What's that? PC: Steve Jurvetson (CC), Flickr.com

Towards a Command Civil Society?

China's Xi-Era Rules on Social Organising

Holly SNAPE, WANG Weinan

What are the future possibilities for Chinese civil society? Practitioners and academics speak of optimism or pessimism—whether 'spring' will soon come or whether civil society organisations (CSOs) will remain in the depths of 'winter' (Zhu and Lu 2022). The tougher it seems for CSOs to survive, the more common such language becomes. In recent years, it has proliferated. In the spring of 2023, one practitioner spoke to us of the farcical situation as they saw it: 'While policy calls for "high-quality" development in the nonprofit sector, many organisations are like beggars seeking scraps to survive.' But while some argue that Chinese civil society faces serious threats, others see signs of flourishing. As Shieh (2022) observes: '[A]nalysts have tried to make sense of [the] future. Most have taken a wait-and-see attitude, others have a more pessimistic outlook.' How can we explain the coexistence of such divergent, even irreconcilable, views? What does the overall terrain look like today? Can we look beyond the bricolage of seemingly disparate parts and perceive a totalising trend in the Chinese Party-State's developing rule systems?

To understand and explain the tectonic shifts in the institutional terrain for civil society under the Chinese Communist Party (CCP) and its top leader, Xi Jinping, we may need to disrupt the current common analytical paradigm—one that has us see the world in terms of the relationship between state and society. To do this, we might start with a general question: in a single-party Leninist system, does the role of the party produce critical differences in civil society compared with a multiparty system? In shaping the institutional environment, does the ruling party play a role distinct from that of its state? For instance, the party may guide the formulation of state and societal rules, formulate rules jointly with its state, and use its own rule formulation and implementation capacity to create rules that interact with state laws and regulations and social norms or customs. It may do some or all of these to different degrees during different periods, taking an indirect or more hands-on approach.

Further, is the role of the CCP in shaping the institutional environment limited to repressing or is it also one of active building? The CCP's steps to 'explicitly mark as harmful' any notion of civil society 'which might provide a means of external oversight' (Creemers 2015: 107) is well documented, as is its suppression of lawyers (Pils 2018), advocacy groups (Zhu and Lu 2022), and many others. But the possibility that the CCP is systematically using Party, state, and even societal rules to *build* its own vision of civil society (albeit not by that name) is underexplored.

What we find in tackling these questions is an institutional triptych: an 'illegitimate' realm, a 'legitimate' realm subject to attempts at Party and state planning, and a filter system–like gate in between.

Thinking about Civil Society in a Single-Party System

Attempting to understand the overall institutional environment means attempting to integrate partial and fragmented pieces of the puzzle. In so doing we must rely on certain perspectives, concepts, and discursive choices. Here, we first address those choices.

'Civil society' has a complicated genealogy. Two classic views are that civil society exists independently of the state and, conversely, that it does not. The first often regards civil society as helpful in driving change in the relationship between state and society, holding the state to account, and promoting democratisation. Certain iterations of this view even rest civil society's definition on state-made protections, regarding civil society as 'a complex dynamic ensemble of *legally protected* nongovernmental institutions' in tension with the state (Keane 1998: 11; emphasis added). Here, we reject this narrowing, as to pin a definition of 'civil society' on it being necessarily 'legally protected' would be to discount a vital segment of social organising that Chinese state policy regards as 'illegal'. Conversely, a Gramscian view holds that civil society is an integral part of the state—its 'most resilient constitutive element' (Buttigieg 1995: 4).

Specific to the single-party system of the People's Republic of China (PRC), researchers have developed the two basic understandings above. Jessica Teets (2014) argued that, rather than posing a threat to the state, CSOs can support it under 'consultative authoritarianism'. Kang Xiaoguang and colleagues developed a framework of 'administrative absorption of society' (Kang and Han 2005, 2007), arguing that the state adopts a 'categorised control system' to apply differentiated approaches to CSOs based on its perception of their usefulness and political risk. 'Absorption' in this framework describes a set of state means to make organised society succumb to or comply with state demands. Its core mechanisms are control—preventing CSOs from challenging the state—and 'functional substitution', using state behaviours to satisfy social needs thereby making some types of social organising redundant. Importantly, Deng Zhenglai (2011) highlighted that this 'absorption' approach overemphasises the formal rules and state capacity while overlooking social practices and underestimating social agency.

Striking real-world changes in the institutional environment over the past decade have inspired a new round of studies, which, though deeply insightful, typically still fit loosely under a 'state–society relationship' paradigm. Kang (2018) updated 'administrative absorption' using the language of 'neo-totalitarianism', but ultimately upheld his original framework, capturing the dynamics of interplay between society and the state. Zhu Jiangang and

Deng Hongli (2022) coined the concept 'governance absorption of charity', stressing state absorption of social resources rather than state control of society per se. Diana Fu and Emile Dirks (2021) described a 'three-pronged' state strategy toward social organising comprising tightened regulation of domestic and international CSOs, a crackdown on grassroots organising, and greater Party presence. As clear and compelling as Fu and Dirks' conceptualisation is, and though it explicitly factors in the Party, we cannot use it to perceive, analyse, and explain the interplay between the strategy's 'prongs'.

