

**Advocating for better legal protection against domestic violence in the People's Republic
of China (PRC),**

1995–2012

**A case study of the Center for Women's Law Studies and Legal Services at Peking
University**

Von der Fakultät für Gesellschaftswissenschaften der Universität Duisburg-Essen

zur Erlangung des akademischen Grades

Dr. rer. pol

genehmigte Dissertation

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Tag der Disputation: 04.02.2019

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Abbreviations

ADVN	Anti-Domestic Violence Network
ACWF	All China Women’s Federation
BA-degree	Bachelor Degree
CASS	China Academy of Social Sciences
CCP	Chinese Communist Party
CCTV	Chinese Central Television
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DV	Domestic Violence
FF	Ford Foundation
FWCW	Fourth World Conference of Women
GAD	Gender and Development Network
HIV/AIDS	Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome
HR	Human Resources
HRIC	Human Rights in China
IRI	International Republican Institute
Maple	Maple Psychological Counselling Center
MoCA	Ministry of Civil Affairs
NGO	Nongovernmental Organization
NPC	National People’s Congress
Overseas NGO Law	Law of the PRC on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland China
PILnet	The Global Network for Public Interest Law
PRC	People’s Republic of China
SAFE	Notice on Issues Concerning the Administration of Foreign Exchange Donated to or by Domestic institutions

SO	Social Organization
The Center	Center for Women's Law and Legal Services of Peking University
UN	United Nations
UNFPA	United Nation Population Fund
WW project	Women's Watch China Project

1. Introduction: Bottom-up advocacy for a better legal protection against domestic violence in China

1.1. Domestic violence in the PRC: An urgent problem

Domestic violence (DV) refers to physical, psychological and sexual violence¹ within a family household² (Zhang and Liu Meng 2004, p. 8). Statistics on its prevalence rate vary depending on the particular study and its outreach; they range between 24,7 % and 64,8 %³ (All-China Women's Federation (Quanguo Fulian) Oct. 21st, 2011, p. 4; Guo 2013; Chia 2016; Wang 2015). These numbers, irrespective of which study one supports, illustrate the severity of the social problem. Despite the obvious urgency of the issue, a distinct DV law⁴ was only implemented in March 2016 (Li Jianhua 2016; Gao 2016; Gao et al. 2016).

1.2. DV as an indicator of gender equality

DV is strongly connected to equality between men and women. This relationship is rather complex. Evidence suggests that gender inequalities increase the risk of men's violence against women and inhibit the ability of victims to seek protection (World Health Organization (WHO) 2009). If gender inequalities prevail, women are often subordinated to men, resulting in women's lower social status and allowing men to have greater control over and decision-making power than women (World Health Organization (WHO) 2009; Hanser 2007, pp. 208-212; Berkel, LaVerne, A. 2007, p. 13; Walker 1999, p. 22; Hester 2004, p. 1433; Tang et al. 2002, p. 975). Such situations make women more vulnerable to physical, psychological, and sexual violence by men, and prevent victims from seeking support. As

¹ This definition was promoted by the Anti-Domestic Violence Network (ADV), a professional Beijing-based umbrella organization lobbying for better legal protection against DV. The definition is not unanimous, and a broad variety of definitions is in use. I follow this definition because it was applied by Beijing-based social organizations in their advocacy for a DV law. The concept of DV was only formally introduced as an academic term describing a social problem in 1993 or 1994 (Wang 2017, p. 19). Until then, scholars had simply referred to "wife-battering" to describe the phenomenon (Wang 2017, p. 19).

² The concept of "family" is not defined in any of these definitions. More recently, scholars have argued for critical reflection on the concept of family. Recent studies suggest that DV, especially in the form of intimate violence, also regularly occurs between homosexual partners, who are often not included in the socio-political construct of families in the PRC (Beijing Tongyu Nütong Shequ Gongzuozu, Common Language Organization 2009). Therefore, the reference to violence between members of a family has to be treated with caution. This particular definition differentiates DV further into violence between intimate partners, towards children, towards the elderly, and between acquaintances (Zhang and Liu Meng 2004, p. 7).

³ These numbers could be far higher. Chinese women often do not report their battering experiences; instead, evidence of battering often only surfaces in the most serious cases (Tang et al. 2002, p. 976).

⁴ The complete law, "Anti-Domestic Violence Law of the Peoples Republic of China" (*Zhonghua Renmin Gongheguo Fanjiabao Falü*), can be accessed at: http://big5.gov.cn/gate/big5/www.gov.cn/zhengce/2015-12/28/content_5029898.htm.

such, how a state deals with DV is a good indicator for understanding how well that state supports and implements gender equality.

1.3. Gender equality in the PRC

Gender equality is part of the Chinese party-state's policies for women's liberation and social development (Li 2011b, p. 9). This proclaimed gender equality is, however, only one aspect of the established gender arrangements of Chinese society. Scholars argue that remnants of patriarchal gender arrangements persist (Kaufman 2012; Tang et al. 2002; Croll 1978; Croll 1995; Honig and Hershatter 1988), and these remnants have intermingled with politics of the Chinese Communist Party (CCP), especially since the reform and open policies (Du 2011; Xu 2009; Spakowski 2014). For example, Wang illustrates that the political discourse echoes the revival of Confucian traditional gender roles (such as "men work outside, women work inside") and establishes a powerful "guideline" for gender roles, representing a strong backlash (Wang 2017, p. 9). Consequently, established gender arrangements are ambiguous; they bear the characteristics of equality and patriarchy simultaneously.

This ambiguity is also illustrated by the portrayal of women in relation to DV. They are represented as having been liberated by state sanction since 1949, but as victims of patriarchal oppression in the post-Maoist discourse of DV (Wang 2017, p. 15). This ambiguity places advocates for better legal protection against DV in a particularly difficult position. On the one hand, it equips them with weapons – in the form of formal institutions, such as the constitution, which has formally prescribed gender equality since 1994 (Chen 1999) – to support their initiatives. On the other hand, the aforementioned socialized practices and ideology impede their activities. For instance, a 2004 study found that due to a lack of gender awareness, judicial personal and policy cadres still understood DV as a private matter that should not be solved by public institutions, and that this ideology directly translated into their professional handling of DV cases (Wang 2004a, p. 3).

1.4. The Chinese party-state's stance on DV

The Chinese party-state seems to be aware of this ambiguity, the accompanying gap between de jure and de facto gender equality, and related problems in legal protection against DV. It became increasingly willing to turn DV from a private issue into a public matter based on the universal understanding that hitting others, especially intimate partners, is terribly wrong and intolerable (Wang 2017, p. 24). For instance, in 2001, the revised version

of the Marriage Law finally included DV wording as a legal matter at the national level (Milwertz and Bu 2009). This was unprecedented in Chinese history (Hershatter 2004; Guo et al. 2003). Besides this national groundbreaking initiative, several regulations and enforcement plans to improve legal protection against DV have been implemented on the national and regional levels (Lü 2011). Nonetheless, inadequate legal protections persisted, weakened by a lack of clear responsibilities for protection against DV and inadequate implementation (Human Rights in China (HRIC) 2006; Creasey et al. December 2013; Lü 2011; Chen 2008). A distinct anti-DV law was only implemented as recently as March 2016. But clearly the party-state was aware of the problem, took it increasingly seriously, and tried to improve the situation.

1.5. Bottom-up social advocates for better legal protection against DV

However, the Chinese party-state no longer had the monopoly on advocacy for better legal protection against DV. Since the reform and open policies, “social organizations of all kinds have proliferated like ivy around the sprawling trellis of the state bureaucracy” (Shieh 2016, p. 45). Such organizations have successfully dealt with the hardships rooted in the Chinese authoritarian context in various ways. Gender-related social activism, initially especially in the form of women’s rights activism, launched with the preparation for the Fourth World Conference of Women (FWCW) in Beijing in 1995 (Kaufman 2012, p. 594). Connections made at this conference helped to instigate further bottom-up social activism on women’s rights, issues such as DV, divorce, women’s labor rights, sexual discrimination, and women’s land tenure and property rights (Kaufman 2012, p. 594). Ever since the FWCW, DV has been a hot topic among gender activists – and, increasingly, China scholars (Kaufman 2012; Hester 2000; Hester 2004; Milwertz 2003; Milwertz and Bu 2009; Wesoky 2002; Zhang 2009b; Wang 2017). Initially, this activism was predominately service-oriented; but those days are long gone. Gender action – and with it, activism for better legal protection against DV – increasingly attempted to become more involved in the political domain (Wang 2017, p. 18). Its bottom-up social actors repeatedly drafted a specific anti-DV law and presented these to the Chinese party-state (Chen et al. 2005; Xia and Lin 2011), and a 2011 draft functioned as the basis for the anti-DV law enacted in 2016 (interview# 17, Peking, 22.08.2012). This marks bottom-up social actors advocating for better legal protection against DV as decisive political players, and raises interesting questions. How could bottom-up social advocates participate

in policy processes in an authoritarian system? And how did these advocates navigate the difficult and ambiguous political and gender terrains?

