



# Explaining the expansion of the NGO sector in China: Through the lense of adaptive corporatist governance

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## Abstract

What explains the exponential growth of the number of nongovernmental organizations (NGOs) in China during the recent decades? Moving beyond the extant literature that focuses on the strategic relationship between NGOs and the local state, this article argues that the growth can be also attributed to the central state which has focused on the promotion of different types of NGOs throughout time. The proactive role of the central state has become more conspicuous under the Xi Jinping administration where the party-state plays a more active role in maneuvering the growth of a service-oriented third sector. This adaptive strategy has led to the counterintuitive phenomenon of an increase in institutional space for NGOs in authoritarian China, especially the social service-oriented NGOs in recent years. This article draws from theories of institutional change to explain the process through which the central state has expanded institutional space for NGOs throughout time.

## KEYWORDS

authoritarianism, China, corporatism, institutional change, NGO policy

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## INTRODUCTION

In stark contrast to the prevalent image of the Chinese government as oppressing political freedom and autonomous civic movements, there has been a phenomenal increase in the number of nongovernmental organizations (NGOs) in China in recent decades. In 1990, there were fewer than 50 registered NGOs; in 2016, there were 0.6 million organizations registered.<sup>1</sup> What explains the explosive growth of a number of NGOs in China in recent decades?

The literature on NGOs in China has focused largely on how the local state, has played a role in granting political opportunity for grassroots organizations. Shieh and Deng (2011) found that grassroots NGOs were able to survive in China because local officials found they played a role in compensating for local state failures in crisis management. Spires (2011) found that NGOs and the Chinese state are in “contingent symbiosis”: local state actors allow NGOs and civil society groups to survive as long as they address social needs that might fuel grievances. Hildebrandt (2013) considered how unregistered organizations survive by cultivating ties with local governments and signaling their capacity in solving social problems. Teets (2014) has also shown that decentralization of public goods provision in China has motivated local governments to form strategic collaborations with NGOs, widening their political space. Hsu and Hasmath (2014) had found that local states' corporatist measures affect the activities and success of NGOs.

The extant literature on NGO-state relations has enabled a fruitful understanding of how NGOs were able to survive in an authoritarian political environment, yet it does not sufficiently explain the *explosive growth* of NGOs in recent decades in one-party states such as China. The extant literature has largely focused on the strategic interaction between local state and the organizations which allows understanding of how NGOs have come to exist under an authoritarian political system. However, the concentration on the local level precludes active central state involvement in promoting the growth of NGOs. Central-level directives have been active in promoting NGO sector growth: for instance, in the post-2011 period, NGOs became the focal point of governance and were assigned the role of delivering social services at the grassroots level. Registration rules were relaxed, and NGO incubators were established at the lowest administrative levels to foster the growth of service-oriented NGOs. The existence of this series of *state-led* initiatives suggests that the central state has had a proactive role in NGO sector expansion.

This article tells a counterintuitive story about the relationship between the state and NGOs in China. Contrary to perception in mainstream political science that civil society is antithetical to authoritarianism, it will demonstrate that the party-state has played a central role in the expansion of the NGO sector in the post-reform period, and its involvement became more direct under Xi. It should be emphasized from the outset, however, that, throughout this period of change, the party-state was careful to incrementally craft the regulatory environment to minimize any contradictions that may arise from allowing grassroots self-organization within a Leninist system. This process reveals the adaptiveness of the party-state in leading incremental changes to the institutions while ensuring that the promotion of NGOs does not pose a threat to the party-state. This article presents an explanation of why the party-state, especially the central state, has deliberately created the institutional environment for NGOs. It does this by tracing the background of policy changes regarding NGOs from the late 1980s to the present. To help explain the process of this change, this article draws on the literature on institutional change, especially in relation to the concepts of layering and institutional complementarities. These concepts will be used to illustrate the process by which the regulatory environment toward

NGOs was crafted incrementally and evolved in line with the goals of the party-state. As party-state goals changed over time, new institutions were created and added to the regulatory environment.

The main finding that emerges from the historical analyses presented here is that the party-state viewed NGOs from a devolution perspective, but through the lens of *adaptive corporatism*. Corporatism here refers to Phillippe Schmitter's definition of state corporatism: "a system of interest representation in which interests are vertically organized into peak associations that limit and institutionalize the participation of key groups in the policy process" (Schmitter, 1974). Following this definition, NGO-state relations in China bears corporatist features, because the party-state restricts space for certain types of social actors, yet allows others for relative autonomy (Unger & Chan, 2008). The party-state crafted the regulatory environment to expand the NGO sector, yet it also maintained control throughout the process. For instance, registration requirements were incrementally crafted to meet the evolution of the party's goals. This also means that foreign NGOs or non-service-oriented NGOs continue to face hurdles in operations and seeking resources. At the same time, it is adaptive, because the party-state has incrementally incorporated the third sector—that could seem anomalous to authoritarian rule—as a pivotal part of its governance.

The use of adaptive corporatism here does not negate the idea of consultative authoritarianism but is used to improve the understanding of state-NGO relations for *all* types of NGOs regardless of their origins. Coined by Jessica Teets, consultative authoritarianism is used to explain coexistence of autonomous civil society and indirect state control (Teets, 2014). When discussing the conceptual difference between corporatism and consultative authoritarianism, Teets (2014) pointed out that, unlike under corporatism, NGOs in China are autonomous—they have independent staff, resources, and projects. Although this concept well reflects the increased activity of grassroots organizations especially after mid-2000, at the same time, it fails to incorporate NGOs of all origins: as this article will show, the legal definition of "NGOs (*shehuizuzhi*)" in China not only refers to grassroots organizations but also parastate units and government-established NGOs (GONGOs). The overemphasis on autonomy also precludes the increased involvement of party-state organizations in establishing and steering the goals of newly founded organizations, which became more prominent under the Xi administration.

