

that *guanxi* relations can complement rather than hinder China's legal reforms.<sup>33</sup>

An informal institutional approach also helps illuminate "everyday forms of governance." Recent studies of governance in rural China have tended to focus on the dramatic and highly visible rather than on the mundane, everyday interactions between citizens and the state. Over the last ten years or so, scholars of rural China have taken advantage of new opportunities for data collection and have produced empirically rich studies of village democratic reforms, popular protest, and rural industrialization. But what about everyday village politics and the day-to-day operation of village governments? How do citizens make village officials respond to their needs and demands quickly and consistently? When do citizens comply with state policies and when do they ignore state policies? We need a better understanding of the rules and norms structuring the daily give-and-take between citizens and officials on ordinary issues, such as repairing a hole in the roof of the village school, as well as larger issues, such as coping with pollution from a nearby factory or negotiating land rights.

Writ large, these questions have major implications for issues of state capacity. Strong states are strong not simply because they have the power to enforce their demands, but because they also have the ability to secure societal cooperation with these demands.<sup>34</sup> Informal institutions supplied by social groups can create a system of mutual cooperation and accountability between citizens and the state, but each side has to want something from the other. Local officials who care little about implementing state policies have no reason to participate in an informal system of mutual accountability; and when the state has little to offer citizens—as is the case with so many local governments in arrears—there is always a danger that citizens will simply establish their own system of nongovernmental governance, using solidary institutions to substitute for, rather than to support, the state.

BENJAMIN L. READ

ELIZABETH J. PERRY & MERLE GOLDMAN  
(EDS.) GRASSROOTS POLITICAL REFORM  
IN CONTEMPORARY CHINA  
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## 7 Inadvertent Political Reform via Private Associations:

Assessing Homeowners' Groups in New  
Neighborhoods

Logically, there are dozens of ways in which constraints can be placed on state officials in order to limit their latitude for arbitrary and socially deleterious action. One type lies in modifications to the institutional environment within the state. This category would include reforms that strengthen oversight and hierarchical discipline; apply clearer standards by which to assess performance; regularize procedures for things such as procurement and contracts; or heighten horizontal accountability to courts or legislatures. A second form imposes checks from outside standard structures and subjects officials to election, recall, or perhaps merely evaluation by the public or by a group of peers or assessors.<sup>1</sup>

This chapter considers yet another type of reform that may impose constraints on officials through mechanisms outside the state itself: establishing or strengthening private associations.<sup>2</sup> The forming of organizations outside of state control holds the potential to constrain state officials by enabling members to express their collective interests more loudly and resist government encroachment more powerfully than would otherwise be the case.

Political theory, particularly the recent wave of scholarship on civil society, commonly ascribes such capabilities to associations. As a review of this work indicates, however,

the actual behavior of private associations is complex. Researchers working on many parts of the world have turned toward examining specific kinds of associations and critically assessing the political roles they play and the internal practices they follow. In China, associations are just as varied and multifaceted as they are elsewhere; but conditions there make it especially difficult for membership organizations to achieve the strength and independence that are needed to exert real pressure on the state. Moreover, it cannot be assumed that in their stance toward and dealings with government they behave the same as groups elsewhere. Careful empirical analysis is thus called for.

This chapter looks at the peculiar case of the homeowners' associations (*yezhu weiyuanhui*, hereafter YWH) that began emerging in recent years in new neighborhoods. The latter term refers to residential developments built (for the most part) since the end of the 1980s, containing commercial housing (*shangpinfang*) in which maintenance, security, utilities, and such are handled in an integrated fashion by a property management company (PMC).<sup>3</sup> Like other forms of organization that lie outside the immediate managerial authority and payroll of the state, these groups have aroused controversy within China and are looked at with suspicion by some officials. At the same time, the YWH are distinct from other such organizations in that they received explicit authorization by national level policy beginning in 1994. Though their emergence in some form was no doubt inevitable regardless of the state's stance, the YWH were encouraged by the Ministry of Construction and other agencies that saw them as a way to regularize market relationships in the realm of property ownership, development, and management.

No state agency overtly identifies homeowners' groups as a form of grassroots political reform. In actual practice, however, the YWH do have political implications. The most robust of the associations act aggressively to defend members' interests against both state and private adversaries. In stark contrast to longstanding patterns in which constituencies of many kinds of workers, entrepreneurs, and others are represented through government-run organizations, the YWH can be highly autonomous bodies with which the state and other interlocutors have no choice but to deal and negotiate. They constitute a new model for private associations in the PRC as well as

an attractive laboratory for activists who have ambitions for far-reaching political change.

At the same time, not all the YWH exhibit such qualities. Many if not most of them are dominated by the powerful firms that they are intended to hire and supervise. They can be thwarted by local officials who block their approval and deny them legal standing. Some become the creatures of a small clique of homeowners who make decisions in the name of others without their assent.

The purpose of this chapter is to evaluate these organizations and the extent to which they constitute a form of political reform, a check on state power. It also aims to explain the forces that shape these groups into a diverse array of outcomes. The conclusion of the chapter is that although potent and democratically run associations are currently in the minority, it appears that they are becoming more numerous and hence a more important constraint on local government.

This study primarily draws upon fieldwork conducted in 1999, 2000, 2003, and 2004. I interviewed homeowner organizers in twenty-two new neighborhoods in Beijing, Shanghai, and Guangzhou. Valuable information also came from separate interviews with municipal officials in all three cities, as well as conversations with several Chinese researchers who are studying this phenomenon. A wealth of Chinese newspaper and newsmagazine accounts provided insight as well.

The chapter begins by reviewing theories of voluntary associations and drawing from them three expectations about the kinds of organizations that have the most strength vis-à-vis local governments. It briefly reviews studies of homeowners' groups in other countries, and then discusses the origins of those groups in China and the policies that are intended to shape them. The next section notes the features of the grassroots-level political setting that affect the homeowners' groups and their organizational properties. The chapter then presents a typology of the YWH. It concludes with observations about associations as a variety of political reform in China.

## Theories of Associations

Theorists of civil society, defined as a sphere of voluntary associations situated between state, market, and family, have consistently

identified these associations as bulwarks against government abuse. Widely differentiated regional, occupational, ethnic, and religious groups serve as the basis for the limitation of state power, hence for the control of the state by society, according to Samuel Huntington.<sup>4</sup> Larry Diamond writes that civil society works in such a way as to monitor and restrain the exercise of power by democratic states and to democratize authoritarian states.<sup>5</sup> According to Michael Walzer, civil society "challenges state power," and "confronted with an overbearing state, citizens, who are also members, will struggle to make room for autonomous associations and market relationships."<sup>6</sup> This capacity for resistance is, of course, why states with the greatest ambitions for radical social transformation tend to do away with membership organizations that are beyond their control.<sup>7</sup>

The idea that civil society organizations express demands to the state and resist its incursions is only one of a number of salutary properties that theorists attribute to them. These associations are also said to inculcate virtuous civic habits of tolerance and participation, build interpersonal ties of trust and reciprocity, recruit political leaders, and cross-cut otherwise destabilizing lines of social conflict. Of these many claims, the state restraint argument is probably among the better supported and more generalizable, as it makes fewer assumptions about groups' internal workings.

But not all voluntary organizations behave in the same ways. Indeed, a lively countercurrent within the civil society literature points out how certain groups can be detrimental to democracy and the public interest.<sup>8</sup> A sensible step forward in this research agenda has been to create distinctions among different varieties of organizations and empirically determine what role they play, rather than to assume that everything from trade unions to churches to secret societies has the same political properties.<sup>9</sup> These attempts to disaggregate the world of groups generate several expectations about the political significance of private associations in authoritarian political settings. Their importance for reform, there is reason to believe, will be positively related to three principal characteristics.

