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# From Frame of Steel to Iron Cage: The Chinese Communist Party and China's Voluntary Sector

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## Abstract

As the Chinese Communist Party (CCP) celebrated its centenary, its expanding role in penetrating, regulating, and reshaping social organisations (社会组织, *shehui zuzhi*) seemed to signal a decisive shift in not only the arrangement, but also the balance, of power between the state, the voluntary sector, and the party in favour of the latter. Beginning with the recent reform “decoupling” professional associations and chambers of commerce (行业协会商会, *hangye xiehui shanghui*) from state management, which has been cited in official documents as a model for “separating the state from society” and an initial step in further reducing the state management in other realms of activity, this article considers broad trends in the CCP’s historical relationship with social organisations, particularly alongside its shifting relationship with the state apparatus after 1949, over time. Working through both the CCP’s governing practice of “documentary politics” and, more recently, initiatives to expand “rule by law” under Xi, I argue that the party has vastly increased its power, presence, and control over both as it marked its centenary, albeit at times donning the mask of the state to do so. I conclude that the party’s continued advance under Xi is occurring at the expense of both the autonomy of the state administration and that of social forces.

## Keywords

Chinese Communist Party, party-building, non-governmental organisations, social organisations, civil society, professional associations, chambers of commerce

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In December 2020, a leaked database containing the personal details of some 1.95 million Chinese Communist Party (CCP) members revealed that the China-based branches of the Big Four accountancies – Price Waterhouse-Coopers, KPMG, Deloitte, and Ernst and Young – collectively employed more than 2,000 CCP members, including at least one partner in every firm. It also revealed that party members were working as senior political and government affairs specialists, clerks, economic advisers, and executive assistants across at least ten foreign consulates in Shanghai, and had in some cases been doing so for up to sixteen years.

The disclosure prompted thirty British Members of Parliament to table an urgent question about the matter in the House of Commons that described CCP recruitment in the foreign-owned Big Four accountancies as “a bizarre and scandalous state of affairs” (Telegraph, 2020) and to call upon the British government “to expel and remove any members of the Communist Party from our Consuls throughout China” (Radio Free Asia, 2020) a step that proved infeasible due to the presence of the party in the local professional association upon which foreign organisations rely to recruit staff. The Shanghai Foreign Agency Service Department (SFASD), established by the Shanghai Municipal Government in 1975, services over a 100 foreign organisations in Shanghai, including foreign consulates, newsrooms, and international schools (Shanghai shi waiguo jigou fuwuchu, n.d.). In 2020, the SFASD boasted twelve internal party branches with a total of 249 members (Radio Free Asia, 2020). Recent SFASD-sponsored activities include carrying out the “Two Studies, One Action” campaign (Shanghai shi waiguo jigou fuwuchu, 2020), and celebrating exemplary members with ten or more years of service (Shanghai shi waiguo jigou fuwuchu, 2017). The Chinese Institute of Certified Public Accountants, whose internal party branch dates back to 2015, is the primary recruitment venue for the Big Four in Shanghai and organises frequent party activities. One senior partner at KPMG China was quoted on a Chinese government website claiming that “making the red gene take root in KPMG and passing that on through generations” had become her “main goal at work” since joining the CCP (Telegraph, 2020). Professional associations and chambers of commerce (行业协会商会, *hangye xiehui shanghui*) have emerged as new hubs of intensive party-building activity, particularly since the 2015 “decoupling” reforms that removed them from direct state management and control. Numbering fewer than a 1,000 in the initial stage of market reform, by 2019 there were more than 70,000 business and professional associations covering every sector and level of the Chinese economy (Zhang, 2019). Once regarded as mere “transmission belts” of state authority, by the mid-1990s private business associations were technically classified as “non-governmental,” despite acting as the “close cousins of the ‘mass’ organizations with which students of Leninist systems are so familiar... closely integrated with, and function[ing] under, the leadership of institutions of the party-state” (Nevitt, 1996: 28). Pearson (1994) described them as manifestations of “socialist corporatism,” whereas Unger (1996) drew a distinction between overtly “state corporatist” professional associations, and “social corporatist” chambers of commerce, which demonstrated a capacity for “bottom up” interest articulation and limited autonomy during the Jiang Zemin era.

Seen in this light, the State Council Information Office's February 2021 announcement that a total of 728 national and 67,491 local professional associations and chambers of commerce – 92 per cent and 96 per cent of all such organisations, respectively – had successfully decoupled from the state might appear a significant step towards securing their relative independence (Zhongxinwang, 2021). Yet since the “top priority” for local authorities during decoupling was to redouble party-building efforts in those organisations (Lianzhuban, 2019), external oversight by state authorities was succeeded by the internalised control of the party, with new regulations mandating disciplinary sanctions for failing to observe democratic centralism and protect the party's “core.” As Li (2018: 163) demonstrated, whereas close state ties do not correlate to a loss of autonomy, party-building is far more transformative for social organisations across the voluntary sector by “affecting their agenda-setting, and even their internal activities.”

Although this new wave of party-building is consistent with the 2004 call to “strengthen the party's governing capacity” (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2004), I argue that the rolling back of direct state control over professional associations and chambers of commerce signals the initial stages of a decisive shift in the balance of power in the respective relationships between the party, the state, and the voluntary sector in the party's favour under Xi. As the 2016 “Opinion on Reforming the Management System of Social Organizations to Promote the Healthy and Orderly Development of Social Organizations” (hereafter, the 2016 *Opinion*) made clear, the 2015 decoupling plan (Zhonggong Gongchandang Zhongyang Bangongting, 2015) for professional associations and chambers of commerce was intended as a pilot programme (试点, *shidian*) for reforming the state management of all directly registered social organisations, the result of which potentially represents a large-scale transferal of administrative functions once overseen by the state to the voluntary sector. By seeking to clarify the principle of “who is in charge and who is responsible” (“谁主管谁负责”的原则, “*shui zhuguan shui fuze*” *de yuanze*), the 2016 *Opinion* called for the

establishment of a system of hierarchical responsibility and supervision of social organizations with Chinese characteristics, with unified registration, coordination and cooperation, with each performing its own duties...in which the role of the Party is more salient, a more optimal environment for development; *and in which state and society are separated* (政社分开, *zhengshe fenkai*) with clear powers and responsibilities, and the fundamental establishment of a system of legally autonomous social organizations by 2020. (emphasis added, Zhongguo Gongchandang Zhongyang Weiyuanhui, Guowuyuan, 2016)

