

# Depoliticizing China's Grassroots NGOs: State and Civil Society as an Institutional Field of Power

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## Abstract

This article employs ethnographic fieldwork and interviews to examine two distinct processes of depoliticization by non-governmental organizations advocating rights for sex workers in China. Drawing upon Bourdieu and institutional theory, we argue that the consolidation of state repression of civil society under the Xi regime created an institutional field of power to which two NGOs responded differently. While one of them relied on government procurement as its major funding source, thus diluting the original mission, the other internalized state rhetoric as it sought political legitimacy through state certification, thus sanitizing its political mission. These distinct responses were then institutionalized into organizational practices, norms and culture. Rather than portraying NGOs in China as either capable political actors or pawns of an authoritarian state, this article illustrates how NGOs are subtly depoliticized by being inculcated in a state-produced, hierarchical social order in which compliance with state norms becomes synonymous with organizational competence.

**Keywords:** authoritarian resilience; NGOs; civil society; organizational practices; sex work; China

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Since the start of the Xi Jinping 习近平 regime in 2013, the number of registered non-governmental organizations (NGOs) in China has ballooned, from 255 to 491,000.<sup>1</sup> These NGOs have long operated within a state corporatist environment wherein local governments, whose budgets have been tightened by fiscal decentralization, have come to rely on NGOs to deliver essential public goods.<sup>2</sup> Yet

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1 Although there are three legal types of NGO in China (social associations, civic non-enterprise institutions, and foundations), we only count civic non-enterprise institutions (*minban feiqiye*) in order to exclude professional associations, so-called government-operated NGOs (GONGO) and organizations offering funding rather than providing services. MCA 2020.

2 Teets 2013.

whereas the previous Hu Jintao 胡锦涛 administration regulated NGOs sporadically, the current Xi administration has systematically tightened regulations, isolating Chinese NGOs from international funding bodies, criminalizing a wide range of unauthorized NGO activity and creating narrow institutionalized channels for NGOs to carry out approved social services.<sup>3</sup> Whereas Hu's regime once viewed managing civil society organizations as part of "stability maintenance," Xi's administration now frames NGOs as a problem for national security.<sup>4</sup>

This paper examines the response of grassroots NGOs to this new regime of control and repression. We examine two NGOs which shared a common mission to support and advocate for the rights of sex workers, but which responded to the central state repression in divergent ways. One NGO, which we call Helping Hands, fled local police crackdowns in the north to relocate to a small exurb of a southern provincial-level city, where it carries out government contracts in collaboration with local residential communities to provide healthcare services and therapeutic services to sex workers. The other NGO, which we call WorkersFirst, operates in a northern city where it attempts to manoeuvre within the rules of state surveillance, partnering with local governments while at the same time trying to pursue a mission to decriminalize sex work on the side.

Both organizations shared a common mission to decriminalize sex work in China. Yet each organization's response to central state repression has resulted in starkly different ways of addressing sex workers, understanding their needs and framing the legal grounds for advocacy. The staff at Helping Hands viewed building grassroots rapport as a central pillar of organizational capacity, while sex workers learned to treat the organization as a social outlet incapable of political work. Meanwhile, staff at WorkersFirst addressed sex workers as noble victims, using sanitized state rhetoric to frame sex workers as vulnerable but responsible mothers and providers. As staff learned to filter sex workers' rights-based grievances through a public health language, state rhetoric undermined the organization's original mission.

How do two organizations, faced with similarly repressive local contexts, become depoliticized in these distinct ways? Much of institutional theory is formulated around the belief "that organizations sharing the same environment will employ similar practices and thus, become isomorphic with each other."<sup>5</sup> However, we argue that Chinese political repression works by choking off the institutional field of Chinese NGOs from resources and networks autonomous from the state bureaucracy. As a result, Helping Hands and WorkersFirst became dependent on the state for funding and legitimacy in distinct ways. While Helping Hands became solely reliant on local government contracts for funding, WorkersFirst saw state affiliation as an important source of prestige and symbolic capital in a context where sex work is delegitimated. These strategies,

3 Fu and Distelhorst 2018; Han 2018.

4 Fu and Distelhorst 2018.

5 Kostova and Roth 2002, 215.

however, locked each NGO into a depoliticized role far from its original mission to decriminalize sex work: Helping Hands was forced to limit itself to a narrow range of state-approved tasks, while WorkersFirst internalized sanitized state rhetoric on sex work and abandoned its previous mission of decriminalizing sex work.

### Civil Society as an Institutional Field of Power

Grassroots NGOs in China operate within a field of power: they occupy competitive positions in a struggle to accumulate, exchange and monopolize different kinds of resources.<sup>6</sup> For example, NGOs compete for limited government contracts for funding, affiliation with government agencies that are otherwise reluctant to supervise them, and service provision to the widest body of individual constituents. This competition, however, is not endemic to NGOs; rather, it is exacerbated by political repression under the Xi administration.

Scholars have argued that NGOs in China once formed a nascent civil society, operating with pluralistic autonomy from the state under the Hu administration.<sup>7</sup> However, after the Xi regime identified civil society a threat to the Chinese state in 2013,<sup>8</sup> the central state passed a third round of regulations recognizing the legal status of some NGOs for the first time,<sup>9</sup> yet simultaneously cutting off most external funding sources and mandating their surveillance and annual evaluation under supervisory government bodies. Since this reform, NGOs have had to contend with one sole possible arbiter of their legitimacy: the state bureaucracy. The state, with its monopoly on symbolic capital within the NGO field, became capable of legitimating some groups over others, primarily by shaping their channels of access to social and economic capital: awarding government contracts and positive annual evaluations to some and shutting down others altogether. We use Pierre Bourdieu's concept of symbolic capital to refer to the status and legitimacy that are conferred to NGOs whose missions are government approved.<sup>10</sup>