An important related point I highlight in this article is that the nature and the origins of NGOs have changed in accordance with changes in the party-state's policy directives. During the late 1990s, NGOs in China consisted of parastate agencies that were previously part of the extra-bureaucracies, the *shiyedanwei* (Ang, 2009). This phenomenon resulted from party-state goals of downsizing and applying administrative reforms at both central and local levels. Beginning in the mid-2000s, NGOs in China started to look like Western-type autonomous organizations, such as charities and self-organized groups. This change resulted from the party-state's shift toward offloading welfare functions to the non-state sector, as well as from its recent emphasis on expanding social service-oriented organizations at the grassroots to maintain social stability.

## RETHINKING THE DEFINITION OF NGOS IN CHINA

To understand the reason behind the changes in party-state's attitude towards the NGO sector over time, there needs to be a different operationalization of the term "NGOs." NGOs and civil society have been defined in the literature largely by their effects, especially on democracy. It



has been argued that these groups contribute to generating and consolidating democracy (Diamond, 1994; Putnam, 1993). In the context of China, this approach is problematic due to two reasons. First is substantive inaccuracy: NGOs in China constitutes many types of organizations—it constitutes both grassroots and government-sponsored NGOs (GONGOs). In addition to the two types, as this article will show—parastate administrative organizations also held legal status of “NGOs,” which were results of public sector downsizing. Such variability indicates that not all NGOs in China map on to the concept of liberal civil society which presumes NGOs’ autonomy from the state. Second, the focus on the liberal civil society has led to a narrow examination of state relations with specific types of organizations—the grassroots organizations,<sup>2</sup> which in part contributes to weak generalization of state-society relations in China (Han et al., 2018).

Defining NGOs only as key actors in civil society and assessing them solely by how effectively they deliver an outcome, such as stronger government accountability or democratization, precludes consideration of the diverse foundational origins of NGOs in China today. NGOs in China, both registered and unregistered, comprise a wide variety of organizations with different origins, ranging from voluntary groups to semi-civilian organizations to former government agencies. Because these origins have different connotations to the party-state in China, ignoring the diverse origins of NGOs leads to the dismissal of the importance of broader state intentions and interests in promoting the growth of NGOs, which may have little to do with advancing civil society.

This point is consistent with the recent argument that civil society and NGOs should be viewed as a structural concept rather than as a normative or functional concept. Earlier studies assumed that “civil society” has the normative value of being civilized (Anheier, 2007); or a functional outcome was assumed, according to which NGOs have some effects that mobilize society, hold the state accountable, and promote democracy (Boulding, 2014; Hoogh & Stolle, 2003). Rather than equating NGOs to “civil society”, this understanding is closer to the argument that NGOs should be seen as the “third sector—a structural definition that maps on to sector of organized human action of actors beyond the family and distinct from the state and the market” (Viterna et al., 2015, p. 177).

To allow for a full range of roles and interactions with the state, in this article, NGOs are defined as third-sector organizations with diverse origins. In this article, NGOs refer to *both* civilian-established and government-established third-sector organizations in China. Depending on the registration status, these organizations may lie within or outside legal boundaries, and include unregistered groups.<sup>3</sup> The actions of NGOs can be suppressed or promoted by the state depending on the work that the NGO conducts. This definition broadens the concept of NGOs so that it includes not only the grassroots, civilian-established organizations recognized in the previous literature, but also organizations with different origins, including government-established or semi-government-established entities.<sup>4</sup>

## THEORIES OF INSTITUTIONAL CHANGE

Before delving into the argument and the supporting evidence, this section defines gradual institutional change and related concepts, such as layering and rules-creation, and the concept of institutional complementarities. As coined by Douglass North, institutions refer to humanly devised constraints that structure political, economic, and social interactions. They consist of both informal constraints and formal rules. As this work centers on examining the role of the

central government in NGO governance, evidence is drawn primarily from formal rules pertaining to NGOs.

To examine *institutional change*, this work examines the changes in the regulatory environment toward NGOs. As one of the modes of institutional change, *layering* refers to the introduction of new rules on top *or* alongside existing ones (Mahoney & Thelen, 2010, p. 16). More specifically, layering does not introduce wholly new institutions or rules, but rather involves amendments, revisions, or additions to existing ones which changes the way in which previous rules structure behavior (Mahoney & Thelen, 2010). In this article, layering refers to the incremental and partial changes in the regulations made at the central level to meet party-state goals at different periods of time.

By *rules-creation*, I refer to the deliberate creation of institutions. In the case of NGO policy in China, rules-creation is an outcome of central-level decisions to institute regulations that meet its policy goals. This is not to say that all policy-making in China is an outcome of central-level decisions; previous works have shown that policy-making in China can be driven by local experimentations (Heilmann, 2008) or by adaptations at the local level (Tsai, 2006). However, regarding NGO policies, central-level deliberations have had the largest role, and so will be the focus of this article.