Even more recently, in addition to extending the party's reach over social organisations and into government departments, the 2018 “Decision on the Deepening the Reform of Party-State Institutions” (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2018) proposes even more radical and ambitious changes, seeking “to deepen and accelerate the separation of the state from enterprises, from government funds, from public affairs, and from social organizations”: in other words, to scale back the role of the state apparatus in directly governing social organisations, enterprises, budgets, funds, and other

matters, while enhancing the leadership of the party by exerting more direct control over both the state and social forces.

As I argue in this reflection on new trends in party-state-society relations based chiefly on official policy documents, supplemented by existing scholarship in both English and Chinese, the broader contours and magnitude of this shift only become clear when viewed in the context of the party's evolving historical relationship with both the state and social forces over time. As Shen et al. (2020: 73) noted, the vast expansion of party's role in managing social organisations under Xi has rendered the dichotomous "state-society" framework obsolete, necessitating the introduction of a new "party-state-society trichotomy" model that takes into account both the state's retreat from the voluntary sector by "relaxing regulations and empowering social organizations," and the party's concomitant increased penetration of the sphere for the purposes of political control. Snape and Wang (2020: 15–16) argue that the "bold multidimensional party building initiative" under Xi actually represents less an advance of the party and retreat of the state than a reconfiguration of the power relationships between all three. The CCP under Xi "has sought to actively enter, grow from within, influence, and work through social organizations, and, where that is not possible, to expunge the space for their survival," by strengthening and diversifying the state's role, and intensifying the "party grip on state agencies and actors to prompt state implementation."

This article, relying chiefly on official documents and existing scholarship, reviews the party's relationships with social organisations across the century of its existence and argues that since 1949, the party's role in the voluntary sector can be read largely as a function of its efforts to negotiate the shifting internal dynamics of power between itself and the state apparatus. I maintain that, when read in the context of the CCP's respective relationships to both the state apparatus and social forces *over time*, the party's efforts "in multiple ways and from multiple directions, to 'enter and operate through' state and social organizations" (Snape and Wang, 2020: 20) have vastly increased its power, presence, and control over both as it marked its centenary, albeit at times with the party donning the mask of the state to do so in the voluntary sector.

As Huang (2020) noted, over the course of its existence, the CCP's relationship with the state apparatus has undergone three distinct phases of development: from an "integrated" or "unitary" party-state model during the Mao era that failed to distinguish between the two, to a brief period of attempted disaggregation during the 1980s, to the current "embedded" party-state model characterised by the reintroduction of exclusive "party groups" and separate "party committees" internal to the state (Zhongguo Gongchandang Zhongyang Weiyuanhui, 1992), which has attained its fullest development under Xi Jinping. The embedded party model has been extended beyond the state, with the current party constitution calling for party groups to be established in "central and local state organs, people's organizations, economic organizations, cultural organizations and other non-party organizations" (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2022), and the building of party cells in private firms (非国有企业, *feigongyou qiye*), every type of social organisation, including charitable trusts and foundations (慈善信托, *cishan xintuo*), and even sports teams and clubs – in other words, across both

privately owned economic organisations (Koss, 2021) and the voluntary sector (Thornton, 2012).

The current rebalancing of power within the “party-state-society” trichotomy under Xi is being pursued through both organisational and legal means, but also employs two distinct but parallel governing logics. Wu (1995: 24–26) and Zhang have both characterised the party’s “documentary politics,” a process through which the CCP leadership formalises personal preferences through the formulation of political documents, as fundamentally different from, and often at odds to, the more flatly standardised operating procedures of state bureaucracies in systems embracing “rule of law.” The expanding role of the party alongside its what Li and Zhou (2019: 20, 29) have characterised as “significant inroads into the state legal framework” is generating new cross-cutting pressures across the voluntary sector as social organisations of various types are being pressed to navigate both the party’s “rule by document,” and “rule by law.” Organisationally, as Li and Zhou (2019: 20) have noted, “instead of loosening its grip on the state and giving it more autonomous space, the party [under Xi] has narrowed the gap between them and extended its tentacles further into the space of the state.” For example, Xi’s reforms have extended the party more deeply into the management of the ranks of over 10 million state personnel, with the party’s central organisation department both absorbing the State Administration for Public Service and subsuming of the State Commission Office for Public Sector Reform, arguably institutionalising new forms of party clientelism within the ranks of the civil service (Doyon, 2018: 93) noted. At the same time, Xi has simultaneously asserted the importance of “constraining [state political] power within a cage of institutions” (Xinhua, 2013), while creating a “constitutional vacuum” that preserves party prerogative “in which constitutional issues are omitted from the constitution so that the party can employ alternative mechanisms to deal with them without being subject to any constitutional constraints” (Li and Zhou, 2019: 28). In so doing, Trevaskes (2017: 125–126) has posited that the CCP under Xi is “weaponizing the rule of law” to assert the primacy of party control over both the state and social forces. In so doing, Xi has united two formerly disparate political agendas: curtailing the activity of political forces within the party that might pose a danger to the credibility and integrity of state organs, and exerting iron-fisted control over any social forces capable of disrupting either social stability or national security.