The first factor is the group's internal democracy. Groups will be better able to restrain state power if they follow internal institutions that keep the organization responsive to its rank and file. This includes things like fair elections for leadership, meetings and records

that are open to the membership, and decision-making practices that allow everyone's voice to be heard. There are counterexamples. Even a hierarchically governed, autocratic association could stand up against or exert influence on the state. Examples might include secret societies or highly regimented political organizations.<sup>10</sup> Nevertheless, groups in which leaders are not accountable will generally have less significance for political reform. Internal democracy should make leadership less susceptible to being co-opted by the government or other outside actors. It should bolster the leaders' moral standing when they claim to speak on behalf of their constituents. And it should enhance their ability to mobilize their members to engage in collective action.<sup>11</sup>

The second factor is the group's external autonomy. Organizations that are strongly beholden to other entities will be less able to contribute to political reform. This does not mean that an association must be free from all institutionalized links with state actors. Indeed, regularized channels of contact with the government could allow associations to make themselves heard in ways that have a good chance of getting the officials' attention. Still, if groups do not have the latitude to establish their own leadership, manage their own affairs, set their own agendas, and determine their own positions on important issues and act on them, but instead take their cues (or orders) from external bodies, their ability to effect reform will be limited. This is true whether the external organizations in question are themselves part of the state or are non-state actors such as firms.<sup>12</sup>

The third factor is the group's representational authority. Organizations must be empowered to speak on behalf of their constituents, and be acknowledged as such. Without this, external bodies will not feel obliged to listen to the group. Members themselves may be uncertain of the association's standing, and there may even be more than one association competing for the same mandate.

China scholars have paid considerable attention to associations generally, and in particular have debated the concept of civil society.<sup>13</sup> Some observe that, empirically, there were relatively few examples of independent organizations to be found as of the mid-1990s.<sup>14</sup> Some cast doubt on the idea that civil society will be an important source of political change in China.<sup>15</sup> In particular, the notion that the newly wealthy (especially entrepreneurs or businesspeople) will

form representative organizations outside the state's control has been called into question, although some find mixed evidence.<sup>16</sup> With wholly or mostly autonomous grassroots groups beginning to emerge in significant numbers—for instance, in the fields of environmental protection, women's and workers' rights, and the AIDS epidemic—the relevance of these groups seems ripe for reassessment. A further strand of discussion has centered on whether concepts derived from Western terms like “civil society” are appropriate yardsticks for measuring associations that are rooted in the Chinese cultural milieu, which may (for example) favor kinship-based groups and state-society relationships much more complex than a simple dichotomy.<sup>17</sup> Here, too, a logical response is to delve into empirical analysis, evaluating organizations not in terms of how well they conform to Western-derived definitions but rather in terms of how they achieve important outcomes.

In analyzing China's YWH it is appropriate to bear in mind accounts of roughly comparable homeowners' organizations elsewhere. A number of researchers have posed the question of how associations in U.S. Common Interest Developments (CIDs) stack up as democratic, self-governing bodies. Some of these studies are harshly critical. Evan McKenzie's *Privatopia* alleges that American CIDs practice an anemic form of politics featuring low rates of participation and revolving narrowly around the defense of property values.<sup>18</sup> Similar themes can be detected in other countries as well. For instance, Teresa Caldeira's study of São Paulo paints a dark portrait of internal governance in the gated communities to which crime-fearing residents retreat.<sup>19</sup> Others, however, find homeowners' groups to be laudable examples of local democracy and civic association, or at least find the criticism to be overstated.<sup>20</sup> Moreover, supporters, skeptics, and others seem to agree that homeowners' groups do engage in vocal political action directed at local governments, especially when their interests are threatened.<sup>21</sup>

## Overview of Empirics

Other researchers and I have written preliminary analyses of China's homeowners' movement elsewhere.<sup>22</sup> The process by which the YWH came into existence is intrinsically interesting and complex, and

raises as yet unresolved questions as to the motives of key actors within the state. Less opaque are the general contours of housing reform, the backdrop against which the new organizations emerged, as well as the national policies that support them. Here I present only a capsule version of these events and documents, sufficient to make the grassroots-level analysis clear.

The system of housing administration created after the establishment of the People's Republic featured what might be called a two-track system for the management and distribution of urban homes. On one level, work units (*danwei*) oversaw apartment blocks that were occupied by their staff and dependents; investment in new housing was concentrated in these buildings, which were often located within the confines of the unit's facilities. On another level, housing offices (*fangguansuo*) reporting to city housing bureaus managed all other homes, particularly residential areas built prior to the revolution. Private ownership was minimized within this system, and property rights were diluted. *Danwei* members did not own their unit-provided homes; rather, they were conditionally granted the privilege of using them. The *fangguansuo*, meanwhile, aggressively appropriated and redistributed older domiciles in such a way that by the end of the Cultural Revolution, only a small fraction of urban households owned homes, and even in those cases, ownership often was no more than nominal.<sup>23</sup>

In the late 1980s housing policy began to take a far-reaching new turn, although it was not until the mid- to late 1990s that these changes swept through cities on a massive scale, and they still remain incomplete today. The reforms fell into three general categories. Work-unit homes were sold off to their occupants, usually at below-market rates. Large segments of older housing areas began to undergo demolition and redevelopment. And construction of new homes began to be de-linked from the *danwei*. Although work units sometimes continue to help their employees afford places to live, for the most part new housing is not created on behalf of work units; rather it is built by commercial developers. Whether households acquire this housing at market rates or at subsidized prices, not only do they own these newer homes, but also their employers have little or nothing to do with how the neighborhoods are run.

With *danwei* and their logistics departments getting out of the

housing administration business, the Ministry of Construction began articulating a market-based approach to the management of newly built neighborhoods. Professional PMCs would run these developments (known in Hong Kong, the evident inspiration for the policies, as estates). The management companies would be selected and hired by the owners themselves. In order to choose and monitor these service providers, homeowners would form what came to be called owners' committees (*yezhu weiyuanhui*), but were initially called residential neighborhood management committees (*zhuzhai xiaoqu guanli weiyuanhui*).

The Ministry of Construction first announced national policies for this practice in a March 23, 1994, document titled "Methods for Managing New Urban Residential Neighborhoods."<sup>24</sup> These policies were updated in the Property Management Regulations issued by the State Council on June 8, 2003.<sup>25</sup> The 1994 rules called for management committees to be formed, consisting of elected representatives of the residential neighborhoods' property owners and occupants. The groups were afforded a list of four rights (*quanli*):

1. Establish a management charter and represent the owners and occupants within the residential neighborhood, upholding the legal rights and interests of the property owners and occupants;
2. Decide on the hiring or rehiring of a property management company;
3. Discuss and review the annual management plan drawn up by the property management company, along with major measures in the neighborhood's management service;
4. Inspect and oversee the implementation of every aspect of management work and the carrying out of the rules and regulations.

The 2003 policy is a longer and more complex document. It emphasizes the rights of the owners (*yezhu*) themselves, but especially of the *yezhu dahui*, which refers to the full body of homeowners taken as a collective entity. It spells out a set of ten specific rights enjoyed by owners, as well as the powers of the *yezhu dahui*. The homeowners' committee is defined as the executive body of the *yezhu dahui*, and it possesses responsibilities (*zhize*) rather than rights.

In theory, homeowners' groups did not emerge in an organizational vacuum, of course. According to article 111 of the State Constitution and the 1989 Residents' Committee Organic Law, neighborhoods should already include mass organizations that, ostensibly, serve the interests of those who live there.<sup>26</sup> The network of Residents' Committees (RCs), numbering nearly eighty thousand nationwide, has undergone extensive repackaging and state investment since the early 1990s under the rubric of community construction (*shequ jianshe*).<sup>27</sup> Rhetoric notwithstanding, the new RCs remain firmly under the control of the street offices and higher levels of urban authority, and all but a smattering of RC elections contain only trace elements of democracy. Instead, the community reforms aim to make the state's neighborhood-level liaisons more efficient, better educated, and prepared to cope more skillfully with contemporary administrative challenges. The simultaneous emergence of the YWH and the rebuilding of RCs has raised the question of what the relationship between the two should be.

State policy never regarded the YWH as a type of political reform, and in some ways has tried to limit the authority of the owners' groups. Both the 1994 and the 2003 policies make efforts to restrict the powers of the *yezhu weiyuanhui* to the hiring and firing of a management company. The 2003 version particularly emphasizes strictures on the YWH, reiterating in several places its subordination to higher government authorities as well as to the Residents' Committee (an organization that is not mentioned in the 1994 document). The YWH, however, is also to be restrained by ensuring its accountability to the owners and to the *yezhu dahui*. Thus accountability for the YWH is to be accomplished in part by empowering the owners as a whole, not merely by tightening top-down controls on the YWH.