1.6. Bottom-up social advocates in an authoritarian context

Bottom-up social actors' advocacy for better legal protection against DV, and their successful pushes into the political domain, initiated ongoing debates within the China-related scientific community. How can bottom-up social organizations (SOs) exert political influence when the state still sets the rules of the game and wants to control and regulate social action? Descriptions of the Chinese political system agree that it still shows clear authoritarian traits (Teets 2013; Ho and Edmonds R. L. 2008; He and Warren 2011), ranging from a semi-authoritarian (Ho and Edmonds R. L. 2008) to a deliberative (He and Warren 2011), resilient (Nathan 2003), and consultative authoritarian regime (Teets 2013, 2014). This context is simultaneously restrictive of (Hildebrandt 2013; Lu 2009a; Beja 2006; Ma 2009) and conducive to (Ho 2007; Shieh 2009, 2016; Lu 2007; Teets 2013) social action, creating an ambiguous political arrangement for bottom-up social organizing. And this ambiguous context poses specific challenges for bottom-up SOs and their activities. Well-known examples of such difficulties are established organization registration procedures and obstacles to obtaining foreign funding, which is the main source of income for many SOs (Zhang 2009b; Ma 2009; Kaufman 2012). Still, some of these organizations seem to have found successful strategies for navigating this adverse context (Shieh 2016). While this is also true for bottom-up SOs advocating for better legal protection against DV, such organizations face challenges on two fronts. They are embedded in not only an ambiguous *political* context but also an ambiguous *gender* context consisting of both egalitarian and patriarchal institutions⁵. As such, they are subjected to a *double-adverse* context; and yet, they seem to have found effective ways for navigating both contexts to further their cause.

1.7. Navigating difficult context conditions effectively? Bottom-up organized social advocacy for better legal protection against DV

How, precisely, did bottom-up SOs navigate this difficult terrain to achieve better legal protection against DV? The overarching research questions are accordingly: How can a bottom-up SO effectively advocate for better legal protection against DV in a context fraught with difficulties as a result of ambiguous political and gender institutions? And: How can a

⁵ Patriarchal institutions are explained in more detail in section 2.1.5.

bottom-up SO employ its organizational capabilities to further its cause in precisely this difficult environment? This study is less interested in bottom-up SOs' (potentially far-reaching) political outcomes, in the sense of reforms or changes in the political regime itself, than in the entire life cycle of an bottom-up SO and its ability to reach its objectives within this particular Chinese context. To examine this, a twofold analytical approach was necessary: One that both assessed the context of bottom-up social organizing and unraveled the organization and its activities. In doing so, I follow Hildebrandt and other scholars (Hildebrandt 2013; Ho and Edmonds R. L. 2008), who argue that questions about the larger and lasting effects of bottom-up SOs are both interesting and important, but that such inquiries must be informed by a more complete understanding of the context within which SOs have formed and operated in China.

To address the aforementioned research questions, I conducted an explorative case study of one bottom-up SO advocating for better legal protection against DV. This organization – formerly known as the Center for Women's Law Studies and Legal Services of Peking University (hereafter "the Center") – was an excellent case study due to its development and engagement in key policy attempts in this area. It was established in December 1995, and initially affiliated to the Law School of Peking University (interview # 1, Peking, 04.01.2012). Following its establishment, the Center underwent rapid development. Although its evolution has often been described as rather positive (Center for Women's Law Studies and Legal Aid Services of Peking University (Beida Faxue Funü Falü Yanjiu yu Fuwu Zhongxin) 2000), it was often at the brink of closing (Li 2006), and Chinese authorities eventually forced it to shut down in February 2016 (Cao 2016b; Tatlow 2016). The director of the Center described its development in 2006 as "struggling uphill with a heavily loaded cart against a strong wind" (Li 2006, p. 28). Following this metaphor, the Center's forced shutdown symbolized the cart eventually rolling back down the hill.

1.8. Inquiry alongside five dimensions: Overarching research interests and questions

Combining the selected case study with the aforementioned subjects of inquiry, the overarching research question is as follows:

How was the Center able to advocate effectively for better legal protection against DV within a context fraught by difficult political and gender arrangements?

Five analytical dimensions, with associated sub-questions, were helpful in addressing this question.

1. Inquiries relating to the Center and its context: How did the context impact on the Center and its activities directed at improving legal protection against DV? How can the political and gender arrangements be disaggregated to assess their single and/or combined impact on the Center and its activities? How did the Center's members position the organization within this particular context? What was the organizational identity its members disseminated to third parties? How and what kind of relation(s) did the Center's members form with the party-state?

2. Structure and organization of the Center: What did the structure and organization of the Center look like? How did the Center's structure impact on its development and outreach possibilities? How were decisions made within the Center? What material resources were available and how were they deployed?

3. The Center's members, their interaction, and their networks: Who was employed and/or volunteered in the Center and what was their background and motivation? What networks did the organizational members develop? How did the members interact? What kind of networks did they develop?

4. Advocacy of the Center: How did the Center advocate for better legal protection against DV? What tactical approach did it follow and what activities did it accordingly conduct?

The ways in which social actors that advocate socio-political issues navigate the difficult terrain posed by Chinese political arrangements have become a hot topic in recent years (Teets 2014, 2013; Hildebrandt 2011, 2013, 2012; Shieh 2016; Schwartz and Shieh 2009b; Yang and Alpermann 2014; Chen 2007; Saich 2000; Hsu 2010). However, the specific gender arrangements that impact on bottom-up social organizing around gender-related topics such as DV remain largely unaddressed. Gender arrangement are a constituting part of society; they are ubiquitous (Connell 2009), and permeate into the private sphere (Butler 1991). Therefore, contextual gender arrangements are likely to spill over into organized social activities. This effectively led to a fifth, *gender*-related dimension, which manifested tangibly as specific gender arrangements within the organization.

5. Gender within the organization, the gender regime: How did the gender arrangements manifest within the SO? How did these arrangements impact on the organization, its working culture, resources, and tactical approach?

Assessing how the Center advocated for better legal protection against DV contributes to the theoretical debate on social organizing. It sheds light especially on the question how both arrangements, gender and political, intersect; an inquiry which remains so far largely unaddressed. This project tries to close this gap. On a more practical side, this project can help social actors organizing around gender issues to navigate difficult contexts more effectively by providing best organizational practices. In the face of re-emerging misogyny around the world (Herbert 2008; Lu 2015) and gender organizations' forced shutdown in the PRC (Cao 2016b; Tatlow 2016), this contribution seems all the more important.

1.9. Outline of the study

To address how the Center advocated for better legal protection against DV in the context of difficult political and gender arrangements, several steps were necessary.

Chapter 2 discusses the theoretical framework. Following the main research question, it addresses how the theoretical assessment of the context and organizational perspective could be convincingly combined. First, I explore the dominant theoretical paradigm in which most studies of SOs in China are conducted: civil society and corporatist literature. Later on, the chapter engages in social movement and organization literature, emphasizing the usefulness of the opportunity structure framework and an organizational analysis. Special attention is paid to gender literature. In the end, I suggest a gender-sensitive theoretical frame, combining the opportunity structure framework and substantiated with an organization perspective. The operationalization of this framework is also discussed.

Chapter 3 focuses on the research design and how this can best be implemented. It introduces the single case study design as well as the applied research instruments: document analysis, semi-structured expert interviews, and participant observation. It pays special attention to multifaceted problems that occurred during field research, such the complicated field access and difficulties obtaining unbiased insights. The chapter concludes by introducing the applied analytical model.

Chapter 4 functions as background reading for this study, introducing the historic development of the established political and gender arrangements. Following the proposed analytical approach to disaggregate the opportunity structure, the Chapter analyses the development of the institutional arrangements regulating bottom-up social organizing, gender relations and DV separately.

Chapter 5 turns to the case study of the Center and the context in which it was embedded. The chapter opens with a short introduction of the organization. It turns then to a discussion of the contextual arrangements from the perspective of the organization, the subjective opportunity structure.

Chapter 6 focuses finally on the Center itself by presenting the conducted organizational analysis. The organization is dismantled alongside the previously outlined five dimensions: the Center and its positioning in the context; its structure and organization; its members and their interaction; its tactical approach; its achieved output; and finally, the established gender regime within the organization and its impact on the organization's capacities and outreach.

Chapter 7 presents the findings of this project. Besides briefly discussing whether or not the efforts of the Center's members were effective, it emphasizes the externally induced and internal problems the Center faced in its advocacy for a better legal protection against DV and, if not done already, contextualizing it into recent debates. I put also special emphasize on the impact of the contextual as well as inner-organizational gender arrangements had on the Center and its advocacy. The last two sections discuss, on the one hand, the implications of the findings for bottom-up gender rights advocacy under Xi Jinping and, on the other hand, shortcomings of the opportunity structure framework.

2. Theoretical framework

The main interest of this project is assessing how the Center advocated for better legal protection against DV in the context of difficult political and gender arrangements. To address this issue, a theoretical framework that conceptualizes the research interest in an accessible way is necessary. This chapter therefore addresses how the theoretical assessment of the context can be combined with an organizational perspective, providing insight into both structure and agency. In the first section of the chapter, I will discuss the relevant theoretical debates. The second section builds on the first, suggesting a framework that combines the opportunity structure concept (an element of rationalist social movement literature) with an organizational analysis (introducing organizational perspectives to assess the Center and its advocacy). This combined approach is characterized by a gender perspective of both the structure and the social actor.