Although the party’s advancing penetration of the voluntary sector has most frequently been rationalised as a means for breathing “new vitality” into China’s third realm (Hu, 2012; Li, 2014), some scholars and non-governmental organisation (NGO) activists have argued that these developments are in danger of either “hollowing out” (空洞化, *kongdonghua*) or, in some cases, extinguishing, social organisations (Lin, 2007: 2–5). Caught between proliferating regulations under the new “rule by law” initiative and the party’s demands to engage in political study and party-building activities, smaller and less well-resourced social organisations are left straight-jacketed by a tightening regulatory environment and vaguely worded party directives, often struggling to cope (Froissart, 2018). The CCP that emerged a century ago, which Kataoka (1974: 104, 106, 301) once described as a “frame of steel” to which grassroots social

organisations gradually became affixed, is now busily constructing an iron cage both to constrain the state and to circumscribe social forces.

## The Rise of the Integrated Party-State

Like any new political party, the CCP in 1921 was but one in a diverse field of social and political organisations. Its early survival depended upon its ability to build alliances with, and harness, other social forces in pursuit of its aims. Chen (1986: 12, 575) detailed how early party activists relied on mass line tactics, filtered through a dense web of social organisations, to mobilise popular support. Sworn brotherhoods and secret societies in rural base areas were tapped as “parochial mobilizers,” and exploited for tactical gains, to be later discarded or ruthlessly eliminated.

The provisional government of the rural soviets supervised CCP engagement with social organisations, according to a May 1931 decree that formalised the “single united, dual body” (一元二体, *yiyuan erti*) of the party-state in the making (Zhu, 2019: 31). The Sixth Party Congress Charter in 1928 called for the establishment of internal party organisations in all non-party mass organisations and administrative bodies with more than three CCP members within their number; these party branches were tasked with “using agitation and propaganda to implement the party’s slogans and resolutions among the non-party workers and peasants, so that the workers and peasants will stand with the party” (Zhongguo Gongchandang Zhongyang Weiyuanhui, 1928). Despite the instability of the civil war period, an estimated 26,126 social organisations – including guilds, study societies, and religious groups – persisted in Nationalist-controlled areas (White et al., 1996: 19).

Once in power, the party extended its reach both over the state apparatus and existing social organisations. Although both enjoyed degrees of autonomy during the initial “New Democracy” period, when the CCP adopted an integrated (党政合一, *dangzheng heyi*) or unitary party-state model in the mid-1950s (Huang, 2020), social organisations were either absorbed into the state structure as “mass organizations” or repressed. The 1950 *Interim Measures for the Registration of Social Organizations* stipulated that the Ministry of Internal Affairs and the Council of State Administration would register and manage social associations; however, lacking a centralised system to do so, implementation was irregular (Dillon, 2011: 143). Nevertheless, as Lin (2007: 4) noted, the combination of the *Measures* and successive political campaigns that followed “fundamentally ‘hollowed out’ the non-governmental nature of the various surviving bodies,” remaking them in the administrative model of party and state organisations.

As Ma (2002: 119–120) documented, Mao-era social organisations fell into one of three categories: private organisations inherited from pre-revolutionary times, newly created apolitical professional and charitable groups, and mass organisations established and managed by the state apparatus. Although most social organisations were banned after 1949, a handful of scholarly and professional associations were permitted to continue operating. For example, the Chinese Medical Association and the Chinese Red Cross were used to co-opt educated technical and managerial elites under the CCP’s

“united front.” Mao-era social organisations of the second type included newly created professional and charitable groups such as friendship associations, cultural agencies, and a small handful of transnational research exchange associations relied upon by the new government to maintain international scientific and cultural ties. Finally, so-called national “people’s” and mass organisations representing workers, peasants, women, and youth, operated throughout most of the Mao era. Despite their rather different historical backgrounds, all three types were either transformed into, or established as government-organised NGOs during the 1950s and 1960s. By 1965, roughly 100 remained at the national level and another 6,000 at the local level, all under party-state control (Xie, 2004: 26).

The party’s institutional absorption of state and social forces peaked in the mid-1960s when the unitary party-state model evolved into an even more extreme pattern of the “party substituting for the state” (Zhu, 2019:34). This extraordinary concentration of power in the party’s hands arguably facilitated the cultural revolution practice of “kicking out the party committees to make revolution,” resulting in the “triple combination” revolutionary committees beginning in 1967. These supplanted both local party and state organisations with a joint committee of revolutionary cadres, revolutionary masses and People’s Liberation Army forces. It was only after the death of Lin Biao in 1971 that party organisations gradually began to be re-established at the local level (Zhu, 2019: 32), although all twenty-nine provincial-level governments had established interlocking directorates under which the first secretary of a provincial party committee served concurrently as the head of the provincial revolutionary committee between 1970 and 1971, a practice that survived into the early post-Mao era (Zheng, 1997: 148, 196).

## The Reformist Interregnum

Deng Xiaoping’s interest in party-state reform preceded his rise to power for several decades. As early as 1941, Deng warned that “the malady of the Guomindang’s ruling the country through party institutions is the best way to paralyze, corrupt, and undermine our party, and divorce it from the masses” and urged CCP members to oppose the spreading of the Guomindang’s model of party governance to the CCP (Deng, 1941). In August 1980, at an enlarged meeting of the Politburo, Deng asserted that the central committee had felt the need to reshuffle personnel in key state council as part of “tackling the problem of distinguishing between the responsibilities of the party and those of the government and to stop substituting the former for the latter” (着手解决党政不分,以党代政的问题 *zhuoshou jiejie dangzheng bu fen, yidang dai zheng de wenti*) (Deng, 1994 [1980]). Deng returned to this theme again in 1986, arguing that party control was in fact at odds with expanding the rule of law:

Problems that fall within the scope of law in correcting unhealthy practices and combating criminal activities must be resolved by the legal system – it is inappropriate for the party to directly manage them. The party should manage issues of discipline within the party, [whereas] issues within the scope of the law should be managed by the state and the



government. The party intervenes too much, which is not conducive to establishing the concept of legality among the people. This is a problem concerning the relationship between the party and the state, and a problem of the political system. (Deng, 1994 [1986])

