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On the Search for Civil Society in China

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There has been a lot of speculation lately about the emergence of “civil society” in China, especially in the wake of the massive demonstrations in Beijing and other major cities in the spring of 1989. Much evidence has been marshaled to support the case: the manifestly high level of political awareness and sophistication among students involved in the demonstrations; the insistent student demands for autonomy; the warm support given to the students not only by “white-collar” professionals but also by the bulk of ordinary citizens; the seeming ability of the demonstrators to police and govern themselves in the midst of chaotic conditions; the aura of goodwill and “civility” pervading the streets of Beijing and other cities during this period; and so on. The brutal suppression of the movement by the military, imprisonment of many of the demonstrators, and subsequent repression of dissent, although seen as effective in the short run, have generally been regarded as ineffective in the long term—as flimsy barriers against an inevitable resurgence of the tide. “The ruthless campaign of suppression that began on June 4,” writes Thomas Gold (1990: 31), “revealed in turn the degree to which the [CCP] remains unwilling and unable to accept the reality of nascent civil society in China.”

Civil society is a thorny concept, fraught with theoretical and moral implications. Among China scholars, many have come to see it as the “missing link” between Western and non-Western political experiences. Against the assertion that Asian political cultures are generally inimical to Western liberal-democratic norms, the argument is now heard that civil society, which has recently emerged under communist regimes in Eastern Europe, is currently appearing in somewhat similar

guise in China, bringing in its train "democracy" (albeit "with Chinese characteristics"). Moreover, the term has come to signify nothing less than the "reign of virtue." Whatever political arrangement—whatever configuration of state and society—encourages its development is deemed good and worthy of support, and whatever arrangement stands in its way is to be condemned and altered. To apply (or misapply) the term to contemporary China is to affect profoundly the way we perceive and treat that nation. This is all to say, it matters a lot how we define the concept and employ it.

I think that most recent studies misinterpret and misuse it. All too often the term serves to embellish rather than inform discussion, creeping into the concluding remarks where we are told that what has just been described constitutes the "germ of Chinese civil society." But even where authors take the trouble to define the concept, they frequently do so in a way that trivializes it or strips it of theoretical and analytical value.

This article deals first with some of the recent studies of civil society in China. It then examines the concept more closely, offering a definition somewhat different from the one that seems to govern much of the literature. Finally, it reassesses the current state of civil society in China, suggesting ways in which we might more fruitfully examine it.

CHINA: AN EMERGING CIVIL SOCIETY?

Arguments on behalf of an "emerging civil society" in China tend to fall into one of several categories: (1) those that treat civil society as the product of a "revolutionary moment," a sudden forging of a united front among disparate social elements, taking shape essentially "at the barricades"; (2) those that see it as a recently emergent "counterelement structure," restricted mainly to urban-based intellectuals and students, yet firmly established and potentially expandable; and (3) those that view it in longer-range historical perspective, as a phenomenon clearly evident decades, if not a century ago—and now, after years of forcible suppression, reasserting itself.

The work of Lawrence Sullivan (1990) is a good example of arguments in the first category. Drawing on ideas of Rousseau and Montesquieu, Sullivan contends that civil society—a "moral and

collective body” in which “each person gives himself to all and not to any one individual”—can quite “literally come on a moment’s notice.” For Sullivan, the hallmark of civil society is the sudden capacity of once alienated groups within society to overcome their differences and present a solid front in the face of an intransigent regime. And that, he tells us, is precisely what occurred in the streets of Beijing in the spring of 1989. “Students and workers alike were now identifying their individual, *personal will* with the national interest, putting aside the divisions that had obstructed a united front ever since the first expression of popular discontent in the late 1970s” (Sullivan, 1990: 136).

Civil society as “solidarity at the barricades” is a theme running implicitly through a number of post-Tiananmen studies. Clemens Ostergaard (1989: 40), for example, writes of “the new and [to the Party leadership] dangerous prospect . . . of a nationwide autonomous organization of the discontented,” and of a “sudden, massive spread of civil society” in the spring of 1989. Jonathan Unger (1991: 6) suggests that “within the course of only one or two weeks in May 1989 [the term *shimin* (citizen)] was on everyone’s lips across the country,” with everyone now “having a common identity.” Edward Friedman (1990) highlights the active, supportive role played by peasants in the largely urban-centered events of May-June 1989.

