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## 2a. Understanding Civil Society: OYCF Fifth Annual Meeting Summary

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(Editors' Note: The Overseas Young Chinese Forum (OYCF), the publisher of *Perspectives*, held its fifth annual meeting during May 23 to May 26, 2003 in the beautiful town of Atherton, California. More than 70 scholars, students and professionals attended this meeting. The theme of the meeting was "Understanding Civil Society." Through seven panels organized under this theme, speakers and participants discussed various issues concerning China's current development. The following is a brief summary of the discussions. The moderator summarized his or her panel, and most of the panel summaries were reviewed and revised by the speakers. Junling Ma, Catherine Ying and Zili Zhuang edited the entire summary.)

### **Panel 1: State, Civil Society and Rule of Law**

(Speakers: Bo LI, Zhengxu WANG; Moderator: Wentong ZHENG)

The speakers on this panel were Dr. Bo Li, an attorney with the law firm of Davis, Polk and Wardwell in Hong Kong, and Mr. Zhengxu Wang, Ph.D. candidate in Higher Education and Political Science at the University of Michigan.

This panel dealt with the inter-relationships between state, civil society and rule of law. The speakers discussed the definition of civil society, the dynamic relationship between state and civil society, and the importance of rule of law in regulating state and civil society.

Dr. Li first traced the development of the concept of civil society through the "classical," "modern," and "contemporary" time periods, and explored the moral and philosophical shifts underlying those changes of definitions. According to Dr. Li, civil society is now defined as civil entities separate from political states, and is referred to by some critics only as non-profit organizations. Then, after briefly discussing the relationships among individuals, civil society and state in the modern context, Dr. Li continued to address the question of why civil society is an indispensable part of modern democracy. Civil society, said Dr. Li, is important both because it bears the intrinsic value of free association and assembly and because it is a necessary element of democracy, rule of law, and constitutionalism.

Mr. Wang in his talk focused on the impact of civil society on government. In particular, he discussed how Chinese people's perception of democracy over the past ten years might impact upon China's transition into a democracy. According to a survey result, in 2001, 96% of the Chinese people surveyed believed that democracy was very good or fairly good. This represents an increase from previous years. In addition, the percentage of the survey respondents who chose democracy as a priority goal of the country also went up. Furthermore, demand for democracy has also been in the rise in China, a trend demonstrated by the movement of a Liberty Aspiration Index created based on the survey data. Mr. Wang then discussed the relationships between the Liberty Aspiration and the degree of political freedom and civil liberty in a worldwide sampling of countries, and showed that the Liberty Aspiration in China either is or will soon be higher than that in many of the developing democracies in the world today.

During the subsequent question and answer session, the speakers and the audience exchanged views on a wide range of issues relating to civil society and democracy. For example, is there a classification of good civil society and bad civil society? How to regulate the power of civil society? How to understand civil society as a procedural supplement to democracy? Some participants also raised the issue of distinguishing democracy from democratization, and still

others commented on the possible reasons why Chinese scholars initially translated “civil society” as *shi min she hui* instead of *min jian she hui*.

## **Panel 2: Capitalism, Private Enterprises and Civil Society**

(Speakers: Taichun KUO, Ping CHEN, and Yingyi QIAN; Moderator: Ting LU)

The speakers on this panel were Dr. Taichun Kuo, Research Fellow at the Hoover Institution, Mr. Ping Chen, Chairman of Tidetime Group, and Dr. Yingyi Qian, Professor of Economics at UC Berkeley. Dr. Kuo had been in Taiwan's academia and political arena for years before she came to the Hoover Institution at Stanford. She holds a Ph.D. degree in political science from the University of Oregon. Mr. Chen was in academia in the 1980s when he worked in the Research Center for Rural Development, a governmental think-tank well-known for its pro-reform standing. Since the 1990s, he has turned his efforts to business and has become a successful entrepreneur in the media industry. Professor Qian earned his Ph.D. in economics from Harvard University. He has taught at Stanford, University of Maryland and now UC Berkeley, and has published a series of influential papers on economic transition and institutional economics.