In elaborating further on the party-state relationship in a plenary session held just prior to the Thirteenth Party Congress in October of 1987, Zhao Ziyang not only called for the gradual abolition of party core groups within central state ministries, but furthermore argued that the separation of the party and the state was “the primary key to reforming the political system”:

When the party committee takes over government affairs, it turns itself into a government; when it handles business matters, it turns itself into an enterprise. The party is the political leader and should be doing the work of political leadership. The distribution of funds, goods, projects, approvals – all of these should constitute the day-to-day affairs of the departments of the state. If the party committee directly intervenes [in such matters], it will not only fail to fill the state’s shoes, but will also be vacating the role it ought to be playing. (Zhao, 1987)

Although abandoned following the 1989 Tiananmen demonstrations in favour of re-embedding party core groups within state offices, the original 1987 reform programme also proposed to separate the party from mass organisations such as the Women’s Federation, the Communist Youth League, and the Trade Union Federation. In 1988, these organisations had also briefly enjoyed a degree of autonomy from the party while still being overseen by the state (Chen, 1995: 150), before the window closed in 1989.

Mass organisations aside, Article 77 of the General Principles of Civil Law of 1986 (Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui, 1986) recognised social associations or “societies” (社团, *shetuan*) as legal persons – along with enterprises (所有制企业, *suoyouzhi qiye*), independently funded official organs (including national and local government offices) (机关, *jiguan*), and public institutions engaged in public service (事业单位, *shiyewei*). The state council issued further regulations in 1988 concerning foundations – (基金会, *jijinhui*), which defined them as “social associational entities” (社会团体法人, *shehui tuanti faren*) that were “non-governmental and non-profit institutions established and operated through the voluntary donations made by domestic and foreign social associations, other organizations and individuals” (Guowuyuan, 1988); and in 1989, regulations mandating the registration and management of social associations (社会团体, *shehui tuanti*) (Guowuyuan, 1989a) and temporary measures regulating foreign chambers of commerce (Guowuyuan, 1989b), no doubt prompted by the burgeoning growth of China’s voluntary sector over the course of the 1980s.

The 1989 regulations introduced a system of dual management that required social associations to find a sponsoring government department, party agency or mass organisation before registering with the state Ministry of Civil Affairs (MoCA). In return, the sponsoring agency was charged with the responsibility of carrying out annual inspections

of the association's accounts and receiving work reports. According to Deng (2010), dual registration posed significant barriers, particularly for groups without historic relationships with the state, as well as for those working in politically sensitive areas. MoCA frequently refused to register a social association working in a given field if another was already registered in the same jurisdiction, seeking to maintain what Dillon has referred to as "organizational monopolies" (Dillon, 2011: 149); but, in some cases, state officials purportedly established and registered social associations themselves to prevent other grassroots groups from attempting to do so (Deng, 2010: 187). Although larger municipalities such as Beijing, Guangzhou, and Shanghai enacted local regulations to manage social associations, legal and regulatory control prior to 1989 was patchy and uneven, allowing some groups to evade registration altogether (Table 1).

**Table 1.** Selected state laws, regulations and decisions pertaining to the voluntary sector.

1986	General Principles of the Civil Law of the People's Republic of China (Expired) 中华人民共和国民法通则	Law	NPC	Expired
1988	Methods for Managing Foundations 基金会管理办法	Administrative Regulation	State Council	Expired
1989	Regulations on Registration and Administration of Social Associations 社会团体登记管理条例	Administrative Regulation	State Council	Invalidated
1989	Provisional Regulations on the Management of Foreign Chambers of Commerce 外国商会管理暂行规定 (Revised 2013)	Administrative Regulation	State Council	Revised
1998	Regulation on Registration and Administration of Social Associations 社会团体登记管理条例 (Revised 2016)	Administrative Regulation	State Council	Revised
1998	Interim Regulations on Registration Administration of Private Non-enterprise Units 民办非企业单位登记管理暂行条例	Administrative Regulation	State Council	Active
1999	Resolution of the Standing Committee of the National People's Congress of the People's Republic of China on Banning Heretical Cult Organizations, Guarding against and Punishing Heretical Cult Activities 全国人民代表大会常务委员会关于取缔邪教组织、防范和惩治邪教活动的决定	Decision on Legal Matters	NPC-SC	Active

(Continued)

Table I. (continued)

2000	Interim Measures for Banning Illegal Non-Governmental Organizations 取缔非法民间组织暂行办法	Departmental Regulation	Ministry of Civil Affairs	Active
2004	Regulations on Foundation Administration 基金会管理条例	Administrative Regulation	State Council	Active
2004	Foundation Management Regulations 基金会管理条例	Administrative Regulation	State Council	Active
2016	(Revised) Regulations on the Registration and Administration of Social Associations 社会团体登记管理条例	Administrative Regulation	State Council	Active
2016	Charity Law 中华人民共和国慈善法	Law	NPC	Active
2019	Ministry of Civil Affairs Notice on adding content related to Party-building and socialist core values to social organizations' articles of association 民政部关于在社会组织章程增加党的建设和社会主义核心价值观有关内容的通知	Departmental Regulation	Ministry of Civil Affairs	Active
2016	Overseas NGO Law 中华人民共和国境外非政府组织境内活动管理法 (Revised 2017)	Law	NPC-SC	Revised
2016	(Revised) Regulations on the Registration and Management of Social Service Associations 社会团体登记管理条例	Administrative Regulation	State Council	Active
2017	(Revised) Overseas NGO Law 中华人民共和国境外非政府组织境内活动管理法 (Revised 2017)	Law	NPC-SC	Active
2018	Notice of the Ministry of Civil Affairs on adding content related to party building and socialist core values to social organization charters 民政部关于在社会组织章程增加党的建设和社会主义核心价值观有关内容的通知	Departmental Regulation	Ministry of Civil Affairs	Active