This approach is problematic on two counts. First is the matter of evidence: did the spring of 1989 indeed witness (in Sullivan’s words) “the emergence of a cohesive popular consciousness”? As time goes on and the dust settles, it becomes increasingly clear that different observers had very different impressions of the degree of solidarity in the streets. Although some accounts tell us that intellectuals, students, and workers were able to “put aside their divisions” and present a united front, others assert that such unity was fragile at best.¹ Even among the core demonstrators—the students themselves—“solidarity” was elusive. Looking back at events, student leader Shen Tong (1990: 228) has reflected: “There were so many of us, so many groups, often going off in different directions, that the government couldn’t possibly have been sure what we were asking for and who was asking for it.”

Even granting some measure of “instant cohesiveness” among the demonstrators, how should we interpret it? The changing, volatile nature of life at the barricades may be an essential feature of “social movement,” but does it necessarily have much to do with “the emer-

gence of civil society”²? If by the latter concept we mean to measure progress away from one mode of social existence to another, surely we need more than a series of snapshots taken during the heat of a revolutionary moment. We need to focus on more profound and abiding changes in the ways that people interrelate. Other studies more properly emphasize the enduring nature of civil society. Vladimir Tismaneanu (1990: 17), for example, dubs it “the counterstructure that escapes government control,” while Martin Whyte (1992: 77) stresses the idea of “*institutionalized* autonomy” of social relations vis-à-vis the state. To allow otherwise—to concede, as does Sullivan (1990: 130), that “prospects for long-term self-management were undoubtedly limited”—is to render civil society ephemeral and risk trivializing the concept altogether.

The second approach makes a more convincing case in this regard. Merle Goldman (1991), Andrew Nathan (1990), Michel Bonnin and Yves Chevrier (1991), among others, have discerned a nascent Chinese civil society in the successful creation of networks of independent organizations “outside state control” (Goldman, 1991: 16) by such intellectuals as Wang Juntao and Chen Ziming in the period preceding the spring of 1989. No sweeping assertions here of an “emerging popular consciousness”—indeed, in a more recent article, Nathan (1991: 32) explicitly dismisses Sullivan’s central thesis. Rather, we are told, the constituent elements of a nascent civil society are relatively limited in number, largely urban based, mainly centered in the intellectual-student community. Where the first approach sees civil society as blossoming suddenly at the barricades, this one conceives of it as germinating more gradually in a “seedbed” tended primarily by urban-based intellectuals and students.

Although this perspective provides more shape and visibility to an otherwise nebulous phenomenon—giving “structure” to the “movement”—it raises another troubling question. Is the intellectual seedbed, structured though it may be, truly “independent” and outside state control? Do intellectuals in China generally see themselves as confronting the state, as part of an emergent structure seeking autonomy from government? I suspect not. As Goldman’s own studies suggest, relations between intellectual and state in China are exceedingly complex (see, for example, Goldman, 1981). No doubt some

intellectuals strive for independence from the state, but the vast majority likely see themselves as actually (or potentially) *part* of the state, seeking power (or more power). Few so far have made the leap from “priest to professional,” in Timothy Cheek’s terms: “The close relationship between members of the educated elite and the state has been a constant feature of Chinese history, including the revolutionary era, and continues to help shape the post-Tiananmen period, despite the traumatic events of 1989” (Cheek, 1992: 124; see also Perry, 1992: 158). The intellectual’s vision of civil society, in other words, is not so much “*counterstructure*” as it is “*alternate structure*”—a way of organizing and staffing the state apparatus differently, rather than challenging it altogether.

The third approach, taking a longer-range historical perspective, sees the first stirrings of civil society in China more than a century ago, on the eve of the modern republican and communist revolutions. With the traditional state system in rapid decline and incapable of responding effectively to the challenges posed by Western imperialist powers, it is argued, society-based local elites increasingly took the initiative, asserted their powers, and generally acted as “public authority.” Such developments were slowed if not completely halted by the imposition from above of revolutionary dictatorships—first Nationalist, then Maoist. Nevertheless, this argument continues, the forces making for a civil society never entirely dissipated, but survived in embryonic form through the years.³

The dominant image at work here is of an already existent civil society “resurfacing” after a long period of suppression by an antagonistic state system. The process of reemergence, we are told, has been underway since at least the early 1980s, stimulated primarily by the reforms—especially economic initiatives—launched by Deng Xiaoping and his allies. Chinese civil society, now “flourishing in the fertile soil of autonomous economic activity” (Gold, 1990: 31), can be seen as a direct descendant of the “structural changes” noted by R. Keith Schoppa (1982) in the “core areas” of late nineteenth-century Zhejiang. This is no overnight crystallization at the barricades, nor is it limited to the world of intellectuals and students. Rather, it is the outcropping of a deep and long-term development.