A central question regarding the relationship between business/economy and civil society is whether one forms the basis of the other, or whether the two elements are mutually independent and a common result of some other forces. On the one hand, economy could be the driving force for a modern civil society as business owners and wealth holders will inevitably strive for more economic and political freedom from the government. They could form various trade unions and business associations to protect their own interests from governmental encroachment, they could press courts to be fairer and stricter to enforce contracts, and they could sponsor social groups for other purposes. On the other hand, a healthy civil society may be indispensable for a general success of business development and economic growth. Modern civil society could serve as a cushion between government and business activities, leaving much freedom for business from the "grabbing hands" of the government. A related, but perhaps more important, question is how to build an ideal form of civil society from an economic perspective. A grass-root approach would be the gradual building up of a civil society by efforts of business owners and wealth holders for the benefit of general public, like what happened in the Glorious Revolution in Great Britain. A top-down approach is also possible where governing elites inside the government relegate powers to business and the general public in an effort to nurture civil society and improve social welfare.

Dr. Kuo spoke first. She discussed Taiwan's experience in its transformation from a planned economy into a market economy in the late 1950s and early 1960s. After 1960, Taiwan's economy experienced rapid industrialization and prosperity. She used an institutional approach to explain the change: (1) there was a change in how leaders perceived reality or cognition change; (2) the Nationalist government had promoted market economy by skillful use of command economy resources; (3) the government protected private ownership and the transfer of property rights; (4) there were capable political leaders and elites who made the change possible; and most important, (5) the government established the right types of institutions, formal and informal, to assist economic organizations to reduce their transaction and transformation costs. However, the 1990s saw a weakening of civil institutions. Since Lee Teng-hui became President, Taiwan has experienced increasing political disputes, ethnic conflicts and corruption. The institutions that had made both the government and the private sector work well decades ago became inadequate. As Taiwan's economy grew to be more complex and its society more differentiated, creative institutional adaptation did not occur. Taiwan's experience indicates that (1) economic prosperity did not necessarily improve Taiwan's civil society; and (2) while enjoying the benefits of a creative and dynamic market mechanism, the Taiwanese have experienced the negative effects of modern market economy due to a lack of effective civil

society.

Mr. Chen was the second speaker. As a practitioner in the media industry, he observed the growing openness in the Chinese society and advocated a more gradual and peaceful approach toward building civil society. He believes there is great potential for the development of elements of a civil society in China through the interaction of elites in the government and the business world. Private enterprises in China today possess enormous resources that they can use to promote non-governmental activities and to influence and orient the government toward functional regulation. Mr. Chen further used his own experiences in the media business as examples to show how to maneuver the direction of the newspaper delicately to promote business interests independent of government and push for more freedom from government control.

Professor Qian began with a clarification of the notion of "rights" raised during earlier discussions. Instead of a dichotomy of "political rights" and "civil rights" as many suggested, economists would consider a three-way distinction among "political rights," "civil rights" and "economic freedom." The three are clearly related, but they represent independent dimensions, and in particular, economic rights or freedom is not the same as civil liberty. With this clarification, Professor Qian discussed two issues concerning the interaction between economic development and civil society. The first issue is how the development of private/non-state economy could induce the growth of civil society. He argued that there are reasons from both the supply side (e.g., resources are more available for non-governmental activities from the private sector) and the demand side (e.g., business expansion requires more support from the civil society). The second issue is the reverse question of how civil society might facilitate economic development. He gave three examples: business associations in reducing transaction costs; social capital in improving government and market performance; and the media in preventing economic disasters such as a famine.

Following all presentations, the audience asked questions regarding Taiwan's economic and political reforms, China's current economic status and the effect of SARS on the economy, quality of government statistics, and quality of media. All three speakers offered their views on these issues.

### **Panel 3: Rural China in Transformation**

(Speakers: Bobai LI, Jianfu YAO; Moderator: Lei GUANG)

The speakers on this panel were Dr. Bobai Li, Assistant Professor of Sociology at Northwestern University, and Prof. Jianfu Yao, Senior Research Fellow at the Research Center for Rural Economy of China's Ministry of Agriculture.

