independent variables; β_1 and β_2 are vectors of estimated coefficients for the core and other independent variables, respectively; and ε is the error term.

The results for core variables on earnings are indecisive, and therefore require more cautious interpretations. First, and surprisingly, labor contracts had a deleterious effect on monthly wages (see Model 6 in Table 10.6). The reason might be that, after signing labor contracts with migrant workers due to the enforcement of the LCL, employers used accounting tricks to compensate for the decreased profits from higher labor costs. For instance, some employers raised dormitory fees, and meal prices at factory canteens, and imposed fines for breaching rules or making

mistakes at work. Consequently, the monthly wages of some contracted migrant workers actually declined. This ratiocination seems reasonable, because some studies suggest that the LCL has increased unit labor costs (Chen and Funke 2009). Nonetheless, more evidence is needed to justify this argument, because another, separate empirical analysis argues that the increase induced by the LCL is economically insignificant (Han et al. 2011).

Second, trade union membership was also found to dampen monthly and hourly wages significantly (Models 6 and 8). This indicates that trade unions were ineffective in improving wages for migrant workers. However, it may also be in part due to the substitution effect between wages and nonwage benefits, as found by another study that argues that unions had positive and statistically significant effects on various types of nonwage benefits (Lu et al. 2010). In other words, better nonwage benefits were provided to migrant workers at the expense of wages as a result of unions' bargaining with employers. The present study also got similar results, which are discussed in the next section.

Third, regarding monthly income, among the three core variables, only better familiarity with the LCL had positive and statistically significant effects (see Model 7). This suggests that migrant workers were more likely to protect their economic interests by themselves obtaining overtime and other compensation. As to hourly income, having a labor contract became positive and statistically significant, indicating that employers had paid overtime and other compensation (see Model 8).

Results for the control variables show that holding urban *hukou* or being male had significantly positive effects of earnings, reconfirming the earning discrimination and the segmented urban labor market on migrant workers—especially women (Yang Yao 2001; Xin Meng and Junsen Zhang 2001; Xin Meng 2001). Having an education level higher than primary school or being a manager or a technician improved migrant workers' earnings. Those in competitive industries or small enterprises tended to earn more. One reason may be that jobs in these industries and enterprises are less secure. According to the theory of compensating differentials (Sherwin 1986), workers are likely to be compensated by higher earnings for job insecurity. Workers in monopolistic or larger enterprises, as demonstrated below, had other non-income employee benefits, which were not captured by the data on earnings.

Employee Benefits and Labor Rights Violations

Because the number of employee benefits and labor rights violations are count outcome variables, we adopted a negative binomial regression to estimate the effects of the three core variables in the form of a count regression model:

$$\ln(\lambda_i) = \alpha + \beta_1 X_{1i} + \beta_2 X_{2i} + \varepsilon_i,$$

Occupation (ref: technician)									
Manager	0.3076***	(0.0439)	0.2466***	(0.0408)	0.3249***	(0.0489)	0.2674***	(0.0457)	
Ordinary worker	-0.0995***	(0.0274)	-0.1307***	(0.0252)	-0.0939***	(0.0305)	-0.1287***	(0.0282)	
Industry of employer (ref: monopolistic industry)									
Competitive industry	0.1025***	(0.0385)	0.0746**	(0.0357)	0.1435***	(0.0429)	0.1256***	(0.0400)	
Other	0.0405*	(0.0214)	0.0213	(0.0198)	0.0745***	(0.0238)	0.0593***	(0.0221)	
Ownership of employer (ref: SOE/COE)									
Private enterprise	0.0484	(0.0350)	0.0258	(0.0324)	0.0183	(0.0390)	-0.0031	(0.0363)	
Individual business (<i>gerithu</i>)	0.1119**	(0.0527)	0.0534	(0.0489)	0.0229	(0.0587)	-0.0272	(0.0547)	
Other	0.1546*	(0.0891)	0.0726	(0.0819)	0.1564	(0.0988)	0.0650	(0.0913)	
Size of employer (ref: small)									
Medium	-0.0727***	(0.0245)	0.0061	(0.0226)	-0.0791***	(0.0273)	-0.0034	(0.0253)	
Large	-0.0613**	(0.0304)	0.0550*	(0.0381)	-0.0709**	(0.0338)	0.0446	(0.0314)	
Constant	6.9133***	(0.0814)	7.1448***	(0.0752)	1.2930***	(0.0907)	1.5224***	(0.0842)	
Adjusted R ²	0.2331		0.2715		0.2406		0.2871		
Observations	1,610		1,671		1,602		1,662		

Source: Authors' calculation

Note: (1) The variable for the familiarity with the new law was customarily treated as continuous variable; (2) *, **, and *** denote significance at 10 %, 5 %, and 1 % levels, respectively

Table 10.7 Effects of labor contract, trade union membership, and familiarity with the new law on employee benefits

	Model 10	
	Coefficient	Standard error
Labor contract signing (ref: no)	0.8122***	(0.0518)
Trade union membership (ref: no)	0.1882***	(0.0688)
Familiarity with the LCL	0.1206***	(0.0235)
Age	-0.0069**	(0.0035)
Female (ref: male)	0.0324	(0.0416)
Education (ref: primary school or below)		
Junior high school	0.0486	(0.0785)
Senior high school	0.2735***	(0.0821)
College or above	0.4236***	(0.0945)
Married (ref: unmarried)	0.0930*	(0.0556)
Untrained (ref: trained)	-0.0832*	(0.0448)
Urban <i>hukou</i> (ref: rural <i>hukou</i>)	0.1548***	(0.0501)
Changed job (ref: unchanged)	-0.0571	(0.0428)
Occupation (ref: technician)		
Manager	0.0372	(0.0847)
Ordinary worker	-0.0638	(0.0552)
Industry of employer (ref: monopolistic industry)		
Competitive industry	0.0914	(0.0748)
Other	-0.0046	(0.0436)
Ownership of employer (ref: SOE/COE)		
Private enterprise	0.0027	(0.0665)
Individual business (<i>getihu</i>)	-0.1314	(0.1170)
Other	0.2789	(0.1739)
Size of employer (ref: small)		
Medium	0.2573***	(0.0595)
Large	0.0608	(0.1699)
Constant	0.0608	(0.1699)
Log likelihood	-3,316.3316	
Pseudo R^2	0.0847	
Observations	1,659	

Source: Authors' calculation

Note: (1) The variable for the familiarity with the new law was customarily treated as continuous variable; (2) *, **, and *** denote significance at 10 %, 5 %, and 1 % levels, respectively

where λ_i is a set of incidence rates, taking the logarithm for the i th migrant worker; X_1 is a vector of core variables; X_2 is a vector of other variables; and ε is the error term.

More straightforward than those in Table 10.6, the results from Model 10 in Table 10.7 show that having a labor contract, union membership, and better familiarity with the LCL all had positive and statistically significant effects on gaining employee benefits.

For control variables, older workers received fewer employee benefits because employers were less likely to favor older workers who had deteriorating health and

Table 10.8 Effects of labor contract, trade union membership, and familiarity with the new law on labor rights violations

	Model 11	
	Coefficient	Standard error
Labor contract signing (ref: no)	0.2352**	(0.1099)
Trade union membership (ref: no)	0.2623	(0.1639)
Familiarity with the LCL	-0.1315**	(0.0545)
Age	-0.0142*	(0.0077)
Female (ref: male)	-0.6102***	(0.0987)
Education (ref: primary school or below)		
Junior high school	-0.0038	(0.1562)
Senior high school	-0.0734	(0.1687)
College or above	-0.5971**	(0.2340)
Married (ref: unmarried)	0.0995	(0.1266)
Untrained (ref: trained)	0.2901**	(0.1133)
Urban <i>hukou</i> (ref: rural <i>hukou</i>)	0.1215	(0.1191)
Changed job (ref: unchanged)	0.3240***	(0.1053)
Occupation (ref: technician)		
Manager	-0.5414**	(0.2351)
Ordinary worker	-0.0663	(0.1187)
Industry of employer (ref: monopolistic industry)		
Competitive industry	-0.2764	(0.1991)
Other	0.0758	(0.0969)
Ownership of employer (ref: SOE/COE)		
Private enterprise	0.2743	(0.1702)
Individual business (<i>getihu</i>)	-0.1089	(0.2763)
Other	0.3726	(0.3968)
Size of employer (ref: small)		
Medium	0.1551	(0.1168)
Large	0.3988***	(0.1391)
Constant	-1.0704***	(0.3806)
Log likelihood	-1,210.4548	
Pseudo R^2	0.0437	
Observations	1,676	

Source: Authors' calculation

Note: (1) The variable for the familiarity with the new law was customarily treated as continuous variable; (2) *, **, and *** denote significance at 10 %, 5 %, and 1 % levels, respectively

lower physical strength. Better educated and trained migrant workers have higher productivity, and thus they were more likely to have access to more employee benefits. Rural *hukou* holders still faced discrimination in terms of access to employee benefits similar to those available to urban *hukou* holders. Different from findings in the earnings function, gender was statistically insignificant in obtaining employee benefits. Migrant workers in large enterprises had better employee benefits (although they also had lower wages). However, the effects of the other two control variables for employer characteristics were statistically insignificant.

The results in Table 10.8 show that surprisingly, having a labor contract went hand in hand with labor rights violations in all three models. This might be in part due to employers using deceptive contracts (recollecting the effect of labor contracts in earning functions). For example, some migrant workers were forced to sign blank or incomplete contracts that did not specify work and pay conditions; some contracts were written in English, which migrant workers could not read; and some workers did not get a copy of the contracts they signed (International Trade Union Movement 2008).

Better familiarity with the LCL helped decrease rights violations in all three models. Again, this demonstrates the utility of self-protection taken by migrant workers in workplace relations. Union membership was insignificant, implying the potential inability of unions to protect migrant workers from labor rights violations at least based on the analysis of the data (recollecting the results on the determinants of labor contract satisfaction).

Results for control variables show that older and female workers were more vulnerable to labor rights violations. Better educated and trained migrant workers again seem to have had better awareness and capacity for protecting themselves. In addition, being a manager or a technician dramatically reduced rights violations—abuses usually targeted ordinary workers. The problem of rights violations in large enterprises seems more severe relative to that occurring in small enterprises. This result is reinforced by some recent cases of labor abuses by large employers such as Walmart and Foxconn, who have strong power in dealing with local authorities and workers (Anita Chan 2011; Hurst and Sorace 2011).

Conclusions

After three decades of economic reforms, China's urban labor market has experienced fundamental transformation. The implementation of the LCL was a recent milestone in the establishment of modern labor system and an attempt to protect employees' rights and interests through the empowerment of trade unions.

By analyzing survey data, this chapter provides empirical evidence about the determinants of labor contract signing, its duration, and the satisfaction with labor contracts among migrant workers. Two core variables, namely, union membership and degree of familiarity with the LCL, are given particular attention. Union participation and better familiarity with the law effectively increased the probability of a worker having signed a work contract. However, only union membership statistically affected the duration of that contract. For instance, being a union member made migrant workers less likely to sign short- and open-term contracts compared to medium-term ones.

Better familiarity with the LCL improved workers' satisfaction with labor contracts. However, trade unions were unable to improve the level of workers' satisfaction with their contracts, possibly due to their impaired function, limited coverage, and high mobility of migrant workers. As Josephs (2009) suggests, "hard law" alone is not self-executing and by itself will not effectuate workplace justice. In this sense, by disseminating the knowledge of the LCL, trade unions can better assist

migrant workers protect their lawful interests themselves, especially if unions are unable or unwilling to confront employers and are not powerful enough to protect workers directly.

This chapter examines the effects of labor contract, trade union membership, and familiarity with the LCL on three other dimensions: satisfaction with employment conditions (including earnings), employee benefits, and labor rights. Having a labor contract and union membership had statistically significant limiting effects on monthly wages on the sample under study. One explanation is that some employers fraudulently circumvented the LCL and reduced workers' actual wages by increasing other worker costs, such as living and housing charges. The negative effects of trade unions on monthly and hourly wages were possibly due to the trade-off effect between wages and employee benefits, although other negative effects due to the dysfunction of unions, or connivance between unions and employers, cannot be ruled out. A greater familiarity with the law had a positive effect on monthly incomes, implying that migrant workers were likely to obtain overtime and other compensations under the LCL. In addition, having signed a labor contract increased hourly incomes.

Labor contracts, trade union membership, and better familiarity with the law all had positive effects on improving migrant workers' access to employee benefits. However, having a labor contract also had positive effects on migrant workers' susceptibility to rights violations—possibly again due to the manipulation of contracts by employers. Better familiarity with the LCL decreased rights violations, which is in line with the general findings in the literature.

Although having a labor contract, trade union membership, and familiarity with the LCL did improve some aspects of workplace relations and satisfaction with employment conditions for migrant workers, authorities still need to strengthen enforcement of the law. The idea of utilizing trade unions to lead labor negotiation is seductive. However, it seems that, at least in the early stages of the LCL implementation, these attempts have had less than the expected degree of success; and, according to our results, rhetoric has somewhat outstripped implementation. It may be better for trade unions to disseminate knowledge of labor laws among migrant workers as a starting point before intervening more deeply into the process. The results from this study also show that good laws do not necessarily directly result in effective protection of labor rights and workplace relations.

Acknowledgement The data used in this study was provided by the Center for Urban Studies at Sun Yet-Sen University, Guangzhou, China. Responsibility for this research, including any errors or omissions, remains with the authors.

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Chapter 11

Labor Protection for Migrant Workers in China: A Perspective of Institutional Reform

Qingwen Xu

Abstract This chapter is to examine the protections the government's laws and policies afford the Chinese migrant workers in a period of social and economic reform and expansion. Using the conceptual framework of institutional analysis and development (IAD), this chapter focuses on the notion of "commons," a general term referring to resources shared by a group of people or a community who may be vulnerable to exclusion or other social dilemmas. In the case of China's migration, the commons that all Chinese seek are quality employment, and their socioeconomic rights and well-being. The dilemma is how the benefits of economic growth can be shared. Analysis of Chinese labor and welfare laws and policies reveals that policy decisions, even though made from the top down, reflect a shared understanding on the content of societal commons across individual workers, families, communities, employers, nongovernmental organizations, and central and local governments. Analysis also indicates that collaboration for policy implementation results in compromise and prevents reaching the full range of socioeconomic rights and well-being of disfranchised Chinese migrant workers. It is noted that the key ingredients of good policy making and implementation will be enacted through increased participation among all societal institutions, and the case of China's migration may set up such a precedent.

Keywords Commons • Institutional analysis and development (IAD) • Migrant workers in China • Labor rights • Policy protection

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Introduction: Active Labor Market and Migration

China's economic reform, started in 1978, has transformed to a great extent the country's economic system from a state-planned to a largely market-oriented economy. During the three decades of radical changes in China's economic policies, its GDP rose from 362.4 billion *yuan* (approximately US\$53.3 billion) in 1978 to 39.798 trillion *yuan* (approximately US\$6.3171 trillion) in 2010, making it the world's fastest growing economy. China's official GDP growth rate in 2010 was 10.3 % despite the 2008 global financial crisis (National Bureau of Statistics of China 2011, February 28). China's dramatic economic development is attributable to an active market-oriented labor market, as well as change in laws and economic policies in keeping with the employment situation now in place in the new economic environment.

Over the past 30 years, China's decision to open its doors to overseas investment produced a massive infusion of foreign capital, which stimulated enormous economic growth and transformation, greatly expanding its manufacturing and service sectors. Consequently, sizeable privatization has produced about 36 million private businesses in China (*Xinhua News* 2009, December 25). The importance of the urban private sector has been growing (state-owned enterprises, despite their monopoly in some important sectors, own 23 % of national assets and comprise about 3 % of all business entities, see *Xinhua News* 2009, December 25). Along with the privatization, China's pre-reform "iron rice bowl" employment system, which guaranteed lifetime employment for most urban workers in addition to pensions, housing, health care, and many other social benefits, has also phased out. Since the 1950s, the "iron rice bowl" had represented a working relationship within the socialist doctrine; at the same time it created an unequal division of employment and social benefits that gave urban workers far more privileges than their rural counterparts. Due to China's household registration system (*hukou*), initiated in 1958, aimed primarily to control the movement of citizens within the country (Kam Wing Chan and Li Zhang 1999), millions of rural residents were forbidden to enter urban labor markets, and thus were blocked from enrolling in the employment-based state social and welfare protection system. As a result, before the late 1970s' economic reforms millions of potential workers lived in rural areas.

Following China's economic reforms, private enterprises along with the central and local governments expressed a need to free China's labor force from this government control that seemed to serve a purpose in the pre-reform China. In the early 1980s the central government issued its Ten Policies for Rural Economic Development, and loosened government control over population movement, which led to a huge surge of rural-to-urban migration for the newly burgeoning factory jobs in cities. Since this time, rural-to-urban migrants have been permitted to work in China's growing towns and cities with "temporary residence permits." The plan paid off. In 1978, about 28.27 million migrants found work in the cities; three decades later, at the end of 2011, the number had increased nearly eightfold, to 253 million (National Bureau of Statistics of China 2012).

With increasing number of migrants working in cities predominantly for private enterprises, profit-driven corporate activities surged; in particular, during the early stages of the reform, violations of workers' rights, such as wage arrears, dreadful and even dangerous working conditions, and prolonged working hours without pay, surged, which jeopardized the well-being and even the livelihoods of ordinary workers. Unfortunately, regulations to protect workers' rights, such as employment contract laws, were neither existed nor enforced at that time. With dissipation of the old government-guaranteed employment benefits, new policies covering various aspects of labor protection and employment became necessary. In this context, the central government was forced to devise a policy response for both the government's own good and the country's long-term social and economic development. This chapter employs the institutional analysis and development (IAD) framework to assess China's policy response to protect migrant workers' social and economic rights, and to promote workers' and their families' well-being.

Institutional Reform: A Framework

In order to protect those at risk and create an active labor market, China's central government had to make radical changes to either build or restructure the institutions of the state, the new marketplace, and its community institutions that had traditionally provided social support systems for its people, including the sick, the unemployed, and the elderly and infirm. Competing interests of private enterprises, individual workers, and groups/institutions resulted in a series of unfair labor practices that have challenged China's social, economic, and political systems. In order to avoid destructive rivalries, institutional reforms have been ushered as the government has encouraged institutional collaboration and cooperation.

Elinor Ostrom (2005) describes how different types of institutions promote or hinder cooperation. Institutions come in all forms—families, neighborhoods, churches, markets, companies, labor unions, schools, private associations, and governments. Within the framework of IAD (see Fig. 11.1), Ostrom explores how and why institutions are formed and sustained, how they can be modified, and the role they play in the political, social, and economic arena. IAD framework helps enhance our understanding of the diverse nature of institutions and of the mechanisms that allow collaboration for policy making.

IAD Framework

Under the IAD framework, private employers, workers, communities, and other societal institutions have a mutual interest in common resources like land, rivers, and seas, which over time came to be called "commons" and expanded to broader social concepts ranging from the integrity of the environment to the social fabric of

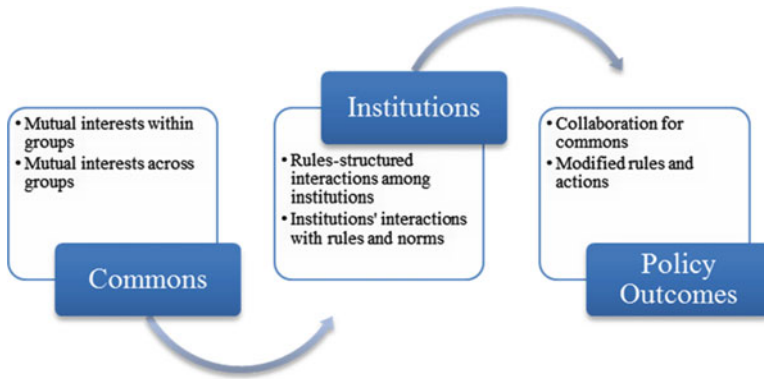


Fig. 11.1 IAD framework: The authors' interpretation of Elinor Ostrom's theoretical formulation in her book, *Understanding Institutional Diversity*, 2005

communities. In other words “commons” include activities and assets essential to or useful for human well-being that can only be produced and/or consumed, at least in part, collectively. As people gather together to protect their common interests, institutions of every shade and shape have formed ranging from business and labor to nonprofit groups. Hess and Ostrom (2007:350) define institutions that are held together by “rules affecting two or more persons that specify who decides what in relation to whom.” Specifically, institutions are the prescriptions or norms that people use to organize all forms of repetitive and structured interactions. In other words, people are acting within rule-structured situations and their interactions with rules and norms also have consequences for themselves and for others (Ostrom et al. 1994).

In the public policy domain, collective action or collaboration is needed to establish and enforce policies governing the appropriation of common resources and common welfare (Ostrom 1990). An understanding of rule-structured interaction is essential in the public domain where individual private and community interests can conflict or, if well managed, converge; policies, administrative regulations, and cultural norms alike affect outcomes in different situations (Ostrom 2005). Failure to understand how policies are formed, or how they are modified, is hazardous. Thus, IAD can be adopted as a theoretical framework to investigate how institutions interact within their society's prescribed rules and norms; it also facilitates an understanding of rules and actions that influence policy outcomes.

The framework, however, is just an investigative tool that does not guarantee or even predict outcomes. Rules can be ignored or maneuvered for selfish purposes. Commons can be enclosed and privatized as easily as opened up for the public good. Originally the term “commons” designated land, and the history of commons is replete with occasions when open spaces for grazing and subsistence farming were forcibly taken over or “enclosed” by wealthy landowners (Neeson 1993). In Europe the story of enclosure over approximately 500 years can be described as the gradual privatization of what were once shared resources, or commons such as land. Moving

the clock forward and considering another region, the question becomes the following: What does commons mean today, and does it have any relevance in a market-driven society, including that of the People's Republic of China?

IAD Framework for China?

Commons, to repeat, is a general term referring to resources shared by a group of people or a community who are frequently vulnerable to outside political and economic dilemmas. Like many emerging economies, one of the dilemmas facing the present labor market in China is endemic employment challenges. As China moved away from central planning in the 1980s, a structural imbalance in the labor market occurred almost immediately (Jones 2009). There are many good reasons for adopting a market approach in a global economy or replacing doctrinaire socialism with a relatively uncontrolled market system. But keen competition in the non-state sector caused financial difficulties for many SOEs, even bankruptcy. The direct cost of China's economic reform in its first 15 years was a rise in unemployment, by some estimates close to 20 % in urban areas (Nakagane 1997). While rural unemployment is formally considered zero, an assessment by China's National Bureau of Statistics Rural Survey Team puts underemployment in rural areas at 35 % of the total rural workforce, or 170 million persons (Xiaoyu Fan and Shufen Qie 2002). Official government data on unemployment and underemployment are, however, usually disputable. Market forces thus drove the emerging, urban-based private sector to absorb millions of workers from rural and urban areas.

While of course Chinese authorities would never admit to "enclosure" of common land or other common property, including government social supports obtained through common property such as factories, farming lands, and economic resources, to those affected by the government's decision to discontinue lifetime employment and associated benefits of the socialist economy, it is precisely that. Given this employment challenge, the commons in question are economic and social rights and well-being; and the dilemma is how this well-being can be guaranteed and economic benefits can be equally shared. Commons analysts differentiate between commons as a *shared resource or a resource system* and as a *property rights regime*. Elaborating further, shared resource systems or common-pool resources are economic goods independent of particular property rights (Hess and Ostrom 2007). At the heart of the predicament is the state's professed goal of social justice and equality. At the same time, an important part of China's national agenda is to efficiently and effectively sustain its economic progress in both production and service delivery. Optimal production implies the most advantageous use and management of resources. The efficient delivery of public services applies not only to physical infrastructure like roads and public transport but also to economic and social rights including rights to access health, education, and welfare that protect and promote the common good (World Bank 2003). Thus, China's various institutions and the

now-competing now-converging interests of the different sectors of society call for collective action for the ostensible goal of China.

“Commons” in the Context of China’s Migration

Typical of the Chinese press is its habit of adding the phrase “with Chinese characteristics” when referring to the country’s modern “socialist market economy,” social policies, and even to socialism itself. “Socialism with Chinese characteristics” was meant to signal the adoption of a free market while retaining the political dominance of the Chinese Communist Party. These were the new realities where the state retained a large portion of economic production even as it encouraged the participation of its various entities in the market (Gittings 2005). In today’s China, it might be said that the labor market “with Chinese characteristics” has been seeking a type of commons that does not polarize institutional interests.

Commons: Employment and Job Precarity

China’s labor surplus (including urban unemployment and rural underemployment) has supported a low-level wage structure and has long been a key factor of the country’s high economic growth rate; the urban labor market for low-skilled workers predominantly consists of rural-to-urban migrant workers. Labor surplus also gives private employers great leverage in labor relations and leaves workers, particularly migrant workers who lack adequate skills and education, in a disadvantaged position. Compensation, benefits, working hours, working conditions, and all issues related to employment, previously determined by the state, without government interventions, fall to private corporations. Violations of migrant workers’ economic and social rights and threats to their well-being occurred under the new market-economy regime, which were particularly flagrant in the early 1990s (Anita Chan 2001). In April 17, 1996, the Beijing *Workers’ Daily* reported on a letter from 24 irate workers in a Guangdong company. “The company beats, abuses, and humiliates us at will,” the workers wrote, adding that some of the workers were under the legal working age of 16, and they were “sometimes made to work all through the night to finish a rush order.” The abuse report in the *Workers’ Daily* was not unusual; similar problems abounded throughout the southeast coastal region, the earliest laboratory for economic reforms (Anita Chan 2001).

It was widely known that migrant workers in private companies had been forced to work underpaid and/or work overtime without compensation. The wage rate for migrant workers is kept at subsistence level, which had been maintained during the late 1980s and in 1990s. Several surveys also indicate that during this period the nominal average wage of migrant workers had not increased in the Pearl River Delta, which means that the real wage decreased considerably (Research Office

Project Team of the State Council 2006). When migrant workers' salaries were low, it was also common that migrant workers received only half or less than half that received by their urban counterparts and below the local minimum wage (Xiaoyuan Dong and Bowles 2002). The average wage was RMB 539 *yuan* per month for migrant workers while urban workers received RMB 1,339 *yuan* on average in 2004 (Qiuqin Yang and Hua Jiang 2007).

Thus, the “precarious employment” situation, a sociological construct generally defined as the lack of workers' rights and employment and safety regulations that support a standard employment relationship as well as workers' welfare (Hadden et al. 2007), has rendered China's migrant workers extremely vulnerable. As economic development has become the national priority, the juncture of the state's political interests and its capital needs has affected social policies and reduced the state's long-standing welfare net, along with workers' wages, working conditions, and so on (ul Haque 2004). As migrant workers struggle to make a living in cities where capital is now economically and politically dominant, they have been forced to accept the precarious employment—poor and, in many cases, criminal treatment from their employers, and substandard living and working conditions. Therefore, meeting the basic conditions for a reasonably humane existence through work, which should enable workers to secure housing, welfare, education, health, legal protection, etc., has become the “commons” shared among not only China's migrant population, government, and other institutions but also private employers with growing awareness of the relationship between their employment practice and companies' long-term development.

Commons: Migrant Workers' Rights, Protection, and Development

The key innovation of “socialism with Chinese characteristics” was that some people would “get rich first”; but most migrant workers are still waiting for their share of development gains to “get rich together,” an agenda that was promoted by the person who ignited the tremendous changes in China, Deng Xiaoping. It is assumed that workers would get their fair share with further economic growth, but in the last two decades, economic growth did not necessarily translate into a better life for workers, particularly migrant workers. Needless to say today, a strong correlation exists between migration status and low incomes, urban homelessness, and poverty in Chinese cities (Ministry of Civil Affairs of China 2010), which consequently contributes to the emerging and ever-increasing social stratification and widespread social inequality (Qiang Li 2004, 2006).

Development gains from migration and the protection of the socioeconomic rights of migrant workers are inseparable (Peilin Li and Wei Li 2007; Hong Yu 2005). Migrant workers contribute to their villages of origin by, among others, alleviating pressures on the labor market, sending money back home, acquiring new

skills, and making investments, all of which help alleviate rural poverty. In cities, migrant workers contribute to China's development by meeting the demand for low-cost workers, particularly in the growing area of service work. The works in some of the most critical service areas, for example, domestic work and care-giving, are performed primarily by female migrant workers (Yun Xiao 2005). Eliminating migration-related inequality and protecting the socioeconomic rights of migrant workers can have a positive effect on productivity, in that it results in fewer lost hours of work, reduces health care costs, and increases output. More important, protecting the rights of migrant workers benefits cities by preventing the development of a vulnerable working underclass, which can harm the nation's long-term socialist values of equity and equality. Of course, for the migrant workers themselves, securing socioeconomic rights furthers their earning capacity and personal development and provides a degree of security and stability for their families.

Recognizing the special contributions that migrant workers have made to China's cities and villages over the past 30 years, and to China's overall social and economic development, the Chinese central government must develop policies and laws, and enforce them, to protect and promote migrant workers' rights, a significant commons in the new socialist open economy. From a government perspective, among many socioeconomic consequences of rural-to-urban migration, the growing inequality and disparity between urban and rural workers is one in which the administration had least previous experience in dealing with. And if the central government continues to ignore their rights, serious sociopolitical instability and violence may be unavoidable (Qin et al. 2005; Knack and Keefer 2000). The main challenge facing China's policymakers is how to absorb the migrant workers into quality, stable jobs (not precarious employment), encourage or mandate employers to foster healthy labor relations (versus an exploitative relationship), and develop national and local policies to improve the quality and equality of employment, a concept not only essential to the migrant workers' and their families' well-being but also integral to migrant workers' rights to equal employment, health care, decent housing, education, and other social and economic rights.

Using the IAD framework, the following sections deliberate and examine whether China's policy responses to migrant workers' concerns promote the socially productive end "commons" that benefit all members of society, or ignore their rights, resulting in a redistributive system that benefits a small segment (certain favored institutions) at the expense of others.

Rules in Use

When undertaking institutional analysis, one needs to first understand the rules in use that institutions/individuals adopt when asked to explain and justify their interactions with other institutions/individuals; these rules also have explicit or implicit assumptions (Ostrom et al. 1994). In China, while the central government and its governing political wing, the Chinese Communist Party, have been promoting a

“free market economy with Chinese characteristics,” they have not relinquished the control and administration of economic activities (for this reason the World Trade Organization, for a time, refused to recognize China’s free market status). In today’s socialist free market environment, China’s strong central government prevails when setting labor laws, policies, and practices. These explicit policy practices and/or implicit institutional rules affect the interactions between workers, employers, organizations, and local and central governments, and thus produce different policy outcomes.

China’s labor legislation passed in 1994 is considered a milestone for labor protection; the very fact of its enactment was significant. The 1994 Labor Law gave importance to workers’ rights not previously recognized, and demonstrated the government’s conscious effort to bring its system of labor laws and industrial relations into closer alignment with international standards (Josephs 1995). A tougher Labor Contract Law was implemented in January 2008 to further increase and protect the rights of the workforce, as detailed below. Together the two labor laws established a framework to protect China’s labor force and maintain a productive, skilled talent pool for the market-oriented economy.

A high degree of worker job security is provided under the 2008 Labor Contract Law. Significant legal provisions include increased regulations for labor contracts, use of temporary workers, and severance pay. For example, this labor law requires that all employment relationships must be documented in written labor contracts, and imposes significant penalties on employers for failing to comply; it applies to all employers no matter how few employees (even one) they might have and to all employees, regardless of their migration or residence status. In addition, the new 2008 law provides a complex set of rules to limit the termination of employment contracts in certain scenarios, to ensure job security, and it specifies the conditions under which employers and employees can terminate a labor contract. Employers are allowed to lay off workers only if they file for bankruptcy or are in serious danger of doing so because of deficits, unsuccessful technological innovation, or radical changes in the business operation or environment. Under the 2008 law, when unilaterally terminating an employee or a group of employees for any reason, the employers must first give notice to the relevant labor union (though union approval is not required) and notify the worker(s) in written form 30 days in advance, or after paying the worker(s) at least a month’s severance salary.