*Institutional complementarities* refer to a set of institutions that work together (Hall & Soskice, 2001). One set of institutions is said to complement another when it increases the return on the other. The core feature of complementarity is bundleness: institutions must co-exist to complement each other. This implies, therefore, that an institutional change may create contradictions and may hinder the performance of the new institution. Change is most easily accomplished when complementary institutions are adopted in conjunction. However, there can be change even when there is a lack of complementarities, but there are costs that must be paid and the degree of change may be limited (Oi, 2011, p. 9).

There are two types of institutional complementarities. The first is in the form of supplementary, where one institution makes up for the deficiency of the other. For instance, strong social support networks offset the negative effects of a highly liberalized labor market, making the latter politically acceptable (Deeg, 2007, p. 613). The second type is in the form of synergy. If institution B reinforces the strategies of institution A, institution B complements institution A in the form of synergy (Ibid.). Institutions involved in the outsourcing of services through NGOs fall under the supplementary type of institutional complementarities. For instance, the inclusion of a regulation on party-building in NGOs in the 2016 draft regulation on social organizations is supplementary because it allows the party-state to develop a depoliticized, service-oriented third sector that does not contradict authoritarian rule. Without such a regulation, the use of social groups comprising bottom-up forces becomes politically infeasible for the party-state.

The concepts discussed above are not mutually exclusive. A new regulation could act as a complementarity to another institution, but if the new regulation is part of a broader regulation, then it could be characterized as layering. However, if the regulation is completely new, then it could be characterized as rules-creation. Table 1 summarizes how the regulations regarding social organizations in this article match each concept.

I will show that these regulations can be coded as supplementary depending on the goal of the party-state during specific time periods. As I will elaborate in the next section, some of these regulations, especially those instituted in the early 1990s, were established to help create intermediary organizations that would facilitate market transitions. Those instituted in the late 2000s, on the other hand, were instituted to fulfill the goals of social management—the new

**TABLE 1** Major regulations on social organizations and corresponding concept of institutional change.

Regulation name	Type of institutional change	Party-state goals
Regulations on the Management and Administration of Social Organizations (1989)	Rules-creation	Regime stability
Transferal of Opinions Concerning the Reexamination and Rectification of Social Organizations (1997)	Layering, supplementary	Regime stability/ bureaucratic streamlining
Regulations on the Registration and Management of Social Organizations (1998)	Layering, supplementary	Regime stability/ bureaucratic streamlining
Public Welfare Donation Law (1999)	Rules-creation, supplementary	Regime stability/ bureaucratic streamlining
Guiding Opinion on Government Service Purchase from Social Forces (2013)	Rules-creation, supplementary	Social management
The Charity Law (2016)	Layering, supplementary	Social management
Law on the Management of the Activities of Overseas NGOs within Mainland China (2016)	Layering, supplementary	Social management

governance rhetoric of the party-state. Thus, in this analytical framework, whether an institution is supplementary relates to the broader party-state policy toward NGOs under respective administrations, and is, therefore, time-sensitive. The examination will reveal that the evolution of the NGO regulatory framework in China is an outcome of layering or is supplementary. The first rules-creation can be traced back to the drafting of the first regulation on NGOs, which occurred after the Tiananmen Square incident. The subsequent developments, including regulations on control and the expansion of benefits to NGOs, all fall under layering or complementary change.

## ANALYSIS

### Jiang Zemin administration (1989–2002)

#### Bureaucratic streamlining and social control

The literature on NGOs in China suggests that the party-state has experimented with using NGOs as a legal administrative concept to restructure the government since the late 1980s (Ma, 2006). With the uptake in market reforms, there has been an increasing need for new types of institutions that facilitate market transition, such as intermediary organs that mediate between the state and enterprises, and between the state and consumers. The first major experiment occurred from 1984 to 1988, when bureaus within the Ministry of Machine Industry were transformed into trade associations (Ma, 2006, p. 155). It is important to note that contrary to their connotation in the West, these associations classified as “NGOs” were not civilian-established; rather, they were existing administrative bureaus that bore the legal tag of “NGO” and had been assigned new tasks of promoting fair competition, implementing and developing quality standards, and analyzing statistical data for the government. Importantly, because these



associations were legally nongovernmental, it could be claimed that the government structure had been trimmed down (Ma, 2006).

Experimentation with the use of NGOs for administrative restructuring halted momentarily with the Tiananmen Incident in 1989. The party-state immediately embarked on rules-creation and instituted the first law on social organizations, with the Regulations on the Management and Administration of Social Organizations (1989).<sup>5</sup> In 1992, MOCA was assigned a new responsibility to manage social organizations. The period 1989–1992 was when the basic legal infrastructure for managing civil society organizations was established, such as the registration requirements for NGOs.

The party-state soon returned to utilizing the concept of “NGOs” to downsize and streamline the bureaucracy after institutionalizing the legal infrastructure to govern NGOs. In 1993, at the Third Plenum the 14th Central Committee, high-ranking officials emphasized the importance of trade associations and the need to develop a market economy within the socialist system (Ma, 2006, p. 156). This new directive has also been characterized as building a new regulatory state, which resembles guidelines from international organizations regarding market governance.