Disrupting the 'State–Society' Paradigm

While the 'Xi era' has seen the CCP's role vis-a-vis both state and society evolve and expand in myriad policy fields, the source of the need to 'disrupt' the paradigm runs deeper than recent events. A distinguishing feature of a Leninist single ruling party is that it seeks to influence society not just through its state but also directly by deeply penetrating society (Jing 2019). Under the binary analytical lens of the 'state–society' relationship, not only is the Party–state relationship obscured, but also the Party's actions in relation to society are collapsed into those of the 'state' or fall outside the field of observation (Snape and Wang 2020). This obscures interaction between the Party and society, as well as between the Party and the state; it also obscures interplay between the Party and society *via* the state.

It might seem counterintuitive to use a disaggregating lens to examine overall trends in civil society at a time when the Party is increasingly melding itself to its state (Wang and Tang 2019) and building itself in society (Koss 2021). Yet, it is precisely at such a time that the distinct role of the Party from within the state and society may grow and change.

In the study that underpins this article, we set out with a general Party–state–society framework—a 'disruptive' analytical project that has gradually gained ground in relation to the Chinese single-party system (Lin 2002; Thornton 2013; Shen et al. 2020; Snape and Wang 2020). Instead of resorting to the heuristic of the 'Party-State'—typically used to observe changes in Chinese policy and regulation—we treat the Party as

analytically distinct from the state; instead of thinking about the 'state–society' relationship, we think about interplay between the Party, the state, and society. We regard the Party as having its own organisational structures, rules, and modes of operation, and make this an explicit part of our observation process.

We further the 'disruptive' project by using a multi–rule systems approach that is attentive to the Party's rule systems, to the state's legal and regulatory systems, and to the forms and possible outcomes of interplay between these, triangulating this with what decades of scholarship tells us about societal norms. This enables us to examine a concretely defined set of behaviours—the creation and adaptation of rules—and helps us to observe the interplay between rule types. For example, while the PRC State has promulgated key laws affecting social organising, the Party has simultaneously doubled down on directly formulating policy on CSO development. A 'multi–rule systems approach' enables us to account for interplay between such different rule systems and possible totalising trends.

We examined state laws and policy documents, Party documents, and leaders' speeches, which play an important role in linking the latter with the former (for instance, state officials with roles in Party leadership bodies orally distil the spirit of Party documents to state administrators). As Shi Tianjian (1997: 12) pointed out, in Chinese politics, where documents rather than law are the authorities' main communicative device, the 'imprecise' nature of language used by documents requires administrators to engage in significant interpretation. This places a premium on discursive signalling (Schoenhals 1992) through speeches and writings to guide administrators in how to apply their interpretative discretion. Hence, we treat speeches and the discourses they weave as a basic focus alongside formal documents.

Our study focused on social organising in forms both recognised and rejected by the state. 'Social organisations' (社会组织) in theory have some degree of autonomy from the state and are distinct from Party organisations. They are an object of Party and state rulemaking and therefore a feasible focus for investigation to capture an overall picture. We analysed a body of formal Party, state, and joint Party-and-state documents (党政联合发文) on 'social organisations' collected using PKULaw and CCP websites, as well as speeches, meeting readouts, and documents on
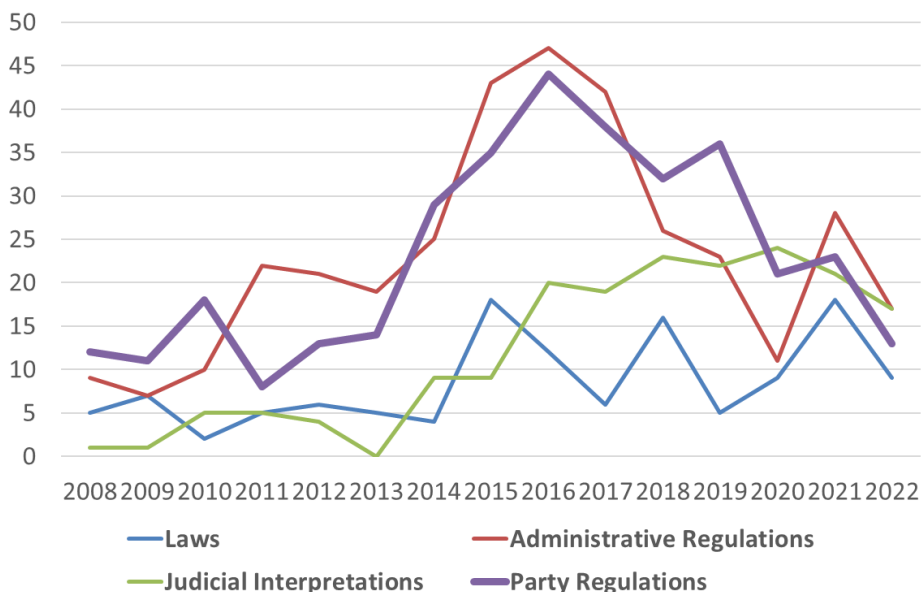
Figure 1: Documents on 'social organisations' by type
Note: The figure shows the results of an 'in full text' central-level search in PKULaw (8 February 2023). It includes every type except departmental rules (部门规章), which rank lower and are vast in number, as inclusion would obscure the ratio of Party documents to state administrative regulations and laws.