In addition to the two fundamental labor laws, the central government enacted a series of policies that target migrant workers’ rights. The most significant one, Communist Party of China (CPC) Central Committee and State Council on Promoting the Construction of a New Socialist Countryside (Central People’s Government of China 2005, December 31), often called “Central Government No. 1 Document,” issued on December 31, 2005, establishes the principles that have since guided policy concerning migration and migrant workers. These principles, including abolishing discriminative regulations on migration and migrant workers’ employment, establishing public service networks across urban and rural areas, and providing information on relevant laws and policies, employment, and training, also underscore the government’s new agenda—moving from migration control in the

pre-reform China, and migration administration in the 1980s and 1990s, to the promotion of rural-to-urban migration and protection of migrant workers' rights and well-being in 2000s and beyond. Consequently, after 3 months, the State Council issued its Comments on Solving the Issues of Migrant Workers (Central People's Government of China 2006, March 27), which details policies on migrant workers' income, employment, training, labor protection, social security, and public administration and service, and meanwhile emphasizes issues concerning salary requirements, labor contracts, workplace safety, health care benefits, policy administration and enforcement, and legal aid issues that have been severely threatening migrant workers' rights and well-being.

It is important to note that China's labor protections and worker rights laws and policies are implemented from the top down and essentially discourage the formation of autonomous, self-governing organizations and collective actions. As a result, the implementation of these laws is often left to the local government and employers and the protection of labor rights is questionable, as what will be illustrated below.

Institutional Interaction with Rules and Norms

The IAD framework indicates that the structure of the rule system is important because it can influence interinstitutional relationships. When looking at the current rules that place important constraints on policy practice, it is also important to understand how rules and rule-ordered relationships can be changed (Ostrom et al. 1994). In response to the "commons" in the context of China's labor migration, China's institutions (including workers, workers' unions, employers, communities, nongovernmental organizations (NGOs), and local and central governments) have interacted in the last two decades and their interactions represent a collective arrangement but with some notable restrictions.

While 1994 Labor Law and 2008 Labor Contract Law provide a legal framework to support workers' rights based on employment relationships between employers and workers, the "precarious employment" situation still prevails among migrant workers. Only a small proportion of migrant workers have written contracts with their employers. A survey conducted in 40 cities by China's Ministry of Labor and Social Security in 2004 indicates that 12.5 % of migrant workers were working under written job contracts (Research Office Project Team of the State Council 2006). After the 2008 Labor Contract Law went into effect, on average, 43.8 % migrant workers work under labor contracts. A large percentage of workers, specifically, 73.6 % of construction migration workers, 61.4 % of service industry migration workers, and 49.6 % of factory migrant workers, worked without contracts (National Bureau of Statistics of China 2012). The major factor contributing to this situation is the employment in the informal labor sector. Similar to many other Asian countries, the growth of China's informal labor sector has been phenomenal in terms of its percentage taken in the country's GDP and the size of workforce engaged in this sector (Ghose 2005; Felipe and Hasan 2006; Angang Hu and Li

Zhao 2006). The informal sector, including workers in the recycling business, food vendors, retail vendors, and small-scale production, employed a sizeable percentage of migrant workers (various case studies report different percentages, some as high as 90 %; see Yin et al. 2006). Without rules, precarious employment is a norm, and even a preferred practice.

In general, rule-structured interactions are conventional behaviors among institutions; however, institutions are doing so by carefully walking around the rules for their own interests. While temporary, seasonal, and/or contractual employees fall outside of the protection of labor laws, for employers in the formal sector, avoiding the 2008 Labor Contract Law by increasing the percentage of temporary, seasonal, and/or contractual employees helps reduce costs and increase flexibility in workforce needs (Angang Hu and Li Zhao 2006; Wencai Zheng 2010). For small-scale business owners and the self-employed in the informal sector, many of whom are migrant workers themselves, complying with employment laws is beyond their abilities and would strain their resources and ability to stay in business. In addition, many cannot afford to register with their local government business administration agency, and often their “employment relationships” are based on family memberships and/or social networks (Xiangdong Wan 2008). For some migrant workers, working without a contract (and thus ineligible for social insurance benefits) does not concern them, particularly when their employment is obtained through social networks, and they need quick income to get settled in a new city or a flexible schedule due to family responsibilities, or so that they can readily leave for better pay or better positions (Xiangdong Wan 2008). For city governments, on the one hand, promoting the socioeconomic rights and well-being of migrant workers through a rule-ordered employment relationship is their responsibility; on the other hand, regulating the informal sector, enforcing labor laws and policies, and implementing strict administration of the laws require collaboration across government agencies, a streamlined process of business administration, and increased governmental resources, and thus, enforcing workers’ rights laws and policies has become extremely difficult (Qiang Li and Zhuang Tang 2002). In practice, some city governments use cash penalties for rule violations to make up for lost administration fees and local taxes from the informal sector (Qiang Li and Zhuang Tang 2002).

Indeed, the informal sector is often blamed for precarious employment and the lower incomes of migrant workers. Despite it, local city governments, rather than the central government, have much incentive to preserve the informal sector and to protect migrant workers and their families. For the Chinese central government in this era of reforms and unprecedented economic growth where its socialist welfare system has become too costly and new system is still evolving, workers’ well-being, job security, and employment predictability are essential to continued economic growth. The central government has traditionally reacted whenever unemployment numbers rise, concerned no doubt that massive layoffs and the relocation of millions of rural-to-urban migrant workers might spark social and political instability. For local city governments, they are concerned about the extent to which informal sector and migrant workers have contributed to the local economy (Angang Hu and Li Zhao 2002), and they are fully aware of the high level of dependence that urban

residents have on migrant workers for a variety of services, such as elderly care, food vending, and deliveries (Qiang Li and Zhuang Tang 2002). Thus, the informal sector and precarious employment appear to be a “necessary evil” of China’s growing economy.

In this context, the rule-ordered employment relationships, as set forth from the top down in China’s two fundamental labor laws and a series of recent labor policies, simply lack a popular base for implementation. The nature of migrant workers’ economic activities makes it too costly to firmly implement and enforce all labor laws and policies. Complementary to this, institutional analysis suggests an alternative way of understanding interactions between rules and institutions, as well as rule-structured interactions among institutions. That is, institutions including local governments, communities, migrant workers and families, business owners, and many others maintain the social norms and interactions that are mutually beneficial, and nonetheless hoping to maximize policy outcomes—promoting and sustaining “commons” or the spirit of caring for vulnerable members of society through self-governing and self-managed groups and/or institutions. In a collaborative arrangement, a parallel system of norms and regulations interact; thus, a structure where migrant workers are able to organize to live and work in cities while their relationship with employers are governed by multiple authorities at different levels amounts to a polycentric system (Ostrom 2005).

Collaboration for Commons

Notwithstanding the dominant role of China’s central government, labor policy implementation and practices often tend to cooperate in a “commons” fashion across institutions, including local and state governments, employers, employees, and labor unions among others. For example, vocational training has been well recognized in China as an effective way to improve the overall quality of China’s labor force, support labor transition from rural to urban areas, increase employment options and quality for migrant workers, and eventually promote a healthy employment trajectory for migrant workers and improve their and their families’ well-being. In 2003, the Ministries of Agriculture; Labor and Social Security; Education, Sciences and Technology; Finance; and Construction jointly issued the 2003–2010 National Migrant Worker Training Plan, an 8-year comprehensive program covering issues from worker training, funding sources, and incentives to intergovernmental and interinstitutional collaborations. As a result, since 2004, various training programs for migrant workers have been initiated. For instance, the Sunshine Project, initiated in 2004, had trained 2.5 million rural migrant workers in rural tourism and nutrition, catering, and professional and business skills. It aimed to train eight million more rural migrant workers every year until 2008. The government offered training incentive—the subsidy for each trainee; the incentive has increased over the years. Taking Sichuan province as an example, the government subsidy per trainee was 150 *yuan* in 2004, 160 *yuan* in 2005, 190 *yuan* in 2006, and 300 *yuan* in

2007 (Li Shi 2008). Such training costs are shared by the central and provincial governments while training programs are implemented at the city level.

To pool efforts together, enterprises and employers are encouraged to provide vocational training for their employees with governments' supports. In fact, employers have driven the content of vocational preparation, and been the main supporters of technical training. During the past decade, millions of migrant workers in China have participated in their company's routine or special training activities. Private vocational training schools, with funding support from local governments, have also flourished in this and similar types of public-private partnerships. Although preliminary evaluation of these training programs has indicated certain problems, such as lack of adequate participation of migrant workers as they are too busy to participate, and the gap between training content and market needs (Xiaomei Huang 2009), the reform and development of vocational training, especially formal cooperation between companies and secondary schools, and also between industries and secondary and higher education institutions in general, has been a breakthrough for China's adult education system (Xiangli Liu 2000).

Similar collaboration between state governments, migrant workers, labor unions, and NGOs has also emerged and helped protect migrant workers' social and economic rights. Notable is that local government efforts in some parts of China have led to various public-private and government agency collaborations that have helped improve migrant workers' quality of employment and promote their social and economic rights across geographic areas. For example, despite the 2008 Labor Contract Law, migrant workers often find themselves in a weak position in disputes over labor contracts, salaries, and/or payment of wages. According to a case study (Yonghong Zhang 2009), to help solve labor disputes, ease the anger and anxiety among migrant workers, and allay the employer fears and those of their investors, the Street Office—the lowest municipal government body in cities—played a key role. The Street Office actively facilitated conflict mediation, and also established a fund to pay workers' wages before a settlement was reached, based on a province-level policy that provided for such payment. In addition, in recent years, a growing body of NGOs unified by a broad base of migrant workers' socioeconomic rights has received support (monetary and in-kind) from trade unions and certain city governments. One NGO, Migrant Sister Home, established in 1996, is supported by All China Women's Federation; in the same year, the Nanshan Female Workers Service Center was formed as a result of collaboration between a Hong Kong-based NGO and the Nanshan Federation of Trade Unions in the city of Shenzhen (Jinglun Yue and Heng Qu 2007).

This phenomenon is particularly meaningful considering that China's "civil society" emerged in the very late 1970s but it is still largely controlled by the Chinese Government (Ye Zhang 2003). While control or regulation is still prevailing in the context of China's substantial economic reforms but limited political reforms, the increased internal interest in NGOs and the NGO-state partnership is due to these organizations' role in promoting a common goods and sustaining a communal spirit, such as labor rights protection. Because such notion of "commons" has been accepted to promote the country's optimal sustainable development, these certain

NGOs were able to obtain favorable and even supportive treatments from the central and local governments. It is noted that these state–NGO collaborations were only able to operate and push forward their agenda under a limited and permissible framework. From the IAD perspective, the state–NGO relationships—regulation and collaboration—construct a carefully defined rule structure about where citizens are able to organize and to what extent institutions governed by multiple authorities at different levels can evolve into a polycentric system, for a better policy implementation and outcomes.

However, the prevalence of such collaborations for migrant workers' socioeconomic rights remains poorly documented. The outcomes of such collaborations, that is, to what extent such collaborations have helped build migrant workers' human capital, promote their well-being, and protect socioeconomic rights, have not been examined. Supporters of the IAD framework have argued that interinstitutional interactions and collaborations have been influenced by the attributes of the community in which the institutions are located (Ostrom et al. 1994). The term *culture* is often applied to this bundle of variables, such as generally accepted norms of political behavior, level of the community's understanding about the commons, homogeneity of institutional preferences, and distribution of resources among the institutions. Often China's economically advanced provinces, special enterprise zones, and major metropolitan areas that are also province capitals or chief administrative cities have offered and implemented more generous supports for migrant workers than other areas. It is also more likely to observe state–NGO collaborations in these cities and areas than other areas. As such, the definition of *commons*, collective institutional arrangements, and collaborations are also highly locational and tied to specific local institutional needs and political economic situations. And such collaborations would build on a consensus to respect boundaries (and interests) and collaborate for mutual benefits at the local level.

Experiences of institutional collaborations for migrant workers' socioeconomic rights and well-being offer promising mechanisms to overcome the collective-action dilemmas in a country where grassroots collective actions raise anxiety and mistrust among local and central governments (as well as the local governing bodies of the Chinese Communist Party). The Chinese consider collaborations more simply as one tool among many for the resolution of employment and workers' problems. China's central government, for instance, might be able to resolve the migrant workers' wage issues through direct, command-and-control regulations, but at the same time it might be less costly and more effective for it to collaborate with other institutions to overcome such challenges, institutions such as groups of concerned individuals, labor or migrant worker groups, or formal quasi-governmental organizations such as federations of workers' unions and women's federations that might have a special interest in employment or business affairs, and workers' well-being. Recent practices of using of social workers in solving labor conflicts between migrant workers and private employers (Ministry of Civil Affairs of China, 2011) also exemplify the government preference of adopting new mechanisms to facilitate collaborations on this matter.

Modify Rules for More Effective Policy Implementation

If rules are the essence of institutions, as Hess and Ostrom (2007) suggest, it can be said that China has never lacked rules—laws, policies, regulations, and governmental guidelines. China has a deeply rooted tradition of government intervention from the top down in almost every aspect of social economic activity. Admittedly, problems arise in policy implementation in China (and across all countries); thus modifying the rules for more effective and efficient policy implementation is not only realistic and desirable but also ideologically permissible in China.

Commons vs. Local Government Interests

While facts, we are told, speak for themselves, the complexity and evolution of labor legislation in China cry out for an explanation—some way of accounting for the facts of rural labor's changing status in the social and economic turmoil of recent years. Theory has two important purposes. It supplies initial direction for an inquiry (such as the present case study of Chinese labor laws and policies for the commons concerning migrant workers), and it can offer insights into social phenomena (such as the meaning of and motivations behind each institution's behaviors addressing the commons). Institutional analysis is a particularly appropriate framework for understanding the contradictory and convergent tendencies of Chinese commons. Since the founding of the PRC in 1949, the country has always had a political doctrine of egalitarianism, despotically enforced under Mao Zedong, relaxed but still practiced in different ways by reform-minded Deng Xiaoping and his immediate successors. While the claims of traditional Maoists and the softer statements of the reformers may sound hollow for various reasons, the people's collective aspirations to strive for the country's national interests still remain. So, despite the contradictions apparent in nondemocratic governance, the notion of a commons remains alive.

With this connotation of Chinese commons, it is noted that the huge economic and social disparity across China's provinces and its cities, and between its urban and rural areas, motivates policymakers to create, hinder, or modify policy or its implementation. Local interests in, for example, attracting investors, promoting economic growth, or meeting the local people's needs in services may lead to more (or less) favorable treatment of migrant workers. In doing so, local governments hope to modify commons-related rules, and follow local norms and practice standards in policy implementation. Nonetheless, local interests are nested in commons. Paradoxically, this very disparity across locales can support compromise and cooperation in governance, as seen in instances of collaborations when flexibility has been urgently needed. Crises and cracks in the system thus can, in various ways, strengthen the ability of migrant workers, workers' unions, social institutions, and other NGOs to bargain with local governments and employers. A better policy

implementation relies on both the extent to which commons and local interests can mingle, and the level of balance that institutions can achieve between their power and capacity.

Collectiveness for Commons

Treating government organizations and the labor force as distinct institutions without an awareness of what they share in common is ill-based, since mechanisms that enable successful collaboration exist. The belief—whether on the part of government officials or ordinary citizens—that migrant workers or organizations representing migrant workers (e.g., Luyuan Union in the city of Shenyang, Liaoning Province, the first migrant workers' labor union in China) lack the capacity to handle their own affairs or always require an outside authority to regulate a complex situation is disingenuous. A more effective approach is to establish and maintain the local management of common-pool resources whether they be land, economic resources, or the labor force. But this type of autonomy and mutual interdependence demands the recognition of certain principles (Ostrom 1990). Regarding the principles of common-pool resources, close attention must be paid to the definition of boundaries, collective choice arrangements, and conflict resolution mechanisms. A more open government and a legal framework conducive to the exercise of workers' civil rights could simultaneously promote economic growth and workers' well-being.

There is no doubt that the situation of the rural-to-urban migrant workers has improved dramatically since the initial economic reforms of the late 1970s. The growth and continuing expansion of the economy benefitted not only longtime city residents but also the millions of migrant workers who had been denied employment in cities or who, when employed, were subject to length-of-stay restrictions, mistreatment, and other restraints. Over the course of 30 years, migrant workers' conditions have improved considerably—in salaries, job security, worker safety conditions, and education, housing, and health care benefits. In part this has resulted from a free market and the need for an effective low-paid labor pool in a competitive economy. However, these improved migrant worker conditions have not resulted in an egalitarian class structure. Migrant workers are still poor with little opportunity for upward mobility; China's growing middle class is becoming more prosperous, and the rich elite controls much of the country's industry and finance. From this perspective, collective efforts are not only for those commons (in this case, quality employment and socioeconomic rights) but also for a just and productive society for everyone. Collaborations and collectiveness are both necessary for and result from effective policy implementation.

Implications and Conclusion

The political control that China's central government continues to wield, with the Chinese Communist Party tightening the reins of power, has been most restrictive. While this has not limited China's global economic advantage and may, some would argue, have actually advanced it, the effect on the labor force is less benign. Workers lack opportunities and the means of moving up the social and economic ladder. Some of the mechanisms to distribute power more equally are in fact already in place, but it will require a massive shift in governance to establish new rules that move beyond worker protection to a true national commons. In the case of China's migrant workers, two specific steps would help improve the policy implementation—one, migrant workers' active collaboration to form and/or participate in labor unions to empower them in employment relationships and labor negotiations (Yiyuan Luo 2006), and two, additional governmental supports for NGOs or quasi-NGOs that would play an effective role in monitoring policy implementation, and striving for migrant workers' rights through China's administrative and legal frameworks.

Westerners may assume that Chinese migrant workers are disengaged from civil and political participation and that labor unions and many NGOs in China are by and large quasi-governmental agencies as China's political structure and system impede such organizations' development and grassroot participation. It is noted that in a single-party state, a government may only tolerate labor unions and NGOs and their activities particularly if their goals and projects complement the government's development philosophy (Clark 1992). In countries like China, there is greater risk of labor unions and NGOs falling out of favor by following services and programs independently of government and, especially, by opposing and criticizing government policies and/or practice. IAD framework helps capture concrete mechanisms and specific effects of what is a complex and inconsistent process of interinstitutional interactions. Based on the IAD framework, analysis presented in previous sections suggests that the ultimate outcome of rules, rule-structured interactions, and institutional collaboration is the realization of those "commons" despite the fact that rules are set from the top down and institutions' independence is subjected to the single-party state authorities. Successful policy implementation is a collective effort through which commons can be realized.

Beyond each institution's common needs and attributes, while individual interests may be an important antecedent to collaboration, a broad public and institutional awareness and support for the achievement of commons might ultimately be the determining force. The dynamic interactions among institutions through conflict resolution, negotiation, and collaboration during China's recent socioeconomic transformation provide a viable and valuable opportunity for developing such awareness and support. Over time, such awareness and support can translate into a

more effective policy implementation mechanism to advance commons for the well-being of China's migrant workers, as well as its urban and rural residents. This can also empower them to become more active in their political, economic, and social communities. Nonetheless, it is noted that IAD framework does not grant the necessary result. Interactions and collaborations for policy implementation often result in compromise which prevent reaching the full range of socioeconomic rights and well-being of disfranchised Chinese migrant workers. It is noted that the key ingredients of good policy making and implementation will be enacted through increased participation among all societal institutions, and the case of China's migration may set up such a precedent. Only time will tell how long it will take China to transform its original socioeconomic doctrines, norms, and structures into a collective mechanism whereby human rights-based, development-oriented commons can flourish.

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Chapter 12

From Societization of Workers' Rights Defending to the Construction of Corporate Social Responsibility: The Experience of Yiwu City's General Trade Union

Xinjun Gao

Abstract How to effectively deal with labor–capital relations under the conditions of the rapid economic development is a hot issue in China. Since 2002, the Yiwu General Trade Union of Zhejiang Province began exploring the societization of defending the rights of migrant workers, and since 2008 it has also begun to develop standards of corporate social responsibility. They are not only innovatively seeking methods to resolve labor–capital conflicts but also at the institutional level innovatively handling the relationships among reform, development, and stability on the ground. The further development of this reform will bring more changes in government and enterprise behavior and also improve China's human rights environment.

Keywords Social integration • Societization of rights defending • Corporate social responsibility • Sustainable development

In the transformation of the Chinese society, there are a lot of social contradictions and conflicts every day. One of the major conflicts is between capital and labor. A balance has to be struck between the defending of workers' rights, economic development, business interests, and social stability. The economically more

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developed eastern coastal regions are the first to feel these contradictions and conflicts deeply. The local government there is facing enormous challenges. But crises and opportunities coexist, and the local government is forced to innovate. Exploring a new path for social construction and achieving social integration¹ is an urgent task for the local government. Some kind of democratization is necessary in building a harmonious society and achieving sustainable economic and social development.

This chapter is divided into four parts: The first part describes how government-run trade unions came to play an important role in the societization of defending the rights of migrant workers.² Part two introduces the main contents and the implementation of that societization. Part three explains how the Yiwu Trade Union adapts to changing conditions in the market economy and helps build systems of corporate social responsibility. The chapter concludes with a discussion of sustainability and prospects for the institutional innovations in Yiwu.

When Social Confusion Pervades the Rule of the Jungle, Government-Run Trade Unions Become a More Effective Solution

Since reform and opening began more than 30 years ago, the structural differentiation of China's society can roughly be described as composed of three systems (Yu Keping 2011): the state system represented by government officials and based on governmental organizations; the market system represented by entrepreneurs and based on business organizations; and the civil society system represented by citizens and based on social organizations or nongovernment organizations. Reform at first needs to separate the government from the enterprise and corporate organization from the political state. And then it needs to separate the state from various civil organizations and the private non-enterprise organizations, that is, the separation of state and society so that a relatively independent civil society can be produced. We have come to realize that a healthy civil society is an important part of a harmonious society.

In a civil society, protection of the public interests needs the existence of civic organizations; otherwise, it is difficult for separate individuals to protect their own interests. In Yiwu, as in everywhere else, migrant workers are vulnerable; the protection of their interests used to be an institutional blank spot. Troubled labor–capital relations inevitably created criminal syndicates in the names of “associations of

¹In Western societies, social integration usually means that people interact, connect, and validate each other within a community, especially the inclusion of immigrants/minorities into the mainstream of society. In this chapter, social integration refers to a means or a process to help achieve social stability and harmony in the Chinese society.

²Societization in this chapter refers to a combination of efforts by various social, economic, political, and legal entities.

fellow townsmen” or secret societies on which migrant workers tended to rely when their rights were violated and they had no help from government. Just like the current relationship between a doctor and patient, if there is no equitable remedy, the patient will resort to “violence.” Where there is no institutional means of help available, the rule of the jungle will dominate society and threaten social stability. This clearly conflicts with the goals of the ruling party and government and the fundamental interests of the general public. Migrant workers using confrontational thinking to defend their rights will no doubt make things even worse. If all firms want to hire “hatchet men” to deal with migrant workers defending their rights, it can only become an even bloodier scene, just like evictions will only provoke more resistance. Persuasion, rather than force, must be used lest the flood of violence that bursts the banks be even more terrifying.

In fact, in the vast majority of conflicts within labor–capital relations, although businesses and bosses also have grievances, migrant workers are almost always the more grieved group. When faced with labor–capital disputes, in each of these forms of relief below, migrant workers are in a disadvantaged position. Approach one: One can go to the government’s labor arbitration department for administrative mediation, but the government is not impartial. The local government is always closer to the bosses, so if they go there for mediation, migrant workers often feel that the government is not on their side. Approach two: One can go to the judiciary, but the costs are higher and it takes far longer, so migrant workers “cannot afford the pain” of spending of so much time and energy. Approach three: One can go to third-party mediation. This is a good direction, but the results are mixed. These mediation agencies have problems of funding and staffing, and as new organizations, they lack credibility. Since the above approaches are not really working, migrant workers tend to choose private settlements. Vocational “associations of fellow townsmen” and “secret societies” are efficient and effective in this regard; thus they are no doubt considerable temptations for migrant workers.

There is a need of a legitimate department or organization which can both represent and be trusted by the government and also help defend migrant workers’ rights in order to avoid the disastrous results that we often see in labor–capital disputes. Under the current system in China, there is a lack of space for independent unions; it is difficult for groups defending labor rights to survive outside the system. Even if such organizations exist, it is difficult for them to cooperate or reach understandings with local governments. But within the original institutional system, there are official trade unions which function as a transmission belt both for government and labor. This is the premise upon which trade unions with China’s special characteristics can carry out institutional innovation.

In general there are two mechanisms for handling stability (Feng Tongqing 2008): political integration and social integration. Although both depend on the structural balance of power, the mechanisms are different. In Yiwu, trade unions work within the established institutions, and they have not built new political mechanisms; for example, they clearly represent the interests of certain groups and promote the extension of their rights, through mobilization, negotiation, checks, and balances and displaying their influence in the public domain, and using worthwhile

slogans to legitimate their goals and attract people to identify with them and so on. Social integration is completed mainly through promoting the rule of law and active roles for social groups. If the intermediary function of social groups can effectively help people get closer to official institutions, the conflict with each other will decline and their mutual reliance, belonging, identity, and cohesion will be enhanced. More importantly, such a strengthening can achieve order through rational, evidentiary, and procedural means, not through violence, thus increasing social stability. Such mechanisms can explain why industrial disputes in Yiwu are common, but mass incidents occur relatively infrequently. Consequently, the role of Yiwu's trade unions is social but not political integration, although it has important political consequences: a large number of intermediary social organizations fill the structural weak points, lead labor disputes towards channels where they can be resolved according to law, and reduce the probability of individual incidents being transformed into group incidents and social conflict into political conflict.

Yiwu is a world-renowned production, circulation, and distribution center for small commodities in an economically developed area with a very high proportion of exports. It has also a high incidence of labor conflicts; therefore, it is not surprising that institutional innovation for realizing social integration through trade unions first started in this area. For China this innovation is not merely a type of transitional institutional arrangement. As long as China has not truly constructed a universal suffrage system that could be an alternative role for the trade unions, such institutions will be viable. Because they serve as a bridge linking the government and people, this can create a win-win system for government, business, trade unions, and workers.

Societized Protection of Migrant Workers' Rights Through Trade Unions

As with the process of urbanization in the United States more than 100 years ago, for nearly three dozen years, China has had rapid urbanization; more than 242 million migrant workers have entered the cities and farmers' income from wages was more than 50 % of their total income. But they are a vulnerable group in the urban areas; they often are unable to protect their rights in a large number of labor disputes and conflicts.

Yiwu City (a county-level city) is located in the inland area of Zhejiang Province. It has an area of 1,096 km², under the jurisdiction of six townships, seven neighborhoods, and an industrial park. In 2010 the local government revenue was 80 billion RMB. Yiwu is a famous small commodity production and sales center in China, and at present there are more than 20,000 private enterprises of various kinds in Yiwu, including more than 20 large-scale industries such as knitting hosiery, jewelry, crafts, wool, and cosmetics. Among these, eight industries, such as pen making, cosmetics, seamless knitted clothing, and craft gifts, have been granted the honorary title of national industrial base industries. In 2008, 60 % of all businesses were export oriented.

In 2010 Yiwu had a local registered population of 730,000, but it has a migrant population of 1.60 million; thus outsiders are more than double the local population. Since 1997, there have been more than 100,000 labor disputes annually in Yiwu, characterized by frequency, diversity, and complexity. There have been staff jumping off buildings, bosses killed, and underground migrant workers organizations formed such as the gangs of Kaihua of Zhejiang, Dingyuan of Anhui, Jiangxi, etc., all of which have seriously affected local social stability and economic and social development. For example, in 2000 in Ye Tang Township of Yiwu there was a murder case resulting from unpaid wages. A migrant worker from Guizhou province sneaked into his employer's home and killed three people including a child, because his employer refused to pay his wages for a long period. In May 2005, Wang Binyu, an 18-year-old migrant worker, killed four people and seriously injured one person in his boss's family, because his boss owed him 5,000 RMB in wages, but only paid 50 RMB and he was abused by his boss.³

Aware of the direness of the situation, in March 1999, Mr. Chen Youde, the Chairman of the General Trade Union in Yiwu, initiated the Yiwu Model for the Societization of Defending the Rights of Migrant Workers, in order to resolve labor disputes (Han et al. 2008, 2009). Their previous investigation showed that social complaints were relatively concentrated in three categories: first, migrant workers legitimate rights and interests and their frequent infringement; second, labor conflicts were increasing; third, the current situation of lawyers did not allow them to meet the needs of migrant workers in such situations. So in October 12, 2000, the Yiwu General Trade Union carried out a bold experiment. As a first in the country, they set up a dedicated organization for protecting these rights: the Yiwu Center for Defending Migrant Workers' Legal Rights. The Center was approved by the Civil Administration Bureau as a nonprofit organization, and is independently responsible for its civil liabilities. The Center is under the administration of the Yiwu General Trade Union and connected to the public security bureau, the procuratorate, the courts, and the judiciary bureau. The Center has three departments: a reception office, an investigation and processing office, and a legal services office.

Operationally, the Yiwu General Trade Union protects migrant workers' rights by "building one center, using three mechanisms, and developing multifaceted alliances." One Center is the Yiwu Center for Defending Migrant Workers Legal Rights established on October 12, 2000. Its three mechanisms are mediation; participatory arbitration, and being an agent for litigation. Multifaceted alliances are being built to establish a societized system for defending rights. This means to work with the news media, law firms, and interdepartmental alliances, and establish a societized system for defending rights. This way trade unions do not have to defend migrant workers' rights single-handedly. Societized defense of rights also means the recruitment of advisers or consultants from municipal party committee and government agencies, including the principal leaders of public security, procuratorate, court, judicial council, labor bureau, and other functional departments. Legal professionals, some of whom are volunteers, are also hired.

³Ge Haiyou (editor in chief), *One Hundred Questions about Beginning a Workers' Movement*, July 2009.

Funding for defending rights is also societized. It comes from trade union contribution, government allocation (half million RMB), and fundraising in society.

Furthermore, the societization of rights defending means the establishment of national as well as local networks. They have established a cross regional network "The Inter-City Trade Union Network for Defending Rights" that include the cities of Kaihua in Zhejiang, Fushun in Liaoning, Chengdu in Sichuan province, Yiyang in Jiangxi province, and ten other cities in various provinces. The Yiwu Center for Defending Migrant Workers' Rights has also established a vertical network system of labor disputes mediation committees in townships, neighborhoods, and enterprises. These networks have hotlines connected to relevant government departments, and linkages with local radio and TV stations. There is also interdepartmental communication. More than 300,000 RMB has been invested to build a Web call center to ensure that the various types of inquiry and complaint cases will receive responses at the first possible time allowing them to be quickly and effectively resolved.

In all these societization efforts, the trade unions are taking the lead in forming alliances with public security bureaus, the procuratorate, the courts, judicial councils, and other functional departments as well as law firms, the media, and universities.

In 2000 and 2010, the Yiwu Center for Defending Migrant Workers' Rights received 4,708 complaints and successfully mediated 4,430, a success rate of 93.6 %. The Center provided free court arbitration for migrant workers 225 times and court litigation 317 times resulting in a recovery of wages and of economic losses for the parties concerned of 23.39 million RMB. Since the Yiwu General Trade Union implemented this model for the societization of defending rights system in 2000, labor disputes have declined substantially. In 2008, the Yiwu General Trade Union's societization of defending rights project won fourth prize for Chinese local Government Innovation. In the 10 years under the leadership of Chairman Chen Youde, the Yiwu General Trade Union has made good progress not only on the societization of defending migrant workers' rights but also on promoting corporate social responsibility standards, the topic of our next section.