2.1. Relevant theoretical debates

The main research questions relate to two major bodies of literatures: state–society and gender. Usually, studies on state and society with a strong organizational focus draw on civil society and corporatism literature. This subsection therefore introduces both perspectives and discusses their inherent problems for this study, prompting an alternative theoretical approach: a social movement perspective combined with an organizational analysis. This study is clearly a gender study, insofar as it accounts for the potential effects of gender arrangements, both on the external structure and within an organization. Hence, the last section introduces gender literature, insofar as it is relevant for this project.

2.1.1. A civil society perspective

In understanding SOs, political scientists frequently rely on insights from civil society literatures, which usually assume that social actors have a contentious or counterbalancing relationship with the state (Cohen and Arato 1999; Gellner 1996; Ding 1998) and that social activity will lead to political change (Gosewinkel et al. 2004; Keane 1998; Putnam 1993; Sullivan 1990). For a long time, the dominant literatures have maintained that SOs keep state power in check by providing a “watchdog” function (Fung 2003; Edwards 2014), promoting and defending interests and liberties toward the state (Gosewinkel et al. 2004; Boussard 2006), and acting as a fundamental source of and potential for democratization (Grugel and Bishop 2014; Adloff 2005; Brook and Frolic 1997).

Civil society research remains diverse, and multiple viewpoints persist. Today's dominant perspectives have been shaped by the role of civil society organizations in democratization movements throughout Latin America (Lewis 2013) and the former Soviet Union (Heberer 2008), and this literature remains predominately interested in the democratization effect of civil society. Although some scholars argue that civil society can also be characterized, for instance, by violence (Zinecker 2000), the dominant perspective understands civil society as a collective "good guy" (Lauth 2003; Gosewinkel et al. 2004; Chamberlain 1993).

Civil society became a popular concept among China scholars thanks to (among other developments) the associational revolution following the reform and open policies (Ma 2009), as well as the Tiananmen democracy movement in Beijing in the spring of 1989 (Chamberlain 1993; Hsu 2010; Chan and Nesbitt-Larking 1995; Beja 2006). Despite this growing popularity of the perspective, some reservations remain. The civil society concept is of Western prominence (Hsu 2010); it is difficult to even translate the term "civil society" into Chinese (Ma 2009), resulting in multiple terms being in usage⁶ (Heberer 2008). Moreover, there is widespread recognition that civil society may be different in this political context. China's civil society is described as highly regulated (Beja 2006) and usually less confrontational than other contexts (Ogden 2002), in that actors are self-limiting and present themselves as supportive to the party-state to further their organizational objectives (Hildebrandt 2013; Shieh 2016; Spires 2011) or even manipulate institutions or use existing ones like parasites, a concept labeled as institutional amphibiousness (Ding 1994). Many scholars propose that the state must be taken into consideration when using the concept of civil society (Chamberlain 1993; Nevitt 1996). Others argue that a civil society might develop eventually, but that Chinese citizens currently lack the civil competencies essential to forming one (Heberer 2008).

Despite these reservations, the concept of civil society can be helpful for studying SOs. However, understanding how the Center (as an SO) advocates for better legal protection against DV in the Chinese context detracts attention from the core research interest: How the Center navigated within this difficult contextual terrain, and how the context influenced its advocacy. Civil society literature is predominately interested in a different research

⁶ Heberer argues that the terms used for "civil society" are *shemin shehu*, referring to the urban sphere only, and *gongmin shehui*, meaning "society of public people" and focusing on the responsibility of citizens in terms of public goods and good behavior (Heberer 2008, p. 87).

question: How social actors affect political change, particularly democratization (Hildebrandt 2013; Lu 2009b). Moreover, such a viewpoint is combined with assumptions about citizens' behavior; for instance, that they would serve as a force for political reform (Hildebrandt 2013). Such assumptions narrow our ability to assess how the Center's members perceived their engagement in that organization and what their ultimate goals really were, ultimately aiding an untainted assessment of the organization. Finally, this perspective emphasizes a distinction between the state and society, and even maintains a state *versus* society viewpoint; but in the Chinese reality, the boundaries between official and non-(party-) state organizations became increasingly blurred (Ho 2007, pp. 189–209; Shieh 2009, 2016). Many scholars who criticize a civil society perspective argue that, on this basis, corporatism would be better suited to understanding SOs in the Chinese context (Hildebrandt 2013; Lu 2009b; Unger and Chan 1996).

2.1.2. A corporatist perspective

Corporatism literature would be better suited because it offers a descriptive model of state–society relations, paying particular attention to the state's role in creating and managing this interaction (Hildebrandt 2013, p. 8). Due to the emphasis this literature puts on the state, corporatist insights have increasingly been used to explain the negotiated, highly structured relationship between the state and society in China (Hildebrandt 2013; Lu 2009b; Unger and Chan 2008; Unger 2008). Those who have adopted a corporatist perspective have mostly applied Schmitter's definition (Ding 1998), or used it as starting point. Schmitter defines corporatism as:

a system of interest representation in which the constituent units are organized into a limited number of (...) categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports.

(Schmitter 1974, pp. 93–94)

Many China scholars identify the particular features of corporatist arrangements in China that distinguish them from corporatist arrangements in other places (Lu 2009b), including (among other forms) a state–socialist variant (Shue 1994), a “socialist corporatism” (Pearson

1999), a Chinese-style corporatism (Unger and Chan 1996), and local or departmental corporatism (White et al. 2003).

Although popular, there are serious limitations to the corporatist paradigm in the Chinese context. For instance, Yep argues that for corporatism to work there must be an effective mechanism for aggregating and communicating social interests (Yep 2000). However, social actors would be too dominated by the state to exert an effective interest aggregation and communication, and would therefore fall short of the corporatist definition. Other scholars warn that, with a keen eye on top-down control (Unger and Chan 1995), the perspective would overestimate the state's capacity to enforce its will on social actors and underestimate SOs' ability to circumvent or deflect state intrusion (Saich 2000). Moreover, a corporatist perspective would emphasize the limitations for social actors emerging from a state-centered system. But the political as well as social structure would offer not only restrictions but also opportunities for SOs (Wells-Dang 2014; Saich 2000), limiting the explanatory power of corporatist models in the Chinese case. The most serious deficiency of the corporatist perspective for this research is its inattention to society's side of the arrangement and general neglect of social agency, irrespective of how constraining the overall structure may be for SOs. Hence we need an approach recognizing the importance of the context while simultaneously attributing social actor's possibilities to act or even manipulate in these difficult contextual arrangements.

Today, the two perspectives – civil society and corporatism – are increasingly criticized, and there are increased calls for alternative explanatory models. More and more scholars propose the application of other concepts focusing on the actual interactions between state and social actors (Chan 2007; Fulda et al. 2012; Lu 2007; Li 2012; Yang and Alpermann 2014); a perspective that would also account for cooperation between both sides to further their respective goals (Evans 1996; Migdal 2001; Saich 2000), thereby recognizing the increasingly blurring boundaries between state and society. I follow Hildebrandt and other scholars in arguing that social movement literature provides good leverage to analyze interactions between the state and SOs (Cai 2010; Hildebrandt 2013; Hsing and Lee 2010a; O'Brien and Li 2006; Wesoky 2002; Zheng 2010; Hsiung et al. 2001).

2.1.3. A social movement perspective

Social movement literature offers a bottom-up understanding of politics (Massoumi and Meer 2016, p. 93). The perspective developed in Europe and North America over the past 50 years (Broadbent 2010). The literature remains vast, and no approach enjoys a scholarly consensus. I draw mainly on the rationalists' strand of social movement literature, which grew out of U.S.-based civil rights mobilization in the 1960s. Rationalist approaches are commonly characterized by two major variants: the policy process model⁷ (McAdam 1999; McAdam et al. 2001) and the resource mobilization perspective⁸ (McCarthy and Zald 1977; Gamson 1975; Jenkins 1981). Rationalist activists argue that social movements occur because individuals and groups resort to movement participation to realize their interests (McCarthy and Zald 1977); that is, the existence of social problems does not automatically produce social action (Hildebrandt 2013). They argue, however, that the actor's rationality is only one explanatory factor; group, organizational, strategic, and political considerations would be far more decisive for movement development (McCarthy and Zald 1977; Gamson 1975; Tilly 1978; Jenkins 1983).

Resource mobilization links social movements' emergence and success to the presence of adequate financial and human resources. It contends that motivation to action is not enough for mobilization. Rather, grievances might be secondary to financial resources in describing why groups emerge and thrive (McCarthy and Zald 1977; Jenkins 1983; Tilly 1978). The other major variant of rationalist social movement literature emphasizes another decisive factor in explaining mobilization: the emergence of a more favorable political context, often conceived as an expansion of political opportunities (Meyer 2004; Meyer and Minkoff 2001). This political process approach traditionally assumes that opportunities arise when state repression declines, political access increases, and the political environment becomes friendlier (Hildebrandt 2013, p. 10; McAdam et al. 1996; Tilly 1978). Nonetheless, proponents of a policy process perspective argue that even if the opportunity structure is most conducive, successful mobilization depends on inner-organizational aspects of the

⁷ The political opportunity structure (Eisinger, Peter, K. 1973), which is included in the political process model, is often understood as providing the basic groundwork for the latter approach.