'social organisations' using different terminology. We searched PKULaw for 'social organisation' 'in title' and 'in full text' for documents issued between 1 January 2000 and 31 December 2022 (before 2000, documents typically used specific organisation types—for instance, 'social groups' [社会团体]). The 'in full text' search retrieved 6,063 central documents (5,663 currently in effect). The 'in title' search retrieved 286 central documents, which formed a core of the formal documents that we studied (borrowing from legal analysis, reading full texts, triangulating, and rereading full or partial texts in an iterative process). Figure 1 illustrates the importance of Party documents, which clearly account for a significant proportion of all policy on social organisations. It also shows the need for attention to the interplay between different rule systems. For instance, there is a clear spike in Party documents roughly in step with state administrative regulations around 2016 when the Charity Law and supplementary legislation went into force.

We tentatively conceptualise what we found as the Party's pursuit of a 'command civil society'—that is, the CCP appears to be pursuing three objectives: to obliterate what it regards as the 'illegitimate realm' of social organising (nonstate registered, unregulated social organising); to control how and which social organisers enter the 'legitimate realm'; and to plan and manage the 'legitimate realm'. These objectives amount to a significant change to the status quo that developed in the first 30 years of Reform and Opening. We explain each below.

Obliterating the 'Illegitimate' Realm

Sporadic campaigns to suppress CSOs are not new, but 2021 saw a novel approach to expunge altogether the 'grey space' in which many non–state-registered

"Roll your sleeves up and get to work, follow the blueprint to the very end." (Beijing, October 2017)
PC: Wang Weinan.

organisations exist (Snape 2021). This novel approach seeks to stymie the practices, partnerships, and informal channels on which non-registered CSOs have long relied to operate.

The PRC Constitution recognises citizens' right to freedom of association, but state rules place a precondition on the exercise of that freedom, requiring citizens to submit to 'administrative management' to realise this right (Wu 2018). Since the state began constructing piecemeal rules on organising in the 1980s and 1990s, as a precondition to exercising the freedom of association, a citizen was required to register with a state agency before establishing a social organisation. This was not to gain rights requiring state regulation, such as tax relief; it was to obtain approval to exist. An unregistered organisation was, in the eyes of the regulatory regime, 'illegitimate' or even 'illegal' (official discourse uses '非法', which can mean both). An 'illegal'/'illegitimate' social organisation (ISO) could be shuttered and banned from re-emerging.

Registration was not a direct one-step process. A would-be-legal social organisation (SO) first had to obtain agreement from a 'professional supervisory agency' (PSA) in the field in which it wished to work—for instance, an education-focused SO might go to its local Education Bureau. Potential PSAs were commonly unwilling to perform the role because it brought them responsibility and risk but little benefit. If organisers did manage to find a willing PSA, step two was to register with the Ministry of Civil Affairs (MCA) or one of its local bureaus. This two-step process formed the infamous 'dual management system' and created a threshold that was prohibitively high for many would-be SOs.

Yet an enormous informal sector of ISOs formed and even flourished (Wu 2018). Many organisations that were unable to register found ways to operate despite the formal rules, developing a repertoire of 'survival wisdom' (生存性智慧) (Deng 2011). 'Illegality/illegitimacy' brought challenges, which organisers found ways to overcome. To gain status, some

became affiliated with a registered social organisation or university. Some registered as businesses (Simon 2013), while others opted to take their chances and not register at all, finding ways to collaborate with willing parties regardless. Each method formed a kind of informal norm, generally accepted by their societal interlocutors and even, sometimes, by specific state agencies despite formal rules to the contrary (Hildebrandt 2013).

Affiliation could bring access to physical space, social networks, and the official name, address, and seal of the organisation to which they were attached for processing official business. Common strategies included drawing on social networks to gain coverage from the media, public appearances by officials, and assistance with policy advocacy from system insiders. Online spaces offered an alternative to physical meeting spaces when their lack of identity prescribed access to the latter. For office space, they rented residential premises.

Though the state had its formal rules, for decades the reality was a mixture of non-implementation, selective implementation, and sporadic implementation (Deng 2010), paired with 'survival wisdom' on the part of both state and societal actors. 'The state' long failed to shut unregistered social organisations en masse, and individual state agencies and administrators—needing to find solutions to perform their duties—quietly tolerated or openly developed relationships with them (Spires 2011). In short, it was one thing for the central state to require citizens to submit to administrative management; it was quite another for state agencies and administrators to have the capacity or the will to enforce this requirement.

In 2021, the Party joined forces with the state and sought societal assistance to implement a novel campaign, amounting to a sharp departure from the decades-old status quo. The campaign against ISOs targeted unregistered organisations (MCA 2021a). To compare the 2021 campaign with those in the past, we collected and analysed central and provincial-level documents and campaign meeting readouts from the campaigns of the same name for the previous three years (the approach contained in the 2020, 2019, and 2018 documents also rang true of earlier years). We found through documents and meeting readouts that the 2021 campaign was novel in two pivotal ways. We then triangulated this understanding with SO practitioner conversations in the spring of 2023.

First, the campaign brought the Party's capacity to bear instead of that of the state alone. During past crackdowns, one or two state agencies sought to implement state regulatory documents. In 2018, two state agencies, the Ministry of Civil Affairs and the Ministry of Public Security, cracked down on ISOs (MCA and MPS 2018). Provincial-level governments, too, drew core implementation capacity from only civil affairs agencies and sometimes public security agencies. The same was true of the 2019 and 2020 campaigns.

Conversely, the 2021 crackdown brought to bear the authority and resources of Party agencies via a 22-agency 'Party-and-state joint document'. This document was formulated and implemented by powerful Party agencies alongside state ones. It carried the seals of the Party's Central Commission for Discipline Inspection, Central Organisation Department, Central Propaganda Department, Central Politics and Law Commission, and the Central Administration for Cybersecurity, alongside those of multiple state agencies (MCA 2021d).