Construction of Corporate Social Responsibility

If a systemic innovation is to be viable, it must adapt to social changes and meet social challenges head on. Since 2008, Yiwu's enterprises and businesses gradually came to face a labor shortage. Labor markets began to shift from a seller's market to a buyer's market. The institutional innovation of the societization of defending rights has adapted to the changing situation by changing from *ex post facto* mediation of migrant rights towards a preventive approach dealing with the sources of the problems within enterprise management by constructing corporate

social responsibility. The Yiwu General Trade Union referred to the annual “enterprises audits” of some European and American investors and, since 2008, began to explore the social responsibilities that enterprise should assume. In May 2008, Yiwu set up “The Yiwu Evaluation of Corporate Social Responsibility Certification Assessment Committee” headed by the municipal general trade union and composed of 22 government ministries and related departments, including the office of the municipal party committee; the office of the municipal government; the office for popularizing legal knowledge; the bureaus of personnel, labor, and social security; and economic department for unified corporate social responsibility assessment work.

At the same time, with the help from the School of Public Administration of Zhejiang University, Yiwu creatively designed the “Yiwu standards” for corporate social responsibility. The “standards” focused on labor, natural, and social relations, covering 15 major items such as labor contracts, health insurance, working conditions, education and culture, system construction, resource usage, compliance with the law, product quality, credit integrity, public welfare, as well as 57 specific implementation standards. The indicators of these standards are scored on a 1,000 point system, encouraging enterprises to change from “self-restraint” to “social constraints” in the area of social responsibility (Ma Bin 2011:4).

Enterprises need to obtain an assessment certificate every 2 years, which is following a few steps including enterprise reporting, verification by government departments, and certification. Assessment certificate grades have five categories: A, B, C, D, and E, with incentives for enterprises in accordance with the different levels. A level enterprises are designated as the “most socially responsible enterprises in Yiwu.” They not only received recognition but were also given preferential treatment in the annual inspection, taxes, bank loans, energy usage, etc. The School of Public Administration in Zhejiang University was invited to act as the third-party rating agency responsible for data analysis and assessment.

This began in September 2008, when “The Yiwu Evaluation of Corporate Social Responsibility Certification Assessment Committee” selected Beiyuan neighborhood as a test site. There were 183 enterprises in the experiment in Beiyuan. Ninety-two enterprises submitted documents. On the basis of government department audits, the third-party assessment by Zhejiang University’s School of Public Administration selected 19 level A enterprises; 37 level B; 17 level C; 13 level D, and 6 level E enterprises. Then the information about the 19 A level enterprises was publicized through newspapers, the Internet, and other forms of media. Society in general began to pay attention to whether enterprises violate workers’ legitimate rights and hurt their interests, whether they pollute the environment, whether they produce below-the-standard products, whether or not there have been mass incidents, whether or not there were safety-related accidents, whether the enterprise has credit problems, and so on. Then 830,000 of townspeople voted to select 14 of these as the “most socially responsible enterprises in Yiwu.”

The Sustainability of Institutional Innovation

The Yiwu General Trade Union has carried out institutional innovations for more than 10 years since 2000. That within this period it went from the societization of defending migrant workers' rights to the development of corporate social responsibility and the achievement of local governance innovations for sustainable development was a result of a combination of factors. Usually, in the system of local government, sectors like the trade unions have always been marginalized. They are neither purely civic nor purely official organizations. Thus only one-fifth of the Yiwu General Trade Union's staffs are full-time government employees, while the rest are part-time staff. From the author's own investigation of Yiwu in March 2011, the Yiwu General Trade Union's success may be attributable to a number of factors.

First of all, Yiwu is located in an economically developed area where the private economy dominates. Rapid economic development in Yiwu has brought Yiwu face to face with more serious challenges than those of other local governments and has created a universal awakening of the consciousness of people's rights. Migrant workers from around the country can work for many years in Yiwu with which they are unfamiliar and lead a life which is basically different from that of traditional Chinese farmers. In this environment, they quickly become aware of the importance of their rights and the inviolability of personal dignity (Wang Yeqing 2011a).

Second, the Yiwu General Trade Union has the courage to face these challenges. Yiwu has had serious labor conflicts. Such conflicts had forced migrant workers to join triad societies to defend their rights because they lacked other means. It brought down the credibility of the government and the courts, made society like a jungle, and seriously affected the order of production and daily life. The Yiwu General Trade Union was able to coordinate the government and other social forces, and to weave a network for defending migrant workers' rights.

Third, the role of Chen Youde, Chairman of the Yiwu General Trade Union, has been crucial. Chen Youde has been Chairman of Yiwu General Trade Union since March 1999, and in the ten plus years in this post, he has created two major institutional innovations: societization of defending rights for migrant workers and corporate social responsibility standards. These innovations are closely related to Chen Youde's personal qualities and sense of innovation. When I interviewed Chairman Chen and his colleagues, I deeply felt that this is a cadre who wants to do things. And he has a strong sense of dedication and professionalism. It is gratifying that the Yiwu General Trade Union already has a number of such cadres.

Fourth, the pressure from the international community is also important. Yiwu is a city with a highly export-oriented economy. In 2008 exports were 60 % of the total GDP. In Yiwu, every large export-oriented enterprise has been inspected by foreign investors from either Europe or the USA every year, and it is required to meet corporate social responsibility standards. For example, the "Mona Sock Company" has been inspected more than 30 times in the past. When the company finally passed the audit, it was approved to join the "United States Textile Enterprise Social Responsibility Agreement," after which it no longer needed inspections.

Fifth, the tolerant and supportive attitude of the Yiwu Communist Party Committee and Municipal Government towards institutional innovation is also commendable. Chairman Chen told the author that there were great difficulties at the beginning stage of institutional innovation due to conflicting departmental interests. If there were no tolerance and support from municipal leaders, there would be no innovation. Understandably, since they were able to resolve labor disputes themselves, why not let the Yiwu General Trade Union try?

Sixth, Yiwu's institutional innovation has already partially changed the political environment. It is likely to sustain itself because of the support from the high-level central leadership, from the Zhejiang Provincial Party Committee, and provincial government, with the national news media tracking its progress, and people coming from around the country to learn. This is even more so when labor relations and disputes have become a hot issue all over China. Yiwu's institutional innovation seems to have created a win-win and multi-win-win situation.

Of course, some scholars wonder whether the case of Yiwu is unique and whether it can be institutionalized and extended to the whole country. The question is asked especially because the innovation in Yiwu is highly dependent on the personal style and reputation of the current leadership (Yiwu General Trade Union Chairman Chen Youde). In this regard, I saw a similar case in Xinhe Township in Wenling city.

Wenling is one of the most developed areas in China in terms of the private economy. Xinhe Township is famous for producing sweaters and hats. The permanent population is only 2,015 people, but it has ten large hat-producing enterprises, 12 joint enterprises, and 270 small enterprises, attracting a migrant worker population that is more than double the local population. The hats produced by Nanjian Village are inexpensive quality hats of all varieties, 70 % of which are sold in more than 60 countries in Eastern Europe, the USA, the Middle East, etc. In 2009 the village hat industry output value reached nearly one billion RMB, per capita income was nearly 20,000 RMB per year, and taxes paid were more than seven million RMB.

The practice of the General Trade Union and Chang Yu Sweater Industry Association in Xinhe Township in Wenling City is a very good illustration of the sustainability and replicability of the Yiwu experience. Xinhe Township is a well-known production base for wool sweaters; now there are 113 cardigan enterprises throughout the town, with an annual production output value reaching one billion RMB, employing more than 12,000 employees, including 10,000 female employees. Nine thousand migrant workers came from Hunan, Sichuan, Anhui, Jiangxi, Guizhou, Hubei, and other places. There were serious labor disputes here before 2003. In 2003 alone there were 11 cases in which more than 120 people appealed to the higher authorities for help. This was a serious problem affecting social stability and enterprise development. Since 2003, Xinhe Township has instituted a form of "democratic consultation," through the establishment of "The Xinhe Township Chang Yu Sweater Industry Trade Union" and the local sweater entrepreneurs' organization, "The Xinhe Township Chang Yu Sweater Industry Association," to achieve an industry-wide collective wage agreement, among other things. They

introduced uniform wages (across the different enterprises) and published process standards and wage tables for five professions and 59 production processes. Doing so not only enabled employees to “clearly link their work and wages” but also stabilized employment in private enterprises and protected the interests of enterprises, creating a win–win–win situation among employees, businesses, and government. Since then, Xinhe Township has had annual “democratic consultation” on wages in the sweater industry and, under the leadership of Chen Fuqing, Executive Vice President of Xinhe Township General Trade Union, the Xinhe Trade Union has persisted with this innovation and brought it to the attention of trade unions at all levels up to the National General Trade Union. On November 26, 2007, Premier Wen Jiabao instructed that “Wenling’s practice should be summed up and popularized.”

Chen Fuqing played a similar role to that of Chen Youde, the Chairman of Yiwu General Trade Union. Moreover, the number of such cases is still increasing. Trade union Chairmen on the southeast coast of Zhejiang province and others throughout the province are all making such efforts. Many local trade unions have received the approval of the migrant workers for their work.

Conclusion

How to effectively deal with labor–capital relations under the conditions of rapid economic development is a hot issue in China. The Yiwu General Trade Union of Zhejiang Province began exploring the paths of societization of defending the rights of migrant workers 10 years ago and since 2008 it has also begun to develop standards of corporate social responsibility. They are not only innovatively seeking methods to resolve labor–capital conflicts but also at the institutional level innovatively handling the relationship between reform, development, and stability on the ground. Along with the development and the implementation of enterprise social responsibility standards, they have deepened the institutional innovation of the societized defense of migrant workers’ rights. The societization of their efforts makes this innovation more sustainable. The further development of this reform will bring great changes in government and enterprise behavior and help improve China’s human rights environment.

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Chapter 13

The Role of Intellectuals in Contemporary China's Labor Movement: A Preliminary Exploration

Zhidong Hao

Abstract China's workers are at a crossroads, and intellectuals are playing a role in where they may go. Workers, especially migrant workers, have been one of the pillars of the high rate economic growth in the past 30 years, yet they have also been one of the most exploited and suppressed groups. The situation naturally arouses protests. This paper starts with the forms of workers' protest and the response of the state. Then it focuses on the role of intellectuals. Organic intellectuals do research on labor relations but mainly from the government's perspective of economic growth and social stability. Operating in state-sponsored institutions, they are not allowed to be overly critical of the powers that be, whether they are political or economic powers. They follow the ethic of responsibility and are more likely to influence policy. Critical intellectuals seek to expose unfair labor practices. They call on the state to examine its policies of official unions which serve mainly the government's and businesses' interests. One of their concerns is the establishment of independent unions. Critical intellectuals serve as the conscience of society and follow the ethic of ultimate ends. But they are less likely to influence policy. Both organic and critical intellectuals are, however, professional in that they base their work on social science research. Facing a number of dilemmas, intellectuals find that there are both limits and possibilities of the roles they play. The author hopes that this preliminary exploration of the role of intellectuals will invite more studies on this issue for the benefits of healthy labor relations in China in the future.

Keywords China • Labor relations • Role of intellectuals • Social movement • Labor unrest

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In May 2010, there was a flurry of labor unrest. First, over a dozen young workers committed suicide in a Foxconn factory in Shenzhen, Guangdong, in a couple of months. The factory is owned by Terry Tai-ming Guo (or Gou), a Taiwanese business tycoon with a mainland background who leads Hon Hai Precision, the largest electronics manufacturing company in the world. Most of his factories are in China, where he employs over 1.2 million workers, making electronics products for such brand-name companies as Apple Inc. Amazon.com, Cisco, Hewlett-Packard, Dell, Nintendo, Nokia, Microsoft, Sony, and Sony Ericsson. Then in a Honda factory in Foshan, Guangdong, workers staged a strike, demanding fairer treatment and higher pay, which led to strikes in other Honda and even Toyota factories.

But these are only a couple of examples of labor unrest in China. According to reports by the Ministry of Human Resources and Social Security (MHRSS 2012) of the People's Republic of China, the labor disputes handled by arbitration agencies at various levels of government in China amounted to 314,000 in 2005; 447,000 in 2006; 500,000 in 2007; 964,000 in 2008 (including ones left unresolved from the last year); 875,000 in 2009; 1.287 million in 2010 (including ones arbitrated by other labor dispute resolution organizations), and 1.315 million in 2011 (see Table 13.1; for labor disputes in the 1990s, see also Taylor 2000; Ching Kwan Lee 2002). However one looks at the statistics, labor disputes are increasing rather than decreasing.

And according to the MHRSS's 2009 report, 780 million people were employed in China, with 297 million from the first sector, or about 38.1 % of the labor force; 217 million from the secondary sector, or 27.8 %, and 266 million from the tertiary sector, or 34.1 %. Among all the labor disputes, 14,500 involved multiple numbers of people or 300,000 people altogether.

How does the state and society deal with such monumental problems regarding labor disputes and unrest? This paper explores the role of intellectuals in labor relations in light of what is actually happening in the field. It is composed of five parts: (1) an analytical framework of the role of intellectuals in general; (2) the forms of labor protest and the response of the state; (3) the professional, organic, and critical roles of intellectuals in labor relations; (4) an evaluation of the role of intellectuals in labor relations; and (5) conclusion: the future of the labor movement and the role of intellectuals.

Table 13.1 The number of labor disputes handled by government arbitration agencies

	Number of labor disputes	Notes
2005	314,000	
2006	447,000	
2007	500,000	
2008	964,000	
2009	875,000	
2010	1,287,000	Including ones arbitrated by other labor dispute resolution organizations
2011	1,315,000	Including ones arbitrated by other labor dispute resolution organizations

Source: MHRSS website at <http://www.mohrss.gov.cn/>, last accessed on August 14, 2012

An Analytical Framework of the Role of Intellectuals

By intellectuals, I mean in the broadest sense all those who have had a certain amount of education and are playing either the professional, organic, or critical roles. In his work on the changing politics of China's intellectuals, Zhidong Hao (2003) describes these roles of intellectuals in social change. While playing the professional role, intellectuals treat "art for art's sake" and are trying to be detached from politics as much as possible. They might serve the government or businesses, but their main enjoyment is solving technical puzzles rather than serving an official interest of their employers. In China, there might have been a tradition in scientific research but professionalism as an intellectual ideology is fairly new, a bit over a 100 years old, growing with the declining of the empire system.

In terms of their organic roles, in traditional China, scholars were supposed to become officials serving the interests of the emperor. With the modernization of China, they began to serve different interests. For example, they may serve in the government but they may serve a business employer or a social movement. Unlike professional intellectuals, serving an official interest of an employer is organic intellectuals' main function. Such intellectuals are close to what Weber (1946:121) says, "holding the wheel of history," because they are closest to the powers that be. They are their think tanks, spokespersons, and managers.

The third function of intellectuals is their being critical of the powers that be. As Goldman (1981:1–17; 1994:5–7) points out, Chinese intellectuals have had an obligation to criticize the emperor or the government when they see the latter stray from what Confucian ethics require them to do. In contemporary China, they may also criticize what business employers do. These intellectuals tend to be independent even if they may work in a state-owned institution and are constrained by their affiliations especially in mainland China. They are the conscience of society.

There are two issues we need to clarify. First, intellectuals may play one role at a time, but their roles may also overlap. We will further illustrate this point in the following pages. Second, we may also say that different intellectuals follow different ethics when playing different roles. We can say that when they play the role of the professional or the critical intellectual, they are following an ethic of ultimate ends. That is, they stand "for a set of ultimate and absolute set of values that cannot be compromised" (Coser 1965:208). They will not use dubious means or compromise their integrity. Organic intellectuals, on the other hand, are willing to use morally dubious means or even dangerous ones to achieve what they believe to be an ethically good purpose (see Weber 1946:121 on the discussion of these ethics). Again, we will further illustrate the ethical dilemmas intellectuals face in handling China's labor relations.

Finally, we must emphasize that both the role of intellectuals and the ethics they follow are ideal types. Intellectuals may play different roles on different issues at different times, or they may play one dominant role most of the time in most of their work. Their roles may change but we can identify what roles they play on certain issues and at certain times. Likewise, intellectuals do not follow a clear-cut ethic.

They are in contradictory class locations, as Wright (1985) would say (see also Ehrenreich and Ehrenreich 1979).

The Forms of Labor Protest and the Response of the State

As we mentioned at the beginning of the paper, labor unrest in China is extensive. Consequently the state puts emphasis on solving the disputes so that it can maintain social stability, and maintaining stability is the paramount goal of the Chinese Communist Party (CCP) state. How do they do it, then? But first of all, what is labor unrest or what is labor protest like?

China Labor Bulletin (CLB) is an NGO based in Hong Kong, and it publishes regularly its reports on the conditions of labor in China on its Web site at <http://www.clb.org.hk/chi/>. In its 2009 report, the CLB summarizes 100 cases of labor protest in 2007 and 2008 and examines the reasons of labor protest, forms of labor protest, and the response of the state (*Zhongguo gongren yundong guancha baogao 2007–2008* 2009).

In regard to the reasons, CLB reports that there were four major ones. First, some employers closed their factories and disappeared, without paying workers months of wages. Other employers forced workers to accept lower wages when they relocated their factories. Second, some factory owners simply delayed paying their workers from 1 to 14 months. Others lowered workers' wages and asked them to work longer hours simply to make the company more profitable. Third, before the Labor Contract Law went into effect in January 2008, some employers made new rules or changed old rules to counteract the advantages the new law might afford workers, for example, by forfeiting the deposit the workers paid when they entered the factory. Others forced workers to sign on blank labor contracts. Fourth, laid-off workers from state owned factories felt that they were short-changed by the terms of their leaving the factory where they had worked their entire life. But if they stayed with the same factory, they would be paid a lower wage. The factory at the time might be sold to a private owner at a very low price, or was relocating to other places. Most of these problems continue to plague the workers today.

There were many forms of labor protest, but the most often used ones were strikes and road-blocking. In the 100 cases, for example, 43 of them involved road-blocking, including bridges and railroads as well as the gate to the factory. Others involved workers taking to the street or protesting at the site of the government. Still others saw workers destroy factory equipment, office furniture, confront the representatives of the employers, or involve in fist fights with the security guards. Deaths were rare, but they did happen. It was not only factory workers who went on strike during 2007 and 2008, but there were also hundreds of cases of school teachers striking against discriminatory treatment in salaries and dozens of cases of taxi drivers striking in China's cities as well against unfair cut of their income by the companies employing them.

The response of the state or local governments varied, according to CLB's 2009 report. First of all, the central government defined workers' movements as "internal contradictions" (meaning the protesting workers were not their enemies), and wanted the local government to educate the workers and persuade them to go back to work. But that apparently would not often work. So secondly, the local government would use the police force to dispel the workers on strike. In some cases, the leaders of the movements were detained, arrested, and sometimes even sentenced to prison terms.

Above all, though, the state relied on the workers' unions to handle labor unrest throughout the country and enforce labor laws. In China, there is only one national official union, the All-China Federation of Trade Unions (ACFTU), with branches throughout the country. This is not a civil society organization from bottom up, but a government organized NGO or GONGO from top down. Or rather it functions like a government agency. Indeed, Wang Zhaoguo, the head of the ACFTU, was a Politburo member of the CCP at the time of the writing (see the ACFTU Web site at <http://www.acftu.org.cn/> and also Anita Chan 2008).

According to the ACFTU's own account, by June 2008, they had over 200 million members, including 66.74 million migrant workers. Meanwhile, it was making a great effort in establishing unions in as many private enterprises as possible, but without much success. If we add all those employed in the secondary (217 million) and the tertiary (266 million) sectors, there were 483 million workers altogether. That means 41 % of workers were in the union,¹ quite an envy by the labor union leaders in the US. By the end of 2008, the ACFTU claims that it had established unions in 313 of the 357 "top 500 multinational companies" (483 had invested in China, but only 313 had local headquarters), a rate of 83 %.

Meanwhile, the ACFTU is striving to professionalize its cadres (it has 600,000 of them) by appointing local union leaders from above, who are also approved by the local Party committees. They would guard against infiltration of hostile forces from the outside in interfering the union businesses. Meanwhile, it has pushed for collective bargaining, establishment of arbitration committees and help centers (*bang fu zhongxin*), and would also provide legal assistance to workers,

But because of the union control by the Party committees and the higher level union leaders, workers did not feel that their interests were protected, hence the labor unrest and protest we described above. Indeed, when there was a labor dispute, the union was almost always on the side of the capital. The union has become not an organization for the workers, but one to control them. After all, the purpose of the official trade unions has been to consolidate the Party's government of the country (*gonggu dang de zhizheng diwei, hangshi dang de zhizheng jichu, wancheng dang de zhizheng shiming* or 巩固党的执政地位、夯实党的执政基础、完成党的执政使命). Protection of workers' rights and benefits is only secondary. Workers

¹ Another statistic given by the vice chair of the ACFTU puts the total number of unionized workers at 200 million, and the rate of workers joining unions to 71.5 %. Apparently the total number of workers he calculated was less than 483 million. (See Xinhua Net's Web site at http://news.xinhuanet.com/fortune/2008-03/15/content_7795086.htm, last accessed on January 13, 2011).

are largely left to fend themselves. Despite the fact that the state has passed various laws on labor contracts, collective bargaining, etc., workers do not have an effective tool in negotiating labor relations, since independent unions are not allowed except in a few isolated cases. So they tend to appeal to the local governments directly through strikes and roadblocking, etc., rather than relying on the unions for their interests.

The Role of Intellectuals in Labor Movements

Who were the leaders of the labor movements? From the list of those who were arrested as reported by CLB in its 2009 report, we can see that most were workers, although occasionally there were former cadres if the movement involved laid-off workers from what were previous state-owned factories. The Honda factory strike in Foshan in May 2010, for example, was led by Tan Guocheng and Xiao Lang, both from Hunan province. Both had only a vocational education. They were fed up with the meager pay and a bleak future. The strike ended with a large pay raise and the firing of both Tan and Xiao. They had planned to resign anyway no matter the result of the strike (Barboza 2010).

Where were the intellectuals? There were indeed teachers' strikes, as we mentioned earlier, but they were for themselves, not for workers. So in terms of organic intellectuals organizing the workers' movement, we have not seen any. This is very different from the communist intellectuals in the early Republican era, like Mao Zedong, Deng Zhongxia, Zhang Guotao, Liu Shaoqi, Shi Yang, Guo Liang (see Luo Zhanglong 1984). At least they were able to go and organize workers. Now it is virtually impossible unless one wants to risk prison terms. The ACFTU has the monopoly in organizing unions. Other unions are in general not allowed. Indeed, workers have consistently requested permission to establish their own unions, but their request basically has gone nowhere. The unitary structure of the labor union in China is not supposed to change for the purpose of state control.

Organic/Professional Intellectuals

We do, however, have intellectuals who are organic to the state and the ACFTU. These intellectuals are also professionals, since they do professional work. The most obvious examples are intellectuals from China Institute of Industrial Relations. Indeed, the Institute is affiliated with the ACFTU and its purpose is to produce professionals for China's unions.² They are thus organic to the ACFTU, or the state. Their professional work is also meant to serve the state. From what they publish in

²See the Institute's Web site at <http://www.ciir.edu.cn/intro.html>, last accessed on January 12, 2011.

the *Journal of the China Institute of Industrial Relations*, a journal affiliated with the Institute, we may have an idea of what these intellectuals are concerned about. The following is a summary of the topics in Issue No. 1, Vol. 24 of 2010 regarding labor relations. Note that when they talk about unions, they mean mostly the ACFTU unions unless they are discussing historical unions or unions in other countries.

Articles on Improving the Labor Relations in China

Suggestions on perfecting the Union Law
 Evaluation of union work
 Ways of union growth at the grassroots level
 The role migrant workers can play when they return to the countryside
 The education of migrant workers
 The relation between productivity and wage levels
 Protection of workers' rights in light of economic growth and social stability
 The role of unions in the coal mining industry
 The role of unions in corporate culture in regard to labor relations
 Democratic management in enterprises
 Evaluation of the level of harmony between labor and capital
 The social nature of China's unions

Historical Review of China's Labor Unions

The role of the working class in the red army
 China's trade union history, current status, and future prospects

Unions in Higher Educational Institutions

The role of the union in higher educational institutions
 The role of the union in campus culture in higher educational institutions

China's Unions in the Globalized World

Russian unions in the transition period
 International practice of elimination of forced labor and China's legislation on the issue
 The role of the American unions in US-China trade;
 Professional training of union workers in Hong Kong
 International financial crisis and China's minimum wage standards

As we can see, the researchers, or what I call organic intellectuals or others call establishment intellectuals (see Hamrin and Cheek 1986), are studying how to improve industrial relations in China in light of history and globalization. They all toe the Party line of harmony between labor and capital, and of maintaining economic growth and social stability. They all know the current practice does not work well, but few would explore alternatives, such as letting the workers elect their own leaders, and establishing independent unions, because they know that is not what the Party wants.

In light of what they do, we call them professional and organic intellectuals, but leaning more on their organic side. The organic intellectuals constitute the largest

group of intellectuals, including not only those from the China Institute of Industrial Relations we mentioned above, but all those researchers working at various government agencies related to labor relations, most of those college professors who study labor relations, and most of those journalists who report on labor relations.

Critical Intellectuals

Critical intellectuals, however, are very few. They would poke the conscience of the powers that be, and point out alternatives to the current union practice. We will give two examples among others: China Labor Bulletin (CLB), and Students and Scholars against Corporate Misbehavior (SACOM), both of which are based in Hong Kong, understandably.

As we mentioned earlier, critical intellectuals function as the conscience of society, and they point out the inequality and unfairness of the labor conditions to the state and businesses. Intellectuals who do this in mainland China include Yu Jianrong (2006), a researcher from the Chinese Academy of Social Sciences, who studied the labor conditions in coal mines and pointed out the extremely unequal and unfair treatment of workers. There is also Zhou Litai, a lawyer who helped the migrant workers who were wounded and maimed by machines while at work to seek compensation from their employers and the government agencies (Liu Kaiming 2003:264). Oftentimes, his lawsuits were not successful, and sometimes the workers he helped get compensation did not want to compensate him for his work. Nonetheless, his efforts were that of a critical intellectual. Some sociologists are also on the critical side. When the Foxcoon workers' suicides broke out, for example, nine sociologists wrote an open letter calling on the state to stop the Chinese model of development characterized by the sacrifices of workers' human dignity. In the following pages, however, I will describe the work of the two NGOs I mentioned above to illustrate further what critical intellectuals do.

China Labor Bulletin (CLB)³

China Labor Bulletin was founded in 1994 by Han Dongfang, who organized the independent workers' union in 1989, the Beijing Autonomous Workers' Federation, and escaped to Hong Kong since he was wanted by the government. While Han is founder and director, Robin Munro, an expert and scholar on human rights in China, is the Deputy Director; William Nee, a regular blogger and podcaster for CLB, is Development and Public Education Officer; Geoffrey Crothall, who used to be the South China Morning Post Correspondent in Beijing in the 1990s, is the Communications Director; and Cai Chongguo, an exile from China after 1989, is

³For information on CLB, please see their Web site at <http://www.clb.org.hk/chi/>, last accessed on August 16, 2012.

the Chinese Web site editor. It has a research team composed of labor relations experts and academics from mainland China and Hong Kong.⁴

CLB defines itself as a proactive outreach organization that seeks to defend and promote the rights of workers in China, and peaceful and beneficial resolution of labor disputes. It has a Labor Rights Litigation Program that provides legal advice and support to workers who feel that their rights are abused. And it publishes both in Chinese and English research reports on labor relations in China almost yearly, which we have cited extensively in this paper, and it publishes Han Dongfang's Radio Free Asia interviews with workers in China.

In what way is CLB critical, then? First of all, unlike the ACFTU, it is not affiliated with the government, so it is an NGO in the usual sense. Secondly, because it is independent, and because it is based in Hong Kong, CLB is able to offer criticisms of the ACFTU not allowed in China and explore alternatives to the trade union practices.

CLB's criticism of the ACFTU is mainly the following, as seen in its 2007, 2008, and 2009 reports. First, while it is commendable that the state has passed a series of laws to protect workers' rights, it has not prevented large scale rights abuse from happening. This is mainly because the state wants to monopolize the unions through the ACFTU so that the latter's first priority will be to help consolidate the rule of the CCP rather than protect the rights of workers. The real boss of the unions is the Party and state or local government leaders. Unions are not independent and not really doing their job, but the state continues to resist against independent unions which are more likely to do the job.

Second, following the state directives to promote economic growth and social stability, the ACFTU unions are more likely to cooperate with the capital at the expense of the workers' rights. They occupy a position in between labor and capital rather than with labor. And they are afraid of mobilizing the workers while trying to protect the latter's rights, so they do not have support from grassroots workers. The unions may sign labor contracts with the employers, but such contracts have little to do with the workers affected by them, as is the case of the contracts signed between Wal-Mart's 108 stores and their unions. The ACFTU has installed a number of mechanisms and activities for workers' right protection, but these are still unable to handle the large amount of labor rights abuse. They are what CLB calls *shihou jiuji*, *wai bu weiquan* (assistance after the fact, and protection of rights from the outside). And these can be suspended if the state thinks so, as when the Guangdong General Union suspended the collective bargaining mechanism at the end of 2008 to help business move smoothly through financial crisis. As a result, the union's existence is more symbolic than real. CLB calls it *kongke hua*, or "emptitization." The ACFTU knows the problem, but is unable to solve it.

Third, indeed, many unions have representatives of the employers on their board as deputy chairpersons or even chair persons. Such representatives also tend to be deputy managers of the company, as in the case of Wenjiang Guanghua Bus

⁴See CLB's Web site at <http://www.clb.org.hk/en/node/100001>, last accessed on August 16, 2012.

Company of Chengdu, Sichuan, in 2008. Unions are thus representing both the employers and the workers, a mission impossible. Indeed, in the Honda factory we mentioned at the beginning of the paper, all the union committee members were from the factory management. And at the negotiation meeting between labor and capital, the chair of the union could be heard saying “yes, yes” to the chair of the board of management committee (Zhidong Hao 2010).

From the above analysis, we see that CLB is no doubt on the critical side, and their intellectuals are critical intellectuals. So are intellectuals from the other NGO based in Hong Kong, i.e., Students and Scholars against Corporate Misbehavior below.

Students and Scholars Against Corporate Misbehavior (SACOM)⁵

SACOM is an NGO founded in Hong Kong in 2005 by college and university students and professors. Its aim is to monitor corporate behavior and advocate for workers’ rights. It provides in-factory training to workers in South China and publishes investigative reports on corporate behavior regarding enterprises like Foxconn, Disney, Coca-Cola, Wal-Mart, Apple Inc.

Their critical edge is best demonstrated in their reports. For example, in its 2008 report on corporate misbehavior by mainland China sweat shops owned by Hong Kongers, SOCOM exposes the practices by Jiulong Paper Factory, owned by the Hong Kong-based capitalist named Zhang Yin. Zhang was the richest woman in China in 2006 on Hurun Richest People List and her family was the third richest in China in 2010. Zhang was also a member of the Chinese People’s Political Consultative Conference, an honorary position reserved for social organizations and dignitaries who have some influences in China. Zhang was also vocal against the labor law, and believed in social inequality as an inevitable result of development. The factory produced paper products for such firms as Nike, Coca-Cola, and SONY.

SOCOM claimed in their report that their research was aimed at the factories that negatively affected local people’s lives. This is very different from what organic intellectuals would do. Its research found that in 2007, there were two strikes at Jiulong, blocking roads involving 2,500 workers because of the company’s undercounting of worker’s seniority and lowering their wages. Workers tended to work in hazardous conditions, especially the workers who processed waste papers imported from foreign countries. The workplace was full of dust and smell and there was little or no labor protection. Industrial accidents were common, as one saying goes, “there are people wounded every month, and people die every quarter” (*yueyue you gongshang, jiji you ren si* 月月有工伤、季季有人死).⁶

⁵For information on SACOM, please see their Web site at <http://sacom.hk/hk/>.