⁸ More recently, social movement scholars have recognized the importance of the context, as well as the necessary resources for the development and mobilization of social movements. Consequently, they increasingly try to combine both approaches to ensure high explanatory power, especially for non-Western-cases (cf. Hasegawa 2010). However, these approaches are in their infancy.

movement, such as resources, enabling activists to exploit these opportunities or their capacity to organize (McAdam 1999; McCarthy and Zald 1977; Tilly 1978).

Defining social movements is like catching eels in muddy water; they elude the cage of concept (Broadbent 2010, p. 3). Most definitions agree that a social movement is at least characterized by a collectivity of individuals (Opp 2009, p. 36; McAdam and Snow 1997). Beyond that, opinions differ. One popular definition by McCarthy and Zald (1977) understands a social movement as a set of opinions and beliefs. Not all definitions are equally suited for the Chinese case. Chinese social actors are often related to many different groups and organizations; they are linked in networks that cut across groups and organizations, and include or reach out to party-state institutions (Jin 2001; Gao 2001; Cai et al. 2001), contributing to the blurring of the state–society dichotomy. Therefore, interaction among actors remains crucial for understanding Chinese social movements. In the case of the Chinese women’s movement, Jaschok et al. (2001, pp.7) argue that all of these actors are involved in a cognitive praxis to create social change. They argue that the dynamic interaction between different groups and organizations engaged in women’s and/or gender activism form a new conceptual space that builds a cognitive territory (Jaschok et al. 2001, pp. 7). They draw on Eyerman and Jamison (Eyerman and Jamison 1991, 1998), who propose that a cognitive territory – a new conceptual space, filled with dynamic interaction between different groups and organizations – forms a social movement (1991, p. 5). This definition focuses on the interaction between different actors – an aspect identified earlier as essential for understanding SOs in China. Following this definition helps in understanding how the Center was able to advocate for better legal protection against DV in the difficult terrain of ambiguous political and gender arrangements.

Advocacy for better legal protection against DV can, by and large, be understood as a process of social mobilization. Mobilization is an activity of a movement organization, several movement organizations together, or an individual actor, to gain more control over resources perceived by the actor(s) as contributing to achieve the goal(s) of the movement organization or individual actor⁹ (Opp 2009, p. 140). Mobilization is not a response to rising demands, but due to an “urgency to defend existing needs” (Offe 1985, p. 843).

⁹ “Goods” can be anything the actors perceive as useful. “Control” relates to the power disposal over goods or the support from somebody. The definition is a subjective category. Actors can mobilize goods because they

In accordance with theoretical eclecticism, I will apply only those conceptual elements that help to address the research questions. From social movement literature, I take the conceptual framework of the opportunity structure in order to assess the difficult contextual terrain for the Center and how the Center related to it. The state plays a key role in the story of Chinese SOs (Teets 2013, 2014; Beja 2006; Lu 2009a; Ma 2009). Therefore, an approach emphasizing and including a more state-centric opportunity structure is necessary in understanding the relationship between state and society. The opportunity structure refers to the configuration of the institutional context, irrespective of its supportive or hindering function (Brockett 1991; Doowon Suh 2001; Eisinger, Peter, K. 1973; McCarthy 1996; Meyer and Minkoff 2004; Rootes 1999; Tarrow 1996; Kitschelt 1986). The notion of “opportunity structure” helps us to understand the context in which groups must operate. Unlike corporatism literature, which also emphasizes the role of the state, the literature on opportunity structure is more attentive to society, and allows us to focus more on the benefits of these arrangements to society (Hildebrandt 2013). One decisive element in this regard is that opportunities are really only opportunities when they are properly taken advantage of by social actors (Hildebrandt 2013); hence, that the institutional arrangements forming the opportunity structure depend on the perspective of SOs (Scott 2013, p. 160). The opportunity structure framework helps to address the first part of the research question: how did the contextual arrangement present itself and how did the case study organization perceive this arrangement?

However, the opportunity structure framework is not sufficient to understand how the Center advocated for better legal protection against DV in ambiguous political and gender arrangements. A common critique of the rationalist social movement literature, and especially with the variant of the opportunity structure, is that it discounts agency (Sell and Prakash 2004, p. 147). However, by including an organizational analysis to assess the organization and its activities within the opportunity structure, this criticism should be countered. Although a resource mobilization perspective also has a clear organizational focus, an organizational analysis is better suited to address the main research interest. By including an organizational analysis rather than an assessment guided by the resource

perceive them as possibly contributing to the achievement of their goals; yet, after the mobilization, they can realize that the goods are not useful.

mobilization concept, the research perspective remains open and supports an explanatory approach. The Center's actual positioning and activities within the given opportunity structure remain an open question, as does the actual effect gender takes within the organization, and how it impacts on the Center's activities. A resource mobilization perspective would guide our focus toward resources, limiting an open explanatory approach. Therefore, an explanatory organizational analysis is a good subsequent element to the assessment of the opportunity structure.

2.1.4. An organizational perspective

Organizational studies remains a diverse field with a multitude of approaches. It can be understood as a historically contested terrain within which different languages, approaches, and philosophies struggle for recognition and acceptance (Reed 2006, p. 33). Nonetheless, its main interest is explaining structures and process within organizations (Türk et al. 2006; Ortman et al. 2000; Kieser 2014). Since Chinese SOs are a newer and more innovative kind of organization in communist China, they face greater challenges in establishing legitimacy and securing a flow of resources (Galaskiewicz and Bielefeld 1998; Hager et al. 2004; Stinchombe 1965). However, in order to survive, a continuous supply of resources is inevitably needed (Pfeffer and Salancik 2003). Such a resource flow relates to not only material but also a broad variety of resources, including the support of various actors – donors, employees, and people who have power over the organization, including party-state agencies (Hsu 2010, p. 267).

This heterogeneous field of organizational studies raises different questions and proposes a broad scope of analytical categories to address them (Titscher et al. 2008, p. 25). Nonetheless, the literature is also characterized by systematic assessments and descriptions of conditions, structures, and processes within an organization (Titscher et al. 2008, p. 55). On a general basis, organizational approaches offer a way to look at Chinese SO, from the viewpoint of the organization itself (Hsu 2010). Therefore, an organizational perspective is an excellent fit to unpack the Center and its organizational processes, and to assess how it bundled its resources and capabilities in order to achieve its objectives in the space offered by the context – no matter how narrow or broad that was. By combining an organizational perspective with the disaggregation of the opportunity structure, the social viewpoint of the state–society interaction is also sufficiently accounted for.

Organizational studies proposes four interrelating perspectives that characterize any organization as a specific social system (Titscher et al. 2010, p. 22): First, the organization and its environment; second, the organizational members and their interaction; third, the organizational structure; and finally, the organizational output (Titscher et al. 2010, pp. 22–23). The precise content of these categories depends on the research interest at hand, as do the questions we need to ask to scrutinize the organizational categories. Hence, it is not surprising that we could always raise different questions and pay attention to other organizational aspects (Titscher et al. 2008, p. 25).

Titscher et al.'s (2008) four perspectives of organizational assessment help to address the main research interest of this project, and to unpack and analyze the Center and its activities in the available space of the emerging Chinese opportunity structure. Moreover, these perspectives are sufficiently open to enable gender-sensitive analysis of all inner-organizational processes, allowing for assessment of the manifesting organizational gender regime, its effect on the Center's output in general, and its impact on advocacy for better legal protection against DV in particular. This relates directly to the last body of literature important for this study: writings on a gender perspective.

2.1.5. A gender-sensitive study

Butler argues that gender is the discursive/cultural means by which a *natural sex* is produced and established as *pre-discursive* (Butler 2006, p. 7). It is provided and defined by socialized traditions and reinforced through formal and informal institutions, such as laws, regulations, punishments, and incentives. Gender¹⁰ is often understood as an antonym of sex, the biological gender (Schössler 2008, p. 10). Gender – the social rules that attempt to organize

¹⁰ In the late 1990s and early 2000s, the “gender” concept (*shehui xingbie*, 社会性别) was imported into the PRC, and revitalized and broadened feminist and gender debates (Xu 2009; Spakowski 2014; Chen 2011). Initially, much gender organizing was conducted under the label of “women’s organizing.” Only after the gender concept entered China did social actors start referring to their activities as “gender organizing” instead. Nonetheless, activities previously labeled “women’s organizing” had addressed the inequality between the genders and its manifestations, and hence was fundamentally gender organizing under another label. Gender relates to feminism in various ways. For instance, feminism can be understood as project aiming to collectively empower women in their private and political choices (Ferree 2012, p. 8). In that sense, it also relates to theories of *empowerment*, which aim for the collective (strategic gender aims) and individual (practical gender aims) empowerment of women (Moser 1989; Rowlands 1999). *Collective empowerment* aims to equalize gender relations on a structural level. Until the reform and open era, communist China was characterized by *state feminism*. State feminism refers to the institutionalization of feminist interests, without postulating an un-contested definition of “feminism” or “state”. It often rests on specific agencies, bestowed by the government, with the responsibility to achieve feminism from above (McBride and Mazur 1995, pp. 10–11).

the relationship between men and women in societies – produces the knowledge we have of sex and sexual differences (Scott 1999, p. 73). Since both sex and gender are discursively and historically produced, they change over time, and organizing around gender and sex varies accordingly (Scott 1999, p. 80).