In 1997, bureaucratic streamlining was more widely implemented with Zhu Rongji's inauguration as premier. At the central level, bureaus under the State Economic and Trade Commission were abolished and replaced by general trade associations, which were classified as NGOs. Again, while utilizing the legal term of “NGO” to implement bureaucratic streamlining, the party-state institutionalized mechanisms to control society. Two additional regulations controlling social organizations were instituted at approximately the same time: the Transfer of Opinions Concerning the Reexamination and Rectification of Social Organizations (1997)<sup>6</sup> and Regulations on the Registration and Management of Social Organizations (1998). These additional regulations stipulated the need for reregistration with MOCA as well as stricter conditions for registration, again legalizing party-state control over groups that were not established from the top down. These two regulations can be characterized as layering, since both added to the pre-existing regulations on social organizations instituted in 1989. At the same time, the two regulations fall under supplementary institutional complementarities because they enabled the party-state to continue to advance bureaucratic streamlining by using the legal terminology of NGOs, while minimizing the potential danger that can rise from institutionalizing NGOs with increased safeguards.

## Socialization of social welfare

The idea of outsourcing welfare services to NGOs emerged amid growing social tensions due to urbanization and lay-offs that resulted from the restructuring of state-owned-enterprises during the 1990s and early 2000s. China's welfare system, inherited from the planned economy era, has been one in which an individual's employment security and occupational welfare benefits were directly associated with their occupational status. Occupational status was tied to the work unit, the *danwei*, which were workplaces, such as schools, factories, governmental agencies, and state-owned enterprises, that were responsible for the wages, housing, and provision of social services to its staff (Henderson & Cohen, 1984). The reorganization of state-owned enterprises increased the urban population without welfare benefits, prompting the party-state to acknowledge the institutional need for establishing a new welfare mechanism independent of the work unit.



The new official welfare rhetoric in 1994 “was ‘socialization of social welfare’, which promoted devolution and change in the way public and welfare services were produced and managed. Social responsibilities were devolved from the state to the non-state strata—communities, mass organizations, work units, families and individuals” (Wong, 1994, p. 311). The goal was to reduce dependency on the state and create self-sufficient communities that could resolve their own tensions. Citizens were expected to take part in service provision and management and to serve as volunteers. The scope of services was to be widened to meet the social needs of the masses.<sup>7</sup> These directives have resulted in decrease in government expenditure devoted to social welfare (Lei & Walker, 2013).

This change in policy ideas was not targeted at NGOs per se, but it reflects the party-state’s change in stance toward society and how it had begun to view social welfare from a devolution perspective. However, wholesale subcontracting did not emerge at this point. The Regulations on the Registration and Management of Social Organizations (1998), a revision of regulation passed in 1989, included few sections on donations, stipulating how donations should be used and managed.<sup>8</sup> Public Welfare Donation Law (1999)<sup>9</sup> instituted soon afterward stipulated the scope of donors and recipients and their responsibilities in more detail. These new rules were layered and created to promote philanthropic efforts in the private sector and legalized the utilization of private finance in welfare service provision.

## Hu-Wen administration (2003–2012)

### Harmonious society and social management

The Hu-Wen administration was pivotal to the increasing utilization of NGOs for service delivery. Two periods during this administration merit elaboration: 2004–2006, when the idea of “social management” (*shehuiguanli*) emerged in central-level documents, and 2011 when the idea of social management gained further attention when it was elevated to become a national plan. The latter led to the expansion of service subcontracting in urban areas, the development of social organizations, the relaxation of registration requirements for NGOs, and the depoliticization of the third sector by labeling social organizations as “social service organizations” (*shehuifuwujigou*).<sup>10</sup>

The aforementioned turn toward active utilization of NGOs in service delivery had its origins in the party-state’s promotion of “social management,” which emerged as a governance rhetoric for achieving a harmonious society. A review of statements and documents regarding social management reveals that the concept was used by the party-state to promote a service-oriented government that provides services in coordination with social forces, with the ultimate goal of appeasing the masses and harboring social stability. According to a speech made by Hu Jintao in 2005 at a research seminar attended by key provincial and ministry-level cadres, social management is defined as:

guiding and shaping autonomous mechanisms that help the government resolve the tensions, conflicts, and dislocations caused by the market economy, supplemented by the modernization of more conventional law and order approaches to unrest, crime, and disorder.<sup>11</sup>

Within this rhetoric, social organizations are assigned with the task of providing services:



let associations, professional organizations, and social intermediary organizations play a role in providing service, expressing demands and regulating behaviors, and thus to form comprehensive capabilities in social management and service.<sup>12</sup>

The emergence of social management rhetoric has roots in the party-state's perception that growing social tensions pose a threat to party-state legitimacy. There is evidence that legitimacy became a concern for the party-state from 2004 onward; according to Gilley (2008), analysis of articles in 36 party school journals during 2002–2006 reveals that there was a spike in the mention the word “legitimacy” from 2004 onward.<sup>13</sup> According to Fewsmith (2009), the elevation of “social management” and a focus on creating a service-oriented government in the 12th 5-Year Plan released in 2011 reveals the party-state's growing concern over social order and the rising challenges to its legitimacy. Social organizations in the social management rhetoric were assigned the role of resolving social tensions through the provision of services. On July 1, 2011, at the assembly celebrating the anniversary of the Chinese Communist Party (CCP), Hu Jintao mentioned that China was going through “social changes unparalleled in scope [...] and these changes have inevitably given rise to conflicts and problems” (Fewsmith, 2009, p. 2).<sup>14</sup> The number of mass incidents grew from 8700 in 1993 to 87,000 in 2005 and 180,000 in 2010 (Ibid., p. 3).