⁶SOCOM’s reports can be found on its Web site at <http://sacom.hk/hk/archives/144>, last accessed on January 15, 2011.

The 2008 report called on Zhang Yin to resign from the CPPCC position, and its customers like Nike, Coca-Cola, SONY to exercise their corporate social responsibility and pressure Zhang Yin to follow labor laws. Other factories in the report were not doing much better. SOCOM's 2008 report shocked the nation. The Guangdong General Union of the ACFTU investigated the factory but declared that even though there was still room for improvement, the factory was not a "sweat shop" (see CLB's 2009 report).

Another SOCOM report criticizes Foxconn's use of students in the name of internships when the company found that it was difficult to find workers. This was against relevant labor regulations. In addition, the company did not have to buy insurance for such students, thus saving a large amount of money for the employer.

An Evaluation of the Role of Intellectuals in Labor Movements

There are several observations we can make. First, organic intellectuals do serve the purpose of the state to promote economic growth and maintain social stability by helping the state understand what labor relations are like at the grassroots and what might be done to improve labor relations to avoid labor unrest. But their solutions will not often go beyond what the state dictates, e.g., their solutions usually do not include independent labor unions.

Second, critical intellectuals like Yu Jianrong and Zhou Litai as scholars and lawyers based in mainland China or those at CLB and SOCOM based in Hong Kong do serve as the conscience of society. They are usually not afraid of challenging the state, which they think is not doing its job, or the businesses, which they believe are adopting unfair labor practices. What they do indeed calls the government's attention to the problems workers face and may result in some kind of reprieve. It is understandable that without the work of these intellectuals, society would be even more unfair and unequal.

Third, we see that both organic and critical intellectuals, whether they are the intellectuals at the China Institute of Industrial Relations or those at CLB and SOCOM, are professionals to begin with. For if they were not professionals, they would lose the base of their service to the state or their criticism of the capital.

Fourth, as I said earlier, the roles of intellectuals I describe here are ideal types that we use to understand the complexity of their political functions. This means that the characteristics of being organic and critical may be demonstrated in one person, although at certain times and on certain issues one characteristic is dominant. In other words, intellectuals in government agencies or institutions by and large have to be organic to the Party and state most of the time, but they may occasionally be critical. For example, people like Yu Jianrong, though few, have presented themselves mostly in a critical light even if they are based in state sponsored institutions. But most are indeed organic most of the time, as we have seen in the work of the intellectuals at the China Institute of Industrial Relations. Those who

seem to be predominantly critical may also demonstrate organic characteristics. People like Yu Jianrong would not deny that they were helping the Party to govern better. In that sense, being critical is actually being truly organic.

Fifth, both organic and critical intellectuals face a series of dilemmas. To begin with, how far can organic and critical intellectuals go in their work? For example, to what extent can organic intellectuals be critical? Ren Xiaoping and Xu Xiaojun (2008) of China Institute of Industrial Relation did a case analysis of a strike by 280 crane operators at Yantian International at a container port in Shenzhen, Guangdong in 2007. They did find that compared with 1994, the profits of the company increased 500 times, but in the past 10 years, workers' wages were basically not increased. The labor practices were such that even the time of shift change between one worker and another and the time for meals was considered non-work time and workers had to make up for the time thus lost. As a result, they had to work 17 more days each year for no pay. At the same time, consumer prices had increased so much that workers did not feel they could bear the pressure of life any more. And they did not have a union to speak on their behalf. So they wanted a pay raise, and a union whose leaders would be elected by the frontline workers. After the strike, the government and the city's General Trade Union intervened and workers got some of their demands satisfied. But as Ren and Xu point out, their interests were not maximized because the city did not want to see this as an example for other workers to follow. Apparently, the government and the official union had their own concerns, which might not be the concerns of the workers themselves. The authors point out that the problems were caused by the structure of the union, but they did not go so far as to advocate drastic reform of the structure, even though they knew that the current practice was not working.

Critical intellectuals have the dilemma of how far they can go, too. The intellectuals at CLB, for example, remain mildly critical in their reports, since they want to keep contact with the unions in China and have access to the workers there. More severe criticism might result in prohibition of their entry into China. Intellectuals at SOCOM might be more critical, but their main criticism was aimed at businesses, rather than the government. So even critical intellectuals face dilemmas as to what they can do and how much.

A more serious dilemma is that neither organic nor critical intellectuals are decision-makers. They cannot decide how much impact their work will have on the life of workers. There is no doubt that decision-makers do hear them, but such decisions as the reform of labor union practices can only be made at the top level of government. And their decisions are made with other concerns in their mind, such as whether the CCP can maintain and consolidate its power to control the country, and whether it can maintain legitimacy to rule the country. They are not based primarily on workers' welfare. So intellectuals' roles have both possibilities and limits.

Sixth, the dilemmas we have discussed above can also be seen as a dilemma of ethics. Typical organic intellectuals by and large follow the ethic of responsibility in that they try to influence policy within the limits of what they can say. They do not go beyond what is allowed and may have to compromise their integrity. But they are

more likely to influence policy since they are close to the powers that be and close to “holding the wheel of history.” Typical critical intellectuals follow the ethic of ultimate ends. Their views are based on what is right and what is wrong as their conscience tells them, not as what the Party says. They are less afraid of offending the powers that be. But they are less likely to influence policy since they are farther away from “holding the wheel of history.” To be or not to be is the perennial fate of intellectuals, an ethical dilemma.

Conclusion: The Future of the Labor Movement and the Role of Intellectuals

In Russia, the Leninist unitary trade union has disintegrated and independent unions have thrived, although how effective they are is a different issue (Siegelbaum 2004; Xu Yanli 2010). The union has become a player between state and capital. The same is true in Taiwan (Wei Ming and Hsu Chi-feng 2005:148–52). But that began to happen only when the totalitarian regime collapsed. The Chinese regime has been transformed into an authoritarian one, but politically it is still more totalitarian than authoritarian. It is very unlikely that it will collapse any time soon. So the most probable course for the transformation of the ACFTU is to allow democratic elections of grassroots union leaders, and then incorporate those unions into the ACFTU. That seems to be happening, as the reader can see in a couple chapters in this book. Indeed the Party has to let go some of its grip over the trade unions, as it should do about other civil society organizations. There need to be steps for the unions to become fully independent.

Meanwhile, globalization might also help China’s transformation. Globalization is a double-edged sword. On the one hand, it makes both labor and capital more movable. But capital has an advantage to move more freely to where labor is less expensive. So capital can force labor to take less advantageous terms of work, thus frustrating the labor movement. And the interest of the workers in developed countries to protect their work may not coincide with the interests of workers in developing countries to have more work created for them, as in the case of American workers being against cheap Chinese exports (Wang Pei 2010). On the other hand, globalization also makes the world more integrated and thus it is more likely for international regimes, like international trade unions, to recommend labor standards and mobilize civil society organizations in the home country to enforce labor laws (Wei Ming and Hsu chi-feng 2006:362–74). This might be difficult in China, since the government is on guard against any forces outside China. But with repeated efforts by semi-international NGOs like CLB and SACOM, this is not totally impossible.

That brings us back to the role of intellectuals. There is no doubt that Chinese intellectuals are playing professional, organic, and critical roles regarding labor relations. But compared with the amount of problems, there are still too few intellectuals playing the critical role, and there is too little dialogue between those

playing the organic role and those playing the critical role. More seriously, few or no intellectuals are playing the role of organic intellectuals to the labor movement. Unlike the communist intellectuals in the 1920s, no intellectuals now can go and organize workers into independent unions. This may have to wait till the ruling CCP changes its mentality and becomes more open to civil society organizations. It is not clear, though, how long that will be.

Given the tradition of China's labor movement, though, it is likely that it will become stronger rather than weaker. This is especially so because the Chinese Communist ideology also promotes a workers' movement even though the Chinese Communist regime frustrates it at the same time for the purpose of its own survival (see also Taylor 2000, for a similar view and other articles in this book that discuss state policies). As Ching Kwan Lee (2002:219) points out, "unrelenting state repression against any form of organized dissent, coupled with the entrenched exclusionary elitism of the Chinese intellectuals, makes cross-class social movement a la Polish Solidarity an unlikely outcome of Chinese reform. But there is potential for an alternative scenario."

On January 16, 2011, *Nanfang Dushi Bao* (Southern Metropolitan Daily) published a picture depicting over a dozen managerial personnel lining on two sides of the road and bowing deeply to workers coming to work on January 3, the first day of work in that year. This happened at the factory in Taizhou, Zhejiang province (Zheng Guanghui 2011). What we see in the picture may be misleading, since that's not typical of how managers receive their workers. But it is still interesting to speculate how China's labor movement develops and where it may go in the future.

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Part IV
The Environmental Movement

Chapter 14

Environmental Problems in China: Issues and Prospects

Peter Zabielskis

Abstract China's environmental problems are numerous and complex. Like many developing nations in the early stages of economic growth, it seems to have followed an initial policy of having enforced few environmental protection policies and of pursuing a causal “develop first and clean up later” attitude. These approaches are no longer tenable, and concerted attention to the environment is now widely recognized to be a social and political necessity for China, both domestically and on the global world stage. China's environmental challenges are compounded by its scarcity of many crucial resources, including water and usable agricultural land, its large population, and by the extremely large scale of its consumption, production, and manufacturing. Intensive use of limited amounts of arable land, increased urbanization and industrialization, substantial needs to irrigate and fertilize, combined with inadequate environmental management techniques and infrastructure, has resulted in problems such as air and water pollution, soil degradation, erosion, desertification, dust and sand storms, improper disposal of toxic wastes, and loss of biodiversity. Laws and regulations may be adequate but enforcement and corruption are continuing problems. The Chinese government welcomes public participation in addressing environmental problems which have captured popular attention, a move which some observers see as a possible catalyst for more enduring political reforms, the fostering of a vibrant civil society, and perhaps even democracy. The emergence of demands for a cleaner, safer environment and better environmental quality of life by a rising middle class, and the ability to achieve these goals due to greater wealth—a pattern seen in other developing regions—are examined in the case of China. Impacts of environmental issues on China's foreign policy are also considered.

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Keywords China • Environment • Governance • Environmental activism • Civil society

Environmental concerns are literally heating up around the world. Though all natural systems—and with them, social systems—are ultimately interconnected and dependent on each other, the threat of global warming has provided a dramatic call to consciousness about this worldwide ecological truth. Even without looking very far into the future, the devastating, immediate effects of recent natural disasters, such as earthquakes and tsunamis, have more often than not been rendered considerably more devastating through human action and inaction: all those things that were foolishly built or perhaps in the wrong places; social institutions that provide risk management or safety protection that remain unrealized or ineffective; short-sighted economic endeavors oblivious to the dangers of long-term damage to the natural capital embodied in nature's gifts. While such threats have always existed, they have assumed increasingly dramatic proportions in recent years, and the question becomes how much longer we can continue on our current path. No one—no government, no political stance, no opposition or social movement of any sort—can afford to ignore “the environment” in today's world. As a newly emerging, already well-established player on the world stage, China is at the forefront of this global concern, both in terms of problems generated and opportunities for possible solutions. China now has an opportunity to lead the world, and perhaps it can, and must succeed with a new kind of revolution. Previous revolutions in how society is organized may have been industrial, nationalist, capitalist, colonial, postcolonial, socialist, sexual, consumerist, digital. Some of these overlap and trade off each other; others are fiercely oppositional in a bid for universality. But it seems increasingly clear that the next radical change must be “green” in some way and directly address the ecological sustainability of the natural resources and services upon which all human systems ultimately depend and without which they will ultimately collapse if current ways of doing things fail to change. If a more sociologically articulate name of “ism” is required here, perhaps it could be called a new kind of social materialism left in the wake of all the preceding revolutions.

At the current moment in world history, there are good reasons why the world is looking at China to see what will happen next. In the last decades, China's “explosive economic growth,” hovering at approximately 10 % annually (Economy 2006:171), has lifted tens of millions of people out of poverty. Of course this is good, and not just for China, but there are other consequences to consider. China has recently surpassed Japan to become the world's second largest economy, after the United States. It is now the world's largest exporter of many, perhaps even most, common types of manufactured goods and many of more specialized types as well. It is also the world's largest consumer of coal, wine, and beer. Numbers of millionaires and billionaires continue to increase. Despite the recent economic downturn, there is a growing middle class whose desire to consume is encouraged by official government policy despite, or perhaps because, the savings rate of the Chinese people is among the highest in the world relative to income level. For the

first time in its history, more people in China—as in the world—now live in cities than in the countryside. China will soon become, again overtaking Japan, the world's largest market for luxury brand-name goods. Clearly, there is, has been, and will be an environmental cost to be paid for all of this.

China is just now emerging from a “get rich quick and clean up later” mentality familiar to many other newly industrializing economies. There remains, however, “a distressing environmental record of sharply increasing air, water and soil pollution, blamed by many foreign and domestic observers on the haste to develop the economy at all costs” (Peter Ho 2006:13). This sentiment was succinctly stated in 1994 in an internal document of a local Communist Party Committee in one of China's poorest counties:

We need to ease environmental protection policy: relax air pollution policies, leniently issue or do not issue emission permits . . . projects with few investments and underdeveloped environmental technology should be developed first and controlled later. And environmental protection departments should simplify procedures for the approval of environmental impact assessments for the convenience of users (Guyuan Party Committee, quoted and translated in Peter Ho 2006:13).

Environmental policies and regulations have blossomed and improved radically in the past two decades, at least on paper, but increased investments mean continuing and increased environmental challenges. Though it has not yet overtaken the United States as the world's largest emitter of the greenhouse gases responsible for global warming, all indicators point in the direction of that dubious achievement unless some strong measures, such as those currently under discussion, are firmly and decisively implemented (Wei Liang 2010; Stern and Bohannon 2011).

Problems of Scale

The list of environmental problems in China today is so long and substantial as to give pause to even the most radical free-market capitalist. Even though such problems are neither inevitable nor necessary, it is clear that, given the way people and things continue to be organized, economic growth continues to have very definite environmental costs. It seems that more ink has been spilled globally in reporting on these negative consequences in China than on the many honest attempts to address and solve them. For example, little attention has been given to recent and successful attempts, mostly in northwestern China, at introducing or reintroducing ecologically desirable animals, such as foxes, weasels and starlings, to eat undesirable ones, such as rats, locusts, and other harmful insects, without the need for hazardous pesticides (Edmonds 2008:280). But stories about environmental destruction remain more powerful communicators than stories about successes, perhaps because success is always smaller or more limited in comparison. Part of what makes reporting on environmental problems in China so globally significant is the immense scale at which the effects of human activity must be considered. The sheer numbers of China's massive population—approximately 1.3 billion at the beginning of the

twenty-first century—mean that the impact on “any environmental process or phenomenon acquires a magnitude unparalleled in the rest of the world” (Peter Ho 2006:11). Recognition of this magnitude affects how other nations view China and it also affects China’s foreign policy. At global summits attempting to set controls on carbon emissions, at which it has been agreed since the Kyoto Protocol that fully developed nations are largely responsible for creating the problem and therefore should enact stricter controls than newly developing nations, China has sometimes attempted to play it both ways. It wants to play a part as a major world power in the decision-making circles of the few but at the same time has played the developing-nation card when the time comes to define its own emissions targets (Edmonds 2011:27; Gang et al. 2011). At the same time, China’s trump card is that its per capita emissions remain low and it recognizes the need to keep them that way.

The factors determining or compromising China’s ability to be sustainable have been summarized as three S’s: size, speed, and scarcity. Despite such a large population, China’s economic growth has nevertheless been explosively fast, but the natural and energy resources necessary to fuel this growth are preciously scarce, both in China itself, and in many other parts of the world from which China seeks additional resource inputs. The powerful combination of these three factors not only implies that “China will have a profound environmental impact at the global level,” but could also experience “increasing socio-economic cleavages” at home (Peter Ho 2006:11). In terms of national image and esteem on the international stage, therefore, China’s environmental record always looms large and seems to be an intractable source of tension. In developing infrastructure and resource extraction projects elsewhere, China has been accused of exporting pollution (Bosshard 2010; McDonald et al. 2009). China’s environmental record, along with its economic success and human rights, are especially significant for Sino-US relations, and longstanding perceptions die hard. A recent study reveals that efforts to show off China’s vibrant economy in the context of certain “green” accomplishments during the 2008 Beijing Olympics backfired, at least in the United States, with most respondents to a survey continuing to express the same negative view of China before, during and after the event, fueled by media coverage largely intransigent in its preconceptions (Syed 2010:2865). Chinese environmental “bads,” as the negative social and material consequences of environmental degradation are called in textbooks (Bell 2012), make good copy around the world, in both popular and academic (Ying Wang 2004) venues, but especially in non-Chinese media when a story concerns China. Recent scholarship can no longer deny the considerable efforts, not always successful, that China has been making to clean up its act. But when foreign journalists write quick reports of doom and gloom, the attention-getting aspects of the situation can easily be overstated to the point of unfairness. Knight-Ridder News reported in 2005 that “China’s environmental woes are so large that they’ve begun to generate social instability”; that “citizens in some corners of this vast nation are rising up to protest the high environmental cost of China’s economic boom”; that “across China, entire rivers run foul or have dried up altogether”; that “some 300 million of China’s 1.3 billion people drink water that is too contaminated to be consumed safely”; that “filth and grime cover all but a few corners of the country” (quoted in Speth and Haas 2006:114). The goal here is to provide some reason and detail regarding

China's many environmental problems, however large and emotionally powerful they may be.

In some ways, China environmental future does indeed look bleak. The PRC has recognized and addressed what has been called a long-term "legacy of resource depletion and environmental degradation" (Tun Lin and Swanson 2010:1) in multiple ways, in both official policy and practice. But since China has come rather late to the green game on the world scene its multiple efforts still fall far short of achieving sustainability, which is not enough for some because here, if anywhere, this failure can so easily be felt and recognized as so clearly impacting the entire planet's future prospects. Alarmist predictions of an impending Chinese environmental crisis have been called "reminiscent of green activists' apocalyptic and self-defeating visions of global development during the 1970s," (Peter Ho 2006:17), even with "orientalist" (Said 1979) overtones in which an older articulation of the "yellow menace" now seems to "have been replaced with a 'Chinese environmental danger'" (Peter Ho 2006:18)—a "new species of trouble" that, according to some, "will be yet another intractable destabilizing factor for the world" (Peter Ho 2006:5, 17–18, quoting Smil 1993:192). An often-cited conceptualization of the problem is that if per capita consumption in China reaches the current levels of developed nations, a doubling of world resources, or two planet Earths, would be required (Peter Ho 2006:18).

Many observers, however, articulate finer details that also shine a light on current issues in government and governance (Economy 2006; Mol and Carter 2006; Qingzhi Huan 2007; Lan Xue et al. 2007). Both are at issue here. "Government" includes official plans, policies, and regulations, but this is not the same as "governance," a more recently coined term in current use that includes all of the above but with an additional focus on actual practice—how policy and regulation actually play out on the ground with the input of nongovernmental actors. Government and governance are two different things. Among all conceivable social organizations, economic systems, and/or social problems, environmental management has the potential to trump all other concerns internationally, at least in popular consciousness. If any planet is to be saved, sound and enlightened government and governance are both necessary, as most environmental groups and thinkers clearly recognize. On the official, top-down level of government, China cannot be faulted with inattention (Qingzhi Huan 2011), but enforcement as well as corruption remain key problems (van Rooij 2006). Regarding the other end of possible solutions, governments worldwide now recognize that environmental conservation, control, and response to environmental disasters are problems too big to be left to government administration alone and require active and meaningful participation by both citizens, and citizens' groups—in other words, civil society and NGOs (Peter Ho 2001). As a way of expressing this synergy, a necessary dynamic in today's world, some have called for the development of "institutions and values that can manage environmental and technological risks" to be codified in China as a new and necessary "sixth modernization" alongside a previous and well publicized list of national goals (Suttmeier 2008:130). This would be the next, and latest modernization, over and beyond a wished-for, but still unofficial, "fifth modernization," namely, democratic political change (Suttmeier 2008:132).

Since the founding of the People's Republic of China in 1949, the overall quality of China's environment has indeed "deteriorated considerably" and the doubling of its population in the decades since has hastened numerous problems, such as deforestation, desertification, soil erosion, water shortages, glacial retreat, and pollution (Edmonds 2008:271). The rise of these problems, combined with rapid, but unequal, economic growth has led to what has been called "environmental social unrest." There are an estimated 1,000 environmental protests per week that could potentially destabilize the regime domestically; internationally, growth in greenhouse gas emissions could also bring China into conflict with other nations (Edmonds 2008:271). This chapter attempts to present a summary of China's current environmental problems, without any politicized nationalistic, diplomatic, or planning policy rhetoric. The following list of issues, outlined by the Asian Development Bank, is a good place to start: land degradation; water scarcity and pollution; air pollution; inadequate urban environmental infrastructure; contamination of the rural environment; increasing frequency and intensity of environmental accidents and disasters; loss of biodiversity; and global climate change (Asian Development Bank 2007; Tun Lin and Swanson 2010). Other problems are somewhat more specific within the above categories and include soil pollution; desertification; dust and sand storms; improper disposal of toxic wastes; and mining accidents (Ying Wang 2004; Larus 2012). Each will be discussed below.

Land Degradation

The enormous scale of China's ability to produce and consume is magnified by the exceptionally little productive land it really has, which makes any degradation of land even more significant. Though China is roughly the same size as the United States, its large areas of mountain and desert mean that the average area of farmland per capita is considerably less, and less than half of the world average (Peter Ho 2006:14). Increased urbanization and development continue to put pressure on this scarce resource. Mismanagement or overuse of land resources has resulted in erosion, acidification, salinity, compacting, and poor draining (Ying Wang 2004:162). Deforestation, due to logging, the clearing of forests for cultivation or pastures, and forest fires, is the chief cause of erosion. Increasingly frequent and severe dust and sand storms, felt even in urban areas and especially Beijing, are an additionally significant and undesirable side effect, felt even by those with no direct involvement with agricultural production.

According to one recent account, more than one-third of the country's land area, or roughly 3.56 million km², is eroded. Combined with diminished water resources, areas that are now desertified—degraded into a desert-like barren landscape—have reached 2.64 million km² or 27 % of the nation's total territory. The rate of desertification more than doubled in the years between the 1950s and 2000. During this time, it was estimated that over 3,436 km² of arid to semiarid land had annually been transformed into something more like true desert. Though a number of plans have

been enacted to re-plant mountains and hillsides, some specifically targeting the mitigation of sandstorms in Beijing prior to the 2008 Olympics, much more remains to be done. In 2006, the State Forestry Administration surprisingly announced that deserts were actually shrinking by over 7,585 km² per year (Edmonds 2008:277). In any case, sandstorms and desertification can cause significant economic damage, with the latter estimated to have “adversely affected the lives of nearly 400 million people and . . . brought about an annual direct economic loss of RMB 54 billion” (Tun Lin and Swanson 2010:1).

Nutrient loss is another significant dimension of erosion: between 5,000 and 10,000 million metric tons of soil are washed down China’s rivers each year. Efforts to stem this tide and the loss of natural fertility include tens of thousands of check dams that have been built across gullies to control erosion; and management plans have shifted focus away from individual plots to entire river basins and from distant, central control, to more local administration, and hopefully more locally knowledgeable governments (Edmonds 2008:276). Nevertheless, the flow of mud continues to silt up riverbeds, lakes and reservoirs, and to wreak havoc with, or at least seriously challenge, the work of dams, flood control programs, and hydroelectric projects, including the massive Three Gorges Dam. In some cases, steep slopes and forested areas that have been stripped for cultivation since the 1950s have been reforested or returned to herding, but problems include difficulties in continuing to support large populations amidst shifts to different types of production and in persuading peasants to change (Shapiro 2001).

Although there is great regional variety in its soils, overall the nutrient quality of soil in China is poor: the natural organic content averages less than 1.5 %. The rich yields for which southern China has been famous were historically possible only though heavy labor inputs and extensive use of manure and compost. Without such efforts, soils can be easily depleted. However when organic waste is combined with chemical fertilizer, too much nitrogen may result, and crop yields drop. China uses twice as much chemical fertilizer as the United States—one fourth of the entire world’s supply—which can have long-term dangerous consequences (Smil 1993:164–171). However, some peasant producers today have begun to adopt ecologically sustainable, multiple dimension, production/recycling methods that combine farming, animal husbandry, forestry, local food processing and the reuse of wastes (Edmonds 2008:277). Such methods can offset some of the negative consequences, such as salination, alkalinization, or compacting that can result from the overuse of irrigation or fertilizers.

Water Scarcity and Pollution

Desertification and water shortages obviously go hand-in-hand, and human efforts to control nature and the flow of water by such means as walls, dykes, dams, and the installation of impermeable paving materials can exacerbate the effects of floods, or redirect their destructive force without eliminating it. Water is a precious resource

everywhere, but especially in China, where good water, like good land, is scarce. Water, and its management, has proven to be a problem, a challenge, but also an opportunity in China throughout its history. Efforts to improve the Yellow, Yangtze and Pearl rivers, and the creation of a canal system linking the first two, contributed to the political unification of the Chinese empire (McNeill 1998), but these have always been labor intensive and very high-maintenance projects. Today, human intervention into every water system in China, combined with global warming as the effect of human action on an even larger world-wide scale, mean that it is no exaggeration to speak of an impending water crisis in China if some seriously sustainable planning measures are not enacted.

A two-and-a-half-decade-long study completed by the Chinese Academy of Science in 2004 found that 46,298 glaciers in China totaling 59,406 km² had reduced by 5.5 % in total area or by 7 % in total amount of ice, over the prior 40 years. Temperatures had increased by 0.7 °F every 10 years, causing glaciers to recede twice as fast as when the study began. This retreat has triggered dust storms and reduced the flow of the Yellow, Yangtze, West Brahmaputra, Mekong, Ganges, Salween, Irrawaddy, and Indus rivers—all of which have their sources in the mountains of this region. If this melt rate continues, nearly all of the glaciers could be gone by the end of the twenty-first century, leaving each of these rivers without a steady water source (Edmonds 2008:278). In addition to the loss of a vital material resource, the cultural loss would be incalculable, given the great spiritual and symbolic significance of each of these bodies of water.

Ten of China's 22 provinces have been identified as short of water. Of these, eight are in the northern China, which has 40 % of the country's population, 60 % of its farmland, but only 20 % of its water. By one count, 60 % of China's 669 cities experience water shortages and approximately 360 million out of 800 million farmers do not have access to safe drinking water (Tun Lin and Swanson 2010:1–2). China's freshwater resources per capita were recently calculated to be one-third of the world average and about 25 % that of the United States (Peter Ho 2006:15). These precious water sources are “plagued by pollution (Tun Lin and Swanson 2010:2)”: only eight out of 28 large lakes meet a level II water quality standard (with level I being the best quality), while 59 % of rivers have water quality below level III (Asian Development Bank 2007). Meanwhile, 76 out of 118 large cities have serious levels of ground water pollution (Tun Lin and Swanson 2010:2).

Although there have been a number of success stories about concerted efforts to clean up some heavily polluted rivers, such as in Chengdu, readers of news reports in China regularly hear about accidents in which, despite well-meant regulations and controls, toxic chemicals seem to end up flowing into waterways with great regularity and with possibly major long-term negative consequences (Mol et al. 2011:164). Industry, of course, is to blame. By 2005, more than half of the total length of China's seven major river systems was categorized as having the lowest two grades of water quality, and by 2003, 70 % of all rivers and lakes were polluted to some degree, according to the Ministry of Water Resources (Edmonds 2008:278). A highly sensitive figure, thought to have been removed at the urging of the Chinese government from a 2007 World Bank report, *Cost of Pollution in China*, suggested

that more than 60,000 premature deaths annually were attributable to poor-quality water and that water scarcity and pollution cost more than US\$21 billion in losses every year (Edmonds 2008:278–279). These numbers are the converse, dark side to the growth rates in GDP that has China has consistently posted in the plus column for decades.

Water pollution is a more serious problem in eastern China than it is in the west. It is no coincidence that this is an area with more wealth, larger populations, and many large cities. Yet these patterns result in no simple equation. Too rich—or still too poor—to be green? The question is not that simple. Urbanization cannot be named as any simple culprit since rural factories are responsible for up to two thirds of China's total air and water pollution (Tilt 2009:3). Water pollution seems to be the worst in small lakes near urban areas, and problems in large lakes seem to be the result of cumulative effects from their smaller sources. The problem here is again one of scale, but not scale in the sense of the magnitude of China itself. Large stationary sources of pollution are often the first targets of regulators, but multiple, unseen sources are harder to pinpoint and difficult to control because it is either too costly to enforce or too difficult to monitor such small offenders (Yanli Dong et al. 2011:1307). Coastal water pollution is serious along the northern China coast, the areas around Shanghai and Hangzhou and, further south, in Guangzhou, Hong Kong and Macau the problem is likely at its worst (Edmonds 2008:279). Although heavy-metal pollutants have been reduced in recent years, inorganic nitrogen and phosphorus in Chinese coastal waters generally exceed the maximum acceptable limits, and it is thought that nationwide, one-tenth to one-fifth of all cropland suffers from heavy-metal pollution due to contaminated water. Groundwater around some cities is increasingly hard and has been found to contain phenols, cyanides, chromium, chlorides, nitrates, and sulfates, with some urban wells needing to be closed (Edmonds 2008:279–280). Bottled drinking water is not much of a solution, since it requires the polluting production of plastic for the bottles, and there have been scandals regarding fake bottled water that have undermined public confidence in it (Edmonds 2008:279–280).

Air Pollution

Meeting the energy needs of its large population and fanning the flames of its growing industry has cost China dearly in terms of air quality. China is the world's largest consumer of coal, the world's second largest consumer of petroleum based products, and the number-one global market for automobiles. Do the emissions math. Nuclear power is not much of a long-term solution in terms of environmental safety, but at least it results in less air pollution than other energy sources. China currently has 14 nuclear power plants in operation, with 25 more under construction, and has plans to build many more (World Nuclear Association 2012). Up until a decade or so ago, nuclear energy accounted for only one percent of China's power supply compared to 22 % in the United States, 33 % in Japan, and 77 % in France. Given the recent

earthquake and tsunami in Japan, the closure at the time of all of its nuclear power plants after the devastating damage at the Fukushima power plant, and subsequent social unrest in Japan over the recent reopening of several plants, perhaps China's lag in developing nuclear energy has been a blessing in disguise. Energy sources alternative to both fossils fuels and nuclear generation should certainly be pursued, and China does have some programs to harness wind and solar power. Its solar-panel industry (geared primarily for export) is already strong enough to worry producers in the West over low prices and possible unfair international trade practices. But meanwhile, the dirty burning of coal continues to be a favorite, and new coal-fired power stations are still being built at a rapid rate. Small cakes of inexpensive ground coal continue to fire many a small cooking stove, both urban and rural, and coal is still the major ultimate source for much of China's electricity. Approximately 70 % of China's energy continues to be produced by burning coal. In 2004 the International Energy Agency predicted that China's share in global emissions, mainly from power plants, would increase from 14 % in 2020 to 19 % in 2030—a rate of increase that some have called “conservative” (Edmonds 2008:282).

Other major sources of air pollution include all the standard material symbolic markers of “development,” “construction,” “growth,” “wealth,” and “progress” (as least as far as GDP is concerned): cement plants, steel mills, aluminum smelters, petrochemical, glass, and paper plants, and other energy intensive industries, as well as automobiles. The need for controls of these industries is old news. The central Chinese government is attempting to enforce cleaner practices and require industries to put scrubbers on smokestacks, for example, but such moves are often resisted by local governments with closer ties to industry and under big pressure to show positive gains in economic growth.