Every society is coined by the gender arrangements that its mankind designed. Patterns of gender arrangements form a particular *gender regime* (Connell 2009, p. 74). Such regimes manifest within the borders of certain institutions, such as families, laws, ethnic minority groups, or organizations – such as SOs or state bureaucracies (Connell 2009, p. 74). Gender regimes, then, are part of wider patterns of gender arrangements, which also endure over time (Connell 2009, p. 74). These wider patterns of gender arrangements form the *gender order* of a society. Gender regimes *usually* correspondent to the gender order in a society (Connell 2009, p. 74), but not always; one gender order can consist of conflicting gender regimes, leading to an ambiguity of the gender order. For instance, a society could consist of diverse ethnic minorities, some of which are structured in a matriarchy and others in a patriarchy. Such a gender order, on the whole, would be ambiguous.

To assess a gender order of a society, we basically need to look at a set of relationships – ways in which people, groups, and organizations are connected and divided (Connell 2009, p. 73). Not all gender relations are a direct interaction between women on one side and men on the other.¹¹ They may be indirect; mediated, for instance, by a market or a technology, such as a TV or the internet (Connell 2009, p. 73).

Gender arrangements can be structured in different ways. The most prominent is a patriarchal structure. A patriarchy is a gender order structured in such a way that men dominate, oppress and exploit women (Walby 1990, p. 20). However, there is no such thing as “the patriarchy” that manifests identically in all political and social regimes throughout time and space (Celis et al. 2013). Rather, gender orders can consist of a broad variety of gender institutions, patriarchal gender regimes, or ambiguous gender regimes in which patriarchal structures coexist besides equal and/or matriarchal ones. And these arrangements can differ greatly. As such patriarchal gender institutions reinforce a

¹¹ Gender relations are power relations. *Power* can be understood as a relationship between actors, defined through „actions that relate to the actions of another actor” (Foucault et al. 2005, pp.252).

relationship in which men dominate, oppress and exploit women. Such institutions can be formal, in the form of laws and regulations, but also informal implied in proverbs such as *Regard men as superior to Women*¹² or the discourse of the inner and outer binary¹³, encouraging women to care for the inner, the house sphere (Evans, Strauss 2010).

As mentioned in Chapter 1, gender arrangements are a constituting part of society; they are ubiquitous (Connell 2009), and permeate into the private sphere (Butler 1991). This marks gender arrangements – for instance, in the form of the established gender order – as a crucial aspect of the context for social organizing. The analysis of the opportunity structure for the Center must therefore account for the contextual gender arrangements hindering and supporting the Center and its advocacy. This implies that the disaggregation of the opportunity structure of the Center needs to include a gender dimension.

Moreover, gender arrangements are most likely to spill over into organized social activities. Acker (1990, 1998) argues that there is a gender substructure in organizations. This corresponds with the argument of an organizational gender regime: gender arrangements manifesting specifically within an organization. And these organizational gender regimes can reproduce gender division and inequalities, even against the best intentions of some women and men working in these organizations (Acker 1998). The assumed existence of such an organizational gender regime, as well as its assumed impact on organizational outcome, motivated my fifth dimension for the organizational analysis: The Center's inner-organizational gender regime.

The discussion of these theoretical perspectives (civil society, corporatism, social movement, organizations, and gender) has made several aspects clear. A civil society and corporatism perspective was not sufficient for explaining the Center's advocacy for better legal protection against DV, so I turned to the opportunity structure framework and organizational studies. Both literatures provide helpful perspectives and assumptions to conduct an explorative analysis of the Center and its advocacy. Moreover, as discussed, gender arrangements have a ubiquitous effect, and might therefore be decisive as not only contextual but also inner-organizational factors. This study takes this into consideration insofar as it accounts for the effects gender arrangements – contextual as well as inner-

¹² Zhongnanqingnü, 重男轻女.

¹³ Nei-wai 内外.

organizational – have on the Center and its advocacy for better legal protection against DV. It questions decided: what are the impacts gender arrangements (contextual as well as inner-organizational) have on the Center and its navigation? What can we learn from these impacts for further studies?

Both perspectives – the opportunity structure framework, substantiated with an organizational analysis – form the synthesized conceptual framework to assess how the Center advocated for better legal protection against DV in the context of ambiguous political and gender arrangements.

2.2. Underlying theoretical paradigms: Institutional change and the agent–structure problem

Before discussing the synthesized conceptual framework, we need to take a closer look at discussions of institutional change and the agent–structure paradigm. At first glance, neither paradigms are part of the conceptualization. However, institutional change and the interaction between agents and structure are at the heart of the Center’s advocacy for better legal protection against DV in the ambiguous Chinese political and gender context: they are the underlying theoretical paradigms.

2.2.1. Institutions and institutional change: The contextual political and gender arrangements of the Center

Academic discussions on institutions are vast. Institutions are the rules of the game in a society – or, more formally, they are humanly devised constraints that shape human interaction (North 1990, p. 3). They are structural aspects of society, insofar as they transcend individuals and involve groups of individuals in some sort of patterned interaction; they are stable over some time, affect individuals’ behavior, and rest on the shared values and meanings of their members (Peters 2005, p. 19). Therefore, institutions are the type of social structures that involve strongly held rules, supported by stronger relations and more entrenched resources (Giddens 1997, pp. 55). They are comprised of regulative, normative, and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life (Scott 2013, p. 48). And they are both formal, such as in the aforementioned laws, regulations and other authoritative documents and informal such as in the form of proverbs, socialized cultural practices and normative guidelines.

Following this understanding institutions regulating bottom-up social organizing as well as gender equality form certain institutional arrangements consisting of both various informal and formal institutions in which the Center and its advocacy were embedded in. The arrangement regulating bottom-up social organizing include for instance regulations on their registration, governing the existence of bottom-up SOs and define their legally available space. The arrangement governing gender equality in general and a better legal protection against DV in particular are composed of formal institutions such as the constitution, supportive regulations but also socialized cultural practices on gender relations which can support or contradict formal ones. And both of these institutional arrangements enable or hinder certain activities of the organization (Geels 2004). This indicates that there exist various institutional arrangements simultaneously and these arrangements can intersect, support or disable one another. Chapter 4 and 5 looks at the relevant institutional contextual arrangements, Chapter 4 at all relevant regulations and Chapter 5 at the ones deemed crucial according to the perspective of the Center's members, forming the subjective opportunity structure. The assessment of these arrangements is characterized by an obvious predominance of formal institutions. This relates to the nature of informal institutions which are, due to their subjective and personal nature, are harder to assess.

The Center itself was an organization in North's sense, since it was a purposive entity designed to achieve its objectives (North 1990, p. 73). According to North, organizations incrementally alter the institutional structure in the course of pursuing those objectives (North 1990, p. 73). As such, in its advocacy for better legal protection against DV, the Center's objective was institutional change. But institutions exhibit distinctive properties; they are relatively resistant to change (Jepperson 2010), and institutional change is therefore slow and overwhelmingly incremental (North 1990, p. 83). This is particularly true regarding the Center with its envisioned institutional change which was a formal one, advocating for improvements in the legal protection against DV. But the Center also targeted an informal institutional change directed at the alteration of the underlying socialized gender relations. And precisely this combination of formal institutional changes which requires informal change in order to be effectively implemented, deems it a slow and incremental rather than a fast institutional change. Gender institutions are, as discussed previously, ubiquitous, deeply rooted and highly personal. Their change is time consuming and difficult. Nonetheless, the Center did contribute to a remarkable institutional change,

most notably in the enactment of a specific DV law. Part of the organization's advocacy was directed explicitly at this goal. Hence institutional change is the underlying main topic of the entire analysis and the main research question how the Center was able to advocate effectively for better legal protection against DV within a context fraught by difficult political and gender arrangements includes precisely this change. Section 6.4.2. discusses in detailed and nuanced the advocacy for a better legal protection against DV conducted by the Center. As this discussion will show the Center's members designed a complex advocacy process in order to achieve formal as well as the necessary informal institutional change, e.g. by mobilizing important policy elites, such as judges or police officers for gender equality and the necessity for a better legal protection against DV. Although section 6.4.2. explicitly discusses the Center's advocacy, the entire Chapter 6 is crucial in order to assess how the Center was able to advocate effectively for better legal protection against DV within a context fraught by difficult political and gender arrangements. To be able to achieve these goals in such a difficult context, inner-organizational factors, such as the Center's networks, its leadership or human resources are crucial. They are decisive factors impacting on the advocacy for the achieved institutional change. Therefore the analysis in Chapter 6 is one of the main pillars illustrating how institutional change could be achieved by a bottom-up SO.

All of this directly links institutional change induced by organizations – such as the Center and its endeavor to achieve better legal protection against DV – back to the well-known agent–structure problem.