In his talk of "Village Communities in Transition," Professor Li offered a glimpse of his upcoming project on the changes in social relations at the village level that are caused by the on-going economic reform. Using his native village in Hainan as an example, he vividly described the undercurrents of changes in rural China: growing social inequality, the dissolution of "traditional" village moral economy, the demise of local leadership, increasing social conflict, the decline of trust and "public goods," etc. As before, villages in China remain geographically bounded and villagers have to face each other in everyday interactions. But the overall ecological environment (including the diminution of land, limits on trans-regional mobility and the national political economy) has changed in such a way that solutions to these 'rural problems' are not easy to find. To make matters worse, these village-level and environmental changes are accompanied by a withdrawal of the state. The question then becomes: what will village communities evolve into in the future? A follow-up question is how the introduction of civil society and democracy

will affect development in rural China. Although his talk was based on the ethnographic study of one village, Professor Li projected that a comparison of different kinds of village communities would be useful for the purpose of exploring variations across China.

Following Professor Li's talk, Professor Yao, a long-time researcher on rural China, offered his observations of and insights into the plight of Chinese farmers. His talk was entitled "Citizen Rights and Equal Treatment for Farmers" (*nong min de gong min quan li he guo min dai yu*). In addition to constraints on resources, Professor Yao argued, Chinese farmers face a series of systematic biases. He touched upon a wide range of issues that impinge on the lives of farmers, including mobility, farmers' rights to education, their freedom to form non-political associations and participation in national politics, discriminatory welfare system, etc. He expressed concerns about the impact of China's WTO accession on rural China and about agriculture becoming the bottleneck in China's economic development.

Both talks generated heated discussions. Some of the questions and comments raised by the audience are: How do we understand both the geographical and historical variations in village-level social relations in China? To what extent is the Chinese experience in rural change generalizable (as a consequence of industrialization)? What explains the gap between the government's rhetorical commitment to peasant welfare and its practice of neglect? How do we understand the problem of political representation for farmers? How does the internal differentiation among farmers impinge on the question of representation? When studying contemporary rural society, how far back should we go in order to retrieve a historical point of comparison (i.e. is earth-bound culture a valid starting point for comparison)?

#### **Panel 4: Social Basis for Transformation toward Democracy**

(Speakers: Thomas GOLD and Thomas METZGER; Moderator: Shaohua HU)

The speakers on this panel were Dr. Thomas Gold, Associate Professor of Sociology at UC Berkeley, and Dr. Thomas Metzger, Senior Fellow of the Hoover Institution at Stanford.

Professor Gold defined the concept of civil society as a realm between the state and disorganized society, such as the family. In such a realm, associations of autonomous individuals, participating voluntarily, enjoy the autonomy to establish themselves, determine their boundaries and membership, administer their own affairs, and engage in relationship with other similar associations and the state. The concept of civil society can be used in three ways. It can serve as an analytical tool, which helps us understand the nature of a given society. It can be used as a normative idea, which treats civil society as a positive thing in a society. Finally, it can refer to an action program in ousting authoritarian government. Such a usage was common amid dramatic changes in Eastern Europe in late 1980s and early 1990s.

However, the concept of civil society is often misunderstood. First misconception: civil society undermines the state power. While not denying the possible contradiction between Leninist states and civil societies or the unintended consequence of civil society, Professor Gold argued that civil society can actually help and complement the state. Second misconception: the so-called "Asian values" make the concept of civil society inapplicable in Asia. For Professor Gold, Asia is diverse. Societies sharing the Confucian traditional culture, such as Hong Kong, Taiwan, and South Korea, differ from those of Singapore and China in their political developments. Third misconception: civil society is invariably good. Professor Gold pointed out that undesirable groups like ultra-nationalists, racists and criminals might emerge and even flourish in civil society. Finally, some people believe that civil society inevitably leads to democracy. However,

there are many components to democracy, and actors in civil society could use their freedom to press for authoritarianism.

Professor Gold further identified two conditions under which civil society emerges. First, when resources are available in the society. They include wealth, network, organizational skills, and communications. The second condition is political opportunity structure. Crises and the elite's power struggles may provide such opportunities. Professor Gold recalled his two trips to China in April and June of 1989. He witnessed popular desires for autonomous organizations and the support of some actors in the private sector for the democratic movement.

Cautious optimism characterized Professor Gold's view of the development of civil society and democracy in China. Ever since his visit to China in 1975 and his study at Fudan University in 1979, Professor Gold has found that the Chinese desired changes. Besides, economic development has made the Chinese society more pluralist and dynamic. Internationalization is also conducive to the development of civil society. Professor Gold found that those who returned to Taiwan in the 1980s after their study and work in the US played an important role in the democratization of Taiwan. A similar process can be found in China now.