The second novel element of the campaign's design was its target. Past campaigns had used an inefficient approach of picking off individual ISOs. The burden of proof on the state had sometimes acted as a buffer for social organisers. This highlights a significant distinction between reliance on state rules and reliance on Party ones: state rules theoretically follow certain legal requirements. In this case, state authorities struggled to gather sufficient evidence on individual ISOs to support shuttering and 'banning' them (MCA SOMB 2018).

Conversely, the 2021 campaign aimed to suppress the space and conditions for unregistered organisations to survive (Snape 2021). It targeted the conditions on which existing 'survival wisdom' depended. The new campaign sought to 'root out' every physical and online space, connection, and activity facilitating ISO existence.

This campaign was vastly broader in terms of who it called on to implement or comply. The 22-agency document contained six sets of basic orders demanding compliance from multiple parties: businesses, registered social organisations, and public institutions; Party members and cadres; media agencies; public service providers and infrastructure operators; internet companies; and financial institutions. The orders were further refined in subsequent

meetings and documents detailing implementation requirements for each subset of societal, Party, and state actors.

The two novel points—Party participation and the targeting of survival conditions—worked in concert, using a Party-and-state joint document that commanded authority to solicit strong, broad, and consistent compliance in ways a state document could not. Named implementors of this joint document had a form of direct jurisdiction over a wide range of possible implementation and compliance entities. Here, the distinction between using a state document and using a Party-and-state one becomes clear. For instance, if the state's civil affairs system were to ask media platforms to implement its policy, this would be *an external request from a state entity without jurisdiction*. Conversely, because the Party's propaganda system 'leads' media platforms and has an organisational network to facilitate enforcement of its leadership, using a Party document meant this was *an order from above and within*. The MCA cannot order local government officials beyond the civil affairs system to cease symbiotic relationships (Spires 2011) with ISOs; Party organisation or discipline departments likely can. The MCA was able to pair with the powerful (Party-led) Cyberspace Administration of China to demand compliance from 28 internet platform operators and companies such as Tencent, Alibaba, and Baidu, as well as calling on the People's Bank of China, Xiaomi, and Bilibili (MCA 2021b), to ensure no ISO had access to internet services and to cut off domain names, websites, and communication channels, along with means for accepting payments and donations.

The Party-and-state joint document targeted each of the 'survival wisdom' practices that had developed among unregistered social organisations and officials, even citing such practices in its opening passage. It did so by requiring all types of individuals and entities to cease and desist and creating penalties for noncompliance, such as placing noncompliant registered SOs on 'abnormal activities' lists, endangering their potential funding sources. Its targets included legal organisations offering affiliation, officials making appearances to boost an ISO's credibility, and operators of online platforms offering space and services. It included banks allowing ISO transactions, public infrastructure operators enabling events, and media agencies offering publicity. Instead of targeting just

'ISO' behaviours, it pulled the rug from under long-standing practices, changing the social conditions that supported them.

The 2021 campaign requirements are now being 'normalised' (Zhan 2022) through new, permanent implementation mechanisms—for instance, with new draft annual SO inspection rules treating holding activities with ISOs as a cause for instant failure to pass the inspection (MCA 2022b: Art. 12.5). It comes in the context of emerging forms of tech-assisted governance capabilities that help to facilitate implementation—for instance, the MCA's public WeChat account now features a function letting anyone type in the name of an SO and retrieve its basic data, enabling them to determine the 'legal/legitimate' nature of an SO. The Party's intervention commands compliance from both state and societal entities—within which it has organisational presence, uses Party rulemaking that can blur or skirt administrative procedural requirements, and brings to bear the resources and authority of Party agencies on both state and society. The shift in approach—topped off in 2023 with the creation of the CCP Central Social Affairs Department—presents an inflection point in the status quo and a fundamental challenge to existing and long-accrued 'survival wisdom'.

Governing the Gate: Who Can Enter the 'Legitimate' Realm?

Persevere in 'guarding the political gate' of social organisation registration.
—Zhan (2022)

Today the registration 'gate' between designation as 'illegal/illegitimate' and 'legitimate' is pivotal. The Party-driven campaign to expunge existing survival approaches transforms the registration question into an existential one. The rate of SO registration in 2021 was at its lowest point since 2008, having slumped to 0.86 per cent (NGO Guancha 2022), suggesting the difficulty of passing through the 'gate'. Though Covid-19 prevention and control measures were likely an important factor in the 2021 figure, keeping numbers 'steady' is also clearly expressed as an aim of government policy.

State legislators have failed to ease passage for most. The 2016 Charity Law is the PRC's closest legislation to a basic law on social organisations, yet there remains what is effectively a legislative gap. The state opted in the 1990s to create various types of social organisation legal persons through secondary legislation but has since failed to produce a higher tier law to stipulate their rights and obligations. In the years before the Charity Law's promulgation, state-sponsored pilots around the country trialled multiple models of 'direct registration' for certain types of social organisation. Practitioners and legislators (Zheng 2016: 45) had hoped that the Charity Law would push through direct registration, solving the problems faced by many would-be legitimate SOs, but this did not happen (Ma 2019).