## Managing Social Organisations Under the Embedded Party-State

The resulting “grey zone” was arguably a natural outgrowth of what Wu (1995) has referred to as the party’s governing logic of “documentary politics,” in which the practice of the reading, studying, and ratifying of policy decisions conveyed by official document emerged as prevailing praxis. The party’s “rule by document” emerged as a means of achieving a more responsive and efficient form of governance: policies issued by decree have the advantage of avoiding a prolonged and cumbersome process of formal consultation with the public and working through the procedures of the National

People's Congress, particularly when an urgent decision or policy shift is required (Zhang, 2017). However, particularly since the Fifteenth Party Congress affirmed its intention to "rule the country according to law" in 1997 (Zhongguo Gongchandang Zhongyang Weiyuanhui, 1997), legal frameworks, rules, and regulations have increasingly emerged as a system operating in parallel to – and sometimes in competition with – the CCP's "rule by document," leaving social organisations caught between the two. In Zhang's (2017) view, the processes of consensus-building and compromise inherent in the party's system of "rule by document" fundamentally differs from the standardised application of a system of "rule of law" insofar as the former encourages both individuals and organisations to seek out and consult with superordinate authorities in order to arrive at a consensus interpretation of how to best apply new party directives – which frequently contain vaguely worded imperatives, generalities, and terms or concepts open to subjective interpretation – in light of local practice and the particular circumstances in play at the grassroots of society at a given time.

Yet, as Zhang (2017: 229) observes, in practice, the party's "rule by document" thus spawned a "society of unspoken rules" (潜规则社会, *qian guize shehui*) characterised by a proliferation of grey areas, ambiguities, and loopholes. This was particularly the case in China's voluntary sector during the early reform era, in which Deng (2010) noted that many local states prior to 1997 had practiced a policy of "no recognition, no banning, no intervention" – the so-called "three no's policy" – with respect to unregistered social organisations. The origins of this practice can be traced to a 1988 internal-circulation document issued by MoCA to Shanghai municipal authorities that had requested specific advice on how to deal with foreign NGOs. Although issued internally in response to a request for clarification in one municipality, other local risk-averse authorities followed suit, interpreting the central ministry's advice as a generalisable precedent; and in many areas unregistered domestic social organisations were allowed to continue operating so long as their activities were not perceived as threatening to either state security or social stability (Deng, 2010: 190–191). As Spires (2011) observed, this "contingent symbiosis" between local states and the voluntary sector proved adaptive for overstretched and under-resourced local authorities because charitable groups assisted in relieving public welfare pressures and demands. As Snape and Wang (2020: 16) observed of this practice, "State non-implementation was the norm; sporadic implementation was a supplementary habit. Unable or unwilling to register, an estimated 8 million social organizations existed in this grey social space beyond state control."

## The Party Advances

Seeking to improve the party's direct oversight and control over China's expanding voluntary sector, central CCP leaders in 1994 began calling for party-building directly within social organisations. In July 1996, the Politburo Standing Committee carried out a special investigation of social organisations that culminated in the issuing of the confidential *Notice on Strengthening the Management of Social Associations and Private Non-enterprise Units* (Zhongguo Gongchandang Zhongyang Weiyuanhui, Guowuyuan,

1996) released the following month. The August 1996 *Notice* flagged for urgent attention the possibility that social organisations operating within China had in fact been “supported and manipulated by Western hostile forces.” Targeted for particular concern was that handful of civic associations that claimed as their “backbone members” and “those ‘elites’ who were behind the turbulence during the spring and summer of 1989.” In a pattern that would be often repeated in the coming years, the notice called for an overall “clean-up and rectification” of social organisations to be carried out in stages, as well as the revision of existing regulations concerning the registration and management of social organisations and private non-enterprise units, “as soon as possible.”

In February 1998, the CCP Central Committee Organisation Department and MoCA issued a *Notice* calling upon registered social associations (社团, *shetuan*) with three or more CCP members in good standing to establish separate internal party organisations with the approval of either the party organisations of their supervisory agency or the party organisation of the work unit (单位, *danwei*) with which they were affiliated (挂靠, *guakao*) (Zhongguo Gongchandang Zhongyang Weiyuanhui Zuzhibu, Minzhengbu, 1998). At the same time, in the wake of the Fifteenth Party Congress’s 1999 call to “govern the country according to law,” the “grey areas” in which many social organisations had operated came under increasing scrutiny. Updated regulations on the registration and management of social associations, and “civil non-enterprise units” (民办非企业, *minban feiqiye*) – defined as civil non-commercial organisations – superseded those promulgated in 1989, followed by new laws governing the management of charitable foundations in 2004 (Zhongguo Gongchandang Zhongyang Weiyuanhui Zuzhibu, Minzhengbu, 1998; Guowuyuan, 2004). Both the 1998 *Notice* and *Regulations* provided a far more rigorous set of requirements for social associations and private non-enterprise units to meet before they would be eligible for registration, including (for social associations) a stipulated level of membership, a fixed address, and a minimum financial requirement that made many smaller and less well-resourced groups ineligible.

Fieldwork surveys conducted in 2002–2003 in Shenzhen and Anhui found that only 8 per cent to 13 per cent of grassroots social organisations in the areas surveyed met the requisite standards for registration; self-help associations for farmers and migrant workers, temporary mutual aid organisations and short-term groups – for example, teams organised to plan celebratory or other such events – were deemed ineligible and therefore technically rendered illegal under the new framework (Xie, 2004: 20).

The irony of this dilemma was captured, but by no means resolved, in the State Council and Party Central Committee’s November 1999 *Notice on Further Strengthening the Management of Non-Governmental Organizations* (Zhongguo Gongchandang Zhongyang Bangongting, Guowuyuan, 1999). The *Notice* described the fact that “illegal civic organizations” (非法民间组织, *feifa minjian zuzhi*) were still on the rise, despite the apparent success of three years of rectification, which had reduced the number of social organizations from 200,000 in 1996 to 165,000. Nonetheless, problematic organisations remained: the *Notice* named the Laid-off Workers Association, the Veterans Association, and the Migrant Workers Association as “illegal social organizations with quite complicated international backgrounds”; it also sounded particular alarm over the

Falun Dafa Research Association, which organised the largest outdoor mass protest since 1989 outside the Zhongnanhai leadership compound a few months before. In addition to reiterating the commitment of the Fifteenth Party Congress to build a “rule of law country,” the 1999 *Notice* stressed importance of not only strengthening the management of social organisations of all types in accordance with law, but also in developing new legal instruments to manage the voluntary sector as a whole.