Professor Metzger started his presentation by emphasizing the concrete improvement of political life as the goal of political development. This goal has three components: legal democratization, changes in the informal power structure, and the realization of appropriate civic norms.

Both ideas of democracy and of civil society can be ambiguous. Civil society is commonly defined as "that part of society outside of not only the direct control by the state but also of the most intimate personal relations." But Professor Metzger went further to introduce several views of civil society and shared norms of the citizenry, both ancient and contemporary, both Western and Chinese.

Professor Metzger then turned to discuss how China's traditional cultures affect the shared norm needed for the improvement of political life. He made several arguments. First, familism and the traditional idea of *gong-de* differ from the norm of civility in the Anglo-American world. Second, an idealistic and moralistic concept of politics is not a part of the Western liberal tradition. Third, Professor Metzger found a discrepancy between a pluralist concept of political competition and the Chinese tendency to see political doctrines as true or false ideas. Finally, unlike Westerners, who view not all laws as moral and rational but deem it moral and rational to obey almost all of them, the Chinese often insist that they only obey moral and rational laws.

Professor Metzger suggested that to improve China's political life, Chinese intellectuals should pay more attention to changing the norms governing Chinese social and public life. The presentations were followed by a short but interesting discussion. The subjects under discussion included the evolving civil societies in Eastern Europe, the compatibility of the Chinese culture and civil society, and the practical ways of establishing civil society in China.

#### **Panel 5: Identity, Social and Interest Groups, and Civil Society**

(Speakers: Jiang RU, Dongtao QI; Moderator: Junfu ZHANG)

The speakers on this panel are Jiang Ru and Dongtao Qi. Jiang Ru is a Ph.D. candidate at the Department of Civil and Environmental Engineering of Stanford University. His dissertation examines environmental non-government organizations (NGOs) in China. Dongtao Qi is a Ph.D. student at the Department of Sociology, Stanford University. Before joining Stanford, he did research on politics in rural China.

Mr. Ru's talk sought to answer three questions: 1) Who are environmental NGOs in China? 2) How has the state controlled these NGOs and how have they survived under such control? 3) What have these NGOs achieved, environmentally and politically? He started out by giving a definition of NGOs. Following the John Hopkins Comparative Nonprofit Sector Project, Mr. Ru considered NGOs as organized, private, self-governing, nonprofit, and non-political organizations with voluntary participation. In addition, his characterization of NGOs included non-criminal and social aims. Using administrative data, Mr. Ru showed the growth of national and Beijing municipal NGOs registered with civil affairs offices, and national and Beijing municipal environmental NGOs registered and not registered with civil affairs offices in Beijing over time. He also talked about state control over environmental NGOs, which includes a dual mechanism with registration control by civil affairs offices on the one hand and monitoring and supervision control by civil affairs offices and designated supervisory organizations on the other. In response to state control, NGO leaders impose self-censorship to avoid trouble while evading state control measures as much as possible. NGO activities include promoting environmental awareness and exchanging information/funding with international partners. According to Mr. Ru, their primary impact is raising environmental awareness of the public.

Mr. Qi's discussion focused on political participation in rural China. He first introduced a model proposed by Donald E. Schulz and others. The Schulz model postulates that the modernization of communist countries will promote autonomous political participation, which in turn will cause institutional changes in the political system. Considering the legitimacy and security of their political power, political elites may choose to support, accept, or suppress the political participation and the resulting institutional changes. Mr. Qi tested the Schulz model by studying cases of two types of political participation, which are lodging collective complaints (anti-systemic) and villagers' self-government (within-systemic) in eleven villages of five provinces in China. He argued that these two types of political participation led to little institutional changes in surveyed villages. He provided two reasons for the outcome: the limitations of the leaders in such events and counter-measures taken by village and township cadres. He also argued that the state-society dichotomy might not be a suitable framework for analyzing rural China because China is now characterized by the interaction among multiple political powers. In particular, local cadres rather than the "state" may have a larger impact on the institutional changes in rural China. Mr. Qi concluded that the experience in rural China, though not refuting the Schulz model, calls for revisions of it.