This is a compelling argument insofar as it captures the *enduring* structure missing in the first approach and the *counterstructure* promised but undelivered in the second. But the putative link between the “public sphere” of a century ago and civil society of today is very tenuous indeed. As I understand the term, public sphere refers to that realm of essentially local community-centered activities, unattended by state officials, requiring the cooperation and coordination of private individuals and groups for their accomplishment: “areas of extrabureaucratic community interest” (Rowe, 1990: 18), “in which consensual decisions were articulated by community leaders and services were managed by local men” (Rankin, 1986: 15). Although Rowe, Rankin, and others may be right that the public sphere expanded dramatically in the aftermath of the Taiping Rebellion and into the early decades of the twentieth century, there is little to suggest that these developments were tantamount to the “early stirrings of civil society.” In fact, the very opposite may have been the case. If the assertion of local elite control had the effect of reinforcing parochial outlooks and traditional social relations, it may have hindered more than enhanced any real movement toward civil society.

The main problem with this approach is that it conflates the terms *society* and *civil society*. They are not the same. The qualifier “civil” connotes, among other things, “concern with the commonweal.” “The virtue of civil society,” writes Edward Shils (1991: 16), “is the readiness to moderate particular, individual or parochial interests and to give precedence to the common good.” Few hold that societies are by nature civil in this regard; most see such concern for the commonweal as a mark of progress away from more traditional values to more modern norms of “citizenship.” This is all to say, it is important to distinguish between “social dynamics” and “*civil*-social dynamics.”

Indeed, all three approaches share this flawed conception of civil society, insofar as they define it exclusively in terms of “counterstructure”—as “existing outside the orbit of the state,” “beyond the control of government,” “autonomous vis-à-vis state officials,” so forth. The underlying premise seems to be that the existence and viability of civil society vary directly with the distance (or absence) of state power. But this seriously distorts the meaning of the term. Historically conceived, civil society is as much a creature of the *state* as it is of society. The

interrelations among these three elements—state, society, and civil society—are far more complex than much of the recent literature allows. We need to reexamine our terms.

STATE, SOCIETY, AND CIVIL SOCIETY

To what extent is civility a natural emergent feature of society? To what extent does it depend upon imposition of order by the state? Simply stated, these queries lie at the heart of much of the debate over the meaning and origins of civil society. Few theorists have gone to the extremes of either Hobbes or Paine: the one convinced that civil society exists only by virtue of the presence of state power; the other, that it thrives only in the total absence of such power. Most see elements of *both state and society* as essential components of a healthy civil society. Nevertheless, there are strongly divergent views regarding (1) which element—state or society—is to prevail and which is to serve mainly to “check” the other; and (2) the degree to which a viable civil society is autonomous vis-à-vis both state and society.⁴

Although Hobbes and Paine had diametrically opposed views of the origins of civil society, they nevertheless agreed it had no meaning or existence apart from state or society. With theorists as diverse as Locke, Hegel, and Tocqueville, the nature of civil society becomes not only more “mixed” but also more independent and self-assertive.

Locke firmly believed that state power was essential to the maintenance of social tranquillity, but he also admitted the possibility of a “natural” social solidarity. Accordingly, Locke’s civil society was neither Hobbes’s Leviathan nor Paine’s “minimum state.” It was essentially a collective, contractual arrangement undertaken by society’s elites to impose and accept order among themselves for the purposes of protecting and facilitating their individual enjoyment of certain natural rights. According to Zbigniew Rau (1987: 582-583),

[Locke] treats civil society as the sum of independent moral beings whose rational choices place them in the Commonwealth. Briefly stated, his civil society is a collective effort to enforce the individually realized natural concept of justice. In other words, it is a voluntary organization of individuals, set up as the result of the social contract,

and centered around moral purposes, to which they desire to give a political dimension in public life. This is the guarantee that in accordance with the principles of the workmanship model, man will be in a position to follow his calling in his social and political relationships.