As important as these national policies have been, their actual implementation has been left up to city and provincial governments. Cities develop their own practical guidelines, basing them on the national documents but fleshing them out with things like specific procedures by which the YWH are to be established and elections held. City governments further delegate authority over the homeowners' groups to the district or sub-district level.

This has led to a complex process whereby, in each new housing development, the development (or nondevelopment) of a home-

owners' group has been shaped by three factors, each representing a competing set of interests. The first is the organizational efforts of the homeowners themselves. Owners in some neighborhoods have banded together and mobilized powerful and sustained campaigns to establish a YWH and exercise its legally mandated powers. In many other cases, homeowners have been unable to mount such efforts. The second is the attitude of city officials. In most but not all situations, municipal cadres have taken a dim view of homeowners' groups, both because they have economic stakes in the development companies that are the homeowners' adversaries and because they are chary of groups outside their control. The third is the stance of developers and property management companies. Very rarely do these firms encourage the development of powerful homeowners' associations, but they employ a range of strategies in dealing with their customers' demands, from guarded cooperation to stalling tactics to co-optation to physical intimidation and violence. Variation in these three factors has produced a spectrum of different outcomes at the neighborhood level, to be discussed later in this chapter.

These forces, moreover, have evolved in a dynamic fashion. City governments initially retarded the development of the YWH by denying approvals to most associations except for toothless committees controlled by the developers. Yet over time, this stance has changed, most dramatically in Shanghai. Housing authorities in Shanghai switched to an approach in which the YWH were actively encouraged, but their formation was to be carried out through a closely state-guided process. By the end of 2003, 4,756 homeowners' committees had been established in Shanghai, an order of magnitude greater than the figures for other cities.<sup>28</sup> As of the summer of 2004, the Beijing city government appeared also to be adjusting its institutions to lessen resistance to the YWH.<sup>29</sup>

As noted earlier, the 2003 State Council document reiterated national policy, emphasizing the central government's determination to bring homeowners' groups into existence, but also modified the national government's approach to one that aimed to place constraints on the organizations. Just as important have been the dynamic factors operating outside the state. Organizers of early homeowners' groups have loudly publicized their successes, coaching other homeowners on the finer points of laws and tactics. They have

been boosted by Web sites that provide popular forums for discussion and for comparing notes. The media have also played an active role, providing increasing coverage of the homeowners' movement and spotlighting particularly conflict-ridden neighborhoods.

### The Micropolitical Setting

The characteristics of homeowners' committees in urban China are strongly conditioned by features of the structural setting in which they are formed. Some of these structural features are common to homeowners' groups everywhere, but most are particular to developing-world and post-socialist environments, or perhaps specific to China.

First is the high degree of neighborhood-by-neighborhood idiosyncrasy in the functioning of homeowners' groups. This is a general feature of many phenomena in China.<sup>30</sup> To be sure, no two neighborhoods or condominiums in any country are exactly alike. But in the United States, for instance, homeowners' groups are often created through the repeated application of standardized legal documents.<sup>31</sup> In China, particularity is manifested in (1) approval from state authorities, which is given on a case-by-case basis; (2) relationships between residents and authorities or between developers and authorities, which vary; (3) the degree to which residents are aggrieved by fraud and abuses on the part of the developer, problems that are pervasive in the construction industry; and (4) the developer's stance in responding to homeowner efforts to form an association. Consequently, the power dynamic and organizational status of a given neighborhood can be entirely different from that of a development just down the road.

Second, there are the high costs of organizing. Regulations concerning the YWH require that at least half the owners assent to the creation of a homeowners' association and to enact major decisions, a hurdle that is difficult to overcome, especially if this requires that they all be personally present at a meeting. Mobilizing the participation of hundreds or even thousands of households demands a major effort from the YWH organizers: planning meetings, circulating announcements, and often going from home to home knocking on doors. Organizers also must gather information about the neighbor-



hood and negotiate with the developer, management company, and government offices. Sometimes those who take the lead in homeowner activity even face violent retribution at the hands of thugs hired by the developer. Thus the scale, breadth, demands, and risks of this activity make it a costly endeavor, certainly relative to many other forms of private association.

Third are the high stakes involved. Upon formation of a YWH, one of the first items on the agenda is to resolve what are called legacy matters (*yilun wenti*), problems left over from the homes' construction and sale, often involving what amount to gross breaches of contract. Moreover, property management itself is big business, and a company's right to manage a neighborhood and to charge fees to residents is valuable. In addition to the management fees themselves, companies charge for items like parking; they sometimes collect fees for water and electricity on behalf of public utilities; and they parlay their management authority into monopoly provision of things such as home redecoration services, repairs, plumbing, and so forth. Finally, the YWH will seek control over the significant sums accumulated in maintenance funds that otherwise lie at the managers' disposal. In short, it is not only that homeowners' groups in China are concerned with matters in which large quantities of money hang in the balance,<sup>32</sup> but also that these are struggles between owners and firms over major liabilities, assets, and concessions.

Fourth is the problematic legal environment. In First World settings, homeowners' relationships to one another are often defined as much by contracts as by an organization or association. Indeed, a tendency to enforce rules by recourse to the court system is often subject to criticism or ridicule. In China as well, it is quite common for homeowners to attempt to settle disputes by hiring lawyers. China's legal environment, however, is such that courts are rarely the final word in these disputes, but merely the site of one or more skirmishes in ongoing struggles.<sup>33</sup>

Fifth is the far greater power of the developers relative to most homeowners. Of course, property developers are known around the world for establishing close, symbiotic relationships with city governments, which result in nearly unstoppable policy tendencies captured in the concept of the urban growth machine.<sup>34</sup> In China the

machine is especially sturdy. Development firms are often themselves part of the city government, and their power is particularly unconstrained.

### Typology of Outcomes

Because they vary so widely, it is impossible to describe the nature of actually existing YWH without breaking them down into a typology.<sup>35</sup> The following discussion refers to Table 7.1. It distinguishes six categories of homeowners' groups according to how they measure up along the criteria established earlier: internal democracy, external autonomy (which tend to co-vary), and representational authority.<sup>36</sup> Examples from field research are given for certain types in order to convey a concrete sense of the character of these organizations.

Many neighborhoods that are eligible to establish YWH remain without them, and thus fall into the first category in the left-hand column, "nonexistent." In some of these situations, the lethal combination of discouragement by property developers and management companies, together with indifference from or active stifling by local officials, leaves neighborhoods with no YWH at all. The homeowners' committee sometimes languishes in an unending state of preparation (*choutai*), with officials claiming that it lacks the proper prerequisites. Alternatively, matters pertaining to property management may be overseen by the Residents' Committee or simply by the developer or the property management company.

In other situations, a "puppet" YWH is established that nominally represents the homeowners but in fact merely fronts for the developer or PMC. These companies choose from a wide assortment of methods that can enable them to control the association. Often, they are able to take control of the mechanics of YWH elections, for instance, distributing and collecting ballots. They can ensure that residents with personal ties to the companies are elected. Developers commonly attempt to buy off homeowner organizers in various ways. Local government is often overtly or covertly complicit in maintaining these unaccountable YWH by failing to intervene or by helping to oversee elections that are rigged.

Puppet YWH typically exhibit the features of organizations that are embarrassed by their dubious legitimacy. These groups operate

Table 7.1 *Yezhu weiyuanhui* (YWH) typology

Representational authority	Internal democracy, external autonomy	
	No	Yes
Yes	<p><i>Puppet/noblesse oblige.</i> In both of these subtypes, a YWH is officially recognized, but the organization is dominated by the developer. "Puppets" are wholly unaccountable to owners, while relatively benign developers sometimes foster "noblesse oblige" committees, willing to respond to at least some homeowner demands.</p> <p><i>State-facilitated.</i> A YWH is formed through a closely state-guided process that affords at least some accountability and representation. National policy has aimed for this; local implementation in Shanghai has moved in a direction favoring these outcomes.</p> <p><i>Fully empowered.</i> Achieved by a relatively small but highly visible number of YWH through a combination of vigorous organizing and fortuitous circumstances. Sometimes difficult to sustain in the long term.</p>	<p>Partial</p>
No	<p><i>Nonexistent.</i> The establishment of the YWH is blocked by the developer and/or local officials.</p> <p><i>Riven.</i> Homeowners form factionalized proto-organizations.</p> <p><i>Uncredentialed.</i> Seen in some cases where relatively unified homeowners' movements organize yet are denied official standing.</p>	<p>No</p>

quietly. Meetings are poorly publicized, sometimes to the point of being held in secret. These meetings may in fact be chaired by an employee of the developer or PMC. The members of the homeowners' committee are not readily identifiable by the residents, let alone easy to contact.