Bourdieu argued that the state's monopoly on symbolic capital creates a set of signals that naturalize a state-produced hierarchical order.<sup>11</sup> In the field of power that is Chinese civil society, NGOs with state-conferred symbolic capital are read as competent and outstanding rather than simply compliant. In addition, NGO staff absorb, internalize and redeploy the categories and meanings embedded in state rhetoric. For example, as NGOs divert organizational resources to carrying out tasks that the state deems appropriate, they signal to their constituents

6 Bourdieu 1986.

7 Hasmath and Hsu 2014; Spires 2011; Teets 2013.

8 "Wangchuan 9 hao wenjian yuanwen" (Original text of Document No. 9). *China Digital Times* (originally published @Shi-shui-sheng), 21 August 2013, <http://chinadigitaltimes.net/chinese/2013/08/自由微博-网传9号文件原文/>. Accessed 3 July 2020.

9 Han 2018.

10 Bourdieu 1986.

11 Bourdieu and Wacquant 2013.

and other civil society actors the state's priorities as their own. In addition, NGO staff frequently use terminology and jargon established by state rhetoric. Finally, they expend considerable energy on reconciling their own mission with state directives. In these ways, state repression has become more generative than punitive: rather than simply shutting down civic engagement, the state has produced bureaucratic channels for authorized conduct, thus creating a context for internalizing its rhetoric.

How do NGOs respond to a context saturated with state-produced norms? We look to institutional theories to account for variation in NGO responses. Like Bourdieu, institutional theorists acknowledge the hegemonic effect of symbolic capital, noting that organizations tend to conform to externally validated norms that are so widely accepted that they become taken for granted.<sup>12</sup> Yet they also explore how organizations strategically avoid or acquiesce to norms based on contextual factors.<sup>13</sup> We expect that NGOs able to buffer their activities from scrutiny have more leeway to avoid state norms.<sup>14</sup> We also expect that NGOs less dependent on the state for their operating budget will have greater means to pursue their own mission.<sup>15</sup>

However, whereas institutional theorists heed the ability of organizations to manipulate norms by influencing or controlling institutional evaluations, we expect such efforts to be penalized in an authoritarian context. This is because state norms convey the symbolic power of the state, as a Bourdieusian perspective implies. In addition, NGOs that utilize state rhetoric in activities might assimilate this language into their wider activities, hindering their ability to separate their mission-oriented work from mandatory government-contracted work.

### The Institutional Field of Chinese NGOs

We follow Anthony Spire's definition of grassroots NGOs in China as being organizations founded by non-state actors who define themselves as grassroots NGOs, regardless of their registration status.<sup>16</sup> Grassroots NGOs tend to be small in terms of both operating budget and staff: 72 per cent of grassroots NGOs have fewer than ten full-time staff members.<sup>17</sup> They are subject to two mechanisms of state control and surveillance: the requirements of bureaucratic registration, and hierarchical evaluation of performance on political grounds, which shapes the outcomes of government contracting decisions.

12 Berger and Luckmann 1967; DiMaggio and Powell 1983.

13 Oliver 1991.

14 Meyer and Rowan 1977; Pfeffer and Salancik 1978; Scott, W. Richard 1987.

15 DiMaggio and Powell 1983, 154; Pfeffer 1972; Salancik 1979.

16 Spire's definition departs from the state's official definition of NGOs as formally registered organizations, which can inadvertently include "spin-off" groups created by government agencies to give cover for travelling officials and does not count those groups that operate while unregistered (Spire 2011).

17 Xiong and Meng 2008.

Since 1998, when the central state promulgated a set of regulations regarding social organizations,<sup>18</sup> NGOs have been required to register dually, both with the Ministry of Civil Affairs (MCA) and a supervisory unit that is another government agency.<sup>19</sup> Registration creates the basis for possible control mechanisms: supervisory units may establish Chinese Communist Party (CCP) units within NGOs, or terminate the supply of critical resources to transgressive NGOs.<sup>20</sup> This has since become a considerable hurdle for grassroots NGOs, especially those lacking the networks or resources to find a sponsor government agency to supervise them in obtaining legal status.

Recent legislation under the Xi administration has further resulted in greater state control over the NGO field. A third round of regulations and laws on NGOs since 2016 provided legal status to registered NGOs while clarifying hard limits to NGO rights. For example, a 2016 Charity Law allows NGOs to be recognized as charities and thus engage in public fundraising; however, it also prohibits fundraising charities from engaging in activities relating to national security or public interest, thus prohibiting NGOs recognized as charities from engaging in political work.<sup>21</sup> It also forces NGOs to provide names and fixed addresses of all full-time staff members, thus facilitating intensive surveillance.

Registration status is also a precondition for participation in competition for government service purchasing contracts (*zhengfu goumai fuwu* 政府购买服务), which have become a primary source of funding for NGOs since 2017 when the Foreign NGO Management Law restricted funding channels between Chinese NGOs and foreign organizations.<sup>22</sup> Recent reforms made under the Xi administration have exacerbated an ongoing trend, established during the 1990s under the Jiang Zemin 江泽民 administration, of treating NGOs as subcontractors in social welfare programme implementation.<sup>23</sup> Local state agencies first began subcontracting public services such as environmental sanitation, public health screening and elderly care to NGOs in the late 1990s. However, government procurements increased rapidly after an outgoing Hu Jintao signalled a transition in the development of social organizing in his report to the National Party Congress in 2012.<sup>24</sup> The following year, Xi's State Council issued a "Guiding opinion on government purchasing services from social forces,"<sup>25</sup> which triggered a flood of local government policies regulating government

18 Saich 2000.

19 Ibid.

20 Kang, Xiaoguang, and Han 2008; Teets 2013; Thornton 2013.

21 Han 2018; Zeldin 2016.

22 Kang, Yi 2019.

23 Wang and Snape 2018.

24 Ibid. "Report of Hu Jintao to the 18th CPC National Congress," 8 November 2012, [http://www.china.org.cn/china/18th\\_cpc\\_congress/2012-11/16/content\\_27137540.htm](http://www.china.org.cn/china/18th_cpc_congress/2012-11/16/content_27137540.htm). Accessed 23 November 2020.