This line of thought moves us beyond an easy equation of civil society with either society or state: although not entirely separate from either, it is at the same time something quite different.

Nineteenth-century theorists like Hegel and Tocqueville carried this tendency even further. For Hegel, civil society represented, among other things, a realm of individual producers engaged in economic exchange, relatively free from domination by a patriarchal society. From Tocqueville's perspective, it was a realm of widespread associational activity, relatively free from direct control by the state. Hegel saw civil society as an essential condition of individual freedom vis-à-vis society (Stillman, 1980); Tocqueville saw it as an essential condition of political democracy vis-à-vis the state (Keane, 1988: 51).

Hegel (like Hobbes) posed civil society as a necessary counterweight to a defective natural social order, whereas Tocqueville (like Paine) posed it as a necessary counterweight to a defective "unnatural" state order. Although they came from radically different directions at one level of analysis, Hegel and Tocqueville were of one mind (and contrary to both Hobbes and Paine) in ascribing a considerable degree of autonomy to civil society, seeing it not simply as state or society in different guise but as a product of both—somewhat a reflection of the natural social order, somewhat a creature of state authority, somewhat an entity onto itself.

In Hegel's view, the state's role was not to displace society (*à la* Hobbes), but rather to merge with it in complex fashion. By providing and enforcing procedures for the resolution of social conflicts, the state was to link up with society within the realm of civil society. Civil institutions were designed to loosen society's constraints on the individual, but they were also meant to preserve and strengthen those facets of the social order that nourished him. According to Peter Stillman (1980: 637), Hegel held that "the state, in recognizing the validity of the pluralism and freedoms of civil society, also recognizes that the family must be maintained and guarded as an essential precondition for freedom and individual development."

At first glance, Tocqueville's civil society appears not to fit the mold of a "mixed order," for it seems to exclude the state altogether. What captured Tocqueville's attention in nineteenth-century America, after all, was the widespread propensity of people to associate for a multitude of purposes having little or nothing to do with government. He saw this broad belt of diverse and autonomous group activity as society's ultimate defense against the tyranny of the state. However, we should not leap to the image of "civil society against the state," for Tocqueville was quick to point out that the state itself can—indeed, must—play an important role in strengthening and perpetuating the forces of civil society. For the latter to thrive, it is essential that the state impose certain obligations upon individuals to act as citizens and participate in their own governance.

The free institutions which the inhabitants of the United States possess, and the political rights of which they make so much use, remind every citizen, and in a thousand ways, that he lives in society. They every instant impress upon his mind the notion that it is the duty as well as the interest of men to make themselves useful to their fellow creatures [Tocqueville, 1954: 112].

Like Hegel, then, Tocqueville envisaged a complex interplay of state and society in maintaining the good health and vitality of civil society.

At this point, let me offer and explore a definition somewhat different from the one that seems to govern much of the current writing on China. Civil society may be understood as a community bonded and empowered by its collective determination to resist, on the one hand, excessive constraints of the society and, on the other, excessive regulations by the state. Although civil society is a relatively autonomous entity, distinct from both state and society, it nevertheless partakes of both, and faces and constantly interacts with both.

By the term *community* I mean to stress that civil society coheres. It is more than an aggregate of individual producers driven by self-interest; it is more than a "floating population" suddenly uprooted from home or workplace. Although these phenomena ultimately may give rise to civil society, the latter emerges by way of conscious choice on the part of an expanding body of individuals qua citizens.⁵ Civil society is animated and sustained by widely shared beliefs and attitudes—"shared moral visions," to use Richard Madsen's phrase⁶—concerning

relations among individual citizens, and between this community of citizens and the state. These attitudes and beliefs touch upon such crucial matters as resolving conflicts, setting the outer limits of dissent and deviance, and determining proper modes and style for pursuit of particular interests—all largely “private” matters, handled openly, in the “public” forum, in a “civil” manner.