Factories plus cars, both in ever-increasing numbers, combined with continued dirty energy sources, result in epidemics of air pollution, especially in urban areas. Included in the sensitive information cut by the Chinese government in the 2007 World Bank report was the powerful, but politically and socially loaded statement that 750,000 people die prematurely in China every year from urban air pollution, with perhaps 300,000 of these dying from poor indoor air quality (McGregor 2007; Edmonds 2008:283). Particle levels in China's cities are worse than in most urban areas elsewhere in the world, and China is now thought to be the world's largest emitter of sulfur dioxide (SO₂), a byproduct of coal burning (Edmonds 2008:283). Lung cancer rates are highest among housewives who burn cheap coal with poor efficiency in many old homes. New homes may be cleaner and more energy efficient, but they also likely contain many more energy-consuming appliances, which means that “urban Chinese are using far more energy—more than three times their rural cousins—and efficiency still remains below Germany or Japan” (Edmonds 2008:283). Sulfur dioxide also creates acid rain, which is estimated to cause US\$4 billion in crop damage annually, and almost \$1 billion in material damage (World Bank 2007:xvi). High temperatures cause sulfur dioxide to convert to acid faster so, once again, warmer southern regions are the hardest hit: more than half of the rainfall in southern China is overly acidic (Edmonds 2008:284). Perhaps China's current production of the components of green technology should seriously target domestic as well as foreign consumers.

Inadequate Urban Environmental Infrastructure

Cities, by the very nature of their definition as concentrated centers for large numbers of people, bear the brunt of many environmental issues; they are both places for the production of problems, but also frontiers for concern and change. Most environmental activists today realize that the future of environmentalism as a social movement is urban. It is not enough to worry only about the loss of biodiversity and natural habitats. Big problems are generated where large numbers of people live, and today in China, as in the rest of the world, more people live in cities than do not. As sites of consumption on the largest scale, the far-reaching and extensively large ecological footprints required to service urban lifestyles mean that all environments, just about everywhere, feel the effects of a global increase in urban intensification.

Ecological thinking—the effort to understand how all people, places and things are ultimately connected to and affect each other—is unavoidable to anyone who has ever thought about how cities work. Most food and even water is from elsewhere and must be transported in; poor public transportation and higher levels of individual wealth accumulation often possible in cities encourage personal vehicle use; enormous production and consumption rates mean equally enormous production of trash and wastes, including air and water pollution, sewage and waste water; and high-density building practices seal off the permeability of soil, resulting in a greater possibility of flooding, all of which in turn create higher total costs of property damage due to environmental problems than in rural areas. Full consideration of each of these inherently urban worries is beyond the scope of this chapter. A selection of powerfully indicative facts about one profound urban environmental issue—sewage—will have to suffice.

A recent study puts the volume of sewage produced by China's cities at 36 billion cubic meters annually; this amount has been growing at a yearly rate of 7.7 % annually and has exceeded that from industrial sources since 1999. Another recent measure put the ability to fully treat this amount at only 37 %; centralized sewage treatment in the 669 cities of China is at 52 % overall, and 264 cities have no sewage treatment facilities at all (Tun Lin and Swanson 2010:2). Scores for solid waste production and treatment fare not much better. In the rush to top lists in a variety of domains, China has recently become the world's number one generator of municipal solid wastes, surpassing the United States, where there has been much public, media, documentary, and governmental scrutiny and attention to the problem for decades. Without inferring that the problem has been safely or completely solved to the benefit of the environment anywhere else, only about 37 % of solid waste in China is thought to be adequately disposed of, and there is zero sanitary disposal in 130 cities, which constitutes a major cause of direct or secondary water and land pollution (State Environmental Protection Agency 2004; quoted in Tun Lin and Swanson 2010:2). Lest emotions of doom and gloom overtake anyone at this point, the same authors citing these disturbing numbers note that

Against this backdrop, the PRC is currently in the process of developing a long-term strategy running through to 2050 for the better management of the country's main environmental

concerns. The PRC has assembled many of the best experts in the field of environmental management and institutional change in order to try to see how the choices taken today might help to produce a better set of economic and environmental outcomes for the future.” (Tun Lin and Swanson 2010:3–4).

No government—anywhere—has any other choice. The world needs to know that the significance of cities—everywhere—as material/social phenomena of the highest importance in today’s world, needs to move beyond current love of trendy, modern, high-density and high-rise glitz and glamor to consider a more sober embrace of effective and hard-hitting ways and means to achieve true environmental responsibility and sustainability. The people and the planet both demand it.

Bringing the Issues Home: Environmental Catastrophes, Accidents, and Nature Conservation

Not all environmental problems are caused by humans, but naturally occurring catastrophic events bring to light inadequacies in human structures, both social and material. Big events such as earthquakes and floods dramatize the need for humans to rethink their preparedness and relationships to nature, and accidents afflicting those whose work involves the extraction or distillation of nature’s gifts—such as miners and those working with toxic substances, are powerful calls to public attention. On a calmer note, media documentaries about endangered species, challenges to their habitats and the need for greater efforts to protect and conserve the natural world underscore how human activity can so easily challenge the beauty and attraction of nature for its own sake.

To take just two problems as a recent sample of these issues and concerns: the frequency of floods has been ever-increasing in Tibet and southwest China. During the Qing Dynasty (1644–1911), the Yangtze River flooded approximately every decade, but between 1921 and 1949 the frequency rose to once every 6 years, once in 2 years in the 1980s, and almost annually by the late 1990s (Ying Wang 2004:166). Nature alone, unassisted by human intervention, does not seem to change its rate of action in so drastic a manner or so quickly. Likewise, earthquakes are devastating enough on their own, but their deadly affects are multiplied many times over by quick, insensitive, ineffective, and/or cost-cutting construction methods, which some social activists have labeled as a form of corruption that clearly endangers public health.

Environmental accidents due directly to human action, or inaction, have also increased in both frequency and intensity in recent years (Tun Lin and Swanson 2010:3). Some accidents have been quite serious but they do often serve to educate both the government and the public about environmental risks and the need for more comprehensive and effective plans and actions. Chemical spills into rivers and catchment areas, reported regularly in the Chinese press, are especially dramatic motivators for better governance as a matter of public-private partnership: in 2008 alone 135 cases of actual or impending environmental incidents were reported by

citizens directly to the Ministry of Environmental Protection (MEP), which recognizes and welcomes the crucial role of individual whistle blowers (Yiyi Lu 2007; Mol et al. 2011:164).

The massive Three Gorges Dam project, recently completed and the largest hydroelectric project in the world, was meant—finally—to bring the Yangtze under control after centuries of problematic events, intensify its benefits by harnessing its power and redistributing its water as needed, and enlarge waterway access to the burgeoning city of Chongqing. Some critics felt the project to be self-contradictory in that two, perhaps mutually exclusive, actions were involved: a power-generating dam should be kept mostly full, whereas a flood-preventing dam should ideally be kept almost empty (Edmonds 2008:291). Opposition to the project, much of it originating outside China, included arguments that flood mitigation would have little affect above the dam, a series of small dams all along the river would have been cheaper and more effective, and that the build-up of silt behind the dam might prove uncontrollable, could actually increase flooding upstream, or burst the structure. The reservoir that resulted inundated many sites of archeological significance and natural beauty, endangered natural habitats, and displaced some 1.4 million people, not all of whom were adequately compensated or who received land in exchange that was considerably less productive and harder to cultivate than what they had used previously. Landslides did, in fact, increase along the banks of the reservoir, the discharge of water is endangering embankments below it, and the water quality in tributaries has deteriorated. The government has been listening to these criticisms, but only after the fact. In 2007 its official Xinhua News Agency issued press releases noting that “officials and experts have admitted the Three Gorges Dam project has caused an array of ecological ills, including more frequent landslides and pollution, and if preventive measures are not taken, there could be an environmental catastrophe” (quoted in Edmonds 2008:291–292).

In the midst of all this, actual nature conservation—protecting or restoring natural areas and often fragile ecosystems and once the keystone of the environmental movement—may seem like the least of anyone’s problems. To sum it up, like so many other places in the world, China’s environment is threatened by “uncontrolled deforestation, overgrazing of rangelands, overexploitation and use of animal and plant resources, atmospheric pollution, poor utilization of water resources in arid areas, overfishing, and adverse effects of tourism, mining, and wetland reclamation” (Larus 2012:275). Not all of these problems are strictly or directly related to industry or a de facto policy of “get rich quick and clean up later.” At mid-century, in an era of “centrally-planned. . . top-down, authoritarian and campaign-like” government policy approaches, environmental problems “were seen as temporary phenomena that could be solved through scientific and technological measures” (Peter Ho 2001:895). Now people are not so certain. During the Cold War, “socialist states were unlikely to learn from the negative experiences of the West” in this regard, which were considered as “harmful effects typical of capitalism” (Peter Ho 2001:895). New links between West and East and the opening up of the latter has meant more listening and learning all around about the values of nature conservancy. Such dialogue has been in the interests of not only international diplomacy

and tourism, but also the aesthetic, philosophic, nonuse value of the beauty of nature itself. The Chinese government is genuinely concerned and is trying to do the right thing. There is an expanding system of over 600 forest national parks and more than 100 geological parks. China has signed many international agreements, such as the United Nations' Convention on Biological Diversity, but not every ecologically fragile situation that exists is covered in such conventions and enforcement often remains difficult, despite good intentions (Jordan 2010:47). Following an international trend of giving attention primarily to what have been called "charismatic megafauna"—in China's case, pandas—many government efforts have concentrated on largely symbolic actions and on what popularly sells. The central government's focus on megafauna has led to the creation of a thriving ecotourism industry that may generate revenue but all too easily can also degrade or neglect actual natural habitats in favor of showcasing artificially created environments in the name of easier management and tourist convenience.

Bringing It All Together: Climate Change and Global Warming

China is obviously not alone in its environmental problems. If the West can learn something from China, it is how the effects of so many small or local problems, issues, or ecological challenges can accumulate into a big total with consequences larger than the sum of its parts. China's total carbon dioxide emissions of 6.2 billion tons per year surpassed the 5.8 billion tons of the United States in 2006, but its per capita production was substantially lower than the United States or the European Union, which could be considered a model to follow. Because of its continued dependence on agriculture, but with limited land and resources available for cultivation compared to North America, increased levels of CO₂ will have strong negative impacts upon China's wheat, rice, and cotton production, apart from the problem of rising sea levels. Realizing that by 2050 global warming could submerge all of its coastal areas (which are currently less than 4 m above sea level) and force the relocation of about 67 million people, the Chinese government launched a foreign policy initiative to assume leadership of developing nations as an environmental bloc in international conventions. Very early on, in 1994, it launched Agenda 21, a program for sustainable development (Jordan 2010:46–48). China ratified the Kyoto Protocol, but as a developing nation it had no binding caps on emissions. The United States did not ratify it, with the same result. Two economic giants were officially off the same hook, but for very different political reasons, which delayed progress on this important issue.

Chinese government diplomacy has since modified its tough, developing-country stance in negotiating caps on emissions as it moves up in the economic world order and can no longer be considered a developing country (Wenran Jiang 2007). China has perhaps more to lose than most nations from climate change. If oceans rise by

even one meter, an area the size of Portugal would be inundated, including some of the country's most productive agricultural land (Edmonds 2008:292–294). Low per-capita outputs of carbon should be retained, but the target now seems to be to continue to improve on energy intensity per overall GDP, for which China has drawn up some extensive plans (Lewis 2007:12).

It should be noted that approximately one quarter of China's CO₂ emissions come from manufacturing for export (Edmonds 2011:28). This is something that underscores the interconnectedness of today's global economy, as does China's history of importing waste, such as electronic waste from phones and computers, for labor-intensive dismantling into reusable materials, and a more recent history of what has been called exporting pollution in its development of large overseas projects, such as dams and other facilities, especially in Africa, thought to damage environments and livelihoods abroad (White et al. 2006; Zweig and Jianhai Bi 2005). With its much more prominent position in the spotlight of international attention, "climate change diplomacy is now a key component of Chinese foreign policy" (Edmonds 2011:28) and, according to at least one observer, this move is part of China's strategic goal to become a major world power (Lichao He 2010:8).

The Environmental Kuznets Curve: Does Greater Wealth Create Demand for a Better Environment?

By the dawn of the twenty-first century "the environment" as a concept was firmly recognized in China as what some have called a "pliant entry point" and a "diverse working platform" for nothing less than political reform of the entire government (Cooper 2006:135). Numerous "Environmental NGOs" (ENGOS) have arisen, and something now called "environmental civil society" has also been conceptualized, if not completely realized, at an international level (Yiyi Lu 2007:59). China has arrived rather late at all of this and a big question is whether it will follow the same pattern linking increased income with increased pollution until such a point at which even higher levels of income eventually create demand for reduced pollution, which has been hypothesized as an inevitable trend: As a society develops and levels of production, income and consumption rise, pollution levels also increase until such time as a wealthier society begins to demand a cleaner, safer, and healthier environment as part of a better quality of life. Though various means, including public-private-government-NGO partnerships, decisive and effective action is taken and pollution levels then decline. Tracking pollution along an inverted U-shape graph, this is thought to characterize successful transition through a period of "risk transition" (high levels of pollution) toward a more evolved form of industrial development (effective pollution controls), and is known as the Environmental Kuznets Curve (EKC).

There has been much discussion as to whether China is or is not following this pattern (Peter Ho 2001:894). The answer seems to be predictably complex: yes and no, depending on the types of pollutants and the places in which they occur (Groot et al. 2004). For example, in the fast developing southern city of Shenzhen, the EKC

seems to be supported for production-induced pollutants, but not consumption-induced pollutants (Xiaozi Liu et al. 2007). Another, more broadly based study found that the EKC linking higher income levels with lower pollution levels held for water pollutants but not air pollutants (Junyi Shen 2006). More recent research found statistical significance in the Kuznets correlation for levels of wastewater pollution and waste gas emissions from the burning of fuel, but not for solid-waste pollution (Yi Jiang et al. 2010:67). Yet another study found the reverse: no support for any income-pollution relationship for either water or air pollution, but some support for solid waste (Managi and Kaneko 2009:38). The diversity of these findings indicates perhaps that different data sets were used to measure in different places what only appears to be the same thing.

A common and interesting thread to be found, however, is the suggestion that water pollution, as one of the most readily evident problems affecting quality of life, seems to warrant more attention first. The most provocative findings are those that found evidence contrary to the hypothesis that higher income levels are necessary for cleanups of any kind. Poor regions in central and western China, distant from the richer eastern and southern coasts, as well as some areas with small economies and populations at the periphery of their provinces, also distant from rich areas, all registered turning points in the direction of greater environmental cleanliness at lower income levels than their richer counterparts (Lee Liu 2008; Yi Jiang et al. 2010:67). This phenomenon may reflect the benefits of “leapfrog” technology, which, when advanced technology can finally be afforded at a late stage of development, is newer and cleaner than the technologies already entrenched in older industrial centers. Or it may represent some socioeconomic dynamics unique to China, such as extreme regional variations and uneven internal development (Shaoguang Wang and Angang Hu 1999) that are outside the patterns expected in many other countries.

Problems and Possible Solutions: Governments, Laws, and Governance

China promulgated its first environmental law in 1979, and since then an extensive body of laws, regulations, and policies have continually been added to official books. The environment is now always mentioned in major policy addresses and the government has established, reformulated, and given greater powers and prominence to environmental agencies at every level—national, provincial and local—and is thus “institutionalizing environmental protection” (Guobin Yang 2005:54). Some have even spoken about the current “green will” (Qingzhi Huan 2011:139) of the Chinese government in working toward the goal of a sustainable “environmental state” (Han Shi and Lei Zhang 2006). But is this type of institutionalization all that is required? Chinese society as a whole is wealthier than ever before. Why has the tipping point toward reduced overall levels of pollution not yet been reached? Why have people not yet been widely successful in demanding of their government and participating themselves in the creation of a cleaner, safer, and healthier quality of

life and environment? The simple answer on the government side of things is that, despite the increase in laws and regulations, enforcement has not been effective enough to make much of a difference (van Rooij 2006). Reasons for this have been blamed on “insufficient authority and lack of coordination between institutional actors” (Managi and Kaneko 2009:33). Part of the problem may be the all-inclusive nature of environmental issues (Grunow 2011:65), which require concerted action across a range of administrative fronts. This discrepancy between attention and affect has been described as a long-standing “implementation gap” (Grunow 2011:38).¹ The rule of law is weak, the courts often weaker still, power may reside in places where it is least effective in environmental protection, and corruption is still an issue. In some cases the bureaucratic administrative structure is such that lower ranking officials are called upon to fine, admonish or shut down activities in the domains of other officials higher in rank than themselves, something not likely to easily happen (Economy 2004). In other cases, reaching environmental targets may well be among the criteria for promotion of certain local officials but there are numerous cases of flouting both the letter and the spirit of regulation and law. Officials have been known to close down polluting factories just before inspection days or to relocate them just outside municipal borders in order to displace problems, literally, on the other side of their fence (Edmonds 2011:22).

Such things, however, can, must, and are changing. Three main drivers have been identified as currently working to genuinely realize and activate the Chinese “environmental state”: First is a milestone policy called an “All-round Promotion of Administration in Conformity with the Law,” adopted in 2004, with the aim of “changing the ‘omnipresent government’ into a ‘government with limited power’ as well as a law-abiding government”; second is “clear perception” of the need to address some inherent weaknesses associated with environmental regulation, such as the high cost of centralized command and control at one end, and the cleanup of unlawfully created damages at the other, the lack of professional scientific competence, state-industry relationships still better suited to a centrally planned than market oriented economy; and finally, “China’s increased orientation to the outside world and improved international relations [that] have triggered environmental state transformation” (Han Shi and Lei Zhang 2006:284). At the turn of the millennium, an estimated 15 % of China’s total environmental protection budget came from international assistance (Economy 2004), something that has also left a continuing legacy of openness to outside influence upon high-level policy, to outside technical assistance, and to institutional capacity building, all of which work alongside the development of formal environmental legislation (Han Shi and Lei Zhang 2006:285–286). China’s door is truly no longer closed.

¹This implementation gap has been further articulated as involving the following key factors: “insufficient financial resources and control capacity; dependence on local political will and priorities; lack of reflection on administrative arrangement; inadequate instruments of coordination. . . across territorial boundaries; inefficient data-processing and information logistics; a lack of relevant knowledge and training among staff members; and little impact from NGOs and complaint systems” (Grunow 2011:72).

Even so, current international environmental thought holds that management of the multiple dimensions of the environment portfolio is too big a job for governments alone (Yanli Dong et al. 2011). China seems to be listening, but on its own terms and with Chinese characteristics (Martens 2006). Observers note how a “general strengthening” of environmental controls in China is marked by “a gradual shift from environmental regulation to environmental governance” (Qingzhi Huan 2007:684, summarizing Carter and Mol 2007). This translates not only into increased efforts to improve integration among various government bodies, but also increased roles for NGOs and the involvement of civil society. Tensions that limit the effectiveness of nongovernmental inputs include a state that is still authoritarian and, with it, persistent echoes of a centrally planned economy. These historical ghosts play out in a disjuncture between centrally formulated environmental policies and local sources of the power to enforce (Yuan Duanduan and Feng Jie 2011). Here the common denominator driving all concerned seems to be the materially emotive power of the environment itself, which demands a response. Management of the environment is perhaps unique among social problems in that, for better or worse, it can be seen, heard, smelled, tasted and touched by all. Some see the reforming potential of this focus as capable of going all the way beyond increased public participation in addressing specific problems, to democracy itself (Pearson 2002; Zabielskis 2008). Witness such optimistic statements as: “In China, the environment has proved to be a platform for civil society’s most dynamic growth” (Cooper 2006:136). This kind of hope is sometimes specifically centered on nongovernmental organizations (NGOs): China’s environmental NGOs are “creating new civic freedoms” and “constitute not only an effective force in tackling environmental issues, but also a civil society that is starting to transform state-society relations” (Cooper 2006:109).

Government officials welcome the work of environmental NGOs, within limits, and seek their help in doing their jobs, especially in such matters as listening to citizen complaints and receiving popular feedback on development plans in the absence of more established venues for participation that may well be legislated in policy and law but remain unenforced (Yanli Dong et al. 2011). Despite quality-of-life concerns by a new middle class, however, it remains the case that “the watchdog role of the public sphere, which should be part of the local implementation process, is sadly lacking in China” (Grunow 2011:65). Since the mid-1990s the central government has acknowledged the positive role that citizens can play in environmental protection (Saich 2000), a move which facilitated the establishment in 1994 of Friends of Nature, China’s first citizen-organized environmental NGO (Johnson 2010:432). This was hardly an entirely citizen-induced, bottom-up, or even democratic move but it marked the state of something and now several hundred environmental NGOs are pushing it along (Guobin Yang 2005:46). As Pan Yue, Vice-Minister of the Ministry of Environmental Protection (MEP) in 2004 put it, “insufficient legal mechanisms for public participation are an important reason why China’s environmental protection has laws that are not enforced, as well as having laws that are enforced in a lax manner” (quoted in Johnson 2010:434). Pan also reasoned that incorporating citizens’ views into decision-making processes can reduce social instability (a major reason for requiring government registration of

NGOs): “We would rather have an argumentative policy-making process and a harmonious result, as opposed to a ‘unanimous’ policy-making process and a chaotic result” (quoted in Johnson 2010:434). Is this pragmatism or is it a glimmering of genuine, public and perhaps democratic, participation?

Conclusion: The Environment as a Civil Society Catalyst?

Environmental NGOs in China have been declared to be “at the vanguard of non-governmental activity” (Economy 2004:131), but they should not be equated with the larger dimensions and wider scope of a civil society itself. One theory has it that the key to “the ability of civil society to influence government policies and decisions lies in the interpenetration between the state and civil society” (Yiyi Lu 2007:65). If this is true then the “embedded” tactics of Chinese NGOs, with their intimate links to the government and government officials, may well be on the right track. However, given the complexity of decision-making processes in China, and a continued lack of transparency (Mol et al. 2011), it is hard to say with any certainty which factor—NGO campaigns, the media, other public actions, such as demonstrations—have decisively influenced any particular decision (Yiyi Lu 2007:64). Even so, the accomplishments of environmental NGOs in China, and with them, their possible contribution to development of civil society, can be summarized as follows: The political space for environmental activism has expanded, perhaps due to the inescapable gravity and tangibility of environmental problems; a wary government clearly recognizes that it needs assistance external to its own organization; “the environment” is a popular focal point that provides an impetus for enhanced networking and coordination among NGOs, the media, and environmental experts both domestically and internationally; and as a result “the NGO sector as a whole has become bolder in pushing the limits of political activism” (Yiyi Lu 2007:65). Good, but in some quarters still not enough. Though the number of environmental protests per year in China number in the thousands, the new frontier for activism may be NIMBYism. In contrast to more organized NGOs, NIMBY (“not-in-my-backyard”) activists are often not shy to adopt contentious tactics to agitate for more open participatory channels. Both NGOs and NIMBYs have been declared “important in promoting more inclusive decision-making processes and consolidating reform,” with the viability of the latter nevertheless still tellingly thought to be dependent on a “rules-based approach,” such as calling on the government to enforce existing regulations and abide by its own policies and laws rather than outright civil disobedience (Johnson 2010). If NIMBYism were to become as well established in China as it is in the West, it may well represent an equally strong marker of the final arrival and political clout of an emerging middle class highly concerned about personal, individualized, and aestheticized quality-of-life issues over and above any pragmatic or exclusive concern with economic growth.

Political theorists have long associated the rise of a solid middle class as a necessary and prior social condition for democratization (Pye 1991). Is this also true for

the material and social environment of China? In many non-Western authoritarian political systems members of the middle class are those who are most in contact with Western ideas, which may prove decisive for activating aspirations for Western-style political rights (Inglehart 1997, Shui-Yan Tang and Xueyong Zhan 2008:428). Members of the middle class are also more likely to participate in various civic organizations that have historically played important roles in the breakdown of authoritarian regimes (White et al. 1996). But despite decades of transformation and change, the development of a market economy, and the emergence of a middle class, China continues to be an exception to this pattern and, to a large extent its political culture remains authoritarian (Shui-Yan Tang and Xueyong Zhan 2008:428). One reason offered is that China's "capitalist" development is an artificial construct invented by the communist state and the middle class, such as it is, must "rely heavily upon arbitrary political power to survive and prosper" (An Chen 2002:421). Another is that the business class, as in many other countries, benefits from the current political system and thus has little incentive to change it (Pearson 2002).

So what about civil society as the hope for change? With the environment as a focal point, is the rise of a civil society even more powerful than the rise of the middle class as a key force to unlock processes of democratization? It should be remembered that, in different places and at different times, "civil society may have different effects on democratization" (Shui-Yan Tang and Xueyong Zhan 2008:429). Causes and effects may come to fruition differently in different social and cultural contexts, hence the need to emphasize Chinese characteristics in all of the following:

It is not meaningful just to ask if a country has a civil society but to ask what types of civil society it has, how they are structured, what activities they are engaged in and how they interact with other political and socio-economic institutions, and to what extent such interactions are conducive to more open and inclusive democratic processes (Shui-Yan Tang and Xueyong Zhan 2008:430).

In this vein some have questioned whether the concept of "civil society" itself, originally developed to examine social and political contexts in Western Europe, is even relevant to China (Adrian Chan 1997). Others question the relevancy of the comparison by noting possible radical differences in the ways in which Western and Chinese scholars have understood the transformative potential of the public sphere, "with the former stressing the 'bottom-up' individualist character of civil society and the latter stressing its 'top down' moral-intellectual dimension" (Shui-Yan Tang and Xueyong Zhan 2008:429, referencing Metzger 1998).

At the same time, however, I feel that Diamond's (1999) definition of civil society remains an articulate and elegant theoretical frame relevant and useful for empirical research in any place or time:

Civil society is the realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from 'society' in general in that it involves people acting collectively in a public sphere to express their interests, passions, preferences, and ideas, to exchange information, to achieve collective goals, to make demands on the state, to improve the structure and functioning of the state, and to hold state officials accountable (Diamond 1999:221, emphasis in the original).

If all this were happening simultaneously at the same time in any given place, and in a “vibrant” way (a favorite adjective when speaking about the power of civil society), perhaps there would be no need for further discussion about “democracy”—or perhaps this would *be* democracy in a way few people anywhere in the world today seem to be enjoying. I venture to say for any specific social or cultural context, some of these six dimensions could be checked off as accomplishments but not others, and likely not all of them. So far, environmental NGOs in China have been productively engaged in activities directed only toward the first three goals: the expression of interest, passions, and ideas; the exchange of information; and the achievement of collective goals. But they have yet to be significantly or fully engaged in the final three: making demands on the state; improving the structure and functioning of the state; and holding state officials accountable. We will see what happens next.

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Chapter 15

The Struggle for Survival: A Case Study of an Environmental NGO in Zhejiang Province

Hao Xin and Jing Yang

Abstract Following the failure of Beijing's 1993 bid to host the 2000 Olympic Games, the Chinese Government decided to open up opportunities for grassroots organizations. In the years since, a number of environmental nongovernmental organizations (NGOs), including Green Zhejiang, the first environmental NGO in Zhejiang Province, have been established nationwide. During its development, Green Zhejiang faced three major obstacles as a newborn environmental NGO: obtaining legal status, gaining sufficient funding, and human resource issues. After a persistent struggle for survival, however, it finally obtained legal status, and now receives support from numerous enterprises. Green Zhejiang focuses on water conservation, operates a creative interactive water map to track pollution, and has created a new program entitled *Sales for Green*. The organization has also developed a model for government–NGO environmental cooperation, and on its 12th birthday established a branch of the Chinese Communist Party. The experience of this grassroots organization in China's political environment sheds light on how environmental NGOs in China can not only survive but also thrive.

Keywords Environmental NGO • Zhejiang • Legal status • Funding • Human resources

China's environmental nongovernmental organizations (NGOs) have undergone profound development in line with the country's deteriorating environment in the past 20 years. In 1993, Sydney beat Beijing in its bid to host the 2000 Summer Olympic Games. The Beijing bidding committee admitted that environmental

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concerns had been one of the key reasons for the city's lost bid. This failed bid prompted the Chinese Government to pay greater attention to environmental issues, and environmental initiatives began to emerge across the country. For example, several months after the failed bid, Liang Congjie established Friends of Nature (FON), China's first nationwide environmental NGO, in Beijing. Then, in 1996, Liao Xiaoyi and Wang Yongchen founded Beijing Earth Village and Green Earth, respectively. Numerous environmental NGOs were subsequently created throughout the country, and by 2007 China boasted approximately 3,000 such organizations, the majority located in eastern or central China.

Despite this boom, however, newborn NGOs still face three major obstacles: obtaining legal status, gaining funding, and human resource issues. This chapter examines these obstacles through a focus on the struggle for survival of Green Zhejiang, the first and largest environmental protection organization in Zhejiang Province, which provides a classic example of the way in which an environmental NGO can achieve sustainable development. The Green Zhejiang case suggests that the future of China's environmental NGOs may be less bleak than appearances suggest.

Major Obstacles of Chinese Environmental NGOs

Legal Status

The most fundamental of the three major challenges faced by Chinese NGOs is obtaining legal status. Failure to do so limits both sustainable funding and manpower resources. The greatest motivation for an NGO to register officially is the ability to open a bank account as a legal entity, as it is quite difficult to solicit funds without legal status. In China, organizations can register as either companies or NGOs.

This dual-regulation system is unique to China and operates as a means of supervising NGOs. According to China's Regulations for Registration and Management of Social Organizations issued by the People's Republic of China State Council in 1998, all social organizations must have two regulators: a registration administrator and an affiliated business unit. The first is generally the Department of Civil Affairs, on whose name list an NGO must register. The second is generally a government department that supervises and is politically responsible for the NGO's day-to-day activities. For example, Green Zhejiang is now registered at the provincial level, and thus its registration administrator is the Zhejiang Provincial Department of Civil Affairs, and its affiliated business unit is the Zhejiang Environmental Protection Bureau.

A point worth mentioning here is that the rules say that only one NGO of the same kind may be registered within the purview of certain administrative units, such as municipalities, counties, and provinces. In most cases, registration is restricted to NGOs that register as government-sponsored nongovernmental organizations (GONGOs), and it is very difficult for other NGOs to register.

Funding

Funding is a daunting issue for grassroots organizations in China. Four major sources of funding are available to Chinese NGOs: international and domestic foundations, donations, corporate sponsorship, and membership fees.

International and domestic foundations currently represent the main sources of income for many Chinese environmental NGOs. For example, more than 90 % of Beijing Earth Village's funding comes from international sources, whereas the figure for FON was 58.5 % in 2006, according to its annual financial report. Many Chinese Government officials, and some researchers, are suspicious of such funding, as they assume that the international foundations involved will control NGO programs, push their agendas onto the NGOs they sponsor, and instill in them "improper" Western ideas, thereby undermining social stability.

Individuals and enterprises can make donations to NGOs, but only those that are registered are permitted to charge membership fees. Corporate sponsorship is possible, but remains controversial, as the general public often does not trust corporations and suspects them of engaging in secret trading with environmental groups. Accordingly, most Chinese NGOs rely on funding from foundations, even though doing so often results in financial shortfalls.

Political and administrative factors serve to limit NGO funding in China. Additionally, the funds that are available are distributed primarily to organizations based in Beijing and in the country's western areas. Both international and domestic foundations tend to support GONGOs or state and local government agencies with strong implementation capacity rather than grassroots NGOs, which are sometimes characterized as weak in such capacity. Compared with NGOs, GONGOs and government agencies usually have a stronger organizational structure and better access to social resources. Thus, they generally have the necessary human resources to implement programs and are generally guaranteed a local official presence at the events they coordinate. For these reasons, it seems a wise decision for funders to support GONGOs or governmental agencies, which are very likely to offer more benefits and future opportunities. For example, they offer an opportunity for sponsoring companies to get to know important officials in the government sector whose decisions may benefit their businesses or enhance their reputations in the future.