Equally noteworthy was the *Notice*’s observation that “Party organizations have not yet been widely established in civil society organizations.” The *Notice* labelled the problem of illegal social organisations “a serious political struggle that concerns the destiny of the party, the success or failure of socialism, and the fundamental interests of the people,” and called for an accelerated development of laws and regulations on the one hand, and a strengthening of the political leadership of social organisations through party-building on the other. Social organisations with three or more party members were required to establish separate internal party organisations no later than 30 June 2000 (Zhongguo Gongchandang Zhongyang Bangongting, Guowuyuan, 1999). A few months later, the organisation department followed with its detailed “Views Regarding the Strengthening of Work of Establishing the Party in Social Organizations,” which repeated the call for accelerated party building to ensure that the voluntary sector “adhere to a correct political orientation” and “political thought work,” and, at the same time, ensure that the social organisation comply with national laws and regulations (Zhongguo Gongchandang Zhongyang Weiyuanhui Zuzhibu, 2000).

By the time the Sixteenth Central Committee’s Fourth Plenum issued its 2004 call to “strengthen the party’s governing capacity” (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2004), a nationwide party-building drive was already well underway. Aiming at “comprehensive coverage” across so-called “two new” organisations – new economic and social organisations established since the adoption of market reforms, by 2008, the party-building drive had resulted in the creation of new party branches in 53.5 per cent of eligible social associations, 55 per cent of eligible private non-enterprise units, and 51 per cent of eligible foundations nationwide (Sun, 2009: 204–205), which had also just come under the purview of newly promulgated regulations (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2004).

At the same time, as Zhang (2017: 226–228) observes, the persistence of the party’s practice of “rule by document” by its very nature undermines the universalising logic of “rule of law” avidly pursued in the era of Xi Jinping. With respect to social organisations, the cross-cutting demands of the party’s “documentary politics” – characterised by the persistent legacy of practices of consultation, consensus-building, and negotiation with state agents or supervisory authorities – alongside the state’s new proliferating legal frameworks created new inequalities: professional associations and chambers of commerce, for example, enjoyed more autonomy and relatively more capacities to self-govern under reforms introduced after 2016, whereas for other types of social organisations engaged in charitable activities, the dual management system became even more overbearing and entrenched, in some sectors even morphing into forms of triple management (Liu, 2018: 38) (Table 2).

Table 2. Selected party decisions and notices pertaining to the voluntary sector.

1998	Notice of the CCP Central Committee Organization Department and the Ministry of Civil Affairs on Issues Concerning the Establishment of Party Organizations in Social Associations 中共中央组织部、民政部关于在社会团体中建立党组织有关问题的通知	CCP Central Committee and State Council	Party Regulation	Valid
1998	Notice concerning the problems of building Party organizations in social groups 关于在社会团体中建立党组织有关问题的通知	CCP Central Committee Organization Department and The Ministry of Civil Affairs	Party Regulation	Valid
1999	Notice on Further Strengthening the Management of Non-governmental Organizations 关于进一步加强民间组织管理工作的通知	CCP Central Committee Organization Department	Party Regulation	Valid
2000	Notice concerning 'Opinion on the work of strengthening Party organizations established in social associations' 关于加强社会团体党的建设工作的意见的通知	CCP Central Committee Organization Department	Party Regulation	Valid
2000	Notice concerning 'Opinion on the work of strengthening Party Organizations Established in Social Associations' 关于加强社会团体党的建设工作的意见的通知	CCP Central Committee Organization Department	Party Regulation	Valid
2004	Decision on Strengthening the Governing Capacity of the Party 中共中央关于加强党的执政能力建设的决定	CCP Central Committee	Party Regulation	Valid
2013	Decision on Several Major Issues in Comprehensively Deepening Reform 全面深化改革若干重大问题的决定	CCP Central Committee	Party Regulation	Valid
2015	Opinion on Strengthening Party Building Work in Social Organizations (Trial) 关于加强社会组织党的建设工作的意见（试行）	CCP Central Committee	Party Regulation	Revised 2019

(Continued)

**Table 2.** (continued)

2015	Regulations on the Work of the CCP Party Groups (Trial) 中国共产党党组工作条例 (试行)	CCP Central Committee	Party Regulation	Valid
2015	Overall Plan for Decoupling Industry Associations and Chambers of Commerce from Administrative Authorities 行业协会商会与行政机关脱钩总体方案	CCP Central Committee and State Council	Party Regulation	Valid
2016	Opinion on Reforming the Management System of Social Organizations to Promote the Healthy and Orderly Development of Social Organizations 中共中央办公厅、国务院办公厅关于改革社会组织管理制度促进社会组织健康有序发展的意见	CCP Central Committee and State Council	Party Regulation	Valid
2018	Plan to Deepen Party and State Institutional Reform 深化党和国家机构改革方案	CCP Central Committee	Party Regulation	Valid
2019	Regulations on the Work of CCP Party Groups 中国共产党党组工作条例	CCP Central Committee	Party Regulation	Valid



## Decoupling Society From the State

Under Xi Jinping's leadership, there is no question that the party has become more assertive by design in countering, and even constraining, the power and prerogative of the state and its agencies "within a cage of institutions" (Xinhuaawang, 2013). "One must build a good cage," Xi elaborated in 2016. "If the cage is too weak, or if it is sound but the door is not latched and one is free to go in and out, then it's of no use" (Wang, 2016). In seeking to redress the uneven compliance of state authorities with respect to the voluntary sector, the party under Xi has scaled back the state's responsibilities for directly managing social organisations and has instituted stern measures to hold state agents accountable for all and any irregularities concerning the registration of such organisations, an approach that has been characterised by some as the "the state's retreat and the party's advance" (Li, 2005; Shen et al., 2020: 71; Thornton, 2013).