The idea of actively using NGOs for service provision did not equate to letting civil society grow autonomously; rather, it was to be achieved through party guidance. In the 12th 5-Year Plan, it was stated that the party-state will

foster the development of social organizations. Establish the management system, prioritize the development of economic, charity, and community social organization. Improve the supporting policies, promote the government to transfer functions to social organizations, open more public resources and fields. Strengthen the supervision and management of social organization.<sup>15</sup>

Supervision and management were emphasized to prevent the rise of autonomous groups that could endanger the regime's stability. Zhou Benshu, then secretary general of Central Politics and Law Commission, commented that “to nourish and develop social organizations in China, it is imperative to formulate the proper code of conduct and put in place the ‘safety valves’ in advance to prevent the proliferation of ill-intentioned social organizations” (Fewsmith, 2009, p. 6).<sup>16</sup>

The concrete measures regarding the development of social organizations included establishing social organization incubators at different administrative levels. In December 2011, MOCA and the National Development and Reform Commission (NDRC) released “Announcements on 12th 5-Year Plan on Development of Civil Affairs,” which mentioned that there would be a focus on the development of philanthropic, public welfare organizations and community service organizations, and directed the creation of social organization incubators (*shehuizuzhifuhuaajidi*) at different levels of the government.<sup>17</sup>

Local experiments to relax registration requirements for service-oriented NGOs reflected the directions of the 12th 5-Year Plan. In March 2011, immediately after the release of the 12th 5-Year Plan, the Beijing government announced relaxations on registration requirements for four types of social organizations: trade associations, social welfare organizations, philanthropic organizations, and social service organizations.<sup>18</sup> The same relaxation clause was issued by the Shanghai government in 2014.<sup>19</sup> The suggestion to relax the registration requirement emerged



officially in 2013 in the “Scheme for Institution Reform and Function Transformation of the State Council,” which was announced during the two conferences—National People’s Congress and Chinese People’s Political Consultative Conference in 2013. This relaxation clause was included in the revised Draft Regulation for Registration and Management of Social Organizations, which was first drafted in 2016 and redrafted in 2018. Reflecting these changes, number of registered social welfare organization increased after 2013—in Shanghai, number of newly established social welfare NGOs increased by twofold in 2015 and 2016 compared to 2014.<sup>20</sup>

## Social management, new public management, and governance

The term “social management” is closely related to two terms in administrative sciences: “new public management” and “governance.” New public management emphasizes the increasing cost-effectiveness and performance of services achieved by outsourcing and collaborations with private and nonstate actors (Hood, 1991). This is a similar approach to that of social management, which emphasizes the role that associations, professional organizations, and social intermediary organizations play in providing services.<sup>21</sup> At the same time, social management also embeds the notion of “governance” by promoting coordination among the party and society to achieve better outcomes. As Zhou Yongkang, then a member of the Politburo Standing Committee, stated during a Central Committee meeting in February 2011 before the release of the 12th 5-Year Plan, “it is important to promote ‘social coordination’, because if the party tries to undertake all social management work, it will be overwhelmed and the results will be less than ideal” (Fewsmith, 2009, p. 1). Zhou further mentioned that “it is necessary to enlist social organizations ... to undertake much of this work” (Ibid.). This is not different from the concept of “governance” found in governance literature, which centers on improving policy implementation through coordination and innovation (Klijin, 2012).

## **Xi administration (2013–present): Continuing the seeds of the Hu-Wen era while tightening grip**

### Tightening grip while simultaneously encouraging the growth of service-oriented NGO

While increasing the speed of implementation of the broader policy of “social management,” the party-state instituted a series of new rules through layering and the creation of supplementary institutional complementarities. Institutional complementarities, when supplementary, compensate for deficiencies in one another. The three regulations published during the Xi administration were the Law on the Management of the Activities of Overseas NGOs within Mainland China (“Overseas NGO Law”) (2016),<sup>22</sup> the Charity Law (2016)<sup>23</sup> and the Guiding Opinion on Government Service Purchase from Social Forces (2013) (hereafter “Guiding Opinion on GSP”).<sup>24</sup> Taken together, these respectively supplemented and the goal of the 12th 5-Year Plan, which was to expand service-oriented organizations to meet the goals of social management while minimizing the potential for social instability.

The Overseas NGO Law (2016) signaled the party-state’s intention to regulate foreign influence, thereby decreasing the potential threat to regime stability. The new law mandated

overseas NGOs to register with the public security bureau and to find a supervisory agency. At the same time, foreign NGOs were required to file reports with the public security apparatus about Chinese partners, funding sources, and activities.<sup>25</sup> This requirement prohibited foreign funding of grassroots non-profits that were unregistered or registered as companies.<sup>26</sup> This regulation not only demonstrated that the state was capable and willing to tighten its grip over the NGO sector, but also that it was supplementing the goals of the 12th 5-Year Plan to expand service provision through the promotion of service-oriented organizations. At the same time as allowing expansion, the Overseas NGO Law restrained international NGOs' (INGO) activities in areas that are deemed political sensitive, thereby making the goal of the 12th 5-Year Plan politically feasible. Recent empirical works have found that although the number of INGOs have not significantly dropped, many INGOs have recalibrated their activities. Due to heightened scrutiny over INGOs as colluding with illegal grassroots organizations, INGOs have become more aligned in their activities with Chinese charity organizations—reorienting their goals to areas such as education and poverty alleviation, while decreasing activities in labor, gender, and law (Holbig & Lang, 2022, p. 588).