The "noblesse oblige" YWH is a variant of the developer-dominated category. In some neighborhoods, developers take the approach of co-opting the homeowners' association by keeping it under control, as in the puppet cases. But in this situation, the developer or PMC also enables the committee to act as a conduit for input and complaints by owners, and satisfies some of the demands that are expressed via this channel. Thus the YWH at least makes gestures toward representing homeowners' interests, while remaining basically toothless and inert as a forum for deliberation or meaningful participation on the part of the owners.

"Fully empowered" groups contrast most sharply with the inanimate (or nonexistent) YWH in the first category in the right-hand column of Table 7.1. As of the summer of 2004, cities such as Beijing and Shanghai each had at least several dozen YWH that managed to establish themselves as representative organizations free from domination by either government agencies or the companies that they are meant to oversee. These committees came into existence through several different processes. In some cases, the groups were among the first YWH to form in a city, and were treated with tolerance by local officials, who were more hostile to groups that emerged later. In other cases, developers imposed a puppet group that received state approval, only to be subverted from within by dissident homeowners. Some neighborhoods are fortunate enough to be the home of residents with deep *guanxi* with city-level leaders who can intervene against obstructionist housing bureaus. In yet other cases, exceptionally dynamic and convincing leaders took charge of the YWH organizational process, and local officials were talked into approving their well-run associations.

Constructed in the mid-1990s, D. Apartments is a relatively small set of buildings located in a section of Beijing that lies between the second and third Ring Roads. The developer-installed management company had promised buyers that it would help them set up a YWH but never did so. Residents took the initiative to organize on their



own out of frustration with high management and electricity fees, being asked to pay for an entire winter's heat up front, disputes over the actual square footage of the apartments, and suspected embezzlement by the managers. Activists alleged that the PMC put up big-character posters criticizing them, harassed them, and obliquely threatened violence against them and their children.

A small group of organizers held an open meeting of the owners and obtained the assent of a majority for the forming of a YWH. The district authorities, however, initially refused to authorize their committee. It was only after the husband of one of the organizers, a ranking official at a powerful state-owned enterprise, threatened to deploy his formidable political connections against the obstructionists in the district that approval was forthcoming. The owners promptly sacked the PMC, though they were unable to stop it from sabotaging equipment and accounts before it left the premises, and replaced it with a much more pliant Hong Kong firm. Subsequently, the main YWH activists became part of a small network of successful organizers who extended advice and encouragement to counterparts in other neighborhoods.

In fully empowered cases, the YWH asserts strong control over the management company. Some groups have fired their PMC and hired a new one several times over. Others choose to retain the original service provider but negotiate with it from a position of strength. It must be mentioned that not all such groups maintain a strong commitment to internal democratic mechanisms. Some YWH, for example, are initially formed through an election, but neglect to hold subsequent rounds of elections every two or three years as stipulated by local policy. Others are more conscientious in maintaining accountability through elections and open meetings.

The "riven" and "uncredentialed" categories constitute inchoate forms of homeowners' groups. In these situations, the owners have not been able to achieve the official recognition that would authorize them to represent the homeowners and to negotiate on their behalf. This can be because a developer-dominated YWH is already in place, or because local officials are blocking the group's formal establishment. Owners are nonetheless able in these cases to undertake and sustain a significant degree of organization.

In some instances, uncredentialed groups are well established, or-

derly, acknowledged by the homeowners, and open to their input. A suburban Beijing development of approximately seven hundred homes provides an example of this type. Residents began moving into W. Woods around 1997, and the next year they began holding meetings to prepare for the formation of a YWH. An eleven-person committee was duly elected at a meeting attended by two thirds of the owners. The district housing office, however, refused to approve this body. (Neighborhood activists fervently believe this to be the result of bribery by the privately owned development company.) The elected committee in some respects functioned like an authorized YWH, serving as a focal point for homeowners' deliberations about various conflicts with the developer and ideas for improving the neighborhood. By withholding fees, owners were able to win concessions from the PMC on utility rates. The committee even successfully stood for reelection in 2002. As of the summer of 2003, however, the YWH was still operating without state approval, meaning that it had no official stamp, could not collect dues from residents or maintain a bank account, and had limited leverage in negotiating with the neighborhood managers.

In other instances, riven organization is more attenuated, taking the form of loose networks or congeries of homeowners, sometimes locked in conflict with other factions.<sup>37</sup> One development of around three hundred units in a suburban county of Beijing, S. Gardens, exemplifies the way in which internal strife, together with other pressures and challenges, can leave a neighborhood without representation. A small group of owners led a rights-upholding (*weiquan*) movement against the housing developer, collecting voluntary contributions from their neighbors to pay for legal fees and a large protest banner. The other owners, however, blamed the movement leaders after the lawsuit failed. The initial activists went on to establish a YWH through what their critics felt were slipshod and secretive procedures. Various groups of residents traded rancorous accusations in person, on bulletin boards, and on Web sites. The YWH incumbents resigned collectively to protest what they saw as the ingratitude of their neighbors, and nothing was done to replace them. The PMC hired by the homeowners' committee proved incompetent, but the residents' mutual hostility was such that no one believed that a consensus could be reached to do anything about it.

Uncredentialed and riven groups, lacking official recognition, suffer from a disadvantage in their negotiations with developers and their dealings with the state (including lawsuits, which they may not have standing to file). At the same time, they are sometimes able to function with a surprising degree of effectiveness. Such groups agitate to be allowed formally to establish a YWH or to democratize one that was created without owner participation. At times they challenge the developer or the PMC on specific substantive matters, for instance, fee scales, quality of service, or shuttle buses to and from the neighborhood. Some actively maintain lobbying efforts directed at government officials, media outlets, and People's Congress deputies.

As discussed earlier, local governments, particularly in Shanghai, have turned from blocking the creation of YWH to encouraging their establishment through a process in which state officials are actively involved. This can lead to state-facilitated associations that are not creatures of the developer or puppets of the authorities but also are less than fully democratic. Elections, for example, may involve a round of open nominations but also a vetting cycle in which homeowner leaders who are not to the government's liking can be removed from the slate of candidates. Sometimes the candidate nomination process is such that the number of candidates is equal to or only slightly larger than the number of seats on the YWH. Sometimes votes are conducted by circulating clipboards door-to-door rather than by convening actual meetings.

These are, of course, some of the same mechanisms that are regularly used to take the democracy out of elections for institutions such as People's Congresses or, at the neighborhood level, Residents' Committees. Still, state management of homeowners' elections does not always lead to unaccountable YWH that do not speak up for the owners. On the contrary, state-facilitated groups can be aggressive in promoting owners' interests and responsive to their suggestions and demands. Government structuring of YWH elections, when done so as to provide all residents with the opportunity to participate, can also give the resulting association extra legitimacy. This contrasts with situations in which owners hold votes at small meetings that they themselves organize, which then are called into question by other owners who feel left out of the process.

H. Village, a neighborhood of around 1,200 apartments on the west edge of Shanghai, illustrates the fact that government involvement in the formation of a YWH need not result in an ineffective or unrepresentative committee. The leader of this homeowners' group was appointed in 2003 through an indirect election in which the electorate comprised about thirty-five owners' representatives who had been chosen by the district authorities together with the Residents' Committee and the developer, and in which there were no opposing candidates. The YWH chairman was a retired official from a major Shanghai enterprise who had specialized in party organization. Belying his apparatchik background and the scarcely democratic fashion in which he was selected, this man proved to be a vocal and committed spokesperson for his constituents. He convened open meetings and methodically polled residents to determine their priorities and favored course of action on a list of neighborhood problems. He aggressively sought recompense through the courts for a tax error and a land use dispute that aggrieved the owners. At one point, he explained in an interview, the developer came to his door to try to persuade him to abandon these lawsuits. "I said to him: I'm facing 1,200 other homeowners. If I withdraw the lawsuits, my windows will be broken. And I told him not to visit me at home anymore."