#### **Panel 6: Chinese Traditional Society and Civil Society**

(Speaker: Ying QIAN, Ming XIA; Moderator: Xiaojiang HU)

The speaker on this panel was Ms. Ying Qian, Ph.D. candidate in Economics at Harvard University, and Dr. Ming XIA, Associate Professor at the Department of Political Science, Economics and Philosophy at the College of Staten Island, City University of New York.

Ying QIAN and Jie LI (Harvard '01) helped "Learning Enterprises," a Washington DC-based NGO, organize a voluntary teaching-English project in Huangtian village in Anhui province during two consecutive summers in 2001 and 2002. Drawing from her experience, which has been recorded on a documentary by the two film-makers shown at the meeting, Ms. Qian raised the question on how to revive local cultural resources as a source of empowerment and how to combine it with external efforts in development projects. Many NGOs are devoted to humanitarian and developmental efforts in poor regions. However, their impact is often circumvented by a passive "aids-provider" (versus "aids-receiver") nature of the relationship.

The film showed how Huangtian village gradually opened itself to the outside volunteers, how the villagers changed from passive onlookers to active participants and aggressive defenders of their interests. At the same time, voluntary teachers and project organizers all found spiritual inspirations from Huangtian's living history. In the process, outside volunteers have conveyed new information and new concepts to the villagers. Based on the new information, novel decisions and behaviors emerged from within the villages. The interaction between a traditional village and international "friends" provided the opportunities for each side to re-examine itself and to re-evaluate its own resources.

Ms. Qian raised the concept of "Friends" as one new basis of civil society. "Friends" has been an alien concept in traditional China where "family" or "kinship" is the foundation of solidarity and social participation. "Friends" should provide a much broader and therefore more diverse non-kin basis of social participation amid our effort to build stronger civil society in today's China. The significance of the Huangtian project lies in that Huangtian village is just one of countless Chinese villages that have extremely rich local history and a long cultural tradition. This project provides great insights into how to consciously use people's own history as an extraordinary source of empowerment to the people.

While most panelists refer to a State vs. Civil Society dichotomy, with the assumption that non-state society is often something positive and thus desirable, Professor Xia cautioned us of the danger of the flourishing of secret society and crime organizations, especially when the effectiveness of state function is failing. Secret society, which includes underground society and organized crimes, is inherent in the nature of non-state organizations and, although separate and independent from state, is truly anti-civil society. Professor Xia contended that there exists a triangular relationship among state, civil society and secret society, and during the time of change and the transformation of state functions, the weakening of state will provide fertile soil for the growth of unhealthy societal forces, including secret societies and crime organizations, which will further undermine the development of elements of a healthy civil society.

Professor Xia provides detailed data as to how the 20 years of reform in China is also a time of appalling growth of organized crimes. The Chinese state has been weakened in many respects and is showing signs of failure in many of its basic functions, including the protection of citizens. It is not surprising that the state has also been ineffectual in curtailing local crimes and activities of secret society. Rather, we see increasing corruption of government officials and sometimes even alliance of government officials and crime organizations. As already happened in some third-world "democracies," there is a real danger that China, instead of developing toward democracy, will slide into anarchy or mobocracy at the local level, a phenomenon parallel with the termed "Columbianization" and, according to Professor Xia, much worse than the authoritarian rule.

Therefore, instead of calling for the indiscriminate weakening and retreats of the state power, there are urgent needs to strengthen the state function at its basic level. Also, given its limited resources, it is important for the state to prioritize and de-criminalize non-violent secret society (e.g. Falungong) so as to better focus on dealing with violent crimes. A well-developed civil society also helps to check the growth of harmful secret society. As crimes are an integral part of any society therefore will forever co-exist with the state, the real question is how to find the best balance in this triangular relationship to limit the secret society to a minimal level.

#### **Panel 7: Media and Civil Society**

(Speakers: Wen HUANG, Fenghai XU; Moderator: Yang SU)

The speakers on this panel were Ms. Wen Huang of Xinhua News Agency and Knight Fellow of Communications at Stanford, and Mr. Fenghai XU, former deputy executive editor of *Ba Mian Lai Feng* (Winds) in Hainan province, China.