25 "Guowuyuan bangongting guanyu zhengfu xiang shehui liliang goumai fuwu de zhidao yijian" (State Council General Office: government guiding opinion on purchasing services from social forces). [www.gov.cn](http://www.gov.cn), 30 September 2013, [http://www.gov.cn/zwzq/2013-09/30/content\\_2498186.htm](http://www.gov.cn/zwzq/2013-09/30/content_2498186.htm). Accessed 23 November 2020.

contracts for NGOs.<sup>26</sup> These reforms increased government purchases of services from NGOs, while relaxing the dual registration requirement for NGOs operating in approved areas.<sup>27</sup> Jude Howell has conceptualized this as a turn towards “welfarist incorporation,” as local governments move from repressing NGOs to recruiting their cooperation in providing public services through government service contracts.<sup>28</sup>

The second mechanism for state control over NGOs operates through hierarchical annual evaluations (*nianjian* 年检) of NGO performance. Local civil affairs bureaus conduct mandatory annual evaluations of NGOs as well as midterm assessments of their ongoing projects. During this evaluation process, NGOs submit financial and activity reports to both their supervisory unit and corresponding civil affairs bureau.<sup>29</sup> NGOs which pass the evaluation are prioritized in procurement competitions, while those with a poor performance, particularly those engaged in activities deemed to be controversial, are subject to the withdrawal of their registered status. The MCA also provides optional level evaluation ratings (A-AAAAA) for NGOs seeking government procurements. Maintaining A-level status has become important in recent years after legislation made local government contracts a primary source of NGO funding.

In evaluating NGO applications for funding, government officials prioritize trust and reliability over competence.<sup>30</sup> In order to win contracts, grassroots NGOs affiliate with government bureaus, pursue GONGO status, build a rapport with individual officials in charge and cater to the perceived needs of local governments.<sup>31</sup> Of particular importance is the presentation of a consistently loyal appearance to local government agencies, which identify “reliable” NGOs and permanently blackmark those deemed otherwise.<sup>32</sup> As a result, NGOs, cut off from international funding and increasingly reliant on government service purchasing, are subject to pressures to design their programmes and initiatives to conform and comply with state priorities of control and surveillance in order to demonstrate their loyalty.

## Case Selection and Data Collection

This study examines the institutional responses of two NGOs serving the needs of sex workers. We chose to focus on sex workers’ NGOs since sex work is criminalized in China. Examining an advocacy space subject to state repression allows us to observe mechanisms of state hegemony that might be invisible in advocacy spaces more friendly to the state agenda, like the environmental NGO sector.

26 Wang and Snape 2018.

27 These NGOs are trade associations, science and technology organizations, public benefit and charitable organizations, and rural and urban communities (Han 2018).

28 Howell 2015.

29 MCA 2005.

30 Kang, Yi 2019.

31 Ibid.

32 Ibid.

Helping Hands and WorkersFirst are both small organizations with fewer than 50 full-time, paid staff members, a typical size for most grassroots organizations. The organizations had a common mission: their leaders initially set out to work towards decriminalizing sex work and advocating for sex workers' rights. However, while a series of accidental police crackdowns forced Helping Hands to operate underground, WorkersFirst registered early and thus operated in a rather stable and legitimate context. These distinct origins later led to each organization embedding in different ways within the institutional field of NGOs.

Helping Hands was originally founded in a northern city in 2006 by a college graduate who was trained by Honghua, an organization in Hong Kong.<sup>33</sup> Its early days were punctuated by repeated state crackdowns. Following one such crackdown on sex workers during the run-up to an international event in the city, Helping Hands relocated to a neighbouring city. There, Helping Hands staff attempted to apply the methods they had learned at Honghua in negotiating for sex workers in their interactions with the police. However, when attempting to help a sex worker who was being extorted by local gangs, the organization came across a larger case of local state collusion with the gangs. Gangs in the city collected "protection fees" from sex workers and paid a fraction to the police. Helping Hands reported the situation to the police, but rather than investigate the gang, the police began investigating Helping Hands, even confiscating internal organization documents to bring charges against the NGO.

This unfortunate incident led to Helping Hands relocating to a southern city in 2011. After several years operating there, Helping Hands was notified by the landlord that its lease was up, a decision which had been prompted by local police pressure. The police did not divulge specific reasons for this eviction, but former staff members suspected that it was because of the organization's services to sex workers. For fear of provoking further crackdowns, Helping Hands staff did not confront the police. Instead, they moved into an office located in a rural residential neighbourhood and expanded its service scope to community residents.

Helping Hands had operated underground while it was in the north, but in the south, Jingmin, the director of Helping Hands, was determined to formally register the organization to avoid further police crackdowns. However, the organization was unable to meet the 100,000-yuan registration fee and thus remained underground until 2015, when registration rules were relaxed. Then, Jingmin registered the group with a district civil affairs bureau, which also serves as its supervisory unit, as an NGO serving migrant workers. Since 2017, Helping Hands has relied on majority government funding and has been collaborating with local residential communities to compete for government contracts delivering services to a variety of constituents.

WorkersFirst was founded in 2008 by a few sex workers in a northern provincial-level city. One of them, Shulan, was inspired by the voluntary

33 Pseudonyms are given throughout for all NGOs and personnel mentioned in the study.

activities she had taken part in which were offered by NGOs working on AIDS prevention. She began to offer the peer education about AIDS prevention that she had learned to sex workers. Under Shulan's leadership, WorkersFirst selectively recruited current and former sex workers to serve as NGO personnel as Shulan strongly believed that an NGO manned by sex workers themselves would best represent their own interests and needs.