At the same time, the Guiding Opinion on GSP (2013) and the Charity Law (2016) gave larger institutional freedom to domestic NGOs and domestic sources, supplementing existing institutions to meet the goals of social management. The release of the Guiding Opinion on GSP (2013) constitutes rules creation because this document was the first to regulate government purchasing from the third sector. The availability of government finances to social organizations have had positive effects on the recipient organizations' capacity to deliver services as well as maintain operations, especially the disadvantaged organizations that lack finances (Zhao et al., 2016). At the same time, the government purchase of services has led to government financial support for the service-oriented organizations; for example, in the case of Shanghai, government purchase covered areas pertaining to social services such as elderly care, poverty relief, medical services, community development, and so forth (Guan & Xia, 2016).

The advent of the Charity Law constitutes layering—it was layered on Public Welfare Donation Law (1999), enhancing it with more detailed procedures regarding the responsibilities of both donors and recipients. Concurrently, it introduced a new organizational form, “charitable organizations” enabling both unregistered and registered social organizations to seek charitable organization status. This designation expands the scope for NGOs to solicit private donations, raise funds, and gain tax benefits. Additionally, the implementation of regulations governing the procurement of services from social organizations, along with the introduction of the new terminology “social service organizations” and the enactment of the Charity Law, supplements the goal of the party-state to foster the development of the NGO sector while depoliticizing it by channeling its focus towards social services.

## Increased party-state engagement in facilitating the growth of service-oriented NGOs

The revamped focus on social-service oriented NGOs under Xi administration under the 12th 5-Year Plan has led to a number of initiatives that reflect a stronger, direct party-state engagement in the promotion of the NGO sector. One of these is the establishment of non-profit incubators (*shehuizuzhifuhujidi*) at the local level that facilitates the establishment of service-oriented NGOs. Often, the members of the incubated organization are civilians or found with the help from the residents' committee by drawing active members of the community, and



funded by the neighborhood committee (Song, 2022). The nonprofit incubators provide office space and professional training for fundraising strategies and project planning free of charge. In addition to offering material support, incubators are also directly involved in directing the mission of the organizations—for instance, an incubator at the district level will follow guidelines from the district to develop community organizations that cater community demand, or examine community needs by collaborating with the residents' committee (Ibid.). Albeit introduced in several localities via local initiatives in Shanghai and Nanjing early as 2006 and 2009,<sup>27</sup> incubators were widely introduced after the release of the 12th 5-Year Plan in 2011.<sup>28</sup>

## Conclusion: Promoting third sector growth through adaptive corporatist governance

The review of the process by which the party-state has institutionalized space for the civic sphere shows that the change in the party-state attitudes toward the civic sector was driven by party-led institutional change that stemmed from institutional necessities and growing concerns over legitimacy. The specific *institutional choice* reflects the cautious approach not to contradict authoritarian rule. Incremental layering over previous institutions, creation of institutional complementarities, and adaptation of new ideas to the political context indicate a process involving politically feasible gradual institutional change.

A consistent feature of the process is that the party-state has viewed NGOs from a devolution perspective yet did not allow full-fledged devolution. In the 1990s, NGOs were used to trim down the bureaucracy and restructure the pre-existing state structure. However, the new organizations bearing the title “NGOs” were prior state agencies that were carrying out new tasks to facilitate market transition. Since the mid-2000s, NGOs were viewed as alternative forces for providing welfare services to the urban population. In the post-2011 period, NGOs were renamed “social service organizations” and further encouraged to subcontract with local governments to provide services to communities. The increased activities of intermediary organizations, such as incubators, mass organizations, social organization service centers offering support to service-oriented NGOs (Song, 2020; Wei, 2022) also implies an overall shift to a service-oriented civic sector. However, the party-state also maintained control over these processes; for example, registration requirements were incrementally crafted to meet the party's goals. Moreover, and importantly, foreign NGOs or non-service-oriented civilian-established NGOs still faced hurdles in operations and access to resources.

The state decision to include NGOs as providers of services, while at the same time tightening its grip on the sector, can be understood via the concept of corporatism. In classic comparative politics literature, corporatism refers to a system of interest representation in which interests are vertically organized into peak associations that limit and institutionalize the participation of key groups in the policy process (Schmitter, 1974). In the Chinese context, corporatism refers to “a mechanism through which the state's grip could be lessened” but not released altogether (Unger & Chan, 1996, p. 105). The layering and rules-creation of the NGO sector demonstrate deliberate caution to preserve party-state dominance over the growing new sector.

At the same time, the rules-creation, and the creation of institutional complementarities and subsequent layering demonstrate the significant ability of the party-state to adapt and innovate. The CCP has been characterized as adaptive, learning from the failures of former

communist states and continuously reinventing itself for political survival (Perry & Heilmann, 2011; Shambaugh, 2008). The regulatory environments and guidelines demonstrate the will of the party-state not merely to *preserve* party dominance, but also to actively *improve* governance and provide services to the public amid a changing social and economic environment.

The concept of adaptive corporatism used here bears similarity with works that see neither state corporatism nor liberal civil society ideals can be used to characterize state-society relations in China. These works have argued how China's third sector is either quasi-corporatist, quasi-pluralist, or social corporatist (Han, 2015, 2016). This article by shifting the focus to the central state find its practice close to adaptive state corporatism, as it allows parts of autonomous civil society to remain active, yet it is steered and promoted via state control and intervention. These interventions and controls encompass the state's support of activities of intermediary organizations (Wei, 2022); as well as activities of organizations of diverse origins – state and grassroots alike (Han et al., 2018).