Moreover, the competition for limited funding is fierce. Chinese grassroots organizations are obliged to spend an excessive amount of time writing proposals, but their paid and volunteer staffs have limited training in or experience of grant writing, making it a considerable challenge to produce high-quality proposals. Even when these organizations are successful in gaining funding, personnel expenses are usually excluded. They thus have to hold back money from implementation items to pay their staff.

Human Resources

The third challenge facing Chinese NGOs is manpower limitations. According to the NGO Blue Book, 80.9 % of the country's NGOs lacked professional employees in 2008, and 46 % had fewer than five employees (cited by Legal Daily 2008). The remuneration offered by Chinese NGOs is not attractive. Accordingly, they suffer a fairly high turnover rate, and although their leaders usually have strong capacity, their general staff is often lacking in competence.

This dire human resource situation means that many Chinese NGOs face a vicious cycle. Although they seek out suitable projects, their overall limited capacity results in poor project implementation. NGO leaders often try to pick up the pieces, with many performing tasks that should be the responsibility of general staff. The obvious solution is to recruit more, and more competent, staff, but doing so requires additional funding, and obtaining that funding requires that the organization identify and implement more quality projects. This vicious cycle is the situation faced by many Chinese NGOs today. Many struggle to survive, but the reality is that it is very difficult to escape this cycle.

Struggle Against Obstacles

Successful Independent Social Group Registration

Green Zhejiang has experienced two successful registrations. In 2000, when Xin Hao was a freshman at Zhejiang University, he initiated a green bicycling tour with his fellow students. They cycled approximately 2,000 km within Zhejiang over 36 days. During the tour, they witnessed numerous environmental threats and met individuals who shared their interest in environmental protection. However, these individuals were dispersed throughout the province, and the students realized that they would lack power unless they formed connections. That realization provided the spark for the establishment of an environmental NGO.

Gaining successful registration proved difficult, however. "Nobody knew who we were, and nobody believed in us," Xin said. He and his friends tried to make contact with numerous agencies, but failed until they approached the Zhejiang Committee of the Communist Youth League (CYL), one of the largest GONGOs in China. In July 2001, Beijing's successful bid to host the 2008 Olympic Games brought opportunities for many environmental NGOs and groups to gain registration. Just three days after the successful bid, Green Zhejiang, as Xin's organization was now known, approached the chairman of the Zhejiang Committee of the CYL to present its ideas and proposals for future green activities. The chairman was impressed and realized that Green Zhejiang could play an important role in the CYL's voluntary environmental protection initiatives. Several months later, Green Zhejiang registered as the Environmental Protection Branch of the Zhejiang

Provincial Youth Volunteer Association. This was the first victory for Green Zhejiang in its attempt to gain legal status, although this status actually represented a compromise between ideals and reality. As the branch of a GONGO, the organization was not an independent legal entity, and thus it had no independent financial rights; that is, it had no independent bank account. In addition, the GONGO reimbursement procedure was overly complicated and time-consuming. As a result, in 2008, Green Zhejiang disconnected itself from the Zhejiang Committee of the CYL, and thereby became an unregistered organization.

Green Zhejiang finally registered as an independent NGO called the Hangzhou Eco-Culture Association in 2009. Its sponsoring institution was the Hangzhou Municipal Environmental Protection Bureau, and its registration was ratified by the Hangzhou Municipal Civic Bureau. Ruan Junhua, the president of Green Zhejiang, is the vice-dean of the Management School of Zhejiang University, and his social status and reputation contributed, at least in part, to the organization's registration success. In the years since, Green Zhejiang has become an independent social group and has its own bank account. Although Zhejiang Province is embedded in its name, the newly registered organization is not a provincial level organization, which initially severely limited its outreach activities. However, following considerable effort, the Hangzhou Eco-Culture Association was eventually ratified as one of Hangzhou's 35 tax-free social groups. In Spring 2012, Green Zhejiang began to set up local volunteer centers (at the city level) and stations (at the county or the district level) in cities and regions outside Hangzhou, thereby laying the foundation for its registration as a provincial level social group.

Creating New Sources of Funding

Over the past 12 years, Green Zhejiang has devised a number of creative ways to raise funds. In February 2012, it decided that it should aim to be the best self-funded environmental NGO in China and thus would not rely on any outside funding sources (Green Zhejiang 2012).

Green Zhejiang considers its services to be income-producing products. Prior to 2010, the organizations helped local government agencies, youth leagues, and companies to solicit ideas and implement short-term activities. Green Zhejiang generally talks to sponsors first, and then writes proposals based on the consensus view. It then implements projects and finally releases summary reports. Its partners have included the advertising and external affairs departments of such large companies as BP and Coca-Cola and MSD Medicine's Department of Health, Safety and the Environment. Because organizations such as Green Zhejiang have a strong willingness to engage in environmental activities, but lack sufficient human resources and capacity to do so effectively, they must look for suitable advertising agencies or organizations to help them to plan and implement these activities. Compared with commercial organizations, however, environmental NGOs such as Green Zhejiang have advantages in terms of their environmental background and low implementation

costs (including manpower costs). Cooperation with NGOs may also help sponsors to build a good name with the public, which could eventually result in a larger market share for their brand. For example, Coca-Cola cooperated with Green Zhejiang for 7 years, including on a 4-year Green Olympic program, which allowed the company to mobilize hundreds of students and gain favorable media coverage. The cooperation with Coca-Cola, in turn, helped to maintain Green Zhejiang and helped it to establish relatively good relationships with local governments and other companies.

Green Zhejiang prefers to obtain a detailed and quantified contract before project implementation. “Media value” and “process control” are its key indicators in project planning, follow-up, and evaluation. For example, Green Zhejiang may sign a contract that includes a specific number of mainstream television, radio, and newspaper reports at the central, provincial, and local levels. All such coverage can be converted into “media value” by multiplying by three the amount it would cost to purchase a commercial advertisement of the same length. Green Zhejiang follows Coca-Cola and other major corporations in using three as the multiplier, meaning that a news item has three times the value of an advertisement. The strict supervision and evaluation of program implementation bring further business opportunities to Green Zhejiang while enhancing the capabilities of its staff.

The credibility established through its short-term initiatives allowed Green Zhejiang to implement several well-known long-term projects, such as the Zhejiang Juvenile Green Camp and the Qiantang River Waterkeeper program. The former has lasted 10 years, and the latter was accepted as a formal member of the Waterkeeper Alliance in 2010. Green Zhejiang’s core, and currently most influential, project is pollution mapping. It has attracted funding for this project from a variety of sources, including the Qiantang River Administration of Zhejiang Province, which provided initial funding of around US\$6,600. Green Zhejiang’s major financial donors at present are the Waterkeeper Alliance (\$22,340), the UNEP Eco-Peace Leadership Center (\$2,000), Intel Corp. (\$16,600), and the Chint Foundation (\$1,500), all of which also provide publicity opportunities.

Drawing on the experiences of the Green Map System and China Water Pollution Map (<http://www.ipe.org.cn/pollution>), Green Zhejiang developed a collaborative interactive China Water Map especially for the Qiantang River based on Ushahidi, a well-known open-source software platform used to monitor disaster events. The map provides a platform to educate the general public about water pollution, and clearly shows the location of such pollution. Users can access the interactive platform online from their desktop computers, smartphones, or iPads to obtain water pollution information and report new incidents of pollution instantly via the online map or its Apple and Android applications. The information provided covers violations, water quality monitoring results, and industrial pollution sources. Since July 2011, the project has trained 24 volunteer water advocates who carry out regular patrols to collect first-hand data. Green Zhejiang also puts pressure on the Zhejiang Provincial Environmental Protection Bureau to resolve pollution problems when new pollution incidents are reported on the Qiantang River Map. The project is designed to promote the development of civil society by increasing understanding

of the importance of public involvement in environmental management and to educate the target population about how it can become involved in protecting water sources. The project technology has also helped to broaden the vision of the local government. With its cooperation, Green Zhejiang has built a new model for government–NGO cooperation on environmental protection issues in China. The Qiantang River Map project has already produced results. As of August 2012, 35 pollution incidents had been reported by the trained volunteers and the public. With the cooperation of the Zhejiang Provincial Environmental Protection Bureau, 10 companies have been shut down or suspended from operating in Lanxi, Dongyang, Jiande, Tongxiang, Quzhou, Lin'an, and Jinyun. In addition, about 90 % of the articles discarded at the dumping sites of out-of-service ships and the fish market at the Wenyan Ferry, which are part of the first-class drinking water protection area, have been removed.

Green Zhejiang initiated a new fund-raising initiative in 2011 to paint the seawall of the Qiantang River, which boasts the world's largest tidal bore. To cover the painting expenses, 1,000 volunteers launched *Sales for Green*, which raised US\$33,000 in two days through the sale of bamboo products in 53 supermarkets.

Human Resources

Green Zhejiang has adopted three approaches to sustainability. Although these approaches have been effective for Green Zhejiang, they have not been replicated and/or tested by other organizations. First, the organization gained the support of a Zhejiang-based company, Suncha Company, which paid the salaries of its six full-time staff members. The company has cooperated extensively with Green Zhejiang, and it is clear that such cooperation can constitute a win–win situation for both NGOs and commercial enterprises. Suncha plans to establish a Corporate Social Responsibility department with Green Zhejiang's help and, in turn, provides funding that allows the NGO to focus on environmental projects. Suncha's president serves as Green Zhejiang's vice-president, indication of the close cooperation between the two entities.

Second, Green Zhejiang recruits local and international volunteers and interns, who are either unpaid or receive a small stipend. The Association Internationale des Étudiants en Sciences Économiques et Commerciales (AIESEC) and uJoin programs provide Green Zhejiang with interns every three months. In 2011, AIESEC provided 26 interns from 21 countries or districts, whereas the uJoin interns come primarily from Zhejiang University and other Hangzhou-based universities. Green Zhejiang has also set up international volunteer centers in the USA and the UK and, on June 20, 2012, established a Branch Committee of the Chinese Communist Party, with two general members nominated as committee members. The establishment of the Party Branch Committee has garnered the NGO considerable resources, including human resources.

Third, Green Zhejiang has worked with project-oriented subcontractors, both by cooperating with local grassroots organizations and by contracting experts in various fields. Working with grassroots organizations not only reduces the NGO staff's workload but also provides these organizations with much needed financial support and professional guidance. Green Zhejiang developed a public participation model called Green Citizen Participation (GCP) in 2004. The GCP model is designed to reduce the heavy staff workload and solicit ideas from the general public. It has proved a huge success. The first step of the model is to publish a press release at the beginning of a program to announce the program topics and rules. University students or members of the general public are then mobilized, and they team up and submit proposals. In the third step, a jury comprising professionals and sponsors' representatives selects the best proposals, and the top ten are then implemented with Green Zhejiang's support. The next step is an awards ceremony and wrap-up meeting. Finally, a winners' study tour takes place. Green Zhejiang used the GCP model in its cooperation with Coca-Cola and MSD Medicine.

A big difference between the GCP model and previous operations lies in the funding distribution. In the GCP model, the proposals selected are funded directly by Green Zhejiang. The model enhances public participation, and the activities that take place under its auspices are volunteer rather than staff oriented. The GCP model also reduces the organizer's workload, attracts media coverage, and builds team capacity. To date, it has produced a number of small-grant projects and such successful larger scale projects as the Green Map and Grant Canal Protection project. In 2006, the model was awarded an annual China National Voluntary Excellent Project Award. It must be noted, however, that the GCP model works best for short-term initiatives and awareness-raising activities. Its actual environmental and social effects are minimal.

Conclusion

Over the past 12 years, Green Zhejiang has managed to successfully overcome the three major obstacles facing new NGOs in China. To obtain legal status and survive, it first registered as a branch of a GONGO. Eight years later, it finally won its struggle to become an independent NGO, but sacrificed its status as a provincial organization. Green Zhejiang has gradually become an organization that engages in environment-related activities and provides environmental services, which has allowed it to earn an income sufficient to sustain operations. Its operations include short-term activities and long-term projects. It initiated the *Sales for Green* program to gain fund-raising control, and has integrated numerous social resources to reduce financial pressure and its staff's workload. In addition, it has developed the well-received GCP model, which has mobilized public participation and attracted creative project ideas. The practice-based experiences reported in this chapter will serve as a valuable reference for both Chinese and international NGOs.

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Chapter 16

Public Participation in Environmental Protection in China: Three Case Analyses

Wanxin Li, Jieyan Liu, and Duoduo Li

Abstract By comparing three cases of environmental activism in China, our paper answers the following three questions about public participation in environment protection in China: (1) what are the drivers for public participation? (2) Who are the agents leading the participation, and (3) Do existing laws facilitate public participation? We find heightened public awareness of environmental degradation and increasing anxieties over health and property values drive people to fight for more political space to influence decisions that have an impact on the environment. Despite the promises one finds in the letter of Chinese laws, Chinese society lacks public consultation and engagement in government decision-making, even in the area of environmental protection. This is unfortunate, because public policies without adequate public input are doomed to be clouded by illegitimacy.

This paper was originally published in the *Journal of Environmental Management*. Citation: Wanxin Li, Jieyan Liu, & Duoduo Li. (2012). Getting their voices heard: Three cases of organizing for environmental protection. *Journal of Environmental Management*, 98, 65–72. We thank the five anonymous reviewers as well as Zhidong Hao, Philip Ivanhoe, and Zhengxi Liu for their valuable comments. We thank the City University of Hong Kong for their financial support (Project #7008072).

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Keywords Public participation • Environmental activism • Environmental governance • China

Introduction

The highly visible environmental degradation and associated health problems in China have drawn public attention. The central government has realized the urgent need for environmental protection and tried to influence local policymaking by pursuing Green GDP and other environmental performance evaluation projects (Li and Higgins 2011). However, local governments have always placed GDP growth before environmental protection (Jahiel 1997; Economy 2004; Wanxin Li 2011). Thus, the Chinese public has to protect their environmental interests from the development-oriented state and the encroachment by strong business interests, especially during ongoing rapid industrialization and urbanization in China.

Principle 10 of the Rio Declaration on Environment and Development (1992) states that “[e]nvironmental issues are best handled with the participation of all concerned citizens, at the relevant level” and calls for the government’s facilitating public participation (United Nations 1992). The Aarhus Convention (1998) further requires the government’s provision of public access to information, participation in decision-making and access to justice in environmental matters (United Nations Economic Commission for Europe (UNECE) 1998). Over the years, public participation has been increasingly institutionalized in environmental decision-making at local, regional, and international levels. Following the global trend, the Chinese government has made big strides in empowering the public to participate in environmental issues by mandating disclosure of environmental information held by the government (State Council 2007; State Environmental Protection Administration 2007). However, China has also been criticized for its culture of state secrecy and insufficient space for the public to participate in managing the Chinese society in general. For example, even though the Law of the People’s Republic of China on Environmental Impact Assessment (EIA law) explicitly requires public participation in environmental impact assessment, questionnaire surveys and public meetings are two most popularly adopted means and have been criticized as insufficient (Ho and Edmonds 2008; Guoguang Wu 2011).

This study looks into the dynamic interplay between environmental stakeholders in the context of three cases of environmental activism in China, aiming to stop the establishment of projects with negative impacts to the ecological system or surrounding environment. The Nu River Dams project in Yunnan province was aimed to develop the local economy as well as to generate electricity for fueling development in other regions. But individuals and groups who were concerned about the Three Parallel Rivers area, a natural heritage, acted against the decision; as a result, the construction was put on hold and the development plan was released to the public domain for comments. The Xiamen PX project in Fujian province, a big investment project favored by the city government, was forced by the public to relocate.

And the third case, the Liu Li Tun garbage incineration power plant in Beijing was stopped and forced to relocate by local residents' unflinching protests. In all three cases, individuals and groups organized themselves and worked together to voice their concerns and change decisions that would have negative environmental impacts. By analyzing the drivers and agents of active participation, this study sheds light on evolving organizing mechanisms of gaining political space for public participation in environmental protection movements.

In the following pages, we first review the literature on public participation as both a political principle and a practice. Then we discuss the research questions and methods. This is followed by analytical narratives of the three cases of environmental activism in China. Section "Comparative case analysis: drivers of, agents for, and effects of law on public participation in environmental decision-making" compares drivers and agents of the three cases and discusses effects of law as well as implications for opening political space for public participation in environmental protection in Chinese society. The paper ends with conclusions.

Public Participation as Both a Political Principle and a Practice

Respect for citizens and their self-determination is at the heart of democratic values and good governance. A government that involves the public in decision-making processes would first equip the public with necessary information on the issues of their concern, then provide venues for the public to express views and deliberate on alternatives, and empower them to make decisions to advance their individual as well as collective interests. As a political principle, public participation sets a foundation for accountable government (Feldman and Khademian 2007; Roberts 2008).

Besides political philosophers, economists have also argued for public access to environmental information and participation in environmental decision-making. Based on neo-institutionalism theories of the allocation of access to information and decision-making in a contractual relationship, a party who is the residual claimant should be given access to information on a contract's execution and make decisions accordingly (Williamson 1975; Barzel 1989; Williamson 1996). A government enters into a contractual relationship with the public that it serves, and it employs tax payers' (public) money to protect the environment. In this case, the general public is the residual claimant because it incurs the damage on their health as a form of residual costs caused by pollution (beyond the costs covered by polluters such as pollution fees, fines, and factory closures). Thus, the public should be informed of the environmental performance of both government and polluters and be given the power to make decisions on environmental issues (Wanxin Li 2006).

However, the unbalanced distribution of costs and benefits of pollution and counter measures presents barriers for the public to organize and take collective actions against environmental harms. The costs of pollution are dispersed among a large number of individuals, but the benefits of discharging pollution are concentrated on

a small number of polluters. Thus, those polluters are not willing to bear the concentrated costs of pollution abatement or nature conservation. Moreover, those polluters are usually economically and politically more powerful than the many individuals who are affected by pollution. Besides, those pollution victims usually encounter collective action problems, especially when environmental issues are largely of a technical nature and hard to understand. For these reasons, government intervention on behalf of the public becomes necessary for addressing environmental problems (Olson 1971; Buchanan et al. 1980; Keohane et al. 1997; Esty 1999; Portney and Stavins 2000; Tullock 2005). But again, the government has to work together with the public to practice good environmental governance.

China has also endorsed public participation as a political principle and formulated laws and regulations accordingly. According to law, the public can participate in environmental issues at three different stages. Before decisions are made, the public can participate in environmental assessments for revealing their preferences and interests. The assessments identify potential environmental impacts of a contemplated action. Experts, government officials, industry people, and the public can make use of that information and compare it against preestablished thresholds or standards as well as individual preferences. After that, decisions will be made on whether to proceed with the action as originally planned or to pursue an alternative plan. Article 5 of the EIA law requires the government to invite experts and the public to participate in EIA, and Article 11 prescribes public hearings as a desirable form of participation. Of course, the public can also express their preferences and interests through their representatives who are members of the Chinese People's Congress (CPC) and Chinese People's Political Consultative Conference (CPPCC).

When making environmental decisions, the public can participate both formally and informally. For example, the public can participate via CPC members to make more environmentally friendly laws. That would, at least theoretically, constrain government and industry when making decisions on the environment and development. Other than that, the Chinese public does not have any other formal channels to participate in environmental decision-making. However, when the public is not willing to bear the potential negative environmental impacts, they can make use of the time window after a decision is made but before it is executed to bring their cases to the mass media (Guobin Yang and Calhoun 2007), to send complaint letters or to visit government offices, and even to protest on the streets (Wanxin Li 2006).

Lastly, when decisions have been made and pollution has actually occurred, the public can redress their grievances by suing polluters in the courts or again, complaining to the mass media or the government, or taking the issue in their own hands to protest. For example, the villagers near the Rongping Chemical Plant in Pingnan city, Fujian province realized their plants have been dying and they have suffered from cancer and other diseases since the plant started to operate in 1994. Their response was to go to court. The *Changjian Zhang et al. vs. Rongping Chemical Plant* was an environmental lawsuit that was identified by the State Environmental Protection Administration (SEPA) as one of the ten most important environmental lawsuits in 2003 and was named one of the ten most influential lawsuits in 2005 in China in a poll done by the Legal Daily Newspaper and All China Lawyers Association (OECD 2006).

Because environmental damages are largely irreversible, the precautionary principle and prevention strategy are always preferable to dealing with environmental harms after they have actually occurred. Thus, the prior solicitation of public preferences and concerns at an impact assessment stage would avoid the tensions and stresses of dealing with environmental conflicts as well as the damaging environmental and health effects that result from pollution at a later time. Scholars have identified the following factors affecting the organizing mechanisms of public participation in environmental issues: how the individual civil and political rights are defined culturally (Pye and Pye 1985), whether there exist local social networks, whether individuals have a sense of residence or own property in that area, what information is available about environmental risks and how the public perceives it, and whether the public trusts government agencies and other relevant parties. Furthermore, when the public is engaged in decision-making processes, they tend to accept and support the action even when there are negative environmental impacts (Beierle and Cayford 2002; Hasegawa 2004; Laurian 2004; Reed 2008).

Even though China has endorsed public participation as a political principle, in practice, as scholars have largely agreed, there is a lack of public participation in environmental decision-making and tensions have accumulated in Chinese society regarding the siting of development projects and locally unwanted land use projects (Yongchen Wang et al. 2004; Fugui Li et al. 2008; Da Zhu and Jiang Ru 2008). However, not enough attention has been paid to the organizing mechanisms of concerned individuals and groups when reacting to controversial decisions. By studying the drivers for participation and agents who made participation possible in the three cases of environmental activism in the Chinese context, this paper advances our understanding of environmental conflict and strategies for enhancing social harmony in China. Furthermore, this paper speaks to students and scholars concerned about democratization and environmental issues in China.

Research Questions and Methods

This study seeks to answer three questions and to examine several related propositions. First, what are the drivers for the public to participate in environmental decision-making? When people have a stake in the environmental decisions, are they willing to participate in the decision-making processes or react to decisions that have been made? If a person does not rely on a project for his or her own livelihood, he/she may oppose it out of concern for the ecological rather than productive value of natural resources while the opposite might be true for local residents. If a person is attached to a place by owning property, having a family, or having a career, he/she may be more concerned about the environmental and health impacts of a project and participate more actively than those who do not have a sense of residence.

Second, who are the agents who make public participation happen? In the Chinese context, officials of environmental protection agencies are sympathetic to public environmental claims, and they are important agents for facilitating public

participation in environmental protection. Furthermore, given the technical nature of environmental issues, experts are important agents for interpreting relevant scientific knowledge and communicating with the public. And because some experts are attached to the CPC and the CPPCC, some of them mobilize institutional channels to influence government decision-making on behalf of the public. Of course, the mass media is an important channel for disseminating information and bringing pressure to bear upon the government and thus is also considered an agent. Moreover, environmental nongovernmental organizations or other civil organizations such as home-owners associations can serve as important agents.

Third, to what extent have the laws facilitated public participation? The laws provide a legal framework that legitimizes public participation in environmental protection and supports their environmental claims. Thus, they set a favorable context for organizing for environmental protection.

Because there are numerous environmental disputes reported in China, we employed the following three principles for selecting cases in the study: (1) public initiated, (2) scopes of public participation are at three different levels, community, regional, and national, and (3) occurred in places where levels of economic development are different. Thus, we selected three nationally well-known cases of environmental activism for the study. The public participation in the Liu Li Tun case mostly occurred at a community level, that of the Xiamen PX project at the city/regional level, and the Nu River Dams project at the national and international level. The comprehensive coverage of the geographic scopes and administrative levels allows a good understanding of why different groups of people are concerned about different environmental issues and what factors drove them to participate. Moreover, the different distances between participants in both geographic and socioeconomic terms make it possible to analyze differences in organizing strategies.

Data on the three cases were mostly collected from academic papers, news reports, and publications by environmental NGOs and other relevant institutions. We employed analytical narratives and a comparative case study method for data analysis. By recovering the stories of how the cases have developed over time, we use “narratives to move beyond efforts to describe a universalized, orderly social world” and to put ourselves in touch with “local knowledges,” or aspects of experience that are unique to the actors and case contexts and tell us something important about the motivating factors behind certain claims as well as social interactions (Ospina and Dodge 2005, pp. 143–144). Furthermore, Robert Yin recommended, “You would use the case study method because you *deliberately wanted to cover contextual conditions*—believing that they might be highly pertinent to your phenomenon of study” (Yin 2003, p. 13). If by comparing the three cases, we find the drivers and agents differ by context, the results would then represent a strong start toward theoretical replication—again vastly strengthening the external validity of the findings compared to those from a single case alone. Having described the research questions and methods, the next section tells the stories of the three cases of organizing for environmental protection in China.

Analytical Narratives of the Three Cases of Environmental Activism in China

The three cases of environmental activism were all targeted at projects planned to meet the goals of industrialization and urbanization. The 13 dams planned in 2003 to be built on the Nu River were aimed to provide hydropower of 21 million kilowatts (total installed capacity) for fueling the local economy and growth in other regions. The Xiamen PX chemical plant, with a total investment amounting to 10.8 billion yuan RMB, was one of the biggest investment projects strongly supported by the Xiamen city government and approved by the National Development and Reform Commission (NDRC) in 2006. It was expected to generate 80 billion yuan RMB worth of industrial output annually after it reached full operation.¹ The Liu Li Tun garbage incineration power plant was planned in 2005 as an extension to the existing landfill, which has been generating foul air and was close to reaching its capacity. The plant would convert waste to energy and it was expected to be put in use before August 2008 when the Olympic Games started in Beijing. All three projects encountered opposition from different groups of environmental stakeholders. We will now sketch the narratives by introducing the major actors and their actions in the course of each case's development.

Nu River Dams Project

On 14 March 2003, the China Huadian Corporation, one of the four national power generation companies in the country, signed a *Memorandum of Understanding on Exploring Electricity Generation in Yunnan* with the Yunnan provincial government. On 18 April 2003, the China Huadian Yunnan Corporation was established, and about 2 months later, on 13 June, the party secretary, governor, and vice governor of Yunnan province received a delegation from the company, congratulated the Chief Executive Officer, and entrusted them with the task of converting the water resources into economic power for the province. After another 2 months, on 12 August, the NDRC approved the *Hydropower Development Plan for the Middle and Lower Reaches of the Nu River* (referred to as "Plan" hereafter) submitted by the Nu River county of Yunnan province (Shiming Guo 2011). The Nu River is ranked No. 2 among all the river basins in the country by its potential for generating hydropower. So the plan was to fully explore the potential to develop Yunnan province into an important base of generating and transmitting electricity from the west to the east, and of course, to improve the local economy. The plan was to start building the first hydropower plant in 2003 (Yunnan Huadian Nu River Hydropower Corporation Ltd. 2003).

¹The GDP of Xiamen city in 2006 was only 110 billion yuan RMB.

However, at the Assessment Panel meeting held by the NDRC on 14 August, representatives from the SEPA expressed concerns that the plan may affect the ecological value and nature conservation of the river. The Three Parallel Rivers area (including the Jinsha, Nu, and Lancang rivers) was just added to the World Heritage List as a natural property at the 27th session of the United Nations Educational, Scientific and Cultural Organization's (UNESCO) World Heritage Committee in July 2003 (Chen 2003). SEPA people also noted that the EIA law would become effective starting on 1 September 2003. They would expect the Nu River dams project to undergo the required EIA procedures.

Dam projects, especially big dam projects, have been controversial in China because of their environmental and social impacts. Similar to the Three Gorges Dam project in the 1990s, the conflicting objectives of developing hydropower and conserving the natural heritage on the Nu River became highly visible issues at the national level. Not surprisingly, Chinese Central Television (CCTV) called for preserving the Nu River, one of the two intact ecological rivers in China, on 21 August (Wang 2003). The China News Agency reported that 36 experts expressed their concerns about the ecological consequences of the Plan at a roundtable discussion held by SEPA on 3 September 2003 (Kejia Zhang 2003). Moreover, the expert opinions were picked up by CCTV on 11 September 2003 and proposed alternative routes towards prosperity such as ecological compensation. Then the Renmin Net reported the next three expert assessment meetings conducted by SEPA 20–21 October and the Yunnan provincial environmental protection bureau on 29 September and 10 October 2003. Experts did not necessarily agree with each other, with some more concerned about stimulating economic development, while others were more concerned about the negative environmental and social impacts (Ke Liu 2003).

Despite the controversies and fierce debates among experts, the investors and Yunnan provincial government were aiming to keep the project on schedule so they pushed for the construction to start soon. Then concerned individuals and groups started to take action against the decisions. On 25 October 2003, 62 scientists, artists, journalists, and environmental activists signed a petition to preserve the Nu River at their Chinese Environmental Culture Promotion Association meeting. Representatives who joined the International Rivers meeting in November 2003 in Thailand also signed a petition against the decision to build dams on the Nu River (Yongchen Wang 2004). The New York Times quoted Wu Dengming, "The west development program has turned into the west destruction." Wu's environmental group, the Chongqing Green Volunteer Union, collected 15,000 petition signatures opposing the dams planned on the Nu River (Yardley 2004b). Moreover, members of the CPC and CPPCC expressed their concerns about the Nu River dams project at their annual meetings in March 2004.

Within the international arena, in January 2004, five research and environmental organizations, including Friends of Nature and Green Watershed, organized a forum in Beijing to discuss the economic, social, and ecological impacts of hydropower projects and criticized the Nu River project (Baum 2007). After a group tour along the Nu River in February 2004, the Green Earth and Institute of Environment and

Development held a picture exhibition in March 2004 both in Beijing and South Korea, in order to mobilize broader support (Guobin Yang and Calhoun 2007). Rising in the Tanggula Mountains, the Nu River passes through China's Tibet and Yunnan, then Myanmar (where the river is known as Thanlwin) and eventually flows into the Indian Ocean. Thus, more than 80 groups from Thailand and Myanmar handed a protest letter to the Chinese embassy in Bangkok in December 2003 requesting the Chinese government to consult neighboring countries downstream before building the dams. Thailand's Prime Minister Thaksin Shinawatra also voiced his concerns (Ray Cheng 2004; Litzinger 2007).

Eventually, the State Council did not approve the Plan and Premier Wen Jiabao instructed, "We should carefully consider and make a scientific decision about major hydroelectric projects like this that have aroused a high level of concern in society, and with which the environmental protection side disagrees" (Yardley 2004a). Later on, debates were centered around (1) whether the EIA reports were publicly available and truthful; (2) how to balance development and nature conservation; (3) whether such big hydropower projects are beneficial to local people; (4) how to deal with forced migration; (5) whether electricity generated from big hydropower plants is green; and (6) whether it was wise to build dams in earthquake prone areas. In January 2011, the National Energy Bureau announced that even though the detailed plan is still under consideration, developing hydropower on the Nu River has already been decided (Ke Zhang 2011).

Mr. Hu, a teacher in a local school said, "Most villagers have no idea where the dams are to be built or whether their village will have to move. It's useless caring anyway, because nobody cares what we think. If the government wants to go ahead with the dams, there's nothing peasants can do about it" (Yardley 2004b). Professor Mudun Li said, "We did anticipate the decision of developing hydropower on the Nu River. But we were at least allowed to express our opposing views, which was already good enough" (Ke Liu 2003). Both comments captured well the gradual openness of the public space for discussion and debate but frustration with decisions still being made behind closed doors in China.

Xiamen PX Project

Chemical production has become a key industry in Fujian province. With the aim of replacing imported paraxylene (PX), the Tenglong Aromatic PX (Xiamen) Corporation invested 10.8 billion yuan RMB to build the PX chemical plant in 2006 in Haicang district, Xiamen. The project was approved by the NDRC in July 2006 and the construction started in November. The plant would add 80 billion yuan RMB worth of industrial output annually (1/4 of Xiamen's GDP) if it were fully operational in 2008 (Tenglong fang ting 80 wan dun nian dui er jia ben deng san xiang mu huo pi zhun Three projects got approved including the Tenglong Aromatic PX project 2006).