In 2012, WorkersFirst registered with the bureau of commerce and industry, a common alternative to MCA registration. Three years later, to gain a more legitimate appearance (*baozhuang* 包装) in the eyes of the state, WorkersFirst registered with a local civil affairs bureau with a district-level All-China Women's Federation (ACWF) as its supervisory unit. WorkersFirst answers the calls of ACWF regularly to attend meetings with its officials or to initiate collaboration with local residential communities under the guidance of the same ACWF.

This formal registration has allowed the organization to build relationships with local government agencies, which in turn helped WorkersFirst to win government contracts in 2017. Like Helping Hands, WorkersFirst expanded its official service scope to include migrant workers in general. During its annual evaluations by the ACWF, WorkersFirst personnel conceal their true service targets, sex workers, and present the organization as an NGO concerned with the well-being of migrant women. They highlight the broad-based programmes that they carry out with government agencies, rather than the more politically sensitive work with sex workers.

In order to capture each NGO's strategic attempts to cultivate political and social relationships, the first author conducted four months of ethnographic fieldwork while working as an NGO volunteer. In 2018, she worked for two months at Helping Hands, and in 2019, she worked for two months at WorkersFirst. One of the first author's responsibilities at both organizations was to engage in community outreach with sex workers, accompanied by full-time staff and other interns. By working closely with NGO personnel, she gained an insight into how individual staff members view their NGO's contracts with state agencies, as well as NGO founders' motivations for pursuing strategic partnerships. We supplement ethnographic data with four semi-structured, two-hour interviews with NGO leaders as well as primary literature produced by these NGOs, including newsletters. All interviews were conducted and transcribed in Chinese, then later translated into English. Pseudonyms are used throughout the article.

## Dependence on the State

Before the Xi regime, domestic NGOs in China often received funding from international NGOs (INGOs).<sup>34</sup> Under the Xi regime, however, intense scrutiny and regulation of these INGOs has greatly reduced the flow of funding from

34 Fulda 2017; Kang, Yi 2019; Shieh and Brown-Inz 2013.



INGOs to domestic NGOs.<sup>35</sup> Meanwhile, the central state has encouraged local governments to contract out vital social services, particularly for vulnerable and hard-to-reach populations, to NGOs.<sup>36</sup> This has made local governments a primary source of funding for many NGOs.

Both Helping Hands and WorkersFirst compete for government contracts, although only Helping Hands is solely dependent on these contracts for its operating budget. In its early years, Helping Hands was given core funding support by Oxfam, an INGO, which supplied it with annual grants as large as 200,000 yuan. This funding was not earmarked for any specific purpose and Helping Hands used the Oxfam funding to cover institutional costs such as rent and personnel salaries. However, in 2018, Oxfam began to retract this funding in favour of funding its own on-the-ground advocacy. During the years that Helping Hands had access to Oxfam funding, the organization devoted the entirety of its time and resources to a sex worker-centred agenda.

After losing the Oxfam funding, Helping Hands began to apply for government contracts through partnering with local residential communities (*shequ* 社区). Residential communities have taken over a wide range of administrative functions for upper-level state agencies, with most of their personnel salaries and activities funded by the MCA.<sup>37</sup> In the southern city where Helping Hands is located, the district government requires that each residential community allocate an average of 2 million yuan annually to projects to improve residents' welfare. It selects projects via an open call for proposals. Selected organizations must then recruit residential communities interested in implementing projects within their jurisdiction.

Because the selection process favours projects that are of a broad interest to residential communities, Helping Hands spent its time developing projects not targeted at addressing sex workers' needs and instead collaborated with a local residential community to offer services such as breast and cervical cancer screenings to local women residents. This dependence on collaboration with residential communities stretched the organization's resources. In order to survive on government funding, Helping Hands had to implement four to five projects annually, ranging from serving the needs of sanitary workers, empowering full-time mothers and offering sex education to young children. Furthermore, because funds were earmarked for specific project expenses, and personnel whose salaries were drawn from government funds were required to work solely on government projects, staff spent the majority of their time on broad community-wide programmes rather than on their mission-oriented services for sex workers.

WorkersFirst, on the other hand, remained financially autonomous by maintaining a diverse set of funding sources. It relied consistently on international

35 The Foreign NGO Management Law of 2017 stipulates that all INGOs in China must register with the public security bureau before conducting any activities, including funding domestic NGOs (Fu and Distelhorst 2018; Li 2019).

36 Kang, Yi 2019.

37 Tomba 2014.

private funding channels from INGOs, as well as competing for government contracts from the local centre for disease control (CDC) and the local civil affairs bureau. In the early years, INGO funds allowed the organization to pursue mission-related tasks. For example, WorkersFirst produced a short movie based on the true story of a sex worker, which was later nominated for a prize at a prestigious international film festival. WorkersFirst also spent years working on abolishing the custody and education system (*shourong jiaoyu* 收容教育), a system of detention and compulsory re-education for sex workers that has been in place since 1987.

Unlike Helping Hands, WorkersFirst viewed government contracts not as a financial resource but as a way to legitimize the organization's controversial mission-oriented work. WorkersFirst signed a service provision contract with a local civil affairs bureau to deliver labour law and health education to migrant workers. The organization also won a contract with a local CDC to test sex workers and their clients for sexually transmitted infections (STIs). WorkersFirst's director Shulan complained that these projects were not profitable. WorkersFirst only undertook these projects, she explained, to make its existence more "rational."