Party document formulators, meanwhile, teamed up with state counterparts to intimate that even 'direct registration' would be less than direct. Just weeks before the Charity Law went into effect in 2016, a top-level Party-and-state joint document ordered: 'When reviewing applications ... solicit the opinions of relevant departments or organise experts to conduct evaluation' (CCGO and SCGO 2016). This means that even the select few for whom 'direct registration' might be possible must undergo an application process to evaluate their eligibility.

Given the heightened importance of the 'gate', the persistence of 'dual management', and the failure to streamline registration processes for both direct and indirect registration, the discretionary authority of administrators is a critical 'linchpin of the statutory scheme' (Snape et al. 2016: 18). Administrators' decisions are influenced by state legislation and policy documents but also by Party documents and the speeches that link the latter with the former.

Against the backdrop of the Party's newly asserted claim to 'lead everything' (Jiang 2019), it has initiated deep changes in the broader regulatory environment in which all state agencies and civil servants operate, integrating the Party more tightly with the state and bolstering the former's influence. In 2019, the Party Centre made the order to 'bring out the political nature of state organs' (展现国家机关政治属性) (Central Committee 2019). State organs responded in their own planning and policy documents by asserting their 'political nature'.

At the ministry level, the state system responsible for directly managing the 'gate' responded to the new 'political' framing of its identity and work. The MCA's *Social Organisation Development Plan for the Fourteenth Five-Year Plan Period* (MCA 2021e) stressed strengthening the nature of SO registration and management organs as political organs (政治机关属性) and 'raising the threshold' for registration. Its basic implementing principles required: 'Strengthen SO registration and management organs' nature as political organs, [such that they] not only fulfil legally stipulated duties but do more to foreground their political functions.'

The subministry civil affairs system that administers the 'gate' responded by stressing its functions as political, using its annual nationwide teleconference to set guidelines for the civil servants who determine the fate of would-be registered SOs. For the first time, the 2022 annual teleconference readout stated: 'Coordinate political functions with legally stipulated duties' (MCA 2022a). Vice-Minister Zhan Chengfu (2022) distilled this into instructions, telling the civil servants who decide the fate of would-be registered SOs: 'At all levels ... build a strong consciousness of [your] being political organs ... incorporate a stress on politics in each step and throughout whole processes ... and *persevere in guarding "the political gate" of SO registration*' (emphasis added).

Zhan went on:

> Some believe thought-political leadership [思想政治引领] is the job of the PSA and the Party building organ but not [state] registration and management organs … and some don't know how [to do such work] … [T]his notion is muddled, and even entirely wrong.

As shifts in the Party–state relationship deepen, state agencies are increasingly being directed to think 'politically' both in determining who can enter the 'legitimate' realm and in managing them once they enter (to which we turn below).

The 'gate' is increasingly framed also as a mechanism to assist in actively planning and shaping the structure and makeup of the 'legitimate' sector. The 2023 conference on SO registration and management called for 'optimising the registration pattern' (优化登记布局), which can be understood in reference to other documents (for instance, MCA 2021e) as

requiring the *use of registration* to build a realm of SOs with 'balanced' coverage across different fields, regions, and levels of jurisdiction. That is, registration is envisaged as a means to actively shape social organising, permitting the establishment of certain types of SO while rejecting those that do not fit the 'optimised pattern'.

Commanding the Legitimate Realm

As a Leninist party, the CCP has always emphasised its 'organisational' capabilities and sought to embed itself in societal entities (Shambaugh 2008). However, during the first decades of Reform and Opening, the number of registered SOs was limited, the growing numbers of 'illegal/illegitimate' SOs were not feasible sites for Party-building (the Party cannot build itself in an entity its state regards as illegal), and the Party paid registered SOs less attention than it does today—for instance, early requirements were limited, focusing first on social groups (社会团体) and then on 'social intermediary organisations' (Chu 2020). Though policy in the late 1990s began calling for Party-building in certain types of social organisations (Beijing Shequ Qingnian 2017), implementation was weak. For example, Wu Zhongze (2000), then head of the MCA Civic Organisation Management Bureau, cites a survey finding that 89 per cent and 91 per cent of social groups in Beijing and Shanghai, respectively, had no Party organisation, despite policies requiring establishment.

Under the Xi administration, the CCP has foregrounded SO-related Party work. It seeks to achieve comprehensive coverage and deep penetration of the 'legitimate' realm, to enable itself to exert influence on both a granular level (inside individual SOs) and overall (over the realm of ideas and discourse that shapes SO activities). It is attempting to embed Party organisations and maintain Party work in all SOs and is pursuing this aim not only through new and existing Party mechanisms and methods (Xin and Huang 2022), but also, critically, by inserting its requirements into each process of *state regulation* of SOs.

Party and state documents are thick with directional or topical championing to guide Party activists, state administrators, and SOs themselves. They champion certain fields, topics, and types of work, or certain broad ends towards which SOs are expected to work. This ranges from 'encouragement' to concrete mechanisms to steer and incentivise. It is paired with discursive steering of the conceptualisation of social organising itself, from the denoting of unregistered SOs as 'illegal/illegitimate', to the championing of 'charity' (慈善) (rather than 'public interest' [公益], 'civic organising' [民间], and so on). Such ideational steering is codified across Party documents and law, meaning it is embedded in the workings of the regulatory system. We now detail the tangible and the discursive means used to 'command' the 'legitimate' realm.

