

Consultative Authoritarianism: The Key to Good Governance in China?



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Symposium on Authoritarianism and Good Governance

Muqtedar Khan (Ed.)

International Institute of Islamic Thought | February 2021

DOI: <http://doi.org/10.47816/02.001.22>

In 2014, I published a book entitled *Civil Society under Authoritarianism*, in which I addressed the puzzle of why the strong state in China did not repress emerging civil society, but instead allowed these groups to form and, in some policy areas, even actively supported their development and projects. I argued that over time government officials learned that these groups could improve local governance, and in response, they tried to balance between gaining these benefits while avoiding the dangers of potential citizen mobilization and protest. I used the concept of “consultative authoritarianism” to describe this specific combination of improving governance through consultation with civil society while developing a supervision structure that controlled these organizations. I emphasized the authoritarian nature of this system to warn democratization scholars that this

emerging civil society should not be understood as a precursor to a process of democratization. In much the same way that other scholars were demonstrating that authoritarian regimes could repurpose democratic institutions like elections and parliaments to address elite conflict (Gandhi and Lust-Okar 2009), I found that civil society could develop in a non-democratic setting. In fact, civil society contributed to more responsive governance by ameliorating welfare and other policy problems, and helped create more durable regimes. Thus, rather than being a challenger, it could also be a partner to authoritarian governments.

The logic underlying why a strong authoritarian government would allow civil society activity is rooted in the information problems faced by such regimes. Unlike democracies, authoritarian regimes do not have good

sources of unbiased information. These regimes usually strictly control media, and elites often do not have incentives to share information on preferences with leaders (Brownlee 2007). In democracies, elites can gain political power when they publicly defect from leaders or expose corruption unlike elites in authoritarian regimes; thus, rulers suffer from a lack of knowledge about preferences of citizens and other elites. In addition to the problems this dearth of information causes for elite cohesion (Svolik 2012), it also leads to obstacles for good governance in the form of principal-agent issues between central and local leaders. If central government leaders do not know how policies are performing in far-flung locales or whether local state agents are following regulations or engaging in corruption, this generates unsurmountable hurdles for formulating good policies and having responsive

government. One way that leaders in China responded to this paucity of knowledge was to empower civil society organizations (CSOs) to create transparency around local problems (Yang, Zhang and Wang 2020). This built low-cost flows of reliable information about policy and local agent performance that the state could use to improve governance and strengthen authoritarian resilience.

The time period encompassed by my research was from the late-1990s to 2013, spanning the administrations of both Jiang Zemin (1993-2003) and Hu Jintao (2003-2013). These two administrations supervised civil society using a ‘dual registration’ system, where groups needed a professional supervisory unit like a government agency and to register with the Ministry of Civil Affairs (MCA). This system prioritized control over groups by using

risk-sharing between supervisory agencies and CSOs, and by requiring that organizations registering with MCA had a certain amount of funding. This high bar for registration resulted in a growing area of “grey civil society” where many groups operated quite openly but without formal registration (Hildebrandt 2011). In recognition of the ineffectiveness of this system, Hu Jintao allowed some local leaders to experiment with permitting CSOs to register directly with MCA and no longer required a supervisory agency. As it evolved throughout the 2000s, this supervision model resulted in the consultative authoritarianism model I described above, creating channels whereby citizens were able to improve governance even under the conditions of authoritarianism.

However, in 2013, political power shifted from Hu Jintao to the new

President, Xi Jinping, who began to change civil society governance. In 2016, two laws regulating CSOs were passed – the Charity Law (for domestic CSOs) and FNGO law (for foreign NGOs). The FNGO law required that overseas NGOs would come under the authority of the Ministry of Public Security and be required to have a supervisory agency, similar to the former requirement for domestic CSOs. In short, moving overseas NGOs under the Public Security Bureau demonstrated that the Chinese Communist Party viewed their work as falling within the purview of law and order and social stability, rather than of civil affairs (Teets and Hsu 2016). In balance, this law increased state control over foreign NGOs in return for a more regular legal status, such as having Chinese bank accounts and a tax-deductible standing. In contradistinction, the domestic charity law codified the existing practice of

many provinces to ease registration by eliminating the need for a supervisory agency and only requiring direct registration with MCA; it also encouraged private donations by changing tax laws and offered more government funding through grants and contracting (Sun 2019).

Scholars reacted to these changes by trying to determine if Xi Jinping was attempting to standardize different provincial practices or simply suppress this nascent civil society. For example, Fu and Distelhorst (2018) find increasing repression under Xi Jinping. For example, Xu Zhiyong's case is illustrative of this repressive trend. When his CSO Gongmeng (New Constitution Initiative), was forced to close, he believed that space no longer existed for CSOs and decided to "organize without organization" by forming an online community called the

New Citizens Movement (NCM) (Pils 2017: 133). He is currently being held for trial again for critiquing Xi's handling of COVID-19 (*South China Morning Post* 2020). As Béja (2019: 223) argues, the Party has adopted a two-pronged approach: "On one hand, it has encouraged the development of those that provide various kinds of services, and, on the other hand, it has attempted to eradicate grassroots advocacy organizations. Even the term 'civil society' (*gongmin shehui*) has become taboo." These changes raise the question of whether China still practices the consultative authoritarianism model, and if not, the implications of this shift.

Do These Changes Challenge the Concept of Consultative Authoritarianism?