If the foregoing categories go some distance toward capturing the variation in China's homeowners' organizations, in what proportion are these several types then found? To answer this question in any precise way poses several problems. First, as yet there are no surveys available that comprehensively sample the universe of eligible neighborhoods, either nationwide or within a specific city. Moreover, the situation is evolving rapidly as state policies shift, individual neighborhoods change, new developments rise, and older types of housing become qualified to form YWH. All that can be said with confidence is that so far, nonexistent or puppet groups constitute the majority, while fully empowered committees are modest in number. A substantial number of housing developments are engrossed in the external and internal struggles that characterize the riven and uncredentialed types, while the growing number of state-facilitated organizations represents one possible way of resolving otherwise intractable conflicts.<sup>38</sup>

### Mechanisms of Reform

Having drawn a sketch of the empirical status of homeowners' groups and pointed out features of the legal and political contexts that shape their development and variation, this chapter can now discuss the mechanisms through which these groups contribute to political reform.

First, it is worth pointing out that, even before any consideration of homeowners' organizations themselves, the broader context of urban housing reform lends itself to a shrinkage of certain aspects of state power. This reform favors or even itself constitutes political reform, in that trends toward more and more private housing and market-based distribution of housing rights leave officials without the same levers of control that they once wielded. This does not mean that the state has removed itself from the process of housing provision. Needless to say, state authority and resources are deeply involved in the murky real estate deals that pave the way for new housing projects, as well as in the sale of subsidized housing. Although the attitude of officials remains important to the fate of homeowners' groups, the rapid move to privatized housing meant for many urbanites an end to their dependence on their work units or their housing offices. And, as mentioned earlier, the turn to professionalized, market-based property management puts the state at one step's remove from direct control over residential areas. Some of the management companies are state-owned, while many are descended from earlier *fangguansuo*, and they tend to oblige the authorities as necessary. Nevertheless, they are businesses whose first purpose is to make money, not to serve as an arm of government.

Homeowners in the new neighborhoods are not the only people seeking to exercise land rights in China, nor are they the only claimants toward whom the state has made gestures of support.<sup>39</sup> But although the state has issued laws and policies about other forms of land or housing, no new form of organization has been authorized in these cases to allow those whose property rights are at risk to band together and protect their claims. In effect, the message is that for older neighborhoods, property claims often must give way to the redevelopment imperative; but once people purchase or otherwise acquire a spot in newly built (or rebuilt) neighborhoods, they can

put a higher degree of faith in the solidity and breadth of their ownership rights. This resonates with a longstanding theme of the post-Mao era: those who weather the transition from the pre-reform system and prosper in the competitive new environment of the marketized economy will be allowed to enjoy the fruits of their efforts unmolested.

Turning to the homeowners' associations themselves, we have seen that so far, most of these groups are of types (nonexistent, puppet, and noblesse oblige) that do little to further political reform. Indeed, it could be argued that they set back the reform by perpetuating patterns of behind-the-scenes state collusion with economic actors. But focusing too closely on the nonexistent or developer-controlled cases would be misleading, for two reasons. First, these YWH seem unlikely to remain prevalent, given the shift in city-level implementation regimes. Second, it would neglect the changes that the more active and democratic homeowners' groups have already brought about.

Although at first blush the YWH seem to pertain more to regularizing market relationships and reining in abuses by developers and management firms than to restraining the state, it must be emphasized that the two are intimately linked. Impositions on the interests of property holders by firms often take the form of collaboration with state actors, or are carried out at the behest of the latter. For example, state agencies commonly pressure developers to give or sell them the use of office space or empty land within housing developments. These are often areas that have been designated for other purposes such as parks, recreational facilities, day care centers, or the like. Thus empowering homeowners' groups to defend claims to such neighborhood space places constraints both on the firms and on government.

As pointed out earlier, national policies contain ambiguities on the scope of the rights enjoyed by owners and their organizations. The 2003 policy deliberately deemphasizes open-ended rights and interests and indicates that owners' groups are to confine themselves to overseeing matters relating directly to property management. Still, even though their legal mandate is limited and they are supposed to be subordinated to state authority, in fact they become a venue that homeowners expect will be used to uphold their interests

more generally. Once formally established, or in some cases even before obtaining official approval, the YWH become organizations that the state has to negotiate with or to take into account in a variety of contexts, whether it wishes to or not.

Nor do the YWH merely negotiate with the state in a passive way. To the contrary, they actively lobby officials at many levels in efforts to get the state to give them what they want. In situations where the YWH have not received approval, homeowner representatives commonly approach the housing authorities to demand official authorization. They call for the redress of all kinds of defects in the construction of their homes. They ask the state to clear up irregularities in the issuance of property deeds.<sup>40</sup> In formerly rural areas not connected to urban-quality utility networks, they demand a more reliable electricity supply. They protest construction projects such as roads or other buildings that infringe on their peace and quiet, green space, and sunlight or are otherwise noisome.

These forms of lobbying are not unique to homeowners, of course. Individuals and groups of all kinds avail themselves of letters and visits (*xinfang*) channels.<sup>41</sup> Nor are homeowners unique in appealing to the authorities to follow through on the government's own policies and commitments, à la rightful resistance.<sup>42</sup> Especially pronounced in the case of the homeowners, however, are the resources that back up these appeals. Not only are owners of homes in new neighborhoods relatively affluent compared to urban society as a whole, but also YWH leaders generally have skills, experience, and contacts that help make their voices heard. These include prestige (for instance, when committees are led by retired military officers or professors), connections within city government or the media, legal training, or entrepreneurial experience in opening doors and getting things done. If YWH leaders themselves lack some of these useful qualities and skills, they often enlist the help of others living in the neighborhood who do possess them. Homeowners thus are particularly vulnerable in taking their demands to the doorsteps of state agencies.

All of the foregoing is in addition to the second-order effects of the YWH, the ways in which they may contribute to other kinds of political reform beyond the neighborhoods themselves. As we have seen, these organizations operate in quite disparate ways, with some dancing to the developer's tune and others mired in internecine

squabbles. But they also can be a venue in which homeowners take part in democratic practices as they endeavor to run the neighborhood in a way that they perceive as fair. Whether this means the kind of indirect participation seen in Shanghai's H. Village or the big meetings and balloting seen in D. Apartments and W. Woods, it contrasts with the nondemocratic ways RCs have been selected and managed since their inception in the early 1950s.

The homeowners' groups, in a surprising number of cases, attract leaders who have a proclivity to take on social causes and express a long-term desire for more sweeping political reform.<sup>43</sup> Presumably this is because these organizations offer both a cause to fight for and a venue that is relatively safe from the harsher forms of state repression. Running a homeowners' group, or struggling to establish one, provides them with organizational experience that could well translate into future efforts in the service of other reform causes. YWH activists apply their leadership skills in other political arenas, as seen in their prominence among independent candidates for People's Congresses (PC). In the Beijing PC elections of late 2003, six out of about two dozen independent would-be candidates were homeowner organizers.<sup>44</sup> Of four independent candidates who managed to persist through the government weed-out process to be elected to local PCs in Beijing and Shenzhen, one was a YWH leader.<sup>45</sup>

Just like village- or firm-level institutions, the YWH pose the challenge of understanding change as it plays out in a large number of geographically dispersed cases. Analysis at this stage is limited by the lack of systematically acquired data from representative samples. Moreover, the YWH themselves, for the most part, are still in a larval-like early stage of development. Nonetheless, it is possible to hazard some conclusions about how these institutions contribute to political reform.

The endorsement of YWH by the central government is in some respects a surprising initiative. There are other possible ways the Ministry of Construction could have chosen to deal with the problem of providing property management services to new neighborhoods. Some of these alternative routes could have been far more statist and might even have extended the scope of action (and corruption) for state cadres. Authority over property management con-

tracts could have been assigned to parts of the housing bureaucracy, or to local government agencies like the street offices. Rather than being composed entirely of owners, the YWH could have been set up as advisory committees composed mostly of local officials. Thus the YWH represent a novel way of thinking about how to address problems of governance.