A) Multidirectional Embedding of People

In 2015, the CCP Central Committee General Office issued a key SO Party-building document, the *Opinions on Strengthening Social Organisation Party-Building Work (Trial Implementation)* (CCGO 2015). It called for 'integrating Party work into the processes of SO operations and development' and 'unifying' Party leadership with SOs' own 'law-based self-regulation'. The document's scope reached far beyond previous documents on the subject, which had been issued not by the Central Committee but by a department thereof and which had focused on a subset of SOs. By contrast, the 2015 document was a Central Committee document and covered a far greater range of organisations: all three types of SO that must register with the civil affairs system as well as community SOs and intermediary organisations (such as law practices, auditing offices, and tax agents).

The Opinions required 'bidirectional entering and overlapping position holding' (双向进入、交叉任职) of an SO's management personnel and its Party organisation's leadership. The Party secretary should be present at SO management meetings and the choice of SO leader should be vetted by Party-building work organs (CCGO 2015). The document instructed attaching 'importance to transforming SO leaders and core staff into Party members'. While 'usually' the Party secretary should be selected from inside the SO, 'when the SO has no suitable candidate, a higher Party organisation can be asked to select and
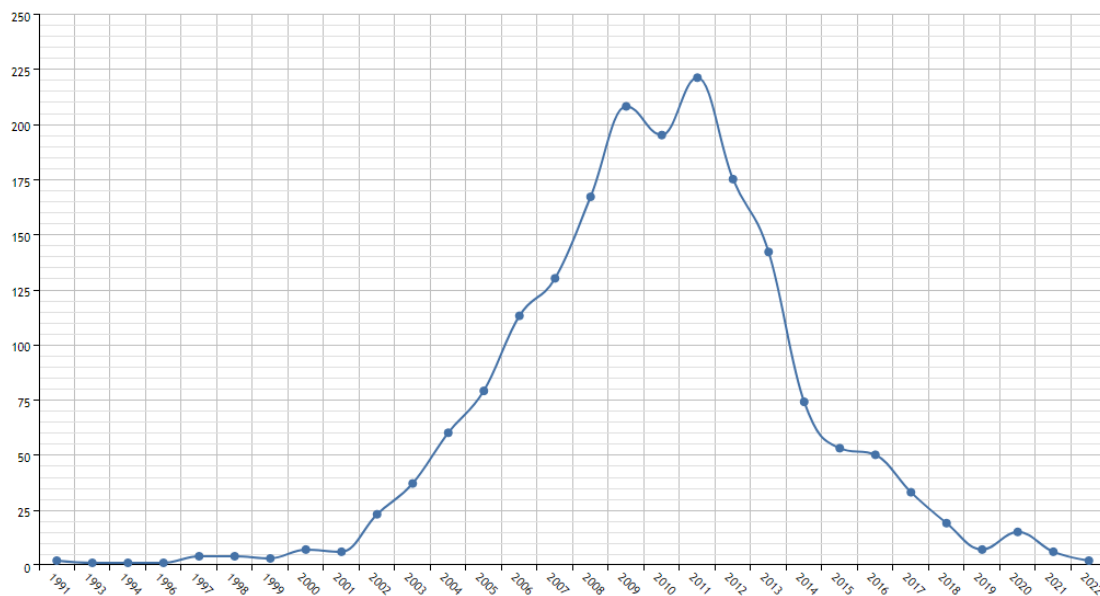
Figure 2: Chinese-language research on 'civil society' in CNKI. Note: We searched CNKI for the term 'civil society' (公民社会) 'in title' (8 February 2023). This retrieved 1,842 articles, most of which were published in 2011 (221), following which numbers clearly sank. A similar trend is observable for '市民社会', which is also used to express 'civil society'.

deploy someone'. In short, from the inside out, the Party is seeking to absorb SO leaders and core staff members into the Party and to encourage existing Party members in the SO to step into SO Party organisation (SOPO) roles. From the outside in, it may insert Party members into SOs. The Party also encourages placing SOPO members in positions of authority in state institutions (such as local people's congresses) (CCGO 2015: Art. 20).

The SOPO secretary, whether selected from within or inserted from without, is naturally also embedded within the Party's own organisational system. This means they are obliged to report up to their higher Party organisation (CCGO 2015: Art. 20). When the SOPO secretary is also the SO's leader, their embedded position in the Party's organisational system creates a direct channel between the SO leadership and the higher Party organisation—in theory, enabling orders and information to flow between the SO and the higher Party organisation.

A Leninist party seeks full coverage not only over all sectors and fields but also over social organising characterised by the geographic jurisdiction within which it takes place. Community SOs (社区社会组织)—a type of organisation voraciously championed by both Party and state policies—can be exempted from the registration requirement (that is, not labelled an ISO and shut down). Instead, they are managed by subdistrict offices/township governments or community Party organisations/residents' committees (see MCA 2017: Art. 3.1). Crucially, their activities are contained within their geographic spaces (see MCA 2017: Art. 42). Policy on community SOs replicates the above patterns of embedding. It calls for 'encouraging community Party members to serve as the heads of community SOs' and turning key community SO staff members into Party members (MCA 2017: Art. 4.1). Community SO staff who are already Party members are to be 'absorbed' into the leadership of their community's jurisdictional Party organisation—

that is, they are to work both inside the community SO and inside the leadership of the Party organisation with geographical jurisdiction over that community.