Shulan believed that although staff spent a considerable amount of time dealing with laborious administrative paperwork, the public, state-contracted work that WorkersFirst carried out provided the organization with legal cover for its more politically sensitive work. For example, when a sex worker affiliated with WorkersFirst was arrested, Shulan was brought to the police station on charges of gathering sex workers in order to disseminate anti-government ideology. Shulan countered that WorkersFirst had gathered migrant workers for a lecture on health education, as outlined in its project contracted with the local civil affairs bureau; the police dropped the charges when they saw the contract confirming her statement.

### **Helping Hands: Downshifting from Advocacy to Therapy**

While both organizations complied with MCA registration and operated "above ground" by delivering state-contracted social services, they also tried to limit the extent of state influence on their respective missions. The founder of Helping Hands was trained by a parent NGO, Honghua, which focuses on mobilizing sex workers in Hong Kong. Sex work is not illegal in the Hong Kong criminal law system and so Honghua is able to advocate openly for sex workers' rights, interacting frequently with the Hong Kong police, either to appeal for police protection on behalf of sex workers or to protest corrupt police officers who illegally seize sex workers' profits. When training new founders of NGOs, Honghua staff attempted to export the organization's core values despite the fact that sex work is criminalized in mainland China. One of the formative values that Honghua sought to export to local branches on the mainland is the idea that sex work is legitimate work.

Staff at Helping Hands, however, found it difficult to adhere to this core value. In the southern city where it is based, sex workers face the constant threat of arrest and crackdowns. They regularly have to deal with violent clients and related incidents such as robbery, rape, non-payment, destruction to property and even murder. Yet many sex workers do not report client violence to the police who, following Xi Jinping's nationwide campaign against gang crime (*sao hei chu'e* 扫黑除恶), often use such incidents as opportunities to crack down on sex work. In a context where the police and state criminalize sex work, Jingmin, the director of Helping Hands, admitted that the illegal nature of the "sex industry doesn't allow social workers to obtain any sense of accomplishment, let alone talking about rights protection."<sup>38</sup>

Helping Hands staff also faced limitations when providing legal counselling for sex workers, as they had been trained to do by Honghua. For example, Honghua's outreach work includes touring buildings where sex workers operate one-woman brothels to disseminate legal knowledge to new sex workers and collect their complaints about police abuse and clients' harassment. Honghua reports statistics on complaints about abuse and harassment from the police in every issue of its newsletter to raise awareness among sex workers.

This legal counselling approach, however, is less effective for the Helping Hands staff on the mainland. They are unable to disseminate materials on sex workers' rights without violating the 2016 Charity Law, which prohibits NGOs from working against the "public interest." Moreover, sex workers have fewer rights in China. As mentioned above, Helping Hands staff did attempt to report an incident of extortion of sex workers by gangs to the police during the organization's early years in the north of China; this backfired by triggering a police crackdown on the organization itself. Following this episode, director Jingmin restricted the scope of Helping Hands' activities. "As social workers ... we can only take comfort in providing services for [sex workers]."<sup>39</sup> Similarly, former staff member Yumeng sidestepped deeper issues of illegality and instead offered a breezy description of camaraderie: "living in a big city alone, you need someone to give you some support and reliance. People can get lonely in the city."<sup>40</sup>

Helping Hands staff quickly shifted their focus from seeing camaraderie as a second-best alternative to legal counselling to prioritizing therapy for sex workers as the NGO's core mission. One former staff member, Sichun, viewed sex workers as needing little more than social services and conversation: "to tell the truth, some sisters, they don't need you to do anything for them. *What they need is company, an outlet for conversation.*"<sup>41</sup> Yumeng described Helping Hands as a "tree hole" for sex workers, a safe place where they can disclose intimate and sensitive information: "Our existence is like a tree hole. You can talk and I can listen. I will

38 Personal document shared with author.

39 Ibid.

40 Online interview with Yumeng, April 2020.

41 Online interview with Sichun, April 2020. Author's emphasis.

understand you and give you some help. Other than that, to tell the truth, they don't need our help."<sup>42</sup>

The organization's initial goal of fighting violence against sex workers and negotiating more rights for them was quickly forgotten and replaced with a mission to build trust and solidarity with sex workers.

### **WorkersFirst: Leveraging State Legitimacy**

While Helping Hands downshifted its functions from legal intervention to providing therapeutic social services, WorkersFirst staff attempted to maintain a more transgressive approach. In its early years, the organization carried out direct advocacy work by publishing materials to create public awareness of sex workers and advocating for reform of the custody and education system while at the same time carrying out state-contracted social service work. In partnership with the municipal CDC, WorkersFirst still regularly carries out surveys and tests for sexually transmitted infections and AIDS among sex workers and their male clients.

WorkersFirst was able to engage in these more transgressive activities because it used its government connections and good political standing to buffer its advocacy from scrutiny. Unlike Helping Hands, WorkersFirst registered early and developed strong relationships with several state agencies, including the ACWF, the CDC and the MCA. WorkersFirst underwent a voluntary rating evaluation with the local civil affairs bureau, which involved a more stringent assessment process including a field visit by a team of cadres and experts. WorkersFirst won an AAA rating from the local civil affairs bureau, a status that allows the organization's applications for government contracts to be given priority consideration. The WorkersFirst office displays plaques that certify that it is a "Level AAA Social Organization," as required.

There were other reasons for the organization's ability to stick to its sex worker advocacy mission. Whereas Helping Hands was forced to relocate to an exurb in the south, WorkersFirst is located in an urban core in close proximity to the sex workers it serves. Furthermore, whereas Helping Hands had to partner with residential communities on projects generalized for a broader community, WorkersFirst was able to engage in state-contracted projects targeted directly at the sex worker population. For example, while staff test sex workers for STIs as part of a contracted project with the municipal CDC, they are also building trust and rapport with their target client group, which they can later mobilize for other purposes.