Second, the YWH are distinct from other kinds of grassroots organizations. Their purposes are first and foremost economic, and membership and representation are based on property ownership rather than citizenship. Unlike, for instance, NGOs that fight AIDS or environmental abuse, they are committed not to the public interest but to the private interests of collections of individuals, even though, as mentioned earlier, quite a few of the most active homeowner organizers see their efforts as contributing to broader political goals. Yet precisely because of their ostensibly economic, market-supporting nature, they were legitimized in national-level policy during the Jiang Zemin era, a time of wariness toward many other kinds of reform. Moreover, if their treatment were someday to be applied to other types of economic groups, such as workers, farmers, or entrepreneurs, it could mean a considerable shift in patterns of interest representation.

As we have seen, the state has played a mixed and changing role in establishing these novel forms of association. The central government has strenuously promoted them, while also aiming to limit their powers. Local authorities initially dragged their heels and made it difficult for representative groups to establish themselves, but they gradually turned toward approaches that manage the development of homeowner-elected YWH rather than stifling them entirely. Surprisingly, one might conclude that in high-stakes settings like these, local associations are better served by a certain kind of "hands-on" state fostering rather than a "hands-off" attitude that leaves the homeowners entirely to their own devices. Given the power asymmetries between homeowners and developers, the unreliability of the legal system, and the barriers to collective action, state support of the organizational process can help promote the formation of accountable groups rather than developer-dominated ones.

The kind of political reform that the more active forms of YWH suggest is evolutionary and subtle rather than sudden and dramatic.

Assuming (and this is by no means certain) that homeowners gradually manage to assert more and more control over the associations that are established in their names and through them speak out on their own behalf, the corollary will be a state that is more and more willing to tolerate, listen to, and negotiate with self-organized constituencies. Although the earliest YWH emerged disproportionately in the higher-priced commodity housing estates, professional property management is becoming more and more widespread, thus bringing the model of homeowners' committees to a far broader set of neighborhoods, including older and less wealthy ones. The groups have become focal points drawing the attention of consumer, community, and even political activists, and they may play a broader role as testing grounds for democratic self-governance practices and training centers for politicians.

Ironically, we can predict that the further reform develops in other aspects of the political system, the less exceptional and significant the homeowners' groups will become. If district- or city-level People's Congress elections were opened up to free competition among any and all candidates, for example, YWH elections would no longer seem so notable. If autonomous unions were allowed to organize themselves at will, the YWH would not appear such a remarkable mode of interest articulation. But this is not to say that they would have no importance whatsoever. Instead, they would merely take their place as one among many types of local association, defending their pieces of turf and concrete, quietly adding to the density of non-state forces that government cadres must take into account.

groups the implementation of democratic reforms was associated with more investment in public goods, the impact of democratic reforms on other public goods provision outcomes was sometimes negative and sometimes positive. In other words, the implementation of democratic reforms does not seem to have a major effect on village public goods provision either in villages with solidary groups or in villages without solidary groups.

29. Fubing Su and Dali L. Yang, "Elections, Governance, and Accountability in Rural China," paper presented at the International Symposium on Village Self-Government and the Development of Rural Society in China, Ministry of Civil Affairs of the PRC and the Carter Center, Beijing, September 2001.

30. Jean Oi, "Communism and Clientelism: Rural Politics in China," *World Politics*, 37, no. 2 (January 1985): 252.
31. Lowell Dittmer and Xiaobo Lü, "Personal Politics in the Chinese 'Danwei' under Reform," *Asian Survey*, 36, no. 3 (March 1996): 255.
32. David Wank, "Business-State Clientelism in China: Decline or Evolution?" in Thomas Gold, Doug Guthrie, and David Wank, eds., *Social Connections in China: Institutions, Culture, and the Changing Nature of Guanxi* (New York: Cambridge University Press, 2002), p. 113.
33. Pittman Potter, "Guanxi and the PRC Legal System: From Contradiction to Complementarity," *ibid.*, p. 183.
34. See Thomas Bernstein and Xiaobo Lü, *Taxation without Representation in Contemporary Rural China* (New York: Cambridge University Press, 2003). See also Margaret Levi, *Of Rule and Revenue* (Berkeley: University of California Press, 1988).

## 7. Inadvertent Political Reform via Private Associations

1. This categorization is hardly exhaustive. Another type of reform acts by increasing the transparency of officials' behavior to the public and to the media. Yet another focuses on the inculcation of norms, professional ethics, and corporate identity within the ranks of bureaucrats.
2. This in turn is a subcategory of a broader category of reforms operating through bottom-up pressure. This subcategory includes conscious state efforts to endow citizens with more rights, as well as unwitting processes that give individuals more mobility or exits from the bureaucrats' authority or provide them with more information.
3. The YWH were first authorized for new neighborhoods (*xinjian xiaohu*). Since then, all neighborhoods under commercial property management (including older, formerly state-owned housing) have, in principle, become eligible to form homeowners' committees.

4. Samuel P. Huntington, "Will More Countries Become Democratic?" *Political Science Quarterly*, 99, no. 2 (Summer 1984): 203.
5. Larry Diamond, "Toward Democratic Consolidation," in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy*, 2nd ed. (Baltimore: Johns Hopkins University Press, 1996), p. 231. Though agreeing with Diamond's basic point, I would argue against such a clear-cut differentiation of civil society's functions by regime type.
6. Michael Walzer, "The Civil Society Argument," in Ronald Beiner, ed., *Theorizing Citizenship* (Albany: State University of New York Press, 1995), p. 170.
7. See also Mark E. Warren, *Democracy and Association* (Princeton: Princeton University Press, 2001), pp. 85–86; and Jonah D. Levy, *Toqueville's Revenge: State, Society, and Economy in Contemporary France* (Cambridge, Mass.: Harvard University Press, 1999), pp. 1–16, esp. p. 2.
8. Ariel C. Armony, *The Dubious Link: Civic Engagement and Democratization* (Stanford: Stanford University Press, 2004); Sheri Berman, "Civil Society and the Collapse of the Weimar Republic," *World Politics*, 49, no. 3 (1997): 401–429; Nancy Bermeo and Philip Nord, eds., *Civil Society before Democracy: Lessons from Nineteenth-Century Europe* (Lanham, Md.: Rowman and Littlefield, 2000); Jason Kaufman, *For the Common Good? American Civic Life and the Golden Age of Fraternity* (New York: Oxford University Press, 2002).
9. Examples of work that undertakes this kind of disaggregation, in addition to the items cited later in this chapter, include Joshua Cohen and Joel Rogers, "Secondary Associations and Democratic Governance," *Politics and Society*, 20, no. 4 (1992): 393–472; Nancy L. Rosenblum, *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton: Princeton University Press, 1998); Dietlind Stolle and Thomas R. Rochon, "Are All Associations Alike? Member Diversity, Associational Type, and the Creation of Social Capital," in Bob Edwards, Michael W. Foley, and Mario Diani, eds., *Beyond Tocqueville: Civil Society and the Social Capital Debate in Comparative Perspective* (Hanover, N.H.: University Press of New England, 2001); and Helmut K. Anheier, *Civil Society: Measurement, Evaluation, Policy* (London: Earthscan, 2004).
10. Elizabeth Perry raised this possibility in comments on an earlier draft.
11. Internal democracy and horizontal, as opposed to vertical, orientation are discussed in Jonathan Fox, "How Does Civil Society Thicken? The Political Construction of Social Capital in Rural Mexico," *World Development*, 24, no. 6 (June 1996): 1089–1103; and Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), pp. 173–174.
12. Warren, *Democracy and Association*, discusses autonomy on pp. 62–69.
13. On associations generally, examples include Tony Saich, "Negotiating the State: The Development of Social Organizations in China," *China Quarterly*