2.2.2. The agent–structure problem: The dynamic interaction between the Center and its context

The agent–structure problem is not new. Throughout the history of social science, there has existed a tension between those theorists who emphasize structural and cultural constraints on action, and those who emphasize the ability of individual actors to “make a difference” (Scott 2013, p. 76). Recently, a growing number of proponents of institutional perspectives have begun to conceive of *institutional reproduction* as a dynamic political process between structure and agents (Thelen and Streeck 2005, p. 6). This perspective is well suited for the Center and its advocacy, which was embedded in a difficult context that constrained its opportunities, while it incrementally contributed to institutional change in the form of better legal protection against DV.

Regarding a dynamic understanding of the interaction between structure and agency, Giddens's work was groundbreaking (Giddens 1997). His thoughts on *structuration* provided a productive framework for examining the interplay between structure and agency (Giddens 1997). He argues that social structures exist only as patterned social activities, incorporating rules, relations, and resources reproduced over time (Giddens 1997). Giddens proposes a duality of social structures, which recognizes it as both product and platform of social action (Giddens 1997, pp. 77). Following Giddens, Scott argues that agency would then refer to an actor's ability to have some effect on the social world – altering the rules, relational ties, or distribution of resources (Scott 2013, p. 77).

According to this conceptualization, the contextual political and gender arrangements of the Center were institutional arrangements and impacted on the Center's agency. However, the Center's members were able to navigate within this context in a way that eventually altered the established institutional arrangements. In a broader perspective, Scott described it as follows: All actors possess some degree of agency, but the amount of agency varies greatly among actors, as well as among types of social structures (Scott 2013, p. 78). This implies that the Center, as a social organization, was able to induce institutional change through its agency and contribute to the implementation of better legal protection against DV. However, this requires a twofold analytical approach; one that assessed the context for the Center and its advocacy, and one that analyzed the Center and its advocacy for better legal protection against DV in precisely this context. Hence, the previously proposed approach combining the conceptual framework of the opportunity structure with an organizational analysis is well suited for the case at hand. These approaches are discussed in turn in the following sections.

2.3. Synthesized concept: Opportunity structure framework substantiated with an organizational analysis

This section discusses the applied conceptual framework. It addresses the question of how the theoretical assessment of the context (opportunity structure) can be combined with an organizational perspective, providing insight into both structure and agency. Both conceptual frameworks are discussed in turn, presenting their main features and their relevance for the Chinese case. Each section concludes by discussing how the framework becomes tangible and the data accessible (operationalization).

2.3.1. The opportunity structure framework

The context of difficult political and gender arrangements decisively influenced the Center and its agency. I incorporated the conceptual framework of the opportunity structure to assess this environment and analyze its impact on the organization and its advocacy.

Opportunities in the Chinese case are not so much *big opportunities*, which Goldstone (1980) argues appear when a whole system breaks down (Goldstone 1980). In China, opportunities remain few, and choices are limited (Hildebrandt 2013). Therefore, opportunities are rather like policy or open windows, as Kingdon (1987) argued. The state can narrow or widen opportunities, either as a *control agent* or as a *facilitator* (McAdam et al. 1988). Although the state often appears as the main broker of opportunities, SOs are not helplessly at its mercy; rather, SOs are in control of their own destiny (McAdam 1996) and can sometimes make their own opportunities (Meyer and Staggenborg 1996). Tarrow (1996) argues that states shape opportunities in the interest of their own survival. Hildebrandt points out that, in China, opportunities have emerged because the state has chosen to become more responsive to certain pressing social problems¹⁴ (Hildebrandt 2013, p. 10).

However, opportunities are neither objective nor written in stone. Scholars have increasingly recognized the importance of activists' subjective interpretations of opportunities (Shriver and Adams 2013; Kurzman 1996; Eitan Y. et al. 2006; Meyer 2004). Gamson and Meyer (1996) referred to such subjectively defined opportunities as *relative opportunities*. Einwohner (2003) showed in her study that participants' positive evaluation of political opportunities even superseded structural barriers for activism. Kurzman's (1996) findings went even further, showing that activists mobilized on the basis of perceived opportunities despite the appearance of a closed political environment. Interestingly, research has shown

¹⁴ These opportunities often emerged as result of state policies (such as the reform and open policies initiated in the late 1970s) or central development strategies (such as "small state, big society"). These initiatives led to shifts of responsibility from the state to social and private collective and individual actors (Howell 2000, 133f; Ma 2009, pp. 47–49; Milwertz and Bu 2009, 2008, pp. 121–122; Liu 2000; Schwartz 2008, p. 69; Yan 2009). The purpose of these shifts was, for instance, to lower the financial burden of the government, downsizing it while still ensuring implementation of official party-state programs, such as gender equality (Milwertz and Bu 2009, p. 228; Chen 1999, pp. 139–1410; Evans and Strauss 2010, pp. 817–826) and the provision of social welfare aspects (Ma 2009, pp. 51–52; Schwartz 2008, p. 587). Some scholars have described these shifts as a privatization perspective (Hsu 2010). Shifts of responsibility initiate changes in the existing power relations between party-state and social actors, which can improve the structural position of collective social and individual actors vis-a-vis party-state actors; for instance, by improving their bargaining position (Mathews 1997). In effect, these changes were the starting point for the increasing importance of social actors in policy decision-making processes. Moreover, these changes relaxed government control over social actors and people's daily activities and lives (Kaufman 2012, p. 586).

that mobilization on the basis of such perceptions can lead to objective shifts in available opportunities (Gamson and Meyer 1996; Einwohner 2003; Meyer 2004).

In the case of the Center, this implies that we need to assess the opportunity structure through the “eyes of the organization;” that is, we need to outline which aspects of all relevant contextual arrangements the organization and its members perceived as supportive and/or hindering, and how these evaluations guided their tactical approach. This aspect is crucially important for the operationalization of the opportunity structure, as discussed further below.

A major criticism relating to the opportunity structure is that it is underspecified and too broad and all-consuming (Goodwin et al. 1999). Tarrow argued that the political opportunity structure may be discerned along so many directions and in so many ways that it is less a variable than a cluster of variables (Tarrow 1988, p. 430). These criticisms caution us to specify the concept of opportunity structure in a way that provides helpful insights instead of turning in an all-consuming analytical category. Therefore, I follow Hildebrandt (2013), who suggested a disaggregation of the opportunity structure to counter this criticism and increase the categories’ explanatory power. For the case of the Center and its advocacy, I disaggregated the opportunity structure into three separate categories: national political, gender, and international arrangements. In the following sections, I discuss each category in turn.

2.3.1.1. The political dimension of the opportunity structure

As discussed previously, the PRC remains an authoritarian system in which the party-state acts as the main broker of opportunities (Teets 2014; Ho, Edmonds 2008; He, Warren 2011). Therefore, institutional aspects arising out of the political arrangements and relating to the Center and its advocacy are one crucial pillar of the disaggregated opportunity structure. As Kingdon argued (1987), political opportunities can be understood as government policies and regulations that open or close space for SOs (Hildebrandt 2013, p. 3). Government policies, regulations, and the like define the political dimension of the opportunity structure for SOs, which is simultaneously conducive and restrictive (Ho 2007, p. 189).

The restrictiveness is defined by a power asymmetry, which favors (party-) state actors over (challenging) SOs because party-state actors are still setting the rules of the game

(Hildebrandt 2013, p. 15). In this context, SOs remain highly circumscribed by the government (Beja 2006), and their mobilization effectively hindered. For instance, government regulations for management and registration try to prevent SOs from growing too big and powerful (Lu 2009). One attempt to prevent this is the prohibition of regional branches: National SOs are not allowed to set up regional branches on another administrative level beside their national headquarters (Lu 2009). According to many SOs, this regulation effectively curtails their growth potential, and consequently hinders their mobilization (Lu 2009). Another hindering measure is dual administration or registration (Ma 2009, p. 64; Yang et al. 2015), which requires SOs to find a relevant government department or official SO to serve as its supervisory unit before registering with the Ministry of Civil Affairs (MOCA) at national or local level (Yang et al. 2015, p. 547). Dual registration limits the autonomy of SOs in terms of their finances, human resources, and decision-making (Yang et al. 2015, p. 547). Although the regulation was modified in 2013 to enable certain categories of organization (trade associations and chamber of commerce, SOs working for technology, public welfare, and community service) to register directly with the MOCA, it remains in place today (Yang et al. 2015, p. 548). Such measures hinder SOs and their advocacy in manifold ways and on multiple layers. For instance, they prevent SOs from scaling up, hindering their independent internal decision-making, as well as their cross-sector and intra-organizational networking and mobilization. Hence, direct and indirect measures rooted in the authoritarian context can severely hinder SOs' development and mobilization.