This is consistent with the expectations of resource dependency theory, which argues that organizations attempt to maintain internal stability and external legitimacy by exercising control over their relationships with organizational collaborators.<sup>43</sup> Early on, WorkersFirst strategically devoted considerable resources

42 Online interview, Yumeng.

43 Pfeffer 1981; Pfeffer and Salancik 1978.

to developing strong relationships with state agencies, recognizing the importance of obtaining legitimacy for instrumental purposes. This allowed the organization to diverge from the default stance of most other NGOs that were, like Helping Hands, wary of pursuing advocacy work.

This divergence is apparent in each organization's perception of the NGO field. Staff at Helping Hands understood all NGOs to be corporatist organizations: one staff member interviewee declared that operating autonomously from the state is "politically incorrect," then described the state-dominated NGO field as a "one branch blossoms alone" (*yizhi duxiu* 一枝独秀) situation rather than a "hundred flowers bloom" situation (*baihua qifang* 百花齐放).

Shulan, the director of WorkersFirst, on the other hand, had a dim view of Helping Hands' role in the NGO field. She dismissed the therapeutic approach of Helping Hands as pointless chatting and claimed that WorkersFirst never engaged with sex workers purely for the sake of engagement: if she invites lawyers to deliver a lecture to sex workers, she ensures that those activities are addressing the concrete needs of sex workers. In her view, Helping Hands was an organization that had failed in its mission to serve the needs of sex workers.

### Mission Blur

Early experiences provided WorkersFirst with a set up different from that available to Helping Hands as it was able to engage in rights advocacy privately while simultaneously carrying out STI tests for the CDC. However, the original mission of decriminalizing sex work gradually became blurred as WorkersFirst staff members aligned the organization's rights advocacy mission with the state's public health agenda.

Most staff members acknowledged that healthcare services were not a critical need for the sex workers, who were often arrested, detained and forced to contend with frequent brothel shutdowns during police crackdowns. Director Shulan acknowledged that police crackdowns were a larger threat to sex workers than STIs. Further, Shulan reluctantly admitted that forming an association between sex workers and STI testing might contribute to the negative stigma of sex workers as dirty in the popular imagination. However, the public health work of the organization allowed it to operate legitimately in a repressive political context. As Shulan argued, without AIDS, WorkersFirst "doesn't have an excuse to exist ... operating an NGO in China is all about legality."<sup>44</sup>

Yet while the WorkersFirst leadership intended to use the good political standing obtained through the organization's public health work as a cover for its more controversial advocacy work, rank-and-file staff formed the impression that the organization prioritized its public health work over rights advocacy. One staff member, Mudan, explained why the organization did *not* openly pursue

44 Interview with Shulan, August 2019, WorkersFirst.

policy advocacy by declaring that “a righteous act is not necessarily a correct one,” implying that further policy advocacy might provoke severe repression. On the other hand, as she saw it, “health is what can be done right now.”<sup>45</sup>

Furthermore, staff members were spending so much time on health-related tasks that they began to subconsciously link the two organizational priorities of health services and rights advocacy. Even when discussing the organization’s objective to decriminalize sex work, Mudan recounted the benefits that legalizing sex work would bring to public health:

Sometimes it’s not that the clients don’t want to wear condoms. It’s that the sex workers don’t want them to, in order to let them finish quickly [and thus minimizing the risks of being caught] ... that’s why [STIs] are so easily transmitted ... Legalization would let people wear condoms more. If you legalize it, then she would think it’s okay to take it slow, as long as he wears a condom. She would not be afraid of the police arresting them.<sup>46</sup>

Mudan believed that the prevalence of STIs among sex workers was a result of the criminalization of sex work; decriminalization would encourage more widespread condom usage, which would then lower rates of STI infection.

Whereas Helping Hands’ staff sidestepped the issue of illegality in sex work, WorkersFirst staff reframed the goal of legalizing sex work as a matter of public health, a perspective it imported from working with the CDC. This is a phenomenon that institutional scholars recognize as an effect of isomorphism, the process through which organizations subconsciously conform to values embedded in externally validated norms.<sup>47</sup> Even when organizational leaders attempt to affiliate with the CDC for instrumental purposes, they inevitably internalize the CDC’s public health language and rhetoric.

## **Institutionalizing Responses to Repression**

Helping Hands and WorkersFirst responded differently to repression according to their respective positionality within the institutional field of Chinese NGOs. Helping Hands had no choice, given its lack of connections to state agencies, but to allow its work with residential communities to cannibalize time and resources otherwise devoted to mission-oriented work. WorkersFirst, on the other hand, was able to convert its state connections into contracts with the CDC and ACWF that provided cover for mission-oriented work.

Both organizations came to shape their internal metrics for staff performance around these different positionalities in the institutional NGO field. After Helping Hands downshifted its initial advocacy mission and began providing therapeutic services for sex workers, the organization made building a rapport with sex workers into a mission unto itself. WorkersFirst, on the other hand, internalized the rhetoric of its agency partners and began encouraging sex workers to conform to a sanitized image of sex workers as responsible breadwinners for whom sex work as a

45 Interview with Mudan, August 2019, WorkersFirst.

46 Ibid.

47 DiMaggio and Powell 1983.

profession was a last resort. In doing so, both NGOs depoliticized their missions as they pivoted away from their original mission to decriminalize sex work in China. This is similar to the effects of “NGOization,” which is documented widely in the NGO literature and defined as a process of professionalization that leads social movement organizations to contain their more radical messages and shift away from public display of dissent.<sup>48</sup>

### *Helping Hands: professionalizing rapport*

Helping Hands developed internal metrics for staff performance based around its therapeutic mission. For example, staff members would visit brothels in city villages three times a week, during which they relied on casual talk with sex workers to collect information about new events in their lives. After returning from these visits, the staff members would write up records of each conversation, creating a veritable chat history. They kept archives of chat histories for each sex worker and made notes on significant events. Helping Hands staff took pride in spending long periods in the brothels and writing detailed chat histories. Senior staff members often trained young interns in how to build a rapport with sex workers, an important skill to learn since Helping Hands personnel tended to be young college graduates with no experience of sex work themselves.