The Party also attempts to coopt and embed non-Party members. In 2020, the CCP Central Committee amended its United Front Work Regulations, designating SO practitioners as 'persons of new social strata' (新的社会阶层人士) (Central Committee 2020: Art. 31), thereby making them potential targets for united-front work. For instance, the Party selects and manages 'extra-party representatives' (党外代表人士) to link the Party and SOs. United-front workers are to select and train people from within 'the new social strata' to act as extra-party representatives and insert them into key roles—directors, vice-directors, and members—in state structures such as the people's congresses and their special committees (Central Committee 2020: Arts 40, 41, 43, 45).

B) Organisational Coverage

The 2015 Central Committee document (CCGO 2015) called for 'two full coverages' (两个全覆盖)— requiring all SOs to have a Party organisation and be covered by Party work. It pressed for the creation of Party-building work agencies as part of a differentiated set of relationships between different types of SO Party organisations and their superior organisations; SOPOs nestled into or created from within SOs must also be slotted into the Party's chain of command (隶属关系).

To implement the above requirements, to guarantee and dynamically monitor implementation of Party-building in SOs, the Party is heavily reliant on the state. State policy documents, when analysed alongside Party documents, show state agencies have systematically incorporated implementation into their regulatory processes—sometimes referred to as the 'Three In-Steps' (三同步) or 'Six In-Steps' (六同步) because Party-building is looped in to occur concurrently with the regulatory process in question, enforced by state agencies. For instance, the MCA (2016) began to require a mandatory 'letter of commitment' in which the applying SO must declare to the state registration agency its commitment to Party-building work. The MCA (2018) made it mandatory for all registering or registered SOs to include Party-building in their charters, which state agencies check as a condition of registration. Other

processes in which state agencies (and even third parties) enforce SO Party-building include SO annual reporting and evaluation: state policy requires SOs to include information on their Party-building in annual reports and evaluation teams are required to give increasing weight to Party-building to the extent that they can now skew evaluation and undermine other types of indicators. Further mechanisms are then looped into the state regulatory system to deter SOs from noncompliance (for example, poor Party-building determined through evaluation can be a matter of instant exclusion from government service procurement).

By relying on state administrators as well as its own efforts, the Party has achieved a sharp rise in its 'coverage' of SOs. The *2017 CCP Intra-Party Statistical Bulletin* showed that 303,000 SOs had established Party organisations, accounting for 61.7 per cent of the total registered (CCP COD 2018). By 2019, the statistical bulletin claimed that the principle 'all that ought to be built shall be built' (应建尽建) had been 'basically achieved' (CCP COD 2020).

C) Ideational and Discursive Steering

The Party also seeks to influence social organising by controlling (or expunging) certain discourses and by promoting its preferred discourses and ideas.

The Party's infamous 'Document No. 9' reportedly articulated its opposition to 'civil society' (公民社会), denouncing the advocacy of 'civil society' as being intended to 'remove primary-level Party organisation leadership and state presence from the self-governance of the masses ... and even place them in opposition, to ultimately form political opposition' (Minjing Yuekan 2013). The Party line has affected the multiple rule systems and academic research. For instance, in 2016, the MCA Civic Organisation Management Bureau (民政部民间组织管理局) swapped out the 'civic' or 'of the people' (民间) in its name for 'social' (社会), becoming the MCA Social Organisation Management Bureau (民政部社会组织管理局). While Party and state have long emphasised the need for control over speech and the dissemination of opinions in relation to the development of free social organising, such control appears to have grown. Figure 2 shows the sharp drop in the use of 'civil society' in the academic literature in CNKI,

Party, State, and Society Meet. The sign reads "Forever Follow The Party." Before it, a group of "public square dancers" choreograph their own moves to tunes from their stereo; behind it, the government building stands in its shadow. (Anhui, April 2023) PC Wang Weinan.

one of China's foremost academic databases. Usage peaked in 2009–11 and dropped sharply between 2012 and 2015, all but disappearing by 2018.

State administrators are involved in implementing rules on discourse and ideas. For instance, the MCA's (2021c) *Notice on Further Strengthening SO Management and Strictly Regulating SO Behaviour* stressed the need to 'adhere to the correct political direction, public opinion orientation and value orientation', 'strictly review the content of activities', and 'never provide channels or platforms' for the 'dissemination of wrong ideas and views and bad culture'.

Instead of 'civil society', 'charity' (慈善) is now widely used, although understandings of its meaning vary. Before the Charity Law, there was a period when researchers could quite freely discuss topics such as 'legislating on the right of association' and the choice of basic legislative paths related to social organising

(for instance, Liu et al. 2013). But with the introduction of the Charity Law, the views of its legislators have become clearer and subsequent debates have focused more on the Charity Law's implementation and amendment. Legislators have begun to show a clear preference for 'charity' over 'public interest' (公益), with the latter now modified by being affixed to 'charity'. Compared with the possible connotations of the term 'public interest' surrounding citizens' rights and a public sphere, 'charity' is more closely aligned with Party priorities of resource reallocation, volunteerism, and giving.

In 2016, the Charity Law's (Art. 3) definition of 'charity' reflected what many hailed as a 'broad' understanding of charity that arguably encompasses both 'charity' and ideas related to 'public interest'. But two years later, the *Regulations on the Registration and Management of SOs (Draft for Comment)* threatened to shrink that concept, equating charity roughly to 'helping the poor and aiding those in difficulty' (扶贫济困), and so on. Remarkably, unlike the Charity Law (Art. 3.5), the draft did not regard environmental protection as falling within the scope of 'charity'. The regulations (draft for comment) remain unpassed five years on, and some argue that a prolonged legislative process is preferable to pushing through a version with which many disagree (Liu and Ma 2018). Over the course of 2021–23, as practitioners and academics discussed revisions to the Charity Law, many spoke of the need to expand the definition of charity—for instance, to include animal welfare and community development (for example, Ta Foundation 2023). In January 2023, a draft for comment was opened to public scrutiny. The draft itself makes no change to the definition, though we still do not know whether any of the recommendations lodged will be accepted.