From one perspective, this community that constitutes civil society is distinguishable from both state and society. Indeed, as the above definition suggests, the very *raison d'être* of civil society—what gives rise to it and sustains it over time—is the determination of its members to achieve some degree of autonomy and self-organization in their quest for individual freedom and political democracy. But a well-functioning civil society cannot be totally autonomous of either society or state. Although entanglements with the private world of family obligations, personal connections, and social prejudices may well frustrate many an individual's quest for self-identity and freedom, such linkages also lend strength to civil society as a whole, giving it a certain “natural” resilience in the face of state intrusion. Similarly, although entanglements with institutions imposed and policed by the state may well encourage tendencies toward despotism, some degree of penetration by the state's “infrastructural power” is essential to the good health of civil society.⁷ As Edward Shils (1991: 16) has written,

Although autonomy vis-à-vis the state is one of the features of a civil society, the autonomy is far from complete. Civil society operates within the framework set by laws. The laws of such a society are, among other things, intended to hold conflict in check by compelling adherence to agreements, and by inflicting sanctions on actions which criminally damage other persons. Laws require that rights within the civil society be respected and that duties be performed.

Civil society, then, is a community in constant tension, its members pulled in several directions simultaneously: toward one another and apart, both toward their individual private worlds and the more public realm of state authority. Tension is a defining feature of civil society and a major source of both its strength and weakness. To the extent that citizens respond to conflicting obligations by recommitting themselves to a common cause, civil society thrives—an ideal portrayed by both Hegel and Tocqueville, despite their radically different bents.

On the other hand, to the extent that the tension dissipates and citizens drift apart in one direction or another—toward state or toward society—the days of civil society are numbered.

CHINA REVISITED

What I hope emerges from this discussion is a substantially different conception of civil society from the one that pervades much of today's literature on China. Rather than conflating the concepts "society" and "civil society," I see them as quite distinct. Rather than gauging the emergence of civil society essentially in terms of "separation from state," I see the issue as more complex—namely, (1) that a viable civil society depends, as well, upon its separation from society, and (2) that the state can be a powerful ally and instrument in the process.

This is hardly a new perspective. Indeed, until not so long ago it dominated our view of China. Although some accounts clearly overstated the extent to which Chinese society by nature constituted a Hobbesian world of "all against all," it was generally agreed that something akin to a Hobbesian "security state" was necessary, if not inevitable. Observers might differ fiercely over the degree to which the state should intrude, the means it should use and the success it was having, but few took issue with the proposition that a strong dose of state power was essential to creating a new civil order in China.

Forty years on, views have changed. Many now say that the Chinese people *do* possess the "basic consensus on fundamentals" required for the maintenance of civil society. The argument, moreover, is not that the state has done its job well over the years. On the contrary, we are told that the Chinese Communist Party (CCP) pitted itself against civil society from early on, blocking its spontaneous emergence (Gold, 1990). In effect, the Party missed a golden opportunity simply to act as "midwife" or "facilitator," intruding only to assist the natural process of civil society's birth.

The image is appealing, but misleading. There is little evidence to suggest that civil society was astir in China forty years ago or that some form of benign political tutelage would have sufficed to bring

about its birth. Many of our past perceptions and interpretations were dead wrong, but surely not all of them. Chinese society of the 1950s was a long way from being civil. It was essential that the state intrude rudely and violently to liberate people from the constraints of traditional family and social bonds, precisely in order to prepare the soil for civil society's future growth. Over the years the state has frequently transgressed its proper limits, has intruded too deeply into the lives of its people, and has unquestionably stifled "natural" propensities to associate. Whether, on balance, state action has enhanced or blocked the emergence of civil society, however, is exceedingly difficult to judge. Those who argue that several decades of political dictatorship have served only to retard its progress must provide us with more convincing evidence.

So where *do* things stand? How civil is contemporary Chinese society? Is there today a generally widespread commitment among Chinese, to repeat Shils's words, to "moderate particular, individual or parochial interests and to give precedence to the common good"? Do most people recognize it as "their duty as well as their interest to make themselves useful to their fellow creatures"? Is opposition to government accompanied by a "collective determination to resist excessive constraints of society"? Such questions, which seek to measure the distance between citizen and society, are inherently more difficult to answer than those that focus on the gap between "people" and "government." Nonetheless, these are the questions that must be pursued if our purpose is to gauge the presence of civil society in China.