Staff tended to evaluate their own performance according to the metrics of rapport-building. The first time the first author accompanied Sichun on a site visit, the two visited and sat in five brothels in one village for about three hours in total. When asked to describe a successful site visit, Sichun recollected: “I remember one time I talked for the longest time. I went [to a brothel] at round three [o’clock] and chatted with [sex workers] until six or seven. It was about three to five hours of talking. I remember I wrote many pages of outreach records.”<sup>49</sup> The purpose of such long visits, staff believed, was to transform reticent sex workers into active participants in Helping Hands’ activities. Sichun later described the progress she had made with a formerly reluctant sex worker in terms of her ability to recruit the sex worker to take part in other organizational activities; “At first [the sex worker] Sister Jiang didn’t agree [to participate in Helping Hands’ activities]. But I tried a second and third time. We can do it nice and slow. So later when we were there doing regular STI rapid checks, she was enthusiastic. She even asked others to participate. I think that was progress.”<sup>50</sup> Staff prioritized the importance of building a rapport during outreach because they could later add any newly recruited sex workers to the health programmes and social events they organized.

The support offered to sex workers by Helping Hands stops short of legal or rights-based aid. For example, although staff provide support to sex workers

48 Lang 2012.

49 Online interview, Sichun.

50 Ibid.

who have been arrested and held in detention, they do not offer legal advice. In one instance, Helping Hands staff visited a sex worker in detention, giving her 1,000 yuan and some living essentials such as bedding. However, there was no mention of any possibility of Helping Hands intervening in the conditions of her detention.

Sex workers, for their part, viewed Helping Hands with a degree of scepticism. Many were not enthusiastic about attending the organization's social activities, which they viewed as a drain on their time with little upside. During one social activity organized by a young student intern at Helping Hands, the first author observed sex workers talking to each other instead of to staff members. During site visits, sex workers did describe violent encounters with the police to Helping Hands staff, but they did not expect the staff members, whom they privately referred to as "little girls," to address their struggles. This disconnect may have been intensified by the demographic gap between staff, who are mainly college-educated young women, and the sex workers, who are primarily middle-aged rural migrant workers.

#### *WorkersFirst: sanitizing sex work*

WorkersFirst staff also developed an organizational culture around tactics that they had initially developed in response to a constrained funding environment. Unlike Helping Hands, which professionalized the work of building rapport, WorkersFirst began to adapt its mission to incorporate the goal of bringing sex workers more into the public eye. Staff enjoyed the feeling of protection offered by the legitimacy that its government rating and public-facing work lent to the organization. Director Shulan reasoned that if state affiliation could sanitize the organization's image, then the organization could likewise sanitize the public image of sex work. In her words, she aimed to "let [sex workers] know that they can bathe in sunshine, and not just stay in a dark corner. Let them know that WorkersFirst can also be exposed in light as well."<sup>51</sup>

Shulan believed that it was important for the organization to address sex workers as "ordinary women" rather than as stigmatized subjects. In the past, she explained, before the organization had developed a reputation as a government-affiliated public health organization, sex workers were reluctant to work with them. She believed this was because sex workers felt ashamed to come to an organization which was publicly known as a sex workers' NGO.

We used to find that sisters didn't want to come to our office, because what we told the public was that we only provide services to sex workers. They would think that "I don't want to go to your organization because if I go there it would prove that I'm a sex worker."<sup>52</sup>

Now that WorkersFirst was engaged in health services that were accredited by the local state, sex workers could seek out the organization's services without feeling stigmatized:

51 Interview, Shulan.

52 Ibid.



[A sex worker might] think that as a worker, she has one identity [as a sex worker]. But outside of being a worker, she is just an ordinary person ... an ordinary migrant woman. And we are just an organization that provides services to migrant women ... That way, she would feel lighter about our services and wouldn't think that she is being labelled.<sup>53</sup>

Shulan herself placed great meaning in the accolades the government bestowed on WorkersFirst and she assumed that sex workers, too, would respond likewise. This narrative, however, ignores the fact that sex workers might not place significant meaning in government labels, given their fear and abhorrence of the police.

This belief in the importance of sanitizing the public image of both WorkersFirst and sex workers informed the organization's discourse. In their conversations with sex workers, WorkersFirst staff members frequently returned to topics which would remind the sex workers of their roles as mothers, daughters or wives. During an informal meeting among WorkersFirst staff and their long-term volunteers for instance, Mudan shared her own difficulties caring from afar for a father with Alzheimers. After hearing about Mudan's story, Ling, a sex worker volunteer, spoke up: "I knew that being in this business could harm our bodies, but what else can I do?" Ling shared that her mother was suffering from depression, her children were in college and her husband had lung cancer. She performed sex work because she was the sole capable breadwinner. Similarly, when a newly recruited sex worker declared feelings of shame in the profession, stating that "for us older women, we don't have too many years left for the job, but I would feel ashamed for young girls entering the industry," Mudan nodded affirmingly.<sup>54</sup>

In WorkersFirst's discourse, sex work is not a voluntary profession, but rather a last resort that women turn to in order to fulfil familial responsibilities to parents or children. This is a far cry from the organization's early discourse on sex work. For example, in the early days when the organization was reliant on INGO funds and did not engage with state-contracted projects, WorkersFirst produced a movie which depicted a sex worker who had entered the sex industry owing to economic hardship, but who eventually came to enjoy the sexual pleasure her work offered her. This depiction was meant to be a deliberate counterpoint to popular images of sex workers as victims. Today, however, the organization actively imports victim imagery in its dealings with sex workers.