But the authoritarian context is also conducive for collective action, because (for instance) the boundaries between official and non- (party-) state organizations are increasingly blurred, leading to the development of more opportunities for social actors (Ho 2007, pp. 189–209; Shieh 2009, 2016). Moreover, party-state actors progressively acknowledge the usefulness of social actors, consult and incorporate them in their decision-making, and even outsource social services to them (Ho, Edmonds 2008; Kaufman 2012; Lu 2007; Salmenkari 2008; Schwartz, Shieh 2009; Shieh 2016; Yang, Alpermann 2014). SOs' organizing for social change is embedded in this duality of restrictiveness and conduciveness. Therefore, their organizing can face distinct difficulties, including (in their worst manifestation) surveillance, imprisonment, disappearance of activists, or shutdowns (Library of Congress Washington DC Congressional Research Service 6/12/2009). But these are only the worst cases; bureaucratic measures, such as the dual registration system or indirect measures, are just as effective in

controlling SOs and their mobilization. Indirect control measures can manifest, for instance, in the form of positive incentives, such as financial support for social activities or capability training provided by party-state agencies (Teets 2013, p. 16). To obtain such supportive measures, the SOs abide to the rules set by the party-state and effectively exert self-limitation (Hildebrandt 2013; Shieh 2016). Both the conducive and restrictive aspects of this arrangement impact on the Center and its advocacy. Its precise effects have to be assessed in an explorative research approach.

However, the opportunity structure for the Center and its advocacy for better legal protection against DV was not solely determined by the political dimension; it was also embedded in an ambiguous gender context, addressed next.

2.3.1.2. The gender dimension of the opportunity structure

As mentioned, China is characterized by a patrilineal kinship system and patrilocal post-residence patterns¹⁵ (Du 2011, p. 2), as well as institutions prescribing gender equality, marking a clear gap between de jure and de facto gender equality. The patriarchal arrangements of the (Han) Chinese have intermingled with the politics of the CCP. Consequently, traditional practices of gender inequality have re-emerged in new forms, especially since the reform era¹⁶ (Du 2011, p. 4; Spakowski 2014; Xu 2009; To 2015; Hong Fincher 2013). Nonetheless, since 1949, gender institutions supporting equality between men and women and measures aiming to enhance women's rights have been implemented, such as (among others) anchoring gender equality in the constitution, the Marriage Law and its revisions, and the Law on the Protection of Women's Rights and Interests (Chen 1999; Guo and Li 2009; Yang and Guo 2001; Margaret Y. K. Woo 2006). The emerging gender arrangement is characterized by the ambiguity arising from the existence of both sets of institutions.

This ambiguous gender order both supports and hinders the Center's advocacy for gender equality in general, and better legal protection against DV in particular, in multiple ways. It can be supportive; for instance, a formal cornerstone of the gender order is the

¹⁵ Patrilineality is a common kinship system in which an individual's family membership derives from and is recorded through his or her father's lineage. The patrilineal family structure is often combined with patrilocal post-marriage residence patterns. Patrilocal residence patterns refer to such arrangements in which the newlywed couple lives close or with the husband's family (Zhang 2008).

¹⁶ I will discuss the reemergence of gender inequalities during the reform era in more detail in Chapter 4.

aforementioned equality guaranteed by the constitution (Chen 1999). The Center's members can use this constitutional right as a *discursive opportunity*¹⁷ and frame its demands in a reactive way, fitting in legitimately with the dominant state ideology and thereby furthering its objective of better legal protection against DV. Such a framing can provide support (for instance, from policy elites) and hence further the Center's goal.

However, this ambiguous gender order can also hinder the Center's advocacy. Gender inequality can be reinforced through formal institutions. For instance, young activists recently mobilized on discrimination against women accessing university, specifically the requirement for female students to score higher points in the university entry exams (*Gaokao*¹⁸) for certain subjects than male students (Tatlow 2012). But gender inequalities are far more often supported by informal institutions – such as cultural practices, traditions, customs, and social norms (Jütting and Morrisson 2005) – which play a crucial role in daily human interaction (Evans and Strauss 2010); changing them is difficult and time-consuming. Such informal institutions may be expressed in informal guidelines, implied by proverbs such as *Regard men as superior to women*,¹⁹ the discourse of the inner and outer binary²⁰ that encourages women to care for the inner (the domestic sphere) (Evans and Strauss 2010), and the established marriage market (Hong Fincher 2013; To 2015).

The problematic function of informal institutions for the Center and its advocacy becomes especially apparent with regard to policy elites, who need to support the Center's objectives for the organization to reach its goals. The number of female policy elites in comparison to their male colleagues remains low. For instance, in 1997, two years after the Center began its work, 319 members of the Central Committee were male while only 25 were female (Zhou 2009, p. 193). Experts argue that when asked about DV, for instance, (male) officials would immediately answer that there were no such cases in their area of responsibility; but asked whether wives would get beaten by their husbands, they would answer “of course” (Wang 2004c, p. 179). Findings from my interviews point in a similar direction. According to

¹⁷ Discursive opportunities can arise out of institutionalized authoritative texts, such as constitutions, laws, regulations, court decisions, and formal statements of relevant party-state representatives (Ferree 2012, pp. 11). This applies to both domestic and international documents. They have discursive power over the state, since activists are able to frame their activities in a reactive way, fitting in legitimately with dominant and officially acknowledged party-state ideology (Wesoky 2002, p. 60).

¹⁸ “高考”

¹⁹ “重男轻女”

²⁰ “内外”

my interview data, male policy elites often remain carriers of traditional gender perceptions and, as stated by interviewed experts, it would require time-consuming advocacy to win their support (interview # 16, Peking 09.08.2012, interview # 9, Peking, 08.12.2011, Interview# 10, Peking, 07.09.2012). Both findings combined indicate that some officials reject DV as a concept and deny the existence of the problem, while others may not deny it but might reproduce the traditional patriarchal institutions of the ambiguous gender arrangements. For example, they might be carriers of the socialized practice *Don't wash your dirty linen in public*,²¹ which implies that DV should not be discussed or dealt with outside the family; this muzzles DV victims and slows and/or hinders implementation of better legal protection against DV. Moreover, due to their position within the political system, policy elites have a double hindering function for the Center and its advocacy, since they are also able to employ measures to curtail SOs in general.

Gender inequality is therefore deeply rooted in informal institutions, and even reinforced by formal ones; due to the ubiquity of the former, they are invasive and crucial in everyday human interaction. Based on this, one of my central assumptions is that both formal and informal gender institutions that make up the ambiguous gender order can slow down and hinder the Center's advocacy for better legal protection against DV. To what degree, and exactly how, has to be clarified through an open explorative research approach.

So far, I have repeatedly stressed the political and gender dimensions of the context for the Center and its advocacy. However, SOs and their agency are no longer only subject to domestic developments. Rather, the international dimension has irrevocably become a decisive factor, spanning a triangular institutional structure for SOs' activities.

2.3.1.3. The international dimension of the opportunity structure

Collective social action is no longer only subject to the domestic context, but maneuvers in a triangular structure among state, non-state, and international actors (Tarrow 2005, p. 8). Hence, international institutions can become part of the opportunity structure for the Center and its advocacy, even on the national level.²² This is also true for the PRC. The

²¹ *Jiachou bu ke waiyang*, 家丑不可外扬.

²² According to the previously outlined definition of institutions, *international institutions* are structural aspects that transcend individuals and involve groups of individuals in some sort of patterned interaction; they are stable over some time, affect individuals' behavior, and rest on the shared values and meanings of their members.

Center's advocacy was no longer solemnly subject to national developments, but had long become the subject of internationalization²³ and globalization²⁴ as a result of the PRC departing from the earlier isolationism (Kaufman 2012; Chen 2012). Internationalization and globalization lead to a triangular structure among state, non-state, and international actors, creating a specific institutional context that invites social actors to engage in collective action at different levels of this system (Tarrow 2005, p. 8). However, institutions from different levels can likewise impact on the Center and its advocacy. Therefore, the emerging internationalism sets the framework in which activism takes place: not only transnational activism but also domestic activism (Tarrow 2005, p. 5). The connection between transnational movements and PRC domestic movements has received increasing attention in the academic community (Chen 2012), with a strong focus on the relation between environmental movements (Chen 2012; Xie 2011) and women's movements (Wesoky 2002; Kaufman 2012; Zheng 2010; Xu 2009). Moreover, other scholars argue that collective forms of action in the PRC are no longer only caused by domestic actors but also by international actors (Guiheux and Kuah-Pearce 2009, p. 10). These scholars argue that in particular, newly available resources from (for instance) international donors often enable new forms of collective action.

International development trends, events, and institutions in the form of international agreements, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Human Rights in China (HRIC) 2006), can have diverse impacts on domestic movements and collective social actors' advocacy. On the one hand, these international agreements provide *discursive* opportunities for social actors, and furnish them with legitimacy for their claims if the actors align with their goals (Wesoky 2002, p. 60). For instance, the PRC signed and ratified the CEDAW in 1980 (Human Rights in China (HRIC) 2006)

²³ *Internationalization* is characterized by three interrelated trends: An increasing horizontal density of relations across state, governmental officials, and non-state actors; increasing vertical links among the subnational, national, and international levels; and enhanced formal and informal structures that invite transnational activism and facilitate the formation of networks of non-state and international actors (Tarrow 2005, p. 8).