Most of the foreign NGOs active in China have been able to register

under the new regulations or file documentation for “temporary activities,” which does not require a professional supervisory agency, making the process less onerous. The Overseas NGO Law went into effect on January 1, 2017, and as of November 2018, overseas NGOs had registered 427 representative offices and filed 1,179 temporary activities (Shieh and Sidel 2019). Foreign NGOs have noted difficulties in gaining quick approval for certain projects with local partners along with increased inspection of activities through project approvals and the annual work report. This annual report must include financial statements, auditing reports, and information on donations, as well as any changes in staffing or organization. Thus, despite these modifications that have made operating in China more cumbersome, foreign NGOs have mostly continued their work.

Domestic charities have experienced a dramatic shift in funding sources since the law went into effect, shifting from mostly international grant funding to domestic fundraising and government grants: “Ten years ago, many rights-based CSOs I spoke with had 80-90% of their funding coming from international sources. Now, some of these CSOs have 80-90% coming from Chinese sources. The Chinese CSOs I interviewed had tapped into many of these local sources—local philanthropy, government fees-for-service, corporate partnerships, social enterprise, and crowdfunding” (Shieh 2020). As Dong and Lu (2020) find, many organizations now are primarily funded by government contracts. This shift in funding combined with heightened political sensitivities to result in the closure of many smaller grassroots groups and a few high-profile closures and arrests. The combined

effects reinforce the centralized leadership of the Party—what Kang Xiaoguang calls “administrative absorption of society” (Kang 2018).

Thus far, it appears that civil society under Xi Jinping faces more constraints than under Hu Jintao, but also has new opportunities in the realms of fundraising and still offers limited channels for policy advocacy. The codification of CSO legal status, new taxation rules on donations, and the expansion of government contracting have created more diverse funding streams. Additionally, in certain policy areas like the environment, CSOs have gained legal standing to sue local polluters. Consultative Authoritarianism still functions in China, but this model has shifted to less open consultation and the use of more authoritarian tools like repression.

Implications of ‘Less Consultation-More Authoritarianism’ for Governance

Xi Jinping’s political logic differs from that of both Jiang Zemin and Hu Jintao in that it focuses more on the centralization of governance under the Party. Xi believes his institutional changes around promotion and anti-corruption, along with support from digital governance (Gao 2020), will return enough information to the central government to develop good policies and monitor the behavior of local officials. Although the role for civil society appears much more limited under this centralized governance model, Xi does not seem to want to completely repress or ban CSOs. This new model of ‘limited consultation and more authoritarianism’ is best understood as a professional contracting relationship rather than one based on

advocacy. Larger, older, and more professional CSOs, like Friends of Nature, are allowed a participatory role, such as being allowed to investigate and sue local polluters as well as the government agents that protect them; however, those working on topics deemed solidly under the domain of government or those that might challenge state authority face more repression. The tolerance for groups that are grassroots advocacy organizations, or founders who might rhetorically challenge state authority but also run beneficial projects, has disappeared. Although some of the changes under Xi Jinping were necessary to professionalize CSOs and standardize regulations, there is also a danger that they undermine the benefits of the consultative authoritarianism model.

What does this mean for the ability of the new version of the

consultative authoritarianism model to improve governance under authoritarianism? Although I cannot predict the future, I would expect that CSOs will still function effectively in China, but only the bigger groups that work more closely with the state through “performance-based collaboration” (Shen and Yu 2017). Concerned citizens will continue to provide information to improve governance, but mostly in coordination with government agencies or through well-established CSOs (Anderson, Buntaine, Liu and Zhang 2019). Given the strengths of the more balanced consultative authoritarianism model, this new model will likely provide less information on unintended consequences of policies. Additionally, digital monitoring of measures like environmental targets will only deliver quantitative results, but not necessarily all information required to make good decisions. For example, to meet

environmental targets, many officials simply shut down all factories rather than identifying the ones who are trying to improve environmental technology, often leading to unemployment and unrest (Gao and Teets 2020; Li and Shapiro 2020). This model will still outperform those types of authoritarianism with less information; however, it will not deliver the same governance benefits, resulting in a less responsive state.

Outside of China, aspects of this model of consultative authoritarianism have been adopted by over 50 countries, both democracies and autocracies (Gilbert and Mohseni 2018; Poppe and Wolff 2017). This mirrors the growing illiberal wave around the world: “Countries that suffered setbacks in 2019 outnumbered those making gains by nearly two to one, marking the 14th consecutive year of deterioration in

global freedom. During this period, 25 of the world’s 41 established democracies experienced net losses” (Freedom House 2020). These trends of growing authoritarianism and less consultation with CSOs inside of China and around the world suggest troubling implications for nascent civil societies and responsive governance. Civil society offers reliable information for authoritarian regimes about policy performance, citizen satisfaction, and elite cohesion, and this knowledge then creates more durable regimes by improving performance legitimacy and establishes channels for collaborative governance with active citizens and other elites. Without this, regimes must use increased repression to ensure obedience, which is both more expensive and less successful, and frequently triggers challenges to authoritarian rule (Svolik 2012).

Author Bio

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specifically the role of civil society. She is the author of *Civil Society Under Authoritarianism: The China Model* (Cambridge University Press, 2014) and editor (with William Hurst) of *Local Governance Innovation in China: Experimentation, Diffusion, and Defiance* (Routledge Contemporary China Series, 2014). Dr. Teets was recently selected to participate in the Public Intellectuals Program created by the National Committee on United States-China Relations (NCUSCR), and is currently researching policy experimentation by local governments in China.

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