WorkersFirst's sanitizing mission also included counselling sex workers to act as responsible breadwinners. During site visits, Shulan taught sex workers to save their money instead of spending it on themselves for leisure. One sex worker, Yuping, loved shopping and showed Shulan two full wardrobes of clothes that she had bought. She had also signed up for online calligraphy and painting lessons and proudly showed staff members her paintings. Shulan advised her to spend less and save more, since sex work was not an industry kind to women as they aged. She privately expressed disappointment in Yuping, who spent

53 Ibid.

54 Author's field notes, July 2019.

lavishly despite a family situation – she was a divorcee with aging parents who needed care and had an estranged daughter – that left her without a financial safety net. According to Shulan, it was personal responsibility that was the most difficult part of being a sex worker and not the daily threat of client violence and police arrest. She believed that “many sex workers can’t [manage their finances] well; they either use the money to gamble, ending up with bad guys, or spend the money very quickly.”<sup>55</sup>

Finally, staff members treated sex work as a temporary measure from which women should extricate themselves as soon as possible. Staff members counselled sex workers on how to leverage their client relations to procure large gifts and financial support, which women could stash away in preparation for a future exit from the profession. For instance, Shulan advised a sex worker, Binfen, to “take good care of” a long-term client of hers, so she could later ask him to buy her an apartment in the city. Binfen followed her advice, and after her client did buy her an apartment, she was upheld by staff as a model for how sex workers could eventually end their careers.

By addressing sex workers as ordinary migrant women, WorkersFirst could bring sex workers’ stories to the public eye without invoking the stigma of sex work. Yet by doing so, the organization also offered an implicit, although unintended, nod to the legitimacy of this stigma. This resulted in a depoliticization of the original WorkersFirst mission, to decriminalize sex work, since it sidestepped making controversial claims against either public opinion or state rhetoric.

## Conclusion

This paper shows how two NGOs, operating within a context of state repression and restricted access to resources and networks autonomous from the state bureaucracy, have responded in different ways yet have both ended up with depoliticized missions. Both organizations, under different leadership and staffed by different personnel, changed their set ups following different, contingent sequences of events: Helping Hands, harassed by the police, went underground while WorkersFirst formally registered itself with the state. These early differences positioned each organization differently in the institutional field of NGO funding: Helping Hands became a community-level organization forced to devote its scant resources to migrant worker issues, while WorkersFirst could pursue its mission-oriented work under the cover of its affiliation with the state.

State affiliation, however, forced both organizations to drift from their original missions of decriminalizing sex work. While Helping Hands was depoliticized as its time and resources were consumed by its social work, WorkersFirst attempted to leverage the symbolic capital of state affiliation to legitimize its more sensitive advocacy work. Yet state affiliation means adherence to a “public transcript” of

55 Author’s field notes, June 2019.

compliance with state rhetoric that is easily internalized and merged with NGO organizational culture.<sup>56</sup> WorkersFirst staff, for example, began to merge the NGO's political advocacy mission with its sanitized public health mission and to present sex workers as noble victims in accordance with state rhetoric. This is a result of the state's ability to naturalize a state-produced hierarchical order as legitimate.

This paper documents the consolidation of state control over NGOs since Xi came to power in 2013. Our findings reveal a mechanism of state repression that departs from conspicuous coercion and instead involves the inculcation of symbolic power among civil society actors, who participate in producing and reproducing a state-produced social order.<sup>57</sup> In the state-produced institutional field of grassroots NGOs, compliance with state norms becomes synonymous with organizational competence. Faced with an increasingly constraining institutional field, NGOs in China inadvertently internalize state norms and reproduce the state rhetoric in their dealings with their constituents. They are thus drawn further away from performing policy and rights-based advocacy for their constituents.

Departing from previous studies that either portray NGOs in China as rights-based advocacy groups<sup>58</sup> and political actors,<sup>59</sup> or frame them as depoliticized service providers,<sup>60</sup> we show the social process by which previously radical advocacy groups are depoliticized as a consequence of their responses to institutional pressures. Our work suggests the important role of rhetoric and discourse in the state's governance of civil society in China.

This study examines the advocacy space of sex work, which is more closely monitored by the state than other advocacy spaces such as environmental protection. Its findings therefore may be specific to grassroots NGOs operating in politically sensitive spaces. Further research is necessary to examine whether this argument is generalizable to NGOs in other advocacy spaces as well as to larger and non-grassroots NGOs.

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56 Scott, James 1985.

57 Bourdieu 2014.

58 Fu 2018.

59 Ho 2001; Mertha 2009; Yang 2005; Zhou 2018.

60 Hsu 2010; Hasmath and Hsu 2014.

## Conflicts of interest

None.

## Biographical notes

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**摘要:** 运用民族志田野调查和访谈的方法, 本文探讨为性工作者维权的中国非政府组织中两种不同的去政治化过程。利用布迪厄和制度理论, 我们认为从2013年开始的习近平政权强化了对公民社会的压制并创造了制度的权力场域, 对此两家非政府组织分别作出了不同的响应。一家机构由于依赖于政府购买服务作为主要资金来源, 分散了其原先的活动宗旨。而另一家机构为了寻求政治合法性, 内化了国家修辞, 从而钝化了其政治目的。这两种不同的响应促成了两家机构的组织实践、规范和文化的制度化。相比于把中国非政府组织描绘成有能力的政治主体或威权政体的走卒, 本文更着重揭示了非政府组织如何被微妙地去政治化, 继而被国家创造的等级制社会秩序灌输遵守国家规范等同于维持组织竞争力的观念。

**关键字:** 威权主义韧性; 非政府组织; 公民社会; 组织实践; 性工作; 中国

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