In March 2013, the State Council announced broad plans for institutional reform (Guowuyuan, 2013), including for the state's management of the voluntary sector. Concluding that one reason for the persistently high number of illegal social groups was that the requirements for registration remained too high, the new scheme floated the idea of abolishing the dual management requirement for certain categories of social organisations so as to eliminate any ambiguity concerning the responsibility of the supervisory authority, including for business and professional associations. The 2013 plan proposed the decoupling of state agencies from social organisations, and the introduction of competitive pressures to boost efficiency across the sector. The dual management requirement was partially lifted from private non-enterprise organisations – rebranded "social service organisations" (including professional associations and chambers of commerce, along with those working in the fields of commerce, science and technology, public welfare services, and charities) – allowing them to register directly with MoCA, trimming back the state's role overall to the tasks of registering them and monitoring their compliance with existing laws and regulations.

Two years later, in 2015, the ambitious *Opinion (for Trial Implementation)* laid out a bold new model for the party-state-society trichotomy that places the party at the centre of all social organisations (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2015b). While reasserting the importance of "self-governance of social organizations according to law," the *Opinion* also called for "merging the party's work with the operations and development process of the social organization"; with "social organizations and their staff closely united around the party, constantly expanding the influence of the party in social organizations." A few months earlier, the Party Central Committee had issued further new regulations that extended party groups across all every possible organisational sphere, including in the national offices of social organisations across the voluntary sector (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2015a). Revised in 2019, the regulations furthermore explicitly apply the principle of democratic centralism to both party groups and party organisations in social organisations, requiring them to implement all the decisions and policies of the party's central leadership or face disciplinary sanctions (Zhongguo Gongchandang Zhongyang Weiyuanhui, 2019).

Read as a piece, the new scheme reworks the obligations of state agents dealing with social organisations such that they are now responsible for registering and monitoring party-building at the point of application. State agencies serving as the registering authority ensure the compliance of social organisations with the demand to build and maintain an internal party organisation, and their consent to the formation of a party group comprised of the leading full-time staff members and officers of the social organisation in question. Successful party-building has been added to the key performance indicators for cadres within the registering authority; party organisations within the registering authority are furthermore tasked with sharing office space and resources with the social organisation's internal party committee if necessary, whereas the social organisations are permitted to deduct the costs associated with party-building from their taxable income allowances, in essence shifting assets and resources away from the state to support party-building (Snape and Wang, 2020: 17).

Under the new regime of “rigid embedding” (Xu, 2017) in eligible social organisations, party-building responsibilities have become part of the annual evaluation process, with results reported regularly to the registering state authority. However, surveys show considerable disparities in the achievement of these goals. In Guangdong, which ranks second nationwide in terms of its number of social organisations and a CCP penetration rate of 86.6 per cent of those in 2015, party-building work accounts for thirty of a possible total of 1,000 points, with 950 points required to attain the 5A rating required to bid for government contracts as social service providers. In Sichuan, where social organisation formation lags behind, less than 6 per cent of existing social organisations – or fewer than 100 – attained a 3A rating or higher, the minimum qualification to allow for the transfer of responsibility for some social services.

Few social organisations assisting vulnerable populations in Sichuan were thus able to meet the minimum requirements for registration: less than 25 per cent had three or more CCP members as employees or volunteers, inhibiting the establishment of independent internal party organisations. Of those with internal CCP branches and committees, many hosted party “organizations without activities, and activities without value” (Li, 2017: 24–26).

Other obstacles abound: turnover rates are high for NGO staff and volunteers alike, making it difficult to maintain stable internal party branches. Some social organisations, such as chambers of commerce, are populated chiefly by economic migrants who may be registered party members back home but are reluctant to transfer their memberships to their current place of residence (Xu, 2017). Most charitable organisations are resource-poor and lack the resources to build a party branch (Chen, 2012). Many party members in social organisations are reluctant or unwilling to take on the burden of party-building, regarding it as a distraction; some are contemptuous of or repelled by, such demands to the extent that they even conceal their party membership rather than participate (Chen, 2017; Li, 2016). Likewise, registering authorities tend to “take economic development as the unyielding aim, and party-building as a soft target” (Yang and Hu, 2018), prompting widespread “organizational idling” in which requisite party branches are established in name only in order to meet annual performance targets. One 2007

survey in Changsha found that 41 per cent of grassroots party branches in the voluntary sector carried out few to no activities; in Shenzhen, a 2008 MoCA survey found that while only 19.8 per cent of party branches in social organisations carried out activities “frequently,” 19.8 per cent of members found the events “dull, boring and unimaginative.” Even more recently, five years after the 2015 *Opinion on Strengthening Party Building in Social Organizations (for Trial Implementation)*, party researchers (Li, 2022: 159) found that among the now 901,000 social organisations then operating in China, party-building remained small-scale and scattered, particularly among groups working at the grassroots. Attempts to overcome these issues in the quest to achieve “complete coverage” (全覆盖, *quanfugai*) by establishing joint CCP branches resulted in large numbers of “idle, vacant” (空转, 空置, *kongzhuan, kongzhi*) party organisations across the voluntary sector. NGO leaders in particular frequently complained that “party building is too time-consuming and labor-intensive”; and “fear that their party-building efforts will be closely scrutinized, and worry that party building activities could undermine the normal activities of the organization.” A further problem arises from the suitability of candidates internal to social organisations that are available to carry out party-building work: those who are assigned to party-building tend to be rather junior and therefore unfamiliar with how the organisation operates; whereas the more professional, more skilled senior members of staff lack time to devote to party-building. Overall, as Li (2022: 159) concluded, the new “embedded” party-building model laid out in the 2020 *Opinion* is generally not well-suited for organisations across China’s third realm due to the absence of a unifying ideological foundation across the sector; and, as such, party-building is being carried out there largely for “instrumental rational” reasons.