- terly, no. 161 (March 2000): 124–141; and Kenneth W. Foster, “Associations in the Embrace of an Authoritarian State: State Domination of Society?” *Studies in Comparative International Development*, 35, no. 4 (Winter 2001): 84–109. Contributions to the debate on civil society include Thomas Gold, “Bases for Civil Society in Reform China,” in Kjeld Erik Brødsgaard and David Strand, eds., *Reconstructing Twentieth-Century China: State Control, Civil Society, and National Identity* (Oxford: Clarendon Press, 1998), pp. 163–188; Thomas B. Gold, “The Resurgence of Civil Society in China,” *Journal of Democracy*, 1, no. 1 (Winter 1990): 18–31; Elizabeth J. Perry and Ellen V. Fuller, “China’s Long March to Democracy,” *World Policy Journal*, 8, no. 4 (Fall 1991): 663–685; Yanqi Tong, “State, Society, and Political Change in China and Hungary,” *Comparative Politics*, 26, no. 3 (April 1994): 333–353. A current and thorough review is Mary E. Gallagher, “China: The Limits of Civil Society in a Late Leninist State,” in Muthiah Alagappa, ed., *Civil Society and Political Change in Asia: Expanding and Contracting Democratic Space* (Stanford: Stanford University Press, 2004), pp. 419–452.
14. E.g., Gordon White, Jude Howell, and Shang Xiaoyuan, *In Search of Civil Society: Market Reform and Social Change in Contemporary China* (Oxford: Clarendon Press, 1996).
  15. Notable arguments along these lines include Andrew G. Walder, “The Quiet Revolution from Within: Economic Reform as a Source of Political Decline,” in Andrew Walder, ed., *The Waning of the Communist State: Economic Origins of Political Decline in China and Hungary* (Berkeley: University of California Press, 1995), pp. 1–24, esp. p. 16; and David L. Wank, *Commodifying Communism: Business, Trust, and Politics in a Chinese City* (New York: Cambridge University Press, 1999), pp. 178–187, 202.
  16. On questioning whether the newly rich will form representative organizations, see Christopher Earle Nevitt, “Private Business Associations in China: Evidence of Civil Society or Local State Power?” *China Journal*, no. 36 (July 1996): 25–43; Margaret M. Pearson, “The Janus Face of Business Associations in China: Socialist Corporatism in Foreign Enterprises,” *Australian Journal of Chinese Affairs*, no. 31 (January 1994): 25–46. On mixed evidence, see Jonathan Unger, “Bridges: Private Business, the Chinese Government, and the Rise of New Associations,” *China Quarterly*, no. 147 (September 1996): 795–819; Bruce J. Dickson, “Cooptation and Corporatism in China: The Logic of Party Adaptation,” *Political Science Quarterly*, 115, no. 4 (Winter 2000): 517–540. On business interest groups, see Scott Kennedy, *The Business of Lobbying in China* (Cambridge, Mass.: Harvard University Press, 2005).
  17. Robert P. Weller expresses the question in these terms in *Alternate Civilities: Democracy and Culture in China and Taiwan* (Boulder, Colo.: Westview Press, 1999), pp. 14–16. Outside the China context, this idea is also put forward

in Chris Hann, “Introduction: Political Society and Civil Anthropology,” in Chris Hann and Elizabeth Dunn, eds., *Civil Society: Challenging Western Models* (London: Routledge, 1996), pp. 1–26.

18. Evan McKenzie, *Privatopia: Homeowner Associations and the Rise of Residential Private Government* (New Haven: Yale University Press, 1994). See also Edward J. Blakely and Mary Gail Snyder, *Fortress America: Gated Communities in the United States* (Washington, D.C.: Brookings Institution Press, 1997).
19. Teresa P. R. Caldeira, *City of Walls: Crime, Segregation, and Citizenship in São Paulo* (Berkeley: University of California Press, 2000), esp. chap. 7. On laudable examples, see Donald R. Stabile, *Community Associations: The Emergence and Acceptance of a Quiet Innovation in Housing* (Westport, Conn.: Greenwood Press, 2000). On overstated criticism, see Rosenblum, *Membership and Morals*, chap. 4.
21. Robert Jay Dilger, *Neighborhood Politics: Residential Community Associations in American Governance* (New York: New York University Press, 1992), pp. 104–130. Dilger concludes: “In some ways RCAs [residential community associations] are like sleeping tigers. When left alone, they are of little concern to those around them, but once aroused from their sleep, they are clearly a force to be reckoned with at the local level” (p. 130).
22. Benjamin L. Read, “Democratizing the Neighbourhood? New Private Housing and Home-Owner Self-Organization in Urban China,” *China Journal*, no. 49 (January 2003): 31–59. Li Zhang’s December 2003 paper “Governance at a Distance: The Politics of Privatizing Home and Community in Neoliberalizing China,” discusses power relations among the state, developers, and homeowners in Kunming. Deborah Davis presents a case study of a Shanghai neighborhood in “Urban Chinese Homeowners as Citizen-Consumers,” in Sheldon Garon and Patricia Maclachlan, eds., *The Ambivalent Consumer* (Ithaca: Cornell University Press, 2006). Published Chinese-language analyses include Xia Jianzhong, “Zhongguo gongmin shehui de xiansheng: Yi yezhu weiyuanhui wei li” (The First Signs of China’s Civil Society: The Case of the Homeowners’ Committees), *Wen shi zhe* (Literature, History, and Philosophy), no. 3 (2003): 115–121; Xia Jianzhong, “Beijing chengshi xinxing shequ zizhi zuzhi yanjiu: Jianxi Beijing CY yuan yezhu weiyuanhui” (A Study of Autonomous Organizations in Urban Beijing’s New Communities: Learning from the Homeowners’ Committee in Beijing’s CY Gardens), *Beijing shehui kexue* (Beijing Social Sciences), no. 2 (2003): 88–94; Zhang Jing, “Gonggong kongjian de shehui jichu” (Social Foundations of the Public Sphere), Working Paper 2001.004, Institute of Sociology and Anthropology, Peking University (2001); and Gui Yong, “Lüe lun chengshi jiceng minzhu fazhan de keneng ji qi shixian tuijin: Yi Shanghaishi wei li” (On the Development of Grassroots Democracy in Urban Areas: A Case Study of Shanghai City), *Huazhong keji daxue xuebao*



- (*shehui kexue ban*) (Central China Science and Technology University Journal [Social Sciences Edition]), 15, no. 1 (February 2001): 24–27.
23. Studies of Chinese housing policy include Deborah S. Davis and Hanlong Lu, "Property in Transition: Conflicts over Ownership in Post-socialist Shanghai," *European Journal of Sociology*, 44, no. 1 (April 2003): 77–99; Deborah S. Davis, "From Welfare Benefit to Capitalized Asset: The Re-commodification of Residential Space in Urban China," in Ray Forrest and James Lee, eds., *Housing and Social Change: East-West Perspectives* (London: Routledge, 2003); Ya Ping Wang and Alan Murie, *Housing Policy and Practice in China* (New York: St. Martin's Press, 1999); Ya Ping Wang and Alan Murie, "Commercial Housing Development in Urban China," *Urban Studies*, 36, no. 9 (August 1999): 1475–94; Yanjie Bian et al., "Work Units and Housing Reform in Two Chinese Cities," in Xiaobo Lü and Elizabeth J. Perry, eds., *Danwei: The Changing Chinese Workplace in Historical and Comparative Perspective* (Armonk, N.Y.: M. E. Sharpe, 1997); and Min Zhou and John R. Logan, "Market Transition and the Commodification of Housing in Urban China," *International Journal of Urban and Regional Research*, 20, no. 3 (September 1996): 400–421.
  24. Zhonghua renmin gongheguo jianshebu ling 1994 nian 33 hao, "Chengshi xinjian zhuzhai xiaoku guanli banfa," reprinted in Beijingshi juzhu xiaoku guanli bangongshi, *Beijingshi wuye guanli wenjian huibian* (Compilation of Documents on Real Estate Management in the City of Beijing), vol. 1 (February 1998), pp. 1–5. The management methods went into effect on April 1, 1994.
  25. The Ministry of Construction Web site records these regulations (*xingzheng fagui*) at [www.cin.gov.cn/law/admin/2003062002.htm](http://www.cin.gov.cn/law/admin/2003062002.htm) (accessed February 25, 2006). They went into effect on September 1, 2003.
  26. In fact, many new neighborhoods have no Residents' Committee in at least the first few years after they are built.
  27. The figure of 77,431 Residents' Committees in 2003 is given in the *Zhongguo minzheng tongji nianjian 2004* (China Civil Affairs Statistical Yearbook) (Beijing: Zhongguo tongji chubanshe, 2004), pp. 82–83. RCs (*jumin weiyuanhui*) are now sometimes referred to as Community Residents' Committees. Their total numbers have declined in recent years as local governments have merged multiple smaller RCs into larger ones. My own work on Residents' Committees includes "Revitalizing the State's Urban 'Nerve Tips,'" *China Quarterly*, no. 163 (September 2000): 806–820; and Benjamin L. Read and Robert Pekkanen, "The State's Evolving Relationship with Urban Society: China's Neighborhood Organizations in Comparative Perspective," unpublished paper. My dissertation, "State, Social Networks, and Citizens in China's Urban Neighborhoods" (Harvard University, May 2003), contains a full literature review. Other recent works include Robert