Much work has already been done along these lines. Studies by Andrew Walder, Anita Chan, Mayfair Mei-hui Yang, Jean Oi, Helen Siu, Graham Johnson, Jack and Sulamith Heins Potter, Thomas Gold, Stanley Rosen, and many others have examined various facets of popular attitudes and behavior in both city and countryside. Not surprisingly, the findings are mixed. Some suggest distinct shifts in patterns, others emphasize the tenacity of traditional ways. Signs of new "civic awareness" are often beclouded by ambiguity. Indeed, as we shift our attention away from the barricades and from the world of the intellectuals and students, Chinese civil society seems not so clearly in evidence. Individual and parochial interests typically take

precedence over the common good, and social forces still act to constrain the individual qua citizen.

Must we conclude, then, that the concept of civil society has little or no relevance to China, and that a possible link between Western and Asian political experiences has gone missing again? No, but we do need to change our approach to the topic. Not only must we be more attentive to the changing relationship between society and citizen, but also—to pick up an earlier point—we must recognize that the state plays an important part in this dynamic. To lift a familiar phrase out of context, we need to “bring the state back in.” More precisely, we need to conduct our search for civil society in areas a bit closer to the state—areas, that is, where the state can and does help to encourage the emergence of citizen from society.

One area of potentially fruitful inquiry is the industrial workplace. In her study of a collective printing enterprise, for example, Mayfair Yang (1989) describes precisely the sort of community that could—perhaps will—evolve into a key component of civil society. Partially of society, partially of the state, the unit appears to be changing markedly under the impact of reform. Not only does the group itself seem more prepared to articulate its interests vis-à-vis the state, but individual workers seem more assertive of their own rights vis-à-vis the group. Thus we see emerging the kind of tensions so central to the creation and viability of civil society.

Recent articles by Andrew Walder and Anita Chan are suggestive as well. Surveying changing attitudes and behavior in industrial enterprises, Walder (1991) concludes that, over the years of reform, “workers have developed a heightened awareness of their collective interests . . . [and] a heightened interest in legal procedure and other ‘democratic’ reforms within the enterprise” (p. 482). Set in the context of Walder’s earlier work (1983, 1986), which emphasizes the persistence of prerevolutionary patron-client relations among cadres and workers in contemporary Chinese factories, these findings suggest the emergence of a new collective spirit among industrial workers, targeted not only against the state, but against more traditional societal values as well. And a recent paper by Chan (1992) argues that state-imposed institutions can facilitate this very process. “A well-functioning state corporatist institution [like the All-China Federation

of Trade Unions],” she writes, “can alleviate the built-up of social tensions in some workplaces,” helping to clear the way for the emergence of what she terms “societal corporatism” (p. 27).

Although Walder and Chan carefully skirt the concept of civil society, nevertheless their findings bear directly upon it. Walder ends his article by observing that workers today are more willing than before to assert their rights as “Chinese citizens” (Walder, 1991: 492) and Chan falls back on the concept of “societal corporatism” as an alternative to the more problematic notion of civil society (Chan, 1992: 15). The essential message of both is that relations among state, society, civil society, and individual are exceedingly complex.

Another possible area of inquiry is the realm of civil law. As is well-known, reform of the legal system has been high on the CCP’s agenda since the late 1970s. An important part of this effort has been to promulgate and institute procedures for the resolution of civil disputes. Although not totally repudiating the more traditional society-based mechanisms, which were used extensively throughout the first several decades of CCP control,⁸ the post-Mao regime has sought to bring the process of dispute resolution more clearly and firmly under the state’s direct jurisdiction. In Pitman Potter’s words, “arbitration mechanisms and institutions were promoted in order to retain elements of consensual informality, while adding greater certainty and finality to the dispute resolution process” (1991: 39).

What has been happening in practice? Are more people taking their neighbors, business partners, husbands, and wives to court? Do more of them seem ready and willing to pull away from the informal social mechanisms of dispute resolution and put their trust in the formal state mechanisms? The evidence, again, is mixed. According to Potter (1991: 42), the new regime norms have been widely embraced by economic actors, but seem less pronounced in noneconomic transactions. Overall, however, there does appear to be discernible movement toward a more litigious society.⁹ By “more litigious,” I do not mean necessarily more quarrelsome, but rather more inclined to take quarrels to court and accept the latter’s judgment. From this perspective, as Chinese society becomes more “litigious,” it becomes more civil.