If other speakers are mostly observers of the social changes in China, the two speakers of this panel are veteran practitioners from the front line. But their similarity stops there. An accomplished reporter with Xinhua News Agency and a rising star in the official media, Ms. Huang represented a familiar view of “change from within” and an emphatic caution against a wholesale adoption of Western media policies. In contrast, a former deputy executive editor of a nonofficial magazine, Mr. Xu told stories of “challenge from below” in his and his colleagues’ audacious maneuver with the state censorship.

Ms. Huang has been with Xinhua since 1989 and is now a deputy director of one of its departments. A talented photographer, she earned many important assignments including one in Yugoslavia during the Chinese embassy bombing incident in 1998. Some of her works are internationally acclaimed with a picture appearing in the Time magazine and a series earning a prestigious award. With this background, she is both familiar with China’s official media and keen on observing journalism practices in the West. There are three main points in her presentation. First, she observed that the Chinese official media is gradually opening up. In 1992, Xinhua published a report about Deng Xiaoping’s southern inspection that other new agencies had been put on shelf for a few days. From this example, she seemed to imply that the official media is not a monotonous whole but a dynamic entity with various components, whose competition may represent a source for change. Second, she pointed out that the market force has profoundly changed the landscape of Chinese media with flourishing nongovernmental (*min jian*) newspapers and magazines. Third, she offered a litany of examples of how the American media has been in fact biased, examples ranging from news reports in the Yugoslavian War in 1998 to the current war with Iraq. She concluded that the path of the Chinese news reform cannot be an adoption of the Western-style free press.

Mr. Xu’s riveting stories provided a glimpse of the market force that Ms. Huang had mentioned. A Renmin University graduate with a Master’s degree, Mr. Xu quit his governmental job in Beijing and “jumped into the sea (*xia hai*)” in Hainan in 1991. He worked as the *de facto* chief editor of a company magazine until 2000. The company, one of the largest on the island at the time, sponsored the magazine as one of its efforts, which included giving charities to rural schools, to build a favorable social image. In fact, these efforts paid off in economic terms. According to Mr. Xu, at the high time of the magazine, one of the important business transactions of the company was facilitated by the fact that the executive of the other company had noticed and read the magazine. But Mr. Xu, an idealist with acute social conscience, quickly turned the magazine into a larger forum, with a national circulation and a group of renowned free lance writers such as Mo Luo, He Qinglian and Cao Siyuan. A series of state interferences ensued.

Four times in a row, Xu was summoned by party-state agencies and ordered to stop publishing the magazine. The occasions included one in which the propaganda department of the central party committee ordered Hainan province to investigate, and another in which Xu found himself surrounded by state security agents. But each time, with the tacit support from the company’s leadership, Xu ignored the order, only to publish even more controversial articles. It must have been a subject of speculation about personal luck why Mr. Xu did not earn any prison time for his defiance. More to the point for the students of social changes in China, however, is the persistence and resilience of the nongovernmental news media like this one. Xu’s magazine died, at the end of his story, not because of the government’s interference and intimidation, but because

of the end of the financial support from the company, which collapsed after a state acquisition and later in a large-scale corruption charge.

Both presentations generated great interest among the audience. In Ms. Huang's case, questioners took issue with her characterization and interpretation of media biases. The American media bias is well known, but how should we draw lessons from it for China? Should we conclude that, as remarked by Ms. Huang, "there is not such a thing called objective and unbiased news reporting," so that we can be complacent with China's media censorship? Or should we aspire to have a press that is even freer than the American one? Also, while it is obvious that no media is objective in the absolute sense, can we tell the difference in terms of degree? For example, bias notwithstanding, can we say that the American press enjoys more freedom than its Chinese counterpart at the present time?

In Mr. Xu's case, the audience commented on the promising role by commercial enterprises in testing the limits of state control. The audience were invited to imagine what would have happened if the magazine were run by a government agency. It would have been closed down, some suggested, at the first hint of displeasure from the upper-level authorities. The reason is that the main concern for people involved is to keep the official job. In comparison, the state's monitoring agencies (e.g., the Party's propaganda department) do not have the same clout over an enterprise, whose leaders do not need to stage good political performance in the eye of the party-state system. It is revealing from Mr. Xu's story how a commercial enterprise unfettered by the state can contribute to the rise of civil society.