Despite mounting evidence that the compulsory embedment of party cells in social organisations has produced reactions ranging from “indifference” and “perfunctory acquiescence” to “antipathy to the extent of resistance” (Chen, 2012: 38), the 2015 decoupling reforms nonetheless called for state agencies to end their sponsorship of all professional and industry associations and chambers of commerce, and to build internal party branches (Xinhuashe, 2015). Delinking would be realised by “five separations and five norms” (五分离, 五规范, *wu fenli, wu guifan*) and piloted in two rounds, involving 148 national-level associations in 2015, and 144 in 2017 (Ma, 2020: 36–37).

To be clear, the 2013 *Overall Plan* did not end state oversight: to the contrary, it called upon the state to strengthen a more circumscribed form of supervision by ensuring compliance with existing regulations working through those agencies responsible for taxation, finance, audit, and public security. Its release was accompanied by a flurry of media reports detailing state corruption and failure in managing associations, which were said to have fallen “captive” to the local officials supervising them. For example, in 2015, the Chinese Calligraphers Association either expelled or suspended eighteen members, sixteen of whom were either current or retired state employees receiving generous sinecures for serving as officers in the association. Media reports that appeared on the heels of the *Overall Plan* described that the practice of state officials receiving “hats” from social organisations in exchange for facilitating their registration and management was “widespread,” leading to the forced withdrawal of 887 state cadres in Shaanxi in 2014 from such duties. In addition, in the case of the Shaanxi branch of the

Calligraphers' Association, a central inspection team found that calligraphic scrolls produced by state cadres were being sold through the association at greatly inflated prices in order to further pad their modest state salaries. One provincial inspector observed: "Once these officials took on roles within the association, the price of their works rose rapidly, not because their calligraphy had increased in artistic value, but because their power and official status boosted their worth" (Zheng, 2016). In other cases, state officials were accused of embezzling membership fees from industry associations, misappropriating public funds in the name of supervising such organisations, or exerting undue influence over the setting of industry or environmental standards in return for generous kickbacks (*Procuracy Daily*, 2015).

Yet, decoupling was by no means uniformly welcomed, either by state agencies or by the professional associations and chambers of commerce themselves, many of whom were reliant on state subsidies and administrative support. One 2014 survey of the full-time staff of chambers of commerce and professional associations had respondents preemptively complaining that "decoupling is dumping the burden [on us]," and that "decoupling means losing our status." Others lamented, "after decoupling, how will the party committee and state guarantee our survival and development?" and "how can we operate without higher-level supervision?" (Ma, 2020: 41). In one city in Jiangsu, of the 440 professional associations and chambers of commerce that underwent mandatory decoupling in 2016, 188 were unable to establish internal party organisations two years later: seventy-five due to the fact that CCP members within their organisation were already registered in different party organisations, and forty-two had no CCP members at all within their ranks. Building new party organisations proved so complicated for the municipal authority that the task had to be "triple-subcontracted" out to various state agencies, causing "serious disconnection problems and a hollowing-out of the party building process" (Cheng and Xu, 2018). Another survey of eleven professional associations and chambers of commerce in one Shanghai district found that only a third managed to adapt after decoupling from the state and building party branches, whereas the majority found it difficult to proceed without the resources and administrative support previously supplied by their supervising agencies. A few within the sample indicated that they would likely cease operations once their extent surplus funds had been exhausted (Zhao and Zhou, 2020), a clear sign that the new party-building requirement is serving to extinguish, rather than to stimulate, the vitality of the local voluntary sector.

## **One Party to Rule Them All**

Nie and Wu (2021: 2) have confirmed that Xi Jinping's new party-building campaign is "unprecedentedly resolute and compelling" across the voluntary sector. Shortly after the 2015 CCP Central Committee's declaration that it aimed to "effectively cover" all social organisations, the CCP appointed MoCA's Social Organizations Management Bureau (SOMB) with overseeing party-building across the sector. SOMB routinely conducts investigations of social organisations, provides training and support for party organisations within NGOs, and regularly publishes lists of illegal and non-compliant social organisations. Its successes earned SOMB's former director Zhan Chengfu a promotion to

vice minister of MoCA in 2018; shortly thereafter, MoCA issued a new directive requiring all social organisations to revise their articles of association to include a commitment to establish a party organisation, carry out party-building and uphold socialist core values (Minzhengbu, 2018).

The state's role in directly managing China's voluntary sector has been significantly rolled back, but also reshaped under Xi Jinping, rebalancing the internal dynamics of the party-state-society trichotomy decidedly in the party's favour. The state's duties have been reduced to facilitating registration, auditing, and clearing the way for the party's further advance; the requirements of party-building, furthermore, have not only further reduced the scope for autonomous action and discretion on the part of social organisations, but they have also aimed to reduce heterogeneity and create isomorphism across the voluntary sector (Nie and Wu, 2021: 2).

Although the intentions driving the new party-building requirement may differ from those behind the blanket suppression of social organisations carried out during the Mao era beneath the integrated party-state model, unfortunately, early evidence suggests that it is also in danger of "hollowing out" the sector. As recently as March 2021, MoCA introduced a new campaign to "cleanse the social organization ecological space" by orchestrating ministerial initiatives across twenty-two functional systems – including education, public security, state security, justice, finance, housing, foreign exchange, and others – to deprive non-compliant social organisations of access to the space and resources they need to in order to operate. The new raft of regulations is deliberately designed to strip away the "cloak of legality" beneath which some organisations have continued to operate (Snape, 2021). Thus, the "contingent symbiosis" that once allowed both local state authorities and unregistered charities and NGOs to quietly coexist is being dismantled, and both the state and social organisations are being secured in an iron cage of legal bureaucratic design, to which the party holds the key.

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