I conclude, therefore, on a somewhat upbeat note. Civil society is emerging in present-day China, although not where many observers

tell us: not at the barricades, nor in the rather contained world of intellectual-based activities. And, although Strand and others are certainly correct in seeing Chinese civil society as but the outcropping of a deep and long-term development, we must be careful not to take any sign of “independence, or potential independence, against state power” (Strand, 1990: 12) as *prima facie* evidence of its presence. We should seek out and explore those areas that reveal state, society, and individual in steady tension—areas like the industrial workplace and the realm of civil law. The evidence here so far is scanty and mixed, but it does suggest that the prospects for civil society in China are not entirely bleak.

NOTES

1. On tensions between students and workers, see Wilson (1990: 59) and Perry (1992: 153-158); on divisions among the ranks of students and intellectuals, see Chong (1990); on the general lack of peasant participation in the events of 1989, see Zweig (1989).

2. Tony Saich (1990), for one, treats the events of 1989 in terms of a “social movement” and avoids the term *civil society* altogether. Related to this point, Joseph Esherick (1991: 95-96) draws on Robert Darnton’s characterization of events in revolutionary France to frame his own observations of demonstrations in Xi’an, describing them as “one of those moments of madness, of suspended disbelief, when anything looked possible and . . . [people] moved from *vous* to *tu*.”

3. The most forceful argument along these lines has been made by David Strand (1990). For a good summary of the argument, see David Kelly and He Baogang (1992: 25-28).

4. Much of the following discourse has been stimulated by John Keane (1988), especially chapter 2, “Remembering the Dead: Civil Society and the State from Hobbes to Marx and Beyond.”

5. Thus Kelly and He (1992: 37) attribute the weakness of Chinese civil society, in part, to its lack of “self-consciousness of itself as a civil society.”

6. See Madsen’s article in this symposium.

7. For an elaboration of this argument, see Michael Mann (1984).

8. The classic study here is Lubman (1967).

9. Gold (1985: 663-664) sees this development as part of a more general “commoditization” of personal relations in China.

REFERENCES

- BONNIN, M. and Y. CHEVRIER (1991) “The intellectual and the state: social dynamics of intellectual autonomy during the post-Mao era.” *China Q.* 127: 569-593.
- CHAN, ANITA (1992) “Revolution or corporatism? Chinese workers in search of a solution.” Paper presented at Murdoch University, Western Australia.