Such chemical plants in Taiwan and Korea are located 70 km away from residences. Because they produce highly toxic petrochemicals and there is a risk of explosion and leakage, the desirable distance from residential areas is 100 km. However, the planned PX plant in Xiamen is only 4 km away from two university campuses and 6 km from the city center and there are altogether 100,000 people living within a 5-km radius. After sending a letter jointly signed by six academicians to the party secretary of the Xiamen city government at the end of November 2006, on 13 March 2007, 105 CPPCC members led by ZHAO Yufen, submitted a collective plea during the CPPCC annual session calling for relocation of the PX project. The next day, SEPA officials responded to the plea saying that relocating an approved project is beyond their jurisdiction and thus, no follow-up actions could be taken (Qu 2007). Furthermore, the NDRC sent a team in April for an on-site visit in Haicang. The team leader met with ZHAO on 15 May saying the Xiamen PX project had met all the government requirements and stoppage or relocation was out of the question (Bai ming zheng xie wei yuan nan zu bai yi PX xiang mu, One hundred PPCC members could not stop the 10 billion PX project 2007).

On 1 June 2007, about 15,000 people wearing yellow armbands, holding banners, and some wearing gas masks, marched through the city to the Xiamen city government headquarters on Hubin Road. They demanded the resignation of the Communist Party Secretary of Xiamen, HE Lifeng, and cancellation of the PX plant, not just suspension. The demonstration was organized through text messages sent to the Xiamen residents' mobile phones on 25–31 May. The first message described the PX plan as “releasing an atomic bomb on Xiamen” and asked recipients to join “a ‘10,000-man march’ on 1 June to the local government’s office.” People circulated this message over the next few days. Even though the Xiamen city government announced the suspension of the PX project on 30 May and tried to block the text message when they found it, they could not stop people from taking to the streets (Chin Hon Chua 2007).

Due to the public protest, on 7 June, the Xiamen city government took the suggestion by SEPA and announced plans to conduct another environmental assessment before making a final decision on the PX project. On 5 December 2007, the assessment report was made available for public comment in the next 10 days. The Xiamen city government opened an online voting system at about 9 p.m. on 8 December and closed it at about 10:44 p.m. the next day. The results 1 h before the closure indicated, there were 55,376 votes opposing the PX project while only 3,078 votes supporting it. Because there was a flaw in the web design that allowed people to repeatedly vote online, the city government was concerned about the accuracy of the voting results and the number of opponents might have been exaggerated (Dongfeng Zhang 2007). On 13 and 14 December, two roundtable discussions were held by the Xiamen city government. The participants included 200 individual citizens randomly selected from self-registered city residents including CPC and CPPCC members. The majority chose to stop building the PX plant in Xiamen and to relocate it to the west in Fujian province. On 9 January 2009, the Ministry of Environment Protection approved the EIA reports, and announced that the PX projects would be relocated to Zhangzhou, Fujian province (Ministry of Environmental Protection 2009).

The processes and effects of public participation in the decision-making regarding the Xiamen PX project have been praised by the mass media as a milestone in environmental decision-making in China.

Liu Li Tun Garbage Incineration Plant

The Liu Li Tun garbage incineration power plant was planned to be an extension of the Liu Li Tun landfill, built in 1996, which was expected to be closed down and turned into a park by the Haidian district government. The landfill is located in northwest Beijing, which is also the direction the wind blows from. It is adjacent to the Baiwang New Town community, which has hundreds of thousands of residents who have always complained about the stinky smell from the dump (Capital's waste disposal plan raises a stink 2007), to universities such as Tsinghua and Beida to its south, and to hi-tech industrial parks to its both east and north. Furthermore, the Beijing-Miyun drinking water diversion canal is only 1.14 km to the south of the planned garbage incineration power plant (Jinfeng Zhou 2007). The project passed EIA in 2006 and construction was planned to start in March 2007; the power plant was to be put into use before the Olympic Games started in August 2008 in Beijing.

However, when the decision was announced in 2006, residents in Baiwang New Town were not happy about it. Dioxin emitted from the burning of garbage, a cancer-causing toxic has become the major concern of residents in Baiwang New Town. The homeowners discussed the issue and expressed their wishes of "No Stench, No Cancer" on their community Internet bulletin board. Furthermore, they handed two petitions to SEPA and the Legislative Affairs Office of the Beijing municipal government, asking the Beijing environmental protection bureau to withdraw approval for the power plant. In the meantime, they hired lawyers to talk to the administration. ZHOU Jinfeng, a CPPCC member was also approached by the residents to help express their concerns at the upcoming CPPCC annual session in 2007 (Capital's waste disposal plan raises a stink 2007).

The development and reform commission (DRC) of the Beijing municipal government strongly supported the 1.05 billion yuan RMB project and held a press conference on 23 January 2007 trying to assure the public that the dioxin emitted would be within accepted safety levels (Guo 2007). But distrust in government and technology still emanated among the residents. "The Haidian District government could not ensure a stink-free dump, so how can we believe it's capable of handling such a high-risk project?" said Luo who moved into Fenglian Community in the year 2000, unaware of the nearby dump (Capital's waste disposal plan raises a stink 2007).²

²It is not surprising that the residents in Liu Li Tun area had such a deep distrust in government decisions. Back in 1995 when the Liu Li Tun landfill was planned, the Beijing environmental protection bureau commented the Liu Li Tun is not a suitable site for landfill because it is where the wind blows from and close to residential buildings and military stations. Furthermore, they commented if the Liu Li Tun landfill is to be built the residents and other establishments should be moved away. However, the government went ahead and built the landfill in 1996 and even worse, more residential buildings and hi-tech parks were built nearby in the following years.

After careful study of the issue, ZHOU Jinfeng submitted a plea to stop building the Liu Li Tun garbage incineration power plant during the CPPCC annual session on 7 March 2007. On 5 June, World Environment Day, more than 1,000 residents took to the streets to demonstrate in front of SEPA's headquarters in Xicheng district (Jiangtao Shi 2007). On 7 June, the vice minister of SEPA, PAN Yue suggested postponing construction of the Liu Li Tun garbage incineration power plant, to allow more debate among experts, and to give the public a bigger say in the environmental impact assessment. Furthermore, on 12 June 2007, SEPA announced that the EIA of the project would be open for public comment and the Beijing environmental protection bureau would receive and make them publicly available. The construction was pending on whether the new EIA report could be passed or not. Lastly, on 20 January 2011, the Haidian district government confirmed that they had dropped the plan to build the Liu Li Tun garbage incineration power plant. Instead, a garbage incineration power plant would be built in Su Jia Tuo, 20 km away from Liu Li Tun (Jing Yi 2011).

Comparative Case Analysis: Drivers of, Agents for, and Effects of Law on Public Participation in Environmental Decision-Making

These three cases of environmental activism tell us that, first of all, the public cares about government decisions that have social and environmental implications and they are willing to act upon them. Second, access to participate in environmental decision-making cannot be taken for granted; it was subject to careful analysis of who the individuals and groups were, what they were concerned about, and how they got their voices heard and influenced the environmentally unfavorable decisions. And lastly, public participation did make impacts and it was possible for it to change government decisions.

Table 16.1 compares the three controversial projects in terms of who the project owner was, the nature of harm, when the harm was likely to occur, benefits and costs to both project owners and local residents, who opposed the project and strategies adopted to get their voices heard. It is clear that no matter whether a project was owned by a corporation or the government, the public responded according to the estimated potential costs they would have to bear and was not particularly afraid of strong business or government interests. As mentioned before, not everyone in society responded to the same environmental decision in the same way. The following factors, calculation of costs and benefits, ownership of private property, social affiliations, access to participation prescribed by the EIA law as well as determined by socioeconomic contingent factors, all entered into the equation of public participation in environmental decision-making.

Table 16.1 Comparing the three cases of environmental activism in China

	Nu River dams project	Xiamen PX project	Liu Li Tun garbage incineration power plant
Project owner	Corporation	Corporation	Government
Harm (nature)	Ecological	Health and safety	Health and safety
Harm (time frame)	Distant	Immediate	Immediate
Benefit to project owner	Profit from generating and selling electricity	Profit from producing and selling PX	Reduce the amount of garbage for final disposal Generate electricity
Cost to the project owner	Construction and operation	Construction and operation	Public land use, construction and operation, and public opinions
Benefit to local residents	Benefits associated with GDP growth (in theory)	Benefits associated with GDP growth (in theory)	Electricity and reduced waste for final disposal (in theory)
Cost to local residents	Migration	High risk to health and safety like an atomic bomb Depreciated property price	Stink plus high risk of inhaling cancer causing dioxin
Who opposed the project	Environmental activists Some experts CPC and CPPCC members (some overlap with experts) Domestic as well as international environmental NGOs Officials of a neighbor country	Local residents Some experts CPPCC members (some overlap with experts)	Local residents Some experts CPPCC members (some overlap with experts)
Strategies of getting voices heard	Complaint letters Plea to the CPPCC and CPC Picture show	Complaint letters Plea to the CPPCC Demonstration Submitting comments	Complaint letters Plea to the CPPCC Demonstration Submitting comments

Undoubtedly, the three projects all had their merits. They satisfied the need for economic growth or reducing garbage, a public bad associated with urbanization and increased consumption. Thus, the competent DRCs at both the national and local levels approved all three projects and their decisions were backed up by expert opinions in the original EIA reports. What drove the public to participate in environmental decision-making and oppose the projects? The concerned individuals and groups could easily infer, from past experience with other approved projects, foreseeable damages to nature, living environment, properties, and health. Furthermore, experts did not fully agree with each other on the potential risks and harms and that

weakened the validity of governments' arguments. Even worse, people did not trust the government because they were hurt in repeated interactions with it in the past under similar situations.

In the Nu River case, environmental groups and some scientists were concerned about whether the ecological value of the Three Parallel Rivers area, a UNESCO designated world natural heritage would be maintained after the series of dams had been built. The national media and newspapers were sympathetic to their claims, while the local newspapers mainly covered reports about how hydropower development on the Nu River was a feasible, effective, and environmentally friendly method to lift the poor in the Nu River County out of their chronic poverty. Even though the peasants were unsure about whether they would have a share in the growing local economy, these potential consequences were still future concerns and their voice seemed to be much weaker than that of developmentalists. Not surprisingly, the opposing voices, in the Nu River case, were mainly from environmentally concerned individuals and groups who were located either in other parts of the country or internationally or from academics. In contrast, the Xiamen PX project would cause harm to the health and safety of the residents in the adjacent local communities. People held a banner saying "We don't want GDP, we want to protect our children" when they demonstrated on 1 June 2007. Furthermore, people purchased property and moved to Xiamen partially because it is a garden city with good environmental qualities. However, Xiamen dropped from its prior rank as No. 1 in air quality to the third worst among the nine prefectural cities in 2006 in Fujian province (One hundred PPCC members could not stop the 10 billion PX project 2007). Furthermore, property prices have been affected by the degraded environment. For example, the prices of apartments at the Future Coast community have stagnated since the negative publicity about the chemical plants in Haicang in 2005. It was concern for the health of family members and properties that drove the Xiamen residents to oppose the PX project. Similarly, the Liu Li Tun garbage incineration power plant would damage the underground drinking water more and even add another cancer causing chemical, dioxin to the stinky air. As noted earlier, the slogan, "No Stench, No Cancer," posted on the community Internet bulletin board, reflected their fear that the emissions from the burning of waste would be a health hazard (Capital's waste disposal plan raises a stink 2007). Not willing to bear the highly concentrated costs to health and safety, the residents in the Liu Li Tun area acted against the decision to build a garbage incineration power plant nearby, even though it would have provided public good to the Haidian district and the Beijing municipality. It is clear that the environment has become a major consideration of the Chinese public, especially urban residents when they decide where to work and live. This has implications for the agents of public participation in environmental decision-making.

Environmental protection agencies stand as strong opponents to blindly economic growth-oriented government or business decisions. However, local environmental protection bureaus alone were not strong enough and more agents had to join to be able to bring the case to a turning point, where the politically powerful such as Premier Wen could no longer ignore. In the Nu River case, after domestic environmental activists such as WANG Yongchen and international environmental NGOs,

experts, CPC and CPPCC members, and Prime Minister of Thailand expressed their concerns, on 2 April 2004, Premier Wen intervened. But SEPA intervened in the other two cases only after the demonstrations on 1 June 2007 in Xiamen and on 5 June 2007 in Beijing.

Not only did who the agents are matter but the transaction costs of different organizing strategies also played an important role in whether the opponents could get their voices heard. People living on the Nu River were mainly farmers or herders who were not well educated. They failed to take a side and organize themselves to engage in the debates on which should be prioritized, hydropower, economic growth, or environmental and social impacts. They were remotely located from each other in the mountains and organizing would have incurred high time and financial costs in communicating and traveling, especially when the level of Internet literacy was low among those farmers and herders. Thus, facing loosely organized and weak opposition from the local people, the idea of developing hydropower on the Nu River was picked up again early this year and we have to wait and see how the public responds when a new dam project will be announced in the near future. In contrast, the Xiamen residents innovatively used text messaging as a tool for communicating and mobilizing. In addition, they actively participated in the public commenting on the EIA report of the regional development plan. Moreover, even though unconfirmed, police suspected that real estate companies and home-owners associations were behind and supported the demonstrations in Xiamen. In the case of concentrated costs but dispersed benefits, not in my backyard was the dominant attitude of the local residents in the Liu Li Tun area; they sought professional help from lawyers to deal with government officials and approached ZHOU Jinfeng, a CPPCC member to speak on their behalf. In all three cases, people who could not afford their interests being negatively affected by environmental decisions were no longer willing to remain silent or passively wait for environmentally conscious people to act on their behalf. They had the capacity and took the initiative to organize themselves and also reached out actively to find and work with other agents.

What effects did Chinese law have on public participation in environmental decision-making? While the discussion on the Nu River dams project was mainly focused on which should be the priority, development or environment, public participation, and procedural rights have appeared in news headlines about the Xiamen PX project and the Liu Li Tun garbage incineration power plant. These indicated the local residents were conscious about their desire to participate in the decision-making processes was rightful. However, they had to make space and means available to have a say. For example, before they went on the streets to demonstrate, the online bulletin boards such as the “Xiamen little fish” and “Lianyue’s eight oceans” were shut down (Xiamen Shi bai wan shi min tong chuan yi tiao duan xin More than a million of the Xiamen residents forwarded a same text message? 2007). The police had warned some active members of local communities both in Xiamen and in Beijing not to engage in *guoji* (dramatic) behaviors (Tatlaw 2007). Thus, not enough opportunities have been made available for the ordinary citizens in Chinese society to express their views and participate in government decision-making. But the EIA law has established a solid ground for people to make claims on the government to

provide the access needed for the public to participate in environmental decision-making.

Furthermore, the home-owners associations in urban areas have become a strong organizing force that cannot be ignored in Chinese society. They have organized residents to negotiate and work with property management companies for governing affairs within their communities. They can also organize and strive for a better living environment by fighting against government decisions that will exert harm on their properties and communities. O'Brien and Li coined the term "rightful resistance" to capture the tension between society and state in rural China (O'Brien and Lianjiang Li 2006). The same rightful resistance has also been observed in urban China. It would be an interesting empirical question to understand, to what extent the home-owners associations in Xiamen and Liu Li Tun have facilitated the public participation.

Conclusions

These three cases of environmental activism in China are all considered victories.³ The following transformation in Chinese society prepared for those successes: higher public environmental awareness, increased private concern about health and property, and more political space for public participation in environmental decision-making. When the Chinese government provides legal protection to private properties, the Chinese public has a strong incentive to invest in private housing and to maintain its value. Thus, urban residents and their home-owners associations form an important source for organizing for self-governance because they have the necessary financial resources and social skills even they have been given only limited access to participate in government decision-making via formal channels. Those well-educated and well-off Chinese citizens know how to legitimize their concerns as well as how to mobilize broad societal support for counter measures against decisions that threaten valuable ecological systems, human health and property.

So, even though the EIA law has followed the principle of public participation in environmental impact assessment, the procedural rights of the public cannot be taken for granted. As this paper has illustrated, public participation in practice was contested and negotiated; in the end it depended on whether the public had the desire and capacity to gain the access needed to participate. The three cases are important victories not only because the public forced the government to change their original decisions but also because they set examples for effective public participation. Ms Azure Ma, who has been running the nongovernmental

³We expect public participation and resistance will emerge when the actual hydropower development projects go through EIA processes during the 12th 5-Year Plan period. We can still consider the planned Nu River dams project in 2003 was successfully blocked by the public.

Xiamen Greencross Association since the year of 2000, said “For the government, its competence and decisions are now being questioned by a population that has more channels of communication than ever” (Chin Hon Chua 2007). The question now for the Chinese government as well as policy advisors is, how can we see a more systematic change in government decision-making from passively responding to public claims on an ad hoc basis to actively engaging the public and thus enhancing the legitimacy of and mass support for public policies?

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Chapter 17

Political Opportunity and the Anti-dam Movement in China: A Case Study of Nu River

Kin-man Chan and Yan Zhou

Abstract This chapter analyzes the anti-dam movement in China from a perspective of political opportunity structure. It demonstrates how “disturbance within the system” can be used by activists in China to launch a social movement under a “fragmented authoritarianism.” Through extensive field work, the authors investigated the political channels environmental activists established to get their voice heard, the conflicts within the elite political strata, the political allies between NGOs and environmental authorities, and the maneuvering of international leverage by NGOs to counteract state’s propensity for repression.

Keywords Social movement • Environmental protection • NGO • Civil society • Anti-dam construction • Political opportunity • Nu River

This research project is sponsored by the South China Research Program of The Chinese University of Hong Kong. An early version of this chapter was presented at the ISTR 8th International Conference held at Universitat de Barcelona on July 9–12, 2008.

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Introduction

Despite the fierce worldwide debate surrounding the construction of large dams, China has become the most prolific dam builder in the world. The Three Gorges Dam is one of the most well-known cases. Nevertheless, China faces mounting international opposition and domestic doubts. A series of anti-dam protests have taken place in the past decade, revealing the potential transformation of the interaction dynamics around the issue of dam building brought about by the emerging civil society in China.

Well-known cases such as Dujiangyan, Nu River, and Tiger Leaping Gorge have prompted a series of well-coordinated collective actions. Networks of various civil society forces such as environmental NGOs (ENGOS), academics, and journalists have developed, working together to influence public opinion, create media exposure, lobby government agencies, and put public pressure on both central and local governments and on the pro-dam side. Furthermore, the anti-dam protests in various locations no longer appear to be merely isolated and individual events, but are associated and linked through sharing a host of elements such as mobilizing networks, frames and strategies, and even slogans in the public discourse. These characteristics suggest that a potential burgeoning anti-dam movement is emerging in China.

One question stands out above all others: how has this been allowed to occur under China's authoritarian regime? Social movements have rarely been allowed to gain momentum in China over the past 20 years. From the "political process model" perspective, the rarity of this type of development can be explained by the lack of political opportunity under the authoritarian political system of China (Chan Kinman 2005). How, then, has the anti-dam movement emerged over the past few years and been permitted to develop, sustain itself, and grow?

Using the Nu River case, this chapter attempts to solve the puzzle of how this social movement emerged under the existing regime in China from the political opportunity structure (POS) perspective. What is the reason for its timing? Does it represent a unique case, or, from a wider perspective, does it reveal a change in direction for Chinese society? How should its social implications be interpreted?

The Nu River anti-dam case has generated heated discussion in the mass media and on the Internet over the past few years. Premier Wen Jiabao's statement that the project would be subject to "careful study and a scientific decision" was seen as the first time public opinion had ever had an effect on high-level decision making. The Nu River dam is also a typical case of recent Chinese civil protests that are generally led by "external elites" composed of ENGOS leaders, public intellectuals, and media journalists.

Political Process Theory and Political Opportunity Structure

Political process theory (McAdam 1982) has been the leading approach for the study of social movements over the past 20 years. Its core concept is the "POS", i.e.,

the degree to which the political system is open and thereby facilitates or constrains the emergence of social movements. In recent years, debates over political process theory have been growing. Some of the more prominent criticisms and their respective responses are summarized below.

Structural Determinism

Some researchers think that political process theory interprets the existence of political opportunity as something given. It has a strong structural bias, which is seen as deterministic in the rise and fall of social movements (Goodwin and Jasper 2004). In practice, the existence and occurrence of political opportunity always involves an interpretative process among the participants or agents of the movement. The unrecognized and uninterpreted opportunities can neither be regarded as political opportunity nor be utilized to affect a movement. In addition, the structure of political opportunity does not remain unchanged during different stages of a movement. It can be produced and magnified and should not be treated purely as something “given” or “static.”

In response to such criticism, some researchers have divided movements into “initial” and “developmental” stages to better analyze their determining factors and movement processes (McAdam et al. 1996a, b). This chapter elaborates on this viewpoint by analyzing how political opportunity operates in different stages. In the initial stage, structural factors, such as the socioeconomic context, changing trends at that time and the ensuing political opportunities, are usually identified as contributing to a favorable environment that allows the movement to emerge. Given that interaction between the movement and its antagonists has not yet started in the initial stage, a relatively structural and static perspective can be used to analyze the POS at this time.

In the developmental stage, however, the organizers of and participants in a movement gradually gain experience and develop better capacity through their struggle. They begin to produce and expand their political opportunities through resource mobilization and a framing process. Consequently, their antagonists (e.g., government) will also adjust their own strategy and maneuver the political system to control the movement. The POS thus becomes more dynamic at this stage and tends to be shaped and reproduced as a result of interactions among the various parties involved in the movement. In light of this, political opportunities can be seen not just as the context or condition but also as the outcomes of this political dynamic.

Scope and Definition of “POS”

Some criticize the definition of a POS for being too general or all-inclusive to be practically applicable; others regard it as too narrow to explain the rise of a social movement (Goodwin and Jasper 2004). Nevertheless, in this chapter we do not adopt an overgeneralized definition, for instance by including the cultural aspects in

the POS conception as Gamson and Meyer (1996) suggested, nor do we narrow POS to a concrete, merely political term. In our opinion, a precise and more structural definition of POS is still needed. Yet our analysis will still take into account the agent's subjective perception of the opportunity structure, particularly in the later stage of the movement. This subjective perception, however, is developed through the dynamic process by which an agent attempts to shape the social structure. It should not be seen as determined by dominant culture, although the human mind can never be fully free from existing cultural codes.

The Expansion of POS: The Globalization Effect

Some researchers have suggested that POS is no longer limited to within a nation-state or a political system, but exceeds the boundaries of sovereign states. Much political pressure now originates from the international community and has become an important component of the POS of movements. Global factors are gradually having an effect on local politics, including the emergence and development of social movements (McAdam 1996). This chapter also shows how the anti-dam movement has made use of this international link to exert pressure on its antagonists (Matsuzawa 2011).

POS and Its Adaptation to China

The POS approach is highly applicable to collective actions and protests in contemporary China. The state's overwhelming presence in society ensures that social movements in China, including burgeoning Chinese environmental movements, must target the state in the course of mobilization rather than aiming to change people's values, collective identities, and lifestyles, as seen in new social movements in some Western societies. Thus, the core characteristic of a social movement in China remains the strategic interaction between the movement and the regime.

Nonetheless, the authoritarian nature of the Chinese regime poses a serious challenge to the POS model. This perspective and related theories—resource mobilization theory in particular—originate from Western societies based on a relatively liberal political system that allows room for mobilization. How social movements under different kinds of regimes make use of political opportunities is an issue that is still under development. In this chapter, we argue that the definition of “noninstitutional means,” a basic constituent of social movements, should be defined in context. In liberal-democratic countries, “noninstitutional means” usually refers to collective actions beyond institutional channels (such as protests) and action explicitly forbidden by laws or regulations (such as blockading traffic), whether violent or nonviolent. However, in China, actions that are not explicitly “approved” by laws or regulations could also be seen as “noninstitutional” in the eyes of the regime. Thus, despite the existence of illegal channels, there is a “gray area” within the system that

the authorities may regard as not completely under their control or as disruptive of their daily routine. Movement activists can make use of this gray area to promote or resist change without confronting the authorities directly.

We call this process of striving for these “noninstitutional” channels or “gray areas” as “disturbance within the system.” For instance, the Chinese media (especially the official and semiofficial media) are still under the control of the government and often act as the government’s propaganda channels. Therefore, striving for accurate reporting in the media could be regarded as striving for political opportunity.¹ Another example is the lobbying of delegates of the “two congresses” (the National People’s Congress and the Chinese People’s Political Consultative Conference), political bodies largely controlled by the party-state, to raise motions that are in the interests of the underprivileged. This seemingly institutionalized means may also generate unprecedented pressure on the authorities and may be seen as expanding the political opportunities of the social movement concerned. In view of this, Kitschelt’s (1986) argument that “under a closed political opportunity structure, social movement is more likely to adopt a confrontational strategy through noninstitutional channels” needs to be qualified in the Chinese context. Generally, “noninstitutional” measures in China could refer to behavior that takes place within the established system, but that goes beyond the boundary the state has drawn for civil society activities. These activities can be understood as a kind of subtle resistance, but are usually “nonconfrontational” on the surface. In this manner, collective action and social movements extend the potential space of contention in China.

Analytical Framework and Research Method

Based on the foregoing analysis, this chapter adopts an analytical framework (Ho 2004) that integrates the typology of POS suggested by McAdam (1996) and Tarrow (1994). It emphasizes the following four aspects of POS: the existence of a political channel, the stability of the elite political strata, the presence of political allies, and the state’s capacity and propensity for repression. When discussing the stability of the elite strata, we are particularly inspired by Mertha’s (2008) “fragmented

¹In China, mass media are still controlled to a large extent by the government (and are directly controlled by the Propaganda Department of the CCP Central Committee), especially some official and semiofficial media organizations (e.g., China Central Television, Xinhua News Agency, *China Youth Daily*). They still act as the propaganda channels of the government. There are also some important media organizations, such as *South Weekend*, that have direct access to the highest authority of the central government and thus are influential, as high-level officials sometimes adjust policy and regulations based on the information they provide. Therefore, if the opinions of NGOs can be heard by the latter group of media organizations, this will have an effect by enhancing the openness of the political system. This is a process of striving for and producing political opportunity. In addition, the expansion of this kind of opportunity is an important product of a movement.

authoritarianism” and Migdal’s (2001) discussion of the discrepancies between the image of a coherent state and the actual practices of its multiple parts. However, this chapter does not treat these four dimensions as the indicators of political opportunity. Instead, these dimensions provide us with different perspectives for examining the dynamic process of how political opportunity is found and defined. In addition, when analyzing a movement, the POS at different stages of the movement is discussed in turn. In the course of our analysis, we also take into account the specific political regime and the state–society relationship in particular.

In the 2-year case study discussed in this chapter, we adopted a number of research methods including action research and participant observation, in-depth interviews, the use of discussion groups, and in-depth archival research. One of the authors of this chapter has been tracing the Chinese anti-dam protests for more than 3 years and has carried out field studies and other research activities with the Beijing and Yunnan NGO circle, and with local communities along the Nu River and the Jinsha River. We have developed profound connections with the related ENGOS, media, experts, government officials, and other interested parties. We have participated in various activities undertaken by the movement such as public forums, exhibitions, Internet discussions, and other meetings. Mutual trust was established with different movement participants and this helped us to acquire internal documents and conduct in-depth interviews. The documentary/archival research covered a large body of related media coverage, meeting minutes, emails, legal documents, public statements, petition letters, and field notes taken during the interviews and discussion group meetings.

In accordance with the research theme, our interviewees included people in charge of NGOs, individual activists, experts, government officials, and reporters involved in covering events. The documentary analysis was based on key media reports that indicate the emergence and decline of political opportunities and the mood of public opinion (especially regarding the different voices within the central government, the stands taken by the Yunnan local government, and the statements made by both pro- and anti-dam parties), related government legislation, the minutes and correspondence of NGOs, and the related petition materials and internal references.

The Course of the Nu River Anti-dam Events

Stage One: Rise of the “Nu River Defense” and the First Climax (July 2003–February 2004)

In July 2003, the “Three Parallel Rivers” area (Nu River–Lancang River–Jinsha River) was approved as a World Natural Heritage site by UNESCO. However, a large-scale dam construction project on the Nu River was also submitted at almost the same time.

On October 14, 2003, the Yunnan provincial government submitted a report on the Nu River middle and lower-stream hydroelectricity construction plan to the National Development and Reform Commission (NDRC), which vetted and approved the report. On August 26, 2003, the NDRC hosted a hearing meeting in Beijing and approved the construction plan for two reservoirs and 13 ladder hydro-power facilities on the Nu River. However, an officer from the State Environmental Protection Administration (SEPA, later renamed the Ministry of Environmental Protection of the People's Republic of China) claimed that the project had not gone through an environmental impact assessment and thus refused to sign the report. The same officer contacted his environmental activist friends immediately after the meeting.² Both SEPA and environmental activists were aware that it was crucial to protect the Nu River—the “last ecological river in China.” The Nu River anti-dam campaign was thus born.

With SEPA taking the helm and ENGOs assisting on the sly, expert seminars were held in Beijing and Kunming in relation to the exploitation of the Nu River in September and October 2003. The debate between the “pro-dam group” led by experts from Yunnan and the “anti-dam group” led by experts from Beijing was intense. News of the event soon spread like wildfire through the mass media. The debate thus entered the public domain.

In the following months, ENGOs and activists initiated an information campaign aimed at spreading doubts about and amassing opposition to the Nu dam building project through channels such as local and overseas meetings and media. For example, during the International Conference of Dam Affected People and Allies in Thailand held in late November 2003, Chinese NGOs such as “Green Earth Volunteers,” “Friends of Nature,” and “Green Watershed” solicited support from NGOs in more than 60 countries and jointly signed a public declaration to protect the Nu River. UNESCO subsequently penned a letter expressing its concern. Global civil society and the international community soon followed.

Environmental activists were well aware that they had to rely on the central government to put an end to the dam construction project. When the “two congresses” convened in 2003, the anti-dam campaign submitted a petition and formal motion to the State Council through its proponents in environmental protection circles.³

In February 2004, Premier Wen Jiabao commented on the report on the Nu River hydroelectricity construction proposal submitted to the State Council: “For a large-scale hydroelectricity project that concerns environmental issues and arouses much attention and different opinions in public such as this one, we should study it carefully and make a decision based on scientific evidence.” As a result, the Nu River was unexpectedly postponed at the last moment. This confidential internal

²Interviews with environmental activists Wang, Beijing, July 2004, and Ma, Beijing, Dec. 2005.

³These proponents included a delegate of the Chinese People's Political Consultative Conference, a representative of the Beijing People's Congress, a renowned environmental engineer, and a famous professor from a top university.

instruction spread rapidly both in the traditional media and via the Internet. Wen's decision to call a halt to the Nu River project was soon interpreted as a landmark success in the Nu River defense, and was widely believed to be the result of pressure from public opinion generated by the advocacy efforts of the anti-dam civil society's forces, especially ENGOs.⁴

Stage Two: The Coalition of Anti-dam Forces and the Period of Rapid Development of the Movement (March 2004–March 2005)

Highly encouraged, the environmental activists immediately extended their battlefield and arranged a string of campaigns targeting the Nu River local community. With support from Green Watershed, a Yunnan ENGO, local village representatives went to Manwen to inspect the local resettlement conditions, an event that attracted extensive media coverage, and later took part in a series of NGO-organized training sessions and conferences.