The analysis conducted here is not without limitations. In explaining the state initiatives that promoted the overall growth of the NGO sector, this article purposely selected bills that directly affect the activities of NGOs. It should be noted that the articles covered here are not fully comprehensive and omit documents relevant to specific issue areas. For instance, in the case of environmental NGOs, the 2014 revision of the Environmental Protection Law allowed environmental NGOs (ENGOs) to litigate against entities and individuals harming the environment, resulting in increased activities of these groups in the area of public interest litigation (Xie & Xu, 2021).

Adaptive corporatism, which here was used to describe NGO-state relations in China, will continue to have relevance under Xi's prolonged rule. Compared to the previous Hu-Wen period, the scale and frequency of criminalizing NGO workers has increased under Xi's reign, and advocacy NGOs with pro-liberal inclinations, mass mobilization capacities, and those with closer associations with domestic and international "hostile forces" were most likely to be targeted (Zhu & Jun, 2021). These trends have coincided with a new emphasis on national security at the beginning of the Xi administration—in 2013, National Security Commission was established with Xi as the head of the coordinating body. In the same year, an internal directive, Document No. 9,<sup>29</sup> was released, listing independent civil society as one of the perils to national security. At the same time, the increased regulatory framework around promotion of certain types of NGOs—service-oriented NGOs, and the direct engagement of party-state apparatus such as mass organizations and incubators in NGO governance points towards the increasing embeddedness of the third sector with the state. The increased repression, coupled with the increasing entanglement of the third sector with the party-state signals that it is likely that the adaptive corporatist practice will intensify, or at least, continue.

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## CONFLICT OF INTEREST STATEMENT

The author declares no conflict of interest.



## DECLARATION

The author was the sole contributor to the study conception, design, material preparation, data collection, analysis, drafting, and finalizing the manuscript.

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## ENDNOTES

- <sup>1</sup> *Beneath the Glacier*. (2014, April 12). Economist. <https://www.economist.com/china/2014/04/12/beneath-the-glacier>, retrieved June 14, 2019; Hsu, C. Chen, F. and Jamie P. Horsley. (2016, December 15). *The State of NGOs in China Today*. Brookings. <https://www.brookings.edu/blog/up-front/2016/12/15/the-state-of-ngos-in-china-today/>, retrieved June 14, 2019.
- <sup>2</sup> This in part relates to the ‘agency-oriented approach’ in civil society research in China which accord certain degree of agency to grassroots organizations and examine how these organizations exercise agency within a restrictive political space (Gleiss & Sæther, 2017).
- <sup>3</sup> This is not the same as the legal terminology fixed by the party-state, where social organizations refer to registered legal groups that falls under the following categories—social associations, which are membership associations established by professionals; social service organizations, formerly non-profit enterprises; and foundations. Another category is charitable organization, which is not mutually exclusive from the aforementioned three categories.
- <sup>4</sup> Semi-government established organizations refer to organizations established in collaboration by both government and civilian forces. A good example are the incubated NGOs, of which the members and the leader may consist of civilians, but funding may be shared by the incubator, which is a unit of MOCA.
- <sup>5</sup> *Shehuituanti dengjiguanli tiaoli* [Regulations on the Management and Administration of Social Organizations], Law Info China. <https://lawinfochina.com/display.aspx?id=36403&lib=law&SearchKeyword=social%20organizations&SearchCKeyword=>, retrieved July 1, 2019.
- <sup>6</sup> *Guowuyuanbangongting zhuanbu minzhengbu guanyu qinglizhengdun shehuituanti yijiandetongzhi* [Transfer of Opinions Concerning the Reexamination and Rectification of Social Organizations], People's Republic of China Government. [https://www.gov.cn/zhengce/content/2018-12/02/content\\_5345293.htm](https://www.gov.cn/zhengce/content/2018-12/02/content_5345293.htm), retrieved July 1, 2019.
- <sup>7</sup> Z. Dejiang. (1991). *Jiushi niandai zhongguo shehui fuli shiye zhanwang* [Prospects on China's civil welfare affairs]. Keynote speech given at the China and Hong Kong in the 90s—Social Welfare Development Conference, Beijing.
- <sup>8</sup> Article 29 and Article 30 from Regulations on the Registration and Management of Social Organizations (1998). Translated by International Center for Non-Profit Law (ICNL). [https://www.icnl.org/research/library/china\\_11\\_chinasocialassoc1998/](https://www.icnl.org/research/library/china_11_chinasocialassoc1998/), retrieved July 1, 2019.
- <sup>9</sup> Public Welfare Donation Law (1999). Translated by ICNL. [https://www.icnl.org/research/library/china\\_14\\_chinapublicwelfare1999/](https://www.icnl.org/research/library/china_14_chinapublicwelfare1999/), retrieved July 1, 2019.
- <sup>10</sup> The term “social service organizations (*shehuifuwujigou*)” was used for the first time in the Draft Regulation for Registration and Management of Social Organizations (2016, redrafted 2018), which replaces the term non-profit enterprises (*minbanfeiqiyedanwei*), which was defined as a type of social organization in 1998 (Article 2, Provisional Regulations for the Registration and Management of Civil Non-Enterprise Work Units (1998)). According to the “Draft Regulation” (2016, 2018), social organizations in China include social groups, foundations, and social service organizations.
- <sup>11</sup> Translation by Pieke (2012). Text from the speech made at the research seminar of key provincial and ministry-level leading cadres on raising the capacity for the construction of a socialist harmonious society