- Benewick, Irene Tong, and Jude Howell, "Self-Governance and Community: A Preliminary Comparison between Villagers' Committees and Urban Community Councils," *China Information*, 18, no. 1 (March 2004): 11–28; and Allen C. Choate, "Local Governance in China, Part II: An Assessment of Urban Residents Committees and Municipal Community Development," Asia Foundation Working Paper no. 10, November 1998. Among recent Chinese-language studies is Lei Jieqiong, chief ed., *Zhuansheng zhongde chengshi jiceng shequ zuzhi* (Grassroots Community Organization in Urban Transition) (Beijing: Beijing daxue chubanshe, 2001).
28. Interview with Shanghai housing official Xin Yiming, June 30, 2004.
29. Beijing had established 566 YWH by the end of 2003, according to an interview with Beijing housing officials Zou Jinsong and Li Lanying, July 23, 2004.
30. Susan L. Shirk, for example, highlights the "particularistic" nature of relationships between local units and their overseeing bodies in *The Political Logic of Economic Reform in China* (Berkeley: University of California Press, 1993).
31. McKenzie, *Privatopia*, p. 145, describes the U.S. Common Interest Developments as "a prefabricated framework for civil society in search of a population."
32. This much is a general feature of homeowners' groups, which often see maintaining home resale values as a primary purpose. Interestingly, many of my homeowner informants seemed to regard property values as only indirectly related to YWH matters, with prices depending more on rapidly changing conditions in the broader market than on circumstances that the homeowners' group could itself hope to control.
33. On the limits of legal recourse, see also the chapters by Yongshun Cai and Mary Gallagher in this volume.
34. Harvey Molotch, "The City as a Growth Machine: Toward a Political Economy of Place," *American Journal of Sociology*, 82, no. 2 (September 1976): 309–332. A relevant application to China is Yan Zhang and Ke Fang, "Is History Repeating Itself? From Urban Renewal in the United States to Inner-City Redevelopment in China," *Journal of Planning Education and Research*, 23 (March 2004): 286–298.
35. The names of the six categories are my own and do not derive from any Chinese-language terms.
36. The assertion that internal democracy and external autonomy go together is a simplification. In some cases, for example, the YWH are created through the self-initiated efforts of homeowners, who then appear to stop holding elections once their most pressing goals are achieved. This claim appears valid as a broad generalization nonetheless.
37. As several of the previously cited studies of homeowners' organizations in

the United States and elsewhere attest, factional bickering among such groups is hardly unique to China.

38. This much is clear from interviews with homeowner activists and government officials in Beijing, Shanghai, and Guangzhou.
  39. The Ministry of Construction's January 2004 policy on compensation for demolition and relocation (*chaiqian*) is one such example; for the text of this policy, see [www.china.org.cn/chinese/2003/Dec/457254.htm](http://www.china.org.cn/chinese/2003/Dec/457254.htm) (accessed February 25, 2006). Another is the 2003 law strengthening farmers' claims to contracted land, the *Nongcun tudi chengbao fa*. See [www.china.org.cn/chinese/PL-c/196651.htm](http://www.china.org.cn/chinese/PL-c/196651.htm) (accessed February 25, 2006).
  40. For example, cases in which no deed has been issued for a purchased property, or in which more than one deed exists for the same property.
  41. On "letters and visits," see the chapters by Xi Chen and Ching Kwan Lee in this volume.
  42. Kevin J. O'Brien, "Rightful Resistance," *World Politics*, 49, no. 1 (October 1996): 31–55.
  43. To be sure, other organizers deny having any political agenda and see their purpose as merely that of protecting homeowners in their transactions with developers and property managers.
  44. Interview with a prominent homeowner activist and onetime People's Congress candidate, July 21, 2004.
  45. For these details I am indebted to Professor Chen Youhong of People's University.
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- ## 8. Civil Resistance and Rule of Law in China
1. John Reitz, "Constitutionalism and Rule of Law: Theoretical Perspectives," in Robert D. Grey, ed., *Democratic Theory and Post-Communist Change* (Upper Saddle River, N.J.: Prentice-Hall, 1997), p. 112.
  2. Mark Brzezinski, *The Struggle for Constitutionalism in Poland* (New York: St. Martin's, 1998), p. 81.
  3. John Reitz, "Progress in Building Institutions for the Rule of Law in Russia and Poland," in Grey, *Democratic Theory and Post-Communist Change*, pp. 147–148.
  4. Laifan Lin, "Judicial Independence in Japan: A Re-investigation for China," *Columbia Journal of Asian Law*, 13, no. 2 (1999): 185–202.
  5. See, among others, Randall Peerenboom, *China's Long March toward Rule of Law* (New York: Cambridge University Press, 2002); Stanley B. Lubman, *Bird in a Cage: Legal Reform in China after Mao* (Stanford: Stanford University Press, 1999).
  6. Richard H. Fallon Jr., "The Rule of Law' as a Concept in Constitutional Discourse," *Columbia Law Review*, 97, no. 1 (January 1997): 7–9.

7. Yin Xiaohu, *Xin Zhongguo xianzheng zhilu, 1949–1999* (The Constitutional Development of New China, 1949–1999) (Shanghai: Shanghai jiaotong daxue chubanshe, 2000), p. 277.
8. Peerenboom, *China's Long March toward Rule of Law*.
9. *Ibid.*, chap. 10.
10. Yu Jianrong, "Tudi chengwei Zhongguo nongcun shouyao wenti" (Land Use Becomes the Most Conflictual Issue in Rural China), *Liaowang dongfang* (Oriental Outlook), September 9, 2004.
11. Yongshun Cai, "Collective Ownership or Cadres' Ownership? The Non-agricultural Use of Farmland in China," *China Quarterly*, no. 175 (September 2003): 662–680; Xiaolin Guo, "Land Expropriation and Rural Conflicts in China," *China Quarterly*, no. 166 (June 2001): 422–439; David Zweig, "The 'Externalities of Development': Can New Political Institutions Manage Rural Conflict?" in Elizabeth Perry and Mark Selden, eds., *Chinese Society: Change, Conflict, and Resistance* (New York: Routledge, 2000), pp. 120–142.
12. Wang Fang, "Chaigian: Yu falü tongxing" (Housing Demolition: In Line with the Law), *Fazhi ribao* (Legal News Daily), January 10, 2001.
13. According to a survey of twelve thousand citizens in ten provinces in 2004, construction was reported as the most corrupt sector in China (32.2 percent). See *Lianhe zaobao* (United Morning Post), January 27, 2004; Yongshun Cai, "Irresponsible State: Local Cadres and Image Building in China," *Journal of Communist Studies and Transition Politics*, 20, no. 4 (December 2004): 20–41.
14. Interview, China, 2004.
15. Wang Fang, "Chaigian: Yu falü tongxing."
16. Ren Bo, "Chaigian zhisi" (Lawsuits on Housing Demolition), *Caijing* (Finance), no. 13 (2003): 24–28.
17. Wang Jun, "Jingcheng chaigianhu de 'luocha' shenghuo" (Different Lives of Homeowners), *Liaowang* (Outlook), no. 6 (February 9, 2004): 38–39.
18. Song Zhenyuan, Zhou Guohong, and Cui Lijin, "Chaigian chengwei qunzhong shangfang jiaodian" (Housing Demolition Becomes the Focus of the Masses' Complaints), *Beijing qingnian bao* (Beijing Youth Newspaper), November 13, 2003, p. 1.
19. Wang Xiaoxia, "Chaigian heidong" (The Black Box of Housing Demolition), *Zhongguo jingji shibao* (China Economic Times), September 24, 2003, p. 2.
20. Sun Jie, "Nanjing xiugai chaigian fagui jiejian shichang jiage gusuan fangfa" (Nanjing Revised Regulations on Housing Demolition and Adopted Some Assessment Criteria Based on Market Prices), *Xiandai kuibaobao* (Modern Express), October 10, 2003.
21. Song Zhenyuan, Zhou Guohong, and Cui Lijin, "Chaigian chengwei qunzhong shangfang jiaodian."