The chosen legislative path of first promulgating a Charity Law rather than a basic law on social organisations or association has privileged the perspective of function over rights or behaviours. Administrative regulation formulators then intimated a possible (but not passed) narrowing of the definition of that function (charity), which is so closely linked to SOs in the legislation. This emphasises the functionality of social organisations rather than letting them be understood from the perspective of the right to associate.

Most recently, discourses such as that on 'common prosperity' (共同富裕) and 'tertiary distribution' (第三次分配)—a buzz term currently being used

in Party and government policies that stresses the charity sector's role as distributive (Zheng 2021)— give even greater prevalence to a functional understanding of the role of SOs. While neither is entirely new, these concepts are gaining significant attention, having appeared in a spate of Party documents and speeches. For example, in 2017, the Nineteenth National Party Congress stated, '[W]e must continuously promote the common prosperity of the people.' In 2019, the Nineteenth Central Committee's Fourth Plenum made an order to 'pay attention to the role of tertiary distribution and develop charity and other social welfare undertakings'; and the 2020 Fifth Plenum cited 'the common prosperity of the people'. Such concepts and discourses are increasingly used to influence the institutional environment and resource structures that determine how social organisations in the 'legitimate' realm may operate. The Party uses value messaging in the documents and speeches at such plenums and congresses; these then seep into state policy documents and tools (such as service purchasing policies and evaluation indicators) as state agencies demonstrate their compliance with performing their 'political functions', affecting the resource and regulatory structures that influence SO operations.

Concluding Thoughts

Whether we see a deep frost settling on the social organising environment or signs of spring may depend on what we are looking for, what we are looking at, and what we hope to find. What is clear is that the shift in the institutional environment creates a stark contrast with the status quo that had developed over the first three decades after Reform and Opening.

Studying shifts in the institutional environment that had developed in fits and starts over the 30 years before the 'Xi era', we have attempted to draw together the threads of multiple rule systems to analyse the 'overall' institutional environment for social organising. This approach is explicitly attentive to the Party's rule systems, as well as to those of the state and, as far as is possible through primarily documentary research, to prevailing social norms of

organising. Though only scratching the surface, we have attempted to begin perceiving points of interplay between such different rule systems.

Using this multi–rule systems approach, we found that the CCP is seeking, with the help of its state, to expunge the 'illegitimate' realm of social organising, to change the rules for determining passage into the 'legitimate' realm, and to plan and manage the 'legitimate' realm dynamically through tangible and intangible means. We roughly conceptualise this as the Party's pursuit of a 'command civil society'. Just as a command economy is characterised by its attempt to suck away all space for markets to determine prices and allocate goods and services, the project to build a 'command civil society' attempts to suck away space for the operations of any actors and actions that do not fit within its planned and regulated sphere.

The pursuit of a 'command civil society' is operationalising Party-and-state joint documents and Party documents alongside state laws and regulations to target the social norms—the 'survival wisdom' (Deng 2011)—formed over past decades by social organisers and state administrators. The Party is using its characteristically Leninist penetration of societal and state entities to create rules for tech companies and universities to undermine means for SOs outside the state's regulatory purview to exist.

This pursuit is not only about tearing down and suppressing; it is also about building a civil society that works reliably in the service of the preferences of the CCP, on the assumption that it knows what is best for society. It seeks to gatekeep access to legitimate identity as a 'social organisation' and to influence those SOs which do manage to enter the 'legitimate' realm using the Party's presence in their decision-making mechanisms, the Party's influence over their leadership makeup, and the Party's sculpting of the discursive environment in which they operate (in turn influencing the projects they can design, the fundraising strategies they can pursue, and so on).

The state's longstanding failure—be it due to lack of will, resources, or strategy—to implement its own regulatory measures in the past was one enabling factor in the development of the post-Mao status quo. Today, it is the state on which the Party is largely reliant to facilitate Party-building and work within the 'legitimate' realm of social organising.

The regulatory regime shows that, to actualise full coverage of the 'legitimate' realm with Party-building and Party work, the Party is heavily dependent on its state. While the Party has many of its own means to press for Party-building, it is the state's multiple regulatory processes and mechanisms that act as vital catalysts and nodes in dynamically facilitating initial and continued Party-building implementation and Party work.

Reflecting on this attempt by the CCP to create such a system, it is important to remember that it is one thing for the Party to vigorously pursue the development of a 'command civil society' and quite another for it to succeed in so doing. If we can reasonably assume that associating is a common form of human behaviour—and that people have agency—enforcing preconditions on the right of association and eradicating all unregulated social organising may be too tall an order for any regulatory regime. Similarly, even the strongest efforts towards Party-building and discursive shaping may not pre-empt 'legitimate' CSOs from following their own preferences and finding innovative ways to so do. The trends in regulating set out above may instead result in new forms of organising, both within and without the boundaries delimited by the Party. They may drive a new round of learning and accumulating 'survival wisdom' on the part of social, state, and perhaps even Party entities and individuals, bringing new shape to social organising in what even today is arguably a 'most vibrant and dynamic voluntary sector' (Sidel 2022). ∎