- (*zai sheng buji zhuyao lingdao ganbu tigao goujian shehuizhuyi hexie shehui nengli zhuanti yantaoban shang de jianghua*), February 19, 2005. This speech was made to elaborate the Decision of the Fourth Plenum of the 16th Central Committee in November 2004.
- <sup>12</sup> Translation by He (2016). Original text in Hu (2004). *The CPC Central Committee Decision on Strengthening the Party's Ruling Construction*. Beijing: People's Press.
- <sup>13</sup> When examining whether journal abstracts included the word “political legitimacy” among 36 selected party-school journals, the number of journals mentioning “political legitimacy” increased by more than five-fold in 2004 (72), compared to 2002 (13), and continuously increased until 2006. The data gathered by Gilley (2008) is limited to 2002–2006 period (Gilley, 2008, p. 270).
- <sup>14</sup> Translation by Fewsmith (2009). Original text from speech: H. Jintao. (2011). *Zai qingzhu zhongguo gongchandang chengli 90 zhounian dahui shang de jianghua* [Speech made at the assembly celebrating the 90th anniversary of the birth of the Chinese Communist Party].
- <sup>15</sup> “Chapter 39: Strengthen the Construction of Social Organizations” from the 12th 5 Year Plan for National Economic and Social Development (2011). Translated by Asia Pacific Energy Portal. <https://policy.asiapacificenergy.org/node/37>, retrieved June 14, 2019.
- <sup>16</sup> Translation by Fewsmith (2009, p. 6). Original text in Z. Benshun. (2011). *Zou zhongguo tese shehuiguanli lilunxinzhilu* [Take the road of innovating social management with Chinese characteristics]. *Qiushi*.
- <sup>17</sup> Incubators exist at the municipal, district, and neighborhood levels of government, and these levels are under respective MOCA bureaus. When organizations are admitted to the incubator, they are offered office space and supporting funds. At the same time, the incubators “steer” organizations so that the service objectives fulfill guidelines provided by the party-state units (Staff of an NGO incubator, personal communication, December 12, 2017).
- <sup>18</sup> *Gongyi cishan deng si lei shehuizuzhi zai jing zhuce wuxu zhuguandanwe* [Four Types of Social Organizations Including Charities and Public Welfare Organizations to Register Without Supervising Organizations]. (2011, April 7). Xinhua News. Republished in QQ News. <https://news.qq.com/a/20110407/001196.htm>, retrieved July 1, 2019.
- <sup>19</sup> *Si lei shehuizuzhi jinqi zhijie dengji buxu yewuzhuguan danwei shencha* [Four Types of Social Organizations to Register Directly Without Supervising Organization Starting Today]. (2014, April 1). Jiefang Ribao. Republished in Sina Shanghai. <http://sh.sina.com.cn/news/b/2014-04-01/082188163.html>, retrieved July 1, 2019.
- <sup>20</sup> Data collected by the author in 2019. Data also cited in Song (2022).
- <sup>21</sup> See footnote 10.
- <sup>22</sup> Law on the Management of the Activities of Overseas NGOs within Mainland China (2016). Translated by ICNL. [https://www.icnl.org/research/library/china\\_2\\_chinaoverseasngos2016/](https://www.icnl.org/research/library/china_2_chinaoverseasngos2016/), retrieved July 5, 2019.
- <sup>23</sup> The Charity Law (2016). Translated by ICNL. [https://www.icnl.org/research/library/china\\_2\\_chinaoverseasngos2016/](https://www.icnl.org/research/library/china_2_chinaoverseasngos2016/), retrieved July 5, 2019.
- <sup>24</sup> *Guowuyuanbangongting guanyu zhengfu xiang shehuililiang goumaifuwudezhidaoyijian* (2013) [Guiding Opinion on Government Service Purchase from Social Forces]. People's Republic of China Government. [https://www.gov.cn/zwgtk/2013-09/30/content\\_2498186.htm](https://www.gov.cn/zwgtk/2013-09/30/content_2498186.htm)
- <sup>25</sup> Article 31 from The People's Republic of China's Law on the Management of the Activities of Overseas NGOs Within Mainland China (2016). “A representative office must also undergo an annual inspection, which entails submitting to the professional supervisory unit a work report that includes a financial report, audit report by a certified accountant, and reports on fundraising activities, donations received, grants made, and staffing and organizational changes.” China Development Brief. <https://chinadevelopmentbrief.cn/reports/the-peoples-republic-of-chinas-law-on-the-management-of-the-activities-of-overseas-ngos-within-mainland-china/>, retrieved July 16, 2019.



- <sup>26</sup> *Civic Freedom Monitor: China*. (2019, January 14). International Center for Not-for-Profit Law. <https://www.icnl.org/resources/civic-freedom-monitor/china>, retrieved July 16, 2019.
- <sup>27</sup> In 2009, Nanjing MOCA bureau, Jianye District Government bureau and the Amity Foundation set up an NGO incubator “Nanjing Amity NGO Development Center”, to systematically cultivate service-oriented social organizations. The center provides professional training, office space, project planning, fundraising strategies, financial management, and internal governance to organizations free of charge (Zhang, 2012). In Shanghai, incubating NGOs was experimented as early as 2006: the first Non-Profit Incubator (NPI) was founded in 2006 by a former MOCA official in the Pudong New District (PND).
- <sup>28</sup> For example, in 2018, there were 26 incubators in Shanghai alone (Song, 2022).
- <sup>29</sup> Document 9: A ChinaFile Translation. <https://www.chinafile.com/document-9-chinafile-translation#start>, retrieved March 15, 2024.

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