In late June 2004, ENGOs arranged for a coalition of social organizations and individuals, including the Nu River community representatives, to send an open letter to the UNESCO World Heritage Conference regarding the preservation of the Three Parallel Rivers of Yunnan. Public discussion forums on the topic were established on the Internet, including the renowned Beijing Green Reporter Salon and the newly launched Nu River Newsgroup. A core network of anti-dam forces and a mechanism for mobilization gradually took shape.⁵

These events ultimately led to successful collective action in late October 2004, when the United Nations Symposium on Hydropower and Sustainable Development was held in Beijing. With support from NGOs and the anti-dam network, village representatives from the Three Parallel Rivers attended the forum in Beijing. This was the first time that Chinese peasants had spoken for themselves at such an important international conference. The event captured the media's interest and in turn induced a higher level of public awareness and discussion. The focus shifted from environmental protection to resettlement issues, resulting in increased public support.⁶

Following the forum, the China Rivers Network (CRN), consisting of NGOs, environmental activists, journalists, scholars, and legal experts, was established and drove a series of anti-dam activities within a few months, which included exhibitions, open petition letters, ecology tours, etc. Meanwhile, the SEPA–NGO collaboration

⁴Interviews with Wang and Liang, Beijing, July 2004, and Yu, Yunnan, December 2004.

⁵Participant observation, Beijing, June–November 2004, and interview with Yu, Yunnan, December 2004.

⁶Participant observation, meeting records and field notes, Beijing, June–November 2004.

entered its “honeymoon” period. Pan Yue, deputy director of SEPA, announced that in the near future public hearings would be held regarding controversial large-scale construction projects and would engage the public in decision making. In November 2004, due to the insistence of SEPA, the Nu River project failed to make progress in the inspection meeting on planning and assessment, as the pro-dam group expected.⁷

Next came the “environmental impact assessment storm.” On January 18, 2005, SEPA announced the termination of 30 illegal construction projects in 13 regions, including the Jinsha River Xiluodu hydropower station project. This was the first time SEPA had postponed and made a large number of illegal construction projects public since the “PRC Environmental Impact Assessment Law” was put into practice. This “storm” was widely reported in the mass media and greatly encouraged the anti-dam side. Soon afterwards, a number of ENGOs joined together to draft an open statement to SEPA in support of its actions. Cooperation between SEPA and civil society was further consolidated.⁸

Stage Three: Setbacks and Declining Momentum of the Movement (March 2005–October 2005)

In April 2005, the pro-dam side began a forceful counterattack. With the support of Yunnan province, a 4-day field study on Nu River was carried out by a specialist investigation group led by He Zuoxiu, a member of the Chinese Academy of Science, and popular scholar Fang Zhouzi.

During the open forum following the field study, He and Fang strongly criticized the ENGOs as unscientific and claimed that the dam project was for the overall benefit of the local people and communities in terms of the sale of power and local employment. These claims and arguments soon spread through the Yunnan official media and were disseminated widely on the Internet. The stress on people’s livelihoods and doubts over the legitimacy and scientific grounds of the ENGOs forced the anti-dam forces into a defensive position.⁹

In the meantime, the pro-dam side continued lobbying the central government. When Premier Wen Jiabao visited Yunnan in July 2005, officials there claimed that developing hydropower was the best way to alleviate poverty in the Nu River region. As a result, Wen ordered the NDRC, SEPA and related authorities to speed up their research and draw a conclusion as soon as possible. The newspaper *Wen Wei Pao* later released a report entitled “Two Academy Fellows Urge President Hu and Premier Wen to Re-launch the Nu River Project.” According to the report, He

⁷Interview with Wang, Beijing, November 2004.

⁸These include Friends of Nature, Global Village, Green Earth Volunteers, and the Center for Legal Assistance to Pollution Victims of the China University of Political Science and Law.

⁹Participant observation and informal communication with environmental activists in Yunnan and Beijing, March–May 2005.

Zuoxiu joined Lu Youmei from the Chinese Academy of Engineering in writing to the country's top leaders urging them to expedite hydropower development on the Nu River. In this letter, they severely criticized ENGOs for raising absurd arguments to mislead the public.

Meanwhile, NGOs were literally silenced in the media discourse. In May 2005, the Propaganda Department of the CCP Central Committee had "ordered" the media and even the environmental protection authorities that "there must not be any negative reports on the hydroelectricity issue, especially on the Nu River Dam project."¹⁰

In October 2005, Yunnan declared the commencement of the Liuku Hydropower Station resettlement plan. In Beijing, the pro-dam group held the China Hydroelectricity and Environmental Protection Conference to promote the dam project. The group launched a successful countermovement and tilted public opinion in its favor by gaining support from experts, opinion leaders, and the central government. It positioned itself as the spokesperson for local residents and emphasized its social standing as "for the people's livelihood" in the media. At the same time, the NGOs and anti-dam activists were depicted as extreme environmental militants who were antiscientific and colluded with foreign forces.

Stage Four: Rejuvenation and Searching for New Dynamics (September 2005–July 2006)

After several months of setbacks, the anti-dam campaigners tried to make a comeback. In late August 2005, the China Rivers Network presented a public statement entitled "Request for disclosure of the environmental impact assessment report on Nu River hydroelectricity development according to law," with signatures from 66 NGOs and 99 individuals (including renowned experts and opinion leaders), to the NDRC, SEPA, and other authorities involved in the project. The statement demanded a public hearing, hoping that "a new era of openness, transparency and public participation regarding policy making in hydroelectricity development and other large-scale construction projects in China would begin." As the statement was not directly against the construction of the dam but only demanded a due process for public participation, it created a legitimate space for further deliberation on the issue. This action sparked off a heated debate between the two sides concerning the disclosure of the environmental impact assessment report, and led to another upsurge in the coverage of the controversy both in the traditional mass media and on the Internet. The Nu River issue was once again under the spotlight.

Additionally, in response to questioning the extreme environmental ideology of NGOs and the accusation that they were "sacrificing human rights for animal

¹⁰Interview with Yu and Ma, Yunnan, August 2005.

rights,” ENGOs arranged for a group of volunteers and media representatives to participate in a study in Nu River from the end of 2005 to early 2006. They interviewed about 100 local villagers, produced a documentary entitled “The Silent Nu River,” and issued a research report named “Report on Nu River Migrants Study.” The study provided evidence for the argument that local villagers were not adequately informed of the development plan or of the issues related to their resettlement. This action tried to establish the image of the anti-dam activists as a social force concerned with safeguarding the livelihood of the people.¹¹

At this juncture, SEPA again supported the ENGOs. In November 2005, SEPA solicited comments from the public on the “Measures Facilitating Public Participation in Environmental Impact Assessment.” The ENGOs promptly responded and organized seminars on this topic to express their opinion. On March 18, 2006, the “Interim Measures for Public Participation in Environmental Impact Assessment” officially came into force. SEPA proclaimed that this was the first code regulating public participation in environmental protection in China.

Green activists responded immediately by issuing a legal letter to SEPA demanding participation in the environmental impact assessment of hydroelectricity development in Nujiang and requesting that SEPA disclose related information and organizes a public hearing. On March 30, SEPA gave a positive and unambiguous answer: “Our administration will follow the provisions of the ‘Interim Measures’ to allow public participation in environmental impact assessment before the construction of hydroelectricity facilities. We will make decisions according to scientific evidence and the principle of democracy.” Obviously, this was a deliberate and unspoken collaboration between the two sides to better promote the new measures on public participation in environmental protection.

Regardless of the endeavors of the anti-dam forces, the Yunnan authorities accelerated the planning process for the Nu River project. The situation was tense. A turning point emerged when the ENGOs began to interact with the World Heritage Conference of the United Nations. In April 2006, the World Heritage Conference sent an expert team to investigate the Three Parallel Rivers. The CRN immediately learned about this news through its extensive network and sensed a great political opportunity. Representatives from the CRN managed to meet with the expert team in Beijing before it set off to Yunnan. In the meeting, they explained to the expert team the issue at stake, particularly the environmental damage that the dam construction would cause.¹² When the expert team later found out that the information provided by the Yunnan officials differed from what they had received from the ENGOs, they quickly realized the core of the controversy.

The anti-dam forces found their proactive measure to be effective. In July 2006, based on the harsh report written by the expert team, the 30th World Heritage Conference reached the conclusion that “the Three Parallel Rivers world natural

¹¹Interview with Wang, Beijing, July 2006; CRN meeting record and field notes taken in Beijing, July 2006.

¹²Interview with Wang, Beijing, July 2006; CRN meeting record and field notes, Beijing, July 2006.

heritage site is still subject to serious threats such as hydroelectricity development and the mining industry.” The Three Parallel Rivers was listed for further scrutiny and was not far from being included in the list of “endangered heritage” sites. This news was immediately released to the media through the efforts of some anti-dam journalists.¹³ China’s spokesperson was forced to make a promise to the world, stating that “China is a responsible country which will not recklessly destroy the natural environment for the sake of short-term economic benefits.”¹⁴ The Yunnan provincial government was thus severely criticized by the central government, and refrained from mentioning the construction of a dam in Nu River over the following few months. Since then, insider sources have said that the Yunnan government and the central government were engaged in a bargaining process to strive for a balance between development and preservation.¹⁵ The anti-dam activists claimed this as a major victory.¹⁶ By the time we completed our field work in Nu River in 2008, the plan to construct a dam in Nu River was still in flux due to the controversy it had aroused, and the movement to protect Nu River remained active.

Analysis of the Political Opportunity Structure in Different Stages of the Movement

Political Opportunity in the Initial Stage of the Movement

In terms of the “political channel,” the Chinese political system has left little space for civil society to develop (Chan Kin-man 2005). In the 1990s, NGOs began to emerge in China and subsequently experienced phenomenal growth. Until now, however, the legal and political environment for NGOs has remained highly restrictive. NGOs find the institutional channels, including the party-state structure and the official media, to be largely closed when they attempt to advocate for change, such as by appealing for environmental protection. Very often, they need to make use of informal networks to get their voice heard.

Many of the founders of Chinese ENGOs have been members of social elites and renowned intellectuals. Some of them have even acted as advisors to government departments, delegates or members of the “two Congresses.” Therefore, Chinese ENGOs are able to gain access to some inside information. Moreover, some environmental appeals have been submitted to related authorities through formal

¹³The *China Youth Daily* and the *South China Morning Post* of Hong Kong reported the news immediately. They used the standing of the United Nations to generate international pressure on the Yunnan government and the central government.

¹⁴“China’s World Heritage still under threat,” *World News Journal*, July 13, 2006.

¹⁵CRN meeting record and field notes, Beijing, January 2006; interview with Wang, Beijing, January 2007.

¹⁶Participant observation in the CRN, Beijing, January 2006; interview with Yu, Yunnan, February 2006.

motions of the NPC and the Chinese People's Consultative Conference (CPPCC) or via informal personal networks and channels. Some green journalists have also influenced decision makers by writing "internal references." Although the efforts noted above were rather sporadic, diversified political channels, either formal or informal, were already in place.¹⁷

In terms of stability within political elites, the surge in social conflict due to the rapidly deteriorating environment and increasing social inequality over the past decade has prompted the government to rethink its former economic development driven policy priority. The central government began to promote new ideas and policy guidelines such as the "scientific development perspective," the "harmonious society," "green GDP," and "Rural Reconstruction," catchphrases that eventually clashed with some established interests. These clashes were unavoidable because different concerns and interest appeals were found between different functional branches and levels of government. This weakened the coherence of the political elites and provided room for civil society to sound out their voices. For example, the "first attack" launched by the anti-dam movement was made at exactly the same time as SEPA officials disagreed with the NDRC and the local governments, and decided to enlist the support of ENGOs to strengthen their position. In a nutshell, the divisions within and among the elites were crucial to the formation of the movement. In making use of these divisions, ENGOs deliberately borrowed slogans promoted by the central government such as *green GDP* and the *scientific development perspective* to legitimize their struggles with some authorities, particularly the local government of Yunnan.¹⁸

Concerning the presence of elite allies in our framework, SEPA has had unprecedented opportunities to develop and shape the public discourse in recent years. SEPA gradually moved away from its previously marginalized position within the bureaucracy as environmental problems became more imminent. Some SEPA officials who had vision and were keen to forge ahead stood out, yearning for an opportunity to fulfill their personal values and chalk up political achievements by advancing green politics in China. These officials were willing to cooperate with civil society. As a result, SEPA has become the most important ally of the anti-dam movement. They both found their collaboration in the defense of Dujiangyan to be mutually beneficial and expected an equally fruitful result in the defense of Nu River.¹⁹

Regarding the state's capacity and propensity for repression, the Chinese authoritarian regime undoubtedly possessed an enormous capacity to control the activities of civil society. However, because of the advancement of telecommunications technology and the marketization of the media, the state found it more difficult to control society than it had previously. Civic groups were able to expand their sphere of activities and avoid political scrutiny through extensive use of the Internet. In addition, China was actively involved in the tide of globalization as it strived to build an image as a superpower. Pressure from global society was also taken more seriously.

¹⁷Interview with Wang and Zhang, Beijing, November 2004; participant observation and informal communication with environmental activists, Beijing, March–December 2004.

¹⁸Interviews with Wang, Beijing, July 2004; CRN meeting record and field notes, November 2004.

¹⁹CRN meeting record and field notes, January 2006.

The above analysis of the POS clearly demonstrates that the anti-dam movement in Nu River was enhanced by the existing political opportunities during its initial stage of formation. The rapid development of civil society, the broadening of political channels, cleavages within and among political elites, the partnership with the environmental protection authorities, and the declining state capacity and propensity for repression due to globalization and Internet technology all contributed to the uprising of the movement.

Political Opportunity in the Developmental Stage: Utilization, Creation, and Transformation

Different interest groups began to interact with one another when the movement progressed from the initial phase to the developmental phase. Political opportunities arose and were twisted when various parties attempted to isolate their antagonists. The movement organizers could not afford to wait passively for political opportunities to arise. The anti-dam movement needed to strategically explore and maneuver the existing opportunities to sustain the movement, especially under an authoritarian regime.

Strategy of Anti-dam Forces

During the developmental stage of the movement, the organizers adopted the following main strategies: the active establishment of partnerships with allies within government, the harnessing of international pressure, and the reliance on a loose but flexible network of organizations to connect participants from different sectors.

In terms of partnership, although the previous partnership between ENGOs and SEPA, based on personal relationships, was loose and ambiguous, the alliance was subsequently transformed into a relatively stable, open, and even semi-institutionalized pact after a series of events around the Nu River case.²⁰ One of the examples of this formal alliance is the Chinese Alliance for Environment Protection, which was established under SEPA sponsorship. Apart from 113 high-ranking officials, more than 30 of the 200 members of the board of directors²¹ were from ENGOs.²²

The environmental authorities and NGOs tried their best to support each other in public. SEPA's initiation of the "environmental impact assessment storm" in January 2005 boosted the confidence of the anti-dam NGOs. Pan Yue, deputy director of

²⁰CRN meeting record and field notes, January 2006.

²¹Including Liang Congjie (Friends of Nature), Liao Xiaoyi (Global Village), and Wang Yongchen (Green Earth Volunteers). Liang Congjie even served as vice president alongside Xie Zhenhua, a former director of SEPA.

²²Extracts from "A Green Alliance" by Jing Xiaolei in "Beijing Review" (Chinese version), January 21, 2006.

SEPA, repeatedly emphasized in public the importance of having ENGOs as SEPA allies. Moreover, only 3 days after the storm was kick-started, 56 ENGOs made a joint statement through more than 20 mainstream media organizations to express their support for SEPA's initiative and to state their intention to become a "closer partner" of the government.

Another notable example of such mutual support is the duet played by SEPA and the NGOs when they jointly promoted the "Interim Measures for Public Participation in Environmental Impact Assessment," as noted earlier. It was crucial for NGOs to support the environmental impact assessment regulations and public hearing provisions promulgated by SEPA, because such collaboration would provide "legitimate" support for both sides. These measures provided a legal basis for NGOs and the public to engage in environmental issues by means of petitions, lawsuits, and other collective actions in the name of "public participation." At the same time, SEPA could also use these civic engagements as a strong indicator of the popular demand for environmental protection to compete with other powerful authorities within the government.

In terms of the utilization of international pressure, many ENGOs were fully aware that the anti-dam topic was extremely controversial and sensitive in China and that they themselves were still too weak to take the lead. Overseas NGOs had far more anti-dam experience, ideas and techniques that could be learnt and borrowed. Moreover, due to censorship of the local media, NGOs also needed the international media to channel their appeals to the public. As a result, a network of international NGOs, conferences (most of which were organized by overseas NGOs in the initial period), and foreign media became the major source of international pressure that Chinese ENGOs could leverage.²³ International pressure can be used on two fronts—to exert pressure on the central government and even on local governments to bring about changes in related policy, and to weaken the stability of political elites by creating rifts between the central and local governments or between different functional departments within the government.²⁴

In the formative stage of the movement, NGOs mainly relied on global civil society to create international pressure. They subsequently realized the importance of international organizations such as the United Nations (particularly its subsidiary organizations such as UNESCO and the World Heritage Conference) that had greater political leverage over a country such as China. For instance, because the Nu River is part of an international river, the ENGOs mobilized opposition in the lower-stream countries to exert international pressure on the central and local government and eventually enjoyed a certain degree of success. A Chinese State Council spokesperson stated on several occasions that the Chinese government would be very

²³Interview with Wang and Ma, Beijing, July 2006; participant observation and informal communication with environmental activists, Beijing, March–December 2004 and July–August 2006.

²⁴For example, the central government was anxious to preserve the status of the rivers being listed as a world heritage site as this could help to build China's international image. The local governments, however, were less interested in such recognition than in the economic benefits the dam projects would bring.

prudent when developing hydroelectricity and would take into account the effects on lower-stream countries. When Bai Enpei, Party Head of Yunnan Province, was interviewed by media representatives from China and other South Asian countries in 2006, he made the following promise: “Yunnan would never damage the environment and bring about unnecessary negative impacts on lower-stream countries for the sake of developing hydroelectricity.”²⁵

Regarding the organizational structure of the anti-dam movement, the long-established Environmental Reporters Salon and, at a later stage, loosely structured platforms such as the CRN, represented the self-organized model of Chinese civil society. Because of their non-embodiment and fluid nature, these networks were characterized by low cost and low risk. The loose organizational form imposed no specific obligation upon the participants, while attracting resources from different sectors including SEPA officials, delegates of the NPC and the CPPCC, experts in related fields, and journalists.²⁶ It was almost impossible for members from such diverse fields/sectors to be committed to a formal organization’s management. They would, however, be happy to do something meaningful according to their own pace and style and to exchange information and other resources for the sake of environmental protection.

This network-oriented organizational form greatly facilitated diverse participation and helped to expand the movement’s political opportunities and resources.²⁷ For instance, through a network of green journalists and the use of dynamic communication strategies, the movement was able to break institutional barriers. To deal with a sensitive issue such as dam construction, many journalists had to take risks by reporting the news “before it was too late,” i.e., before the anticipated ban was issued by the Central Propaganda Department. As a result, the media have even started to pose questions about the once-forbidden issue of resettlement surrounding the Three Gorges Dam. These notable changes were partly a result of the cooperation among civil society activists from NGOs, the media, and academia, who strove to expand the public sphere. Furthermore, the loose nature of the network also helped to solicit support from prominent figures in the legislature and other consultative structures to articulate the appeals of the movement. This gradual enlargement of the gray zone, in terms of favorable media reports and petitions within the established political structure, was made possible by concerted efforts in a loose and fluid network under the present circumstances in China.

One typical example concerns the way in which Premier Wen’s instruction was revealed and circulated. The instruction was supposed to be an internal administrative instruction and could simply have been noted or even objected to by various

²⁵Interview with Yu, Yunnan, December 2007; CRN meeting record and field notes, December 2007.

²⁶Some core members of this network are pro-environmental intellectuals or even government officials who have access to central government. They include delegates of the Chinese People’s Political Consultative Conference, a representative of the Beijing People’s Congress, some renowned environmental engineers, and some famous professors from top universities.

²⁷Participant observation and informal communication with environment activists, Beijing, March–December 2004 and July–August 2006; online communication while one of the authors of this chapter was working as a CRN consultant from November 2004 to January 2007.

government branches. Nevertheless, an anti-dam proponent who had access to this internal instruction revealed it within the CRN circle, and some activists decided that it should be released to the public. “We realize that it is a great opportunity! Wen’s remarks are not official and could be eventually buried under piles of files within the bureaucracy. However, releasing them to the public could ‘get the rice done immediately’, that is, they could preempt the government from backing down. The message would be interpreted as central government’s decision and influence public opinion enormously.”²⁸ Wen’s remarks were immediately published by a Hong Kong newspaper through the efforts of some environmentally friendly journalists. Based on this overseas report, the instruction was swiftly circulated on the Internet and was interpreted as the central government making a gesture over disapproval of the dam construction. The network deliberately magnified, if not manipulated, the meaning of the instruction and, in so doing, eventually provided a legitimate basis for the anti-dam activism. Furthermore, this news also elevated the political standing of SEPA.

Counterattacks and Countermovement Launched by Pro-dam Forces

In response to the anti-dam activism, the pro-dam forces initiated a series of counterattacks by tightening up the POS. Anti-dam activists were described as extremists. The Yunnan provincial authorities searched for allies within the central government and among prominent scholars to lobby the central government and generate pressure over the environmentalists. Yunnan also used its large tobacco tax income as a bargaining chip to enlist support from the central government.

To counteract the strategy of mobilizing international pressure, the Yunnan government and the hydroelectricity developers deliberately discredited the ENGOs and related activists as a force suspected of colluding with overseas powers that had attempted to advance the “color revolution.”²⁹ The aim of this “stigmatization” was to circumvent the anti-dam movement, as worries about the color revolution happened to be a soft spot for the central government at that time. Moreover, the pro-dam party began to query the legal status of the CRN and some of the NGOs involved in the movement. Even though the CRN did not suffer a serious setback thanks to its loose and flexible organizational form, daily correspondence between

²⁸Interview with Liang, Beijing, November 2004 and July 2006; CRN meeting record and field notes by one of the authors, November 2004.

²⁹Wen Wei Po reported, “In April 2005, after a 1-week field trip to Nu River, He Zuoxiu, a member of the Chinese Academy of Science, and Lu Youmei, a member of the Chinese Academy of Engineering, jointly submitted a letter to General Secretary Hu Jintao, NPC Chair Wu Bangguo, and Premier Wen Jiabao, to report on the situation in Nu River. They signed off the letter as ‘Communist Party member’ and ‘Member of the Academy’... [T]hey worried that an unhealthy force had distorted the reality and misled the public that some ‘hip’ NGOs had used the cover of ‘environmental protection’ to oppose dam construction and a hydropower station, told the lie that we had entered an era of dam destruction, and claimed that the worsening of water pollution was caused by dams, etc. They created a climate of extremely ridiculous public opinion and severely misled the public and society...”

its members was monitored and interfered with to a certain extent. Some local ENGOs were subjected to considerable trouble during the annual inspection required for renewal of their registration with the civil affairs authorities.³⁰

To reduce political risk, the anti-dam organizers adjusted their strategies accordingly by exploiting more of the pressure generated by international organizations (such as the United Nations) rather than by foreign NGOs and the media. The World Heritage Conference became an annual battlefield between pro- and anti-dam forces. NGOs, sympathetic experts, and media networks even viewed this as a regular political channel that could serve to challenge the government and the hydroelectricity developer.

Another obvious strategic change to counter the pro-dam forces was that the movement switched from its previous “anti-dam” position to one of striving for “procedural justice and public participation.” This not only avoided the accusation of “extreme environmentalism” and won as much public support as possible for its own side, but also echoed the regulations and measures heavily propagated by SEPA that enhanced its own legitimacy and the position of its allies within the government.

The battle around dam construction in Nu River is far from over. We can expect both sides of the movement to continue to modify their strategies to expand their own political opportunities and to close down the opportunity structure of their rivals to drive the movement in a favorable direction according to their own interests.

Conclusion and Discussion

This chapter adopts a POS perspective to analyze the course of the anti-dam construction movement in Nu River, China. Rather than seeing political opportunity as purely structural, we take a more dynamic view by investigating how political opportunity is interpreted, enlisted, enhanced, or even created by participants during the course of a movement, particularly in its developmental stage. With this analytical lens, we derive some preliminary conclusions as follows.

First, the case of Nu River demonstrates the emergence of a kind of POS in recent years that is conducive to the formation of social movements in China. This refers to the rapid development of NGOs, functional differentiation within the government, reconfiguration of the basis of legitimacy, integration of China into the international community, etc. However, this POS should not be seen as something “given.” It needs to be recognized, interpreted, maneuvered, and even created by the agents of a movement and its countermovement, if any. Experience can be accumulated and skills refined during the course of the movement. The possibility of creating political opportunities will grow as the movement or countermovement progresses from the initial stage to the developmental stage. In light of this, although

³⁰Participant observation, Yunnan, December 2004–August 2005; interview with Yu, Yunnan, April 2007.

we witnessed a certain degree of openness in the POS that gave rise to the anti-dam movement in China, this movement should not be seen as structurally determined and thus the future of the movement is still open.

Second, because of the authoritarian nature of the Chinese regime, patterns of POS that are conducive to collective action or social movement in China are different from those that prevail in the Western (liberal-democratic) context. In the case of China, the definition of “noninstitutional means,” a concept central to the definition of social movement, is more subtle. It could refer to certain actions in the “gray zone” of a system that eventually disturb the status quo. This subtle resistance can take place through regular channels such as the official media, NPC, CPPCC, and SEPA public hearings, and by means of accurate reporting, motions, petitions, signature campaigns, and other modes. In China, striving for political opportunity is always a process of testing the baseline and occupying the “gray zone” of the system. This could be understood as “*disturbance within the system*,” a tactic that avoids direct confrontation but still poses a serious challenge to the status quo. On the one hand, this tactic creates space for the development of civil society and social movement in China. On the other hand, because it is operated within the system, it also poses a risk of being “co-opted” into the system and eventually dissolving a movement.

The implications of this investigation into the POS and state–society relations that gave rise to the anti-dam movement in China will certainly go beyond the case of Nu River. First, other anti-dam and social movements in China face similar political opportunities. Second, the experience gained by the various stakeholders in the Nu River case in expanding and constraining their political opportunities will be accumulated and learned by agents of other social movements. Third, the political opportunities created or expanded in a particular movement (in this case, Nu River) should be seen as one of the outcomes and achievements of the movement. This new structure could be institutionalized (such as through partnership with SEPA) and could later be adopted by other social movement stakeholders.

Finally, any analysis of political opportunity and social movement in China will eventually center on the study of China’s state–society relations. Over the past decade, important changes such as the rapid development of civil society (in terms of the number of NGOs) and the emergence of a vibrant social network (in terms of personal and Internet networks), the regime’s changing basis of legitimacy (Zhao Dingxin 2000) that has created tension within the state, and the contention, negotiation, and even interpenetration between state and civil society suggest a new direction of development in China.

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Index

- A**
Academic achievement, 116–123
Anti-dam construction, 18, 322, 330
- B**
Bilingualism, 12, 114, 116–124, 159
- C**
China,
Chinese officials, 59, 64, 113, 152, 153,
158, 159
Civil society, 11, 13, 15–17, 19, 25, 42, 43, 91,
166, 180, 181, 221, 230, 245, 253,
254, 263, 273, 276–279, 288, 314,
317, 319–321, 324–328, 331
Commons, 25, 28, 39, 46, 49, 57, 59–61, 75, 79,
87, 89, 95, 96, 109, 113, 119, 123,
129, 131, 133, 135, 138, 149, 152,
156, 172, 173, 187, 211–216, 218,
220–226, 232, 250, 260, 274, 276
Corporate social responsibility
(CSR), 15, 229–238, 251, 289
- D**
Daughters-in-law, 11, 68, 69, 72–81
Domestic labor, 11, 67–82
- E**
Elderly care, 67–82, 220
ENGOs. *See* Environmental NGOs (ENGOs)
Environment,
Environmental activism, 17, 18, 277, 294, 295,
297, 299–305, 308
Environmental governance, 276, 296
Environmental NGOs (ENGOs), 16–19, 273,
276, 277, 279, 283–290, 298, 305,
306, 314, 318–327, 329, 330
Environmental protection, 2, 3, 13, 166, 173,
261, 269, 271, 274–276, 284,
286–289, 293–309, 319, 320,
322–324, 326–329
Ethnic conflict in China, 12–14, 129–132, 134,
141, 148, 166, 179
Ethnicity,
Ethnicization, 127–142
Ethnic relations, 12–14, 131, 147–161
Ethnonationalism, 127–142
- F**
Feminism, 30, 86, 90, 96, 102, 103
Funding, 95, 101–103, 176, 178–180, 220,
221, 231, 234, 284–290
- G**
Gender,
Gender prejudices, 28
General public policy (GPP), 3–8
Governance, 17, 18, 24–27, 29, 31, 41, 43,
90, 94, 100, 102, 169, 181, 223,
225, 229, 236, 263, 270, 274–277,
295, 296
Government operated nongovernmental
organizaions (GONGO), 13, 16,
167–170, 175, 245, 284–287, 290

- GPP. *See* General public policy (GPP)
- Guangdong province, 15, 48, 57, 73, 174, 185–205, 214, 242, 249, 251, 252
- H**
- Harmony, 5, 120, 121, 128, 150, 156, 159, 166, 230, 247, 297
- Human resources, 17, 60, 95, 102, 180, 242, 285–287, 289–290
- I**
- Identity, 12, 13, 29, 57, 109–124, 127–142, 148, 149, 152, 155, 156, 166, 188, 232, 316
- Inheritance, 69, 71–72, 78–80
- Institutional analysis and development (IAD), 14, 15, 211–214, 216, 218, 222, 225, 226, 236
- Interdependencies, 11, 45–64, 224
- Intergenerational relations, 78
- L**
- Labor,
- contract, 14–16, 185–205, 217–219, 221, 235, 244, 246, 249
 - relations, 3, 14–16, 19, 189, 214, 216, 237, 242, 243, 246–249, 251, 253
 - rights, 91, 189, 190, 192, 199–205, 218, 221, 231, 249
 - unrest, 242, 244, 245, 251
- Law, 14, 24, 73, 86, 151, 168, 186, 210, 232, 244, 274, 294, 316
- Legal status, 17, 180, 284, 287, 290, 329
- M**
- Medium of instruction, 111, 116–117
- Migrant workers, 10, 14–16, 169, 174, 185–205, 209–226, 230–238, 245, 247, 248
- Minority areas, 12, 14, 123, 152, 154–156, 160, 161, 165, 166, 170–172, 175, 179, 180
- Mistresses, 11, 45–64
- Mothers-in-law, 11, 69, 72–82
- N**
- National polices, 147–161
- Nongovernmental organizations (NGOs), 11–14, 16–19, 85–104, 155, 165–181, 218, 221–223, 225, 244, 245, 248–250, 253, 263, 273, 275–277, 279, 283–290, 298, 305, 306, 314, 317–320, 322, 324, 326–331
- Nu River, 18, 294, 298–301, 305–308, 313–331
- P**
- Policy protection, 15, 94, 211, 218, 261
- Political opportunity, 18, 313–331
- Popular rhymes, 11, 46, 49–55
- Public participation, 18, 19, 259, 276, 290, 293–309, 322, 323, 327, 330
- R**
- Role of intellectuals, 241–254
- Rural politics, 39
- S**
- Social
- integration, 128, 230–232
 - justice, 13, 19, 127–142, 213
 - movement, 18, 19, 243, 254, 260, 269, 314–317, 330, 331
 - problems, 1–16, 19, 86, 165, 263, 276
- Societization of rights defending, 229–238
- Soviet union, 100, 148–150, 152
- State intervention, 28, 30
- State media, 46, 49–56, 60
- Stereotype, 7, 37, 113–115
- Sustainable development, 3, 221, 236, 272, 284, 320
- T**
- Trade union, 15, 16, 103, 185–205, 221, 229–238, 245, 247, 249, 252, 253
- Transaction costs, 24, 30, 38–43, 307
- V**
- Village elections, 26–28, 32–33, 40
- W**
- Women's representation and participation, 24, 25, 29, 34, 43
- Workplace relations, 185–205
- Z**
- Zhejiang, 15, 17, 32, 48, 53, 232–235, 237, 238, 254, 283–290