- CHEEK, T. (1992) "From priests to professionals: intellectuals and the state under the CCP," pp. 124-145 in Jeffrey N. Wasserstrom and Elizabeth J. Perry (eds.), *Popular Protest & Political Culture in Modern China: Learning from 1989*. Boulder, CO: Westview.
- CHONG, WOEI LIEN (1990) "Petitioners, Popperians, and hunger strikers: the uncoordinated efforts of the 1989 Chinese democratic movement," pp. 106-125 in Tony Saich (ed.), *The Chinese People's Movement: Perspectives on Spring 1989*. Armonk, NY: M. E. Sharpe.
- ESHERICK, J. (1991) "Xi'an spring," pp. 79-105 in Jonathan Unger (ed.), *The Pro-Democracy Protests in China: Reports from the Provinces*. Armonk, NY: M. E. Sharpe.
- FRIEDMAN, E. (1990) "Deng versus the peasantry: recollectivization in the countryside." *Problems of Communism* 39, 5: 30-43.
- GOLD, T. (1985) "After comradeship: personal relations in China since the cultural revolution." *China Q.* 104: 657-675.
- (1990) "The resurgence of civil society in China." *Journal of Democracy* 1: 18-31.
- GOLDMAN, MERLE (1981) *China's Intellectuals: Advise and Dissent*. Cambridge, MA: Harvard Univ. Press.
- (1991) "The men who took the rap in Beijing." *World Monitor* (August): 16-19.
- KEANE, JOHN (1988) *Democracy and Civil Society*. London and New York: Verso.
- KELLY, D. and HE BAOGANG (1992) "Emergent civil society and the intellectuals in China," pp. 24-33 in Robert F. Miller (ed.), *The Development of Civil Society in Communist Systems*. Sydney: Allen & Unwin.
- LUBMAN, S. (1967) "Mao and mediation: politics and dispute resolution in communist China." *California Law Rev.* 55: 1284-1359.
- MANN, M. (1984) "The autonomous power of the state: its origins, mechanism and results." *Archives Européennes de Sociologie* 25: 185-213.
- NATHAN, ANDREW (1990) *China's Crisis: Dilemmas of Reform and Prospects for Democracy*. New York: Columbia Univ. Press.
- (1991) "Tiananmen and the cosmos." *The New Republic* (July 29): 31-35.
- OSTERGAARD, C. (1989) "Citizens, groups and a nascent civil society in China: towards an understanding of the 1989 student demonstrations." *China Information* 4: 28-41.
- PERRY, E. (1992) "Casting a Chinese 'democracy' movement: the roles of students, workers, and entrepreneurs," pp. 146-164 in Jeffrey N. Wasserstrom and Elizabeth J. Perry (eds.), *Popular Protest & Political Culture in Modern China: Learning from 1989*. Boulder, CO: Westview.
- POTTER, PITMAN (1991) "The Consequences of Riding the Tiger: Integration and Alienation of Norms in Chinese Legal Cultures." Unpublished manuscript.
- RANKIN, MARY B. (1986) *Elite Activism and Political Transformation in China: Zhejiang Province, 1865-1911*. Stanford: Stanford Univ. Press.
- RAU, Z. (1987) "Some thoughts on civil society in Eastern Europe and the Lockean contractarian approach." *Political Studies* 35: 573-592.
- ROWE, W. (1990) "The public sphere in modern China." *Modern China* 16, 3: 309-329.
- SAICH, T. (1990) "When worlds collide: the Beijing people's movement of 1989," pp. 25-49 in Tony Saich (ed.), *The Chinese People's Movement: Perspectives on Spring 1989*. Armonk, NY: M. E. Sharpe.
- SCHOPPA, R. KEITH (1982) *Chinese Elites and Political Change: Zhejiang Province in the Early Twentieth Century*. Cambridge, MA: Harvard Univ. Press.
- SHEN TONG (1990) *Almost a Revolution*. Boston: Houghton Mifflin.
- SHILS, E. (1991) "The virtue of civil society." *Government and Opposition* 26, 1: 3-20.
- STILLMAN, P. (1980) "Hegel's civil society: a locus of freedom." *Polity* 12: 622-646.

- STRAND, D. (1990) "Protest in Beijing: civil society and public sphere in China." *Problems of Communism* 39, 3: 1-19.
- SULLIVAN, L. (1990) "The emergence of civil society in China, spring 1989," pp. 126-144 in Tony Saich (ed.), *The Chinese People's Movement: Perspectives on Spring 1989*. Armonk, NY: M. E. Sharpe.
- TISMANEANU, V. (1990) "Eastern Europe: the story the media missed." *Bulletin of Atomic Scientists* (March): 17-21.
- TOCQUEVILLE, ALEXIS DE (1954) *Democracy in America, Volume 2*. New York: Vintage.
- UNGER, J. (1991) "Introduction," pp. 1-7 in Jonathan Unger (ed.), *The Pro-Democracy Protests in China: Reports from the Provinces*. Armonk, NY: M. E. Sharpe.
- WALDER, ANDREW (1983) "Organized dependency and cultures of authority in Chinese industry." *J. of Asian Studies* 43: 51-76.
- (1986) *Communist Neo-Traditionalism: Work and Authority in Chinese Industry*. Berkeley, CA: Univ. of California Press.
- (1991) "Workers, managers and the state: the reform era and the political crisis of 1989." *China Q.* 127: 467-492.
- WHYTE, M. (1992) "Urban China: a civil society in the making?" pp. 77-101 in Arthur Lewis Rosenbaum (ed.), *State & Society in China: The Consequences of Reform*. Boulder, CO: Westview.
- WILSON, J. (1990) "Labor policy in China: reform and retrogression." *Problems of Communism* 39, 5: 44-65.
- YANG, M. (1989) "Between state & society: the construction of corporateness in a Chinese socialist factory." *Australian J. of Chinese Affairs* 22: 31-60.
- ZWEIG, D. (1989) "Peasants and politics." *World Policy J.* 6: 633-645.

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