²⁴ *Globalization* is characterized by an increasing volume and speed of the flow of capital and goods, information and ideas, people and forces connecting actors between countries; it leads to an increasing internationalization of processes, mechanisms, and institutions (Keohane 2002b, p. 194; In: Tarrow 2003). The process of globalization was accompanied by a process of technological empowerment, which enabled (collective) social actors to easily communicate not only within their own countries but also over borders (Moore 2003, p. 163). This means that, through the newly available resources, the power relations between state and society actors were under re-negotiation. Globalization in the PRC was initiated and macro-managed by the party-state (Knight 2008).

as one of the original 65 members who signed the treaty. Since then, it has served as a prominent and internationally acknowledged discursive opportunity, which SOs (including the Center) utilize to improve gender equality in the PRC.²⁵

Moreover, international events such as the FWCW provided opportunities to forge networks with international organizations, foreign governments, and international experts (Kaufman 2012; Zheng 2010; Zhang 2009a). International organizations or foreign actors can also exert pressure on PRC policy elites and their policy decisions²⁶. For instance, the UN (as organizer of the FWCW) exerted top-down pressure on PRC policy elites resulting in more political space and legitimacy for Chinese women's organizations and SOs in general (Howell 1995, 1997b; Hsiung et al. 2001; Judd 2001; Milwertz and Bu 2008; Zheng 2010; Yang 1999a).

International arrangements can therefore contribute to the opportunity structure of the Center and its advocacy. However, as mentioned, this is not due to their sheer existence; rather, we need to consider the organizational perspective of these arrangements, as I will discuss further below with regard to operationalization. Moreover, inner-organizational resources and capabilities can be affected by international connections, also discussed later.

These three dimensions – the political, the gender, and the international – form the emerging opportunity structure for the Center and its advocacy for better legal protection against DV.

2.3.1.4. The emerging opportunity structure for the Center and its advocacy: Interplay of the three dimensions

The opportunity structure emerging from the three dimensions refers to the configuration of the disaggregated institutional context – in the first instance, irrespective of its supportive or hindering function. Expansion of an opportunity structure can shift power advantages to SOs, thereby diminishing the power discrepancy between them and (policy) elites. The SO's political leverage can hence increase and provide possibilities for outcomes in the social

²⁵ Wang (1999) argues that the *nannü pingdeng* discourse became both the target of contemporary Chinese women's critique and a major source of their critical strength in the post-Mao era. Since this discourse has contributed to the legitimacy of the party's rule by describing the party as the savior of Chinese women, it has discursive power over the state (Wang 1999, pp. 9). The underlying mechanism also applies to CEDAW and other international agreements the party-state ratified. *Nannü pingden*, (男女平等), as core element gender equality was propagated since the founding of the PRC Spakowski 2014, p. 230; Chen 1999.

²⁶ Whether or not international organizations and foreign actors are still able to exert such pressure in the era of Xi Jinping's leadership should be evaluated in a separate research. Section 7.3. hints that recent changes might have led to a loss of this possibility to influence Chinese policy actors.

actor's interest (Brockett 1991). In essence, this means that SOs gain more options to advocate for their goals and achieve recognition for their demands.

Based on the previously discussed interaction between structure and agency (2.2.), as well as the three dimensions of the opportunity structure, one of my central assumptions is that the emerging opportunity structure shaped the Center and its activities. This marks the opportunity structure as a central independent variable. As illustrated, this variable consists of three dimensions; these must first be assessed separately, followed by an assessment of their intersections.

The three dimensions of the opportunity structure can converge and intersect; such intersection and/or collusion can involve all three dimensions or only two. A good example of such collusion is policy elites, whose support the Center needs to achieve its goals and who therefore play a crucial role in the process of advocacy for better legal protection against DV. Policy elites are representatives of both the political system and the established gender arrangements; as such, they can deploy supportive and curtailing measures, rooted in both contexts, to support or hinder the Center in its endeavors. For instance, policy elites need to approve SOs' registration for them to receive an official status. However, in cases in which elites reject the SO and/or its objectives, they can make it considerably harder – or even impossible – for the SO to receive an official registration.

Two of the three dimensions of the opportunity structure can also intersect in (for instance) gender-specific laws, regulations, and policies, such as in the constitution anchoring gender equality, the Marriage Law, or the Law for the Protection of Women's Rights and Interests. In these examples, gender arrangements were formerly institutionalized by turning them into binding legal documents, merging political and gender arrangements. Thereby, the emerging opportunity space symbolized a collusion of both dimensions. But such collusions can also take place between (for instance) the international, political, and gender dimensions, as in CEDAW. China signed and ratified CEDAW in 1980, formally institutionalizing international gender arrangements into legally binding Chinese authoritative texts and thus merging international, political, and gender arrangements.

What becomes obvious is that the actual manifestation, intersection, or collusion of the single dimensions have to be carefully analyzed in an explorative approach. Although I

assume that the opportunity structure emerging from the three dimensions impacted on the Center, and that the SO actively tried to change the structural aspects simultaneously, exactly how the structural aspects affected the Center has to be clarified through careful analysis. Moreover, precisely how the single dimensions, or even their intersections, impacted on the Center essentially depended on the organization's perspective. Therefore, an open explorative research approach, respecting the organizational perspective and guided by several research questions based on my central assumption, was necessary to gain impartial insight. How did the arrangements in the three dimensions manifest for the Center and its advocacy? How did they collude, intersect, reinforce, and/or block one another, essentially forming the manifesting opportunity structure? How did the organization perceive these arrangements? And if the emerging opportunity structure was obstructive, was it responsible for the Center's dissolution, and did it block effective mobilization for better legal protection against DV?

How does one measure and evaluate this emerging opportunity structure? This question brings us to the operationalization of the three-dimensional opportunity structure. As discussed, the opportunity structure is neither objective nor written in stone. We therefore need to bring the organizational perspective back into the evaluation of the actual opportunity structure. The opportunity structure for the Center and its advocacy rested on formal and informal institutions forming the three arrangements; however, their actual impact on the Center depended on how the organization and its members perceived and related to these institutions. As such, the actual opportunity structure emerged out of the interplay between factual policies and regulations and the organizational members' perception of them – predominately, on what the organizational members saw as central parts of the opportunity structure. Therefore, it was necessary to assess the historic development of the institutional arrangements and its actual manifestation and look then how the organization's members perceived this arrangement.

To access the data for this project I adopted an explorative approach consisting of a methodological triangulation not only for the assessment of the opportunity structure but for the implementation of the organizational analysis as well, as I will discuss in detail in the chapter on the research design. This implemented methodological triangulation combined document research with qualitative semi-structured interviews and participant observation.

The emerging opportunity structure forms the context in which the Center operates. But this context alone cannot sufficiently explain the Center, its development, and its conducted advocacy. As discussed at length previously, a common critique of the opportunity structure, is that it discounts the importance of agency (Sell and Prakash 2004, p. 147). A careful analysis of the Center and its actions within this manifesting opportunity structure should help to counter such criticism. Rather than ignoring the Center's agency, I will explicitly assess how it navigated within these boundaries to achieve its gender-related objectives. Although my central argument is that the context largely determines the possibilities of the Center and its advocacy, the context is not everything. It defines the possible space available for organizations, but they are free to use this space according to their own decisions. This is not a contradiction. How they navigate within the available space depends on their organizational resources, capabilities, and processes. Therefore, the Center's agency, its resource endowment, and its capabilities are decisive to understand its advocacy for better legal protection against DV in the possibly double-adverse Chinese context. The applied organizational analysis, which will assist in this process, is discussed in detail next.

2.3.2. Organization theory: Five perspectives on organizations

Based on findings from the social movement literature (McAdam 1999; McCarthy and Zald 1977; Tilly 1978) my main assumption is that, although the context is decisive for the Center and its advocacy, it is precisely the inner-organizational aspects that shape how the Center advocated for better legal protection against DV in China's ambiguous political and gender arrangements. As such, a careful and contextual assessment of the Center and its activities was necessary. As discussed previously, an organizational analysis to supplement the disaggregation of the opportunity structure was therefore a good choice.

Due to the heterogeneity of the literature on organizations, no matter which framework one applies, one could always make different inquiries and attend to other organizational aspects (Titscher et al. 2008, p. 25). The selection of organizational aspects for analysis depends on the questions and findings from previous studies on social organizing in China. Titscher et al.'s four perspectives on the assessment of organizations – the organization and its environment, the organizational members and their interactions, the organizational structure, and the organizational output – provide a helpful framework for unpacking,

structuring, and analyzing the organization and its activities in context (Mayrhofer 2010, p. 22; Titscher et al. 2010, p. 22).

I developed Titscher et al.'s (2010) four perspectives into five dimensions to analyze the Center and its advocacy. These dimensions were: the Center and its context; the structure and organization of the Center; its members, their interaction, and their networks; the advocacy conducted; and finally, the established gender regime within the Center. These perspectives intersect in multiple ways and are composed of different analytical aspects, selected on the basis of research on the functioning of nonprofit SOs in China.²⁷ The operationalization of the analytical categories will be discussed for each perspective separately.

2.3.2.1. The Center and its context

This organizational perspective is based on the disaggregation of the opportunity structure, as elaborated in the previous chapter. However, it also goes beyond that to question the relation of the Center to its environment. A guiding research question here was: How was the Center strategically positioned within this particular context by its members? An organizational identity represents the form by which organizational members define themselves as a group in relation to their external environment (Alvesson 2011, p. 21); that is, it expresses the strategic orientation of an organization in relation to its context. Therefore, how the Center related to its environment can be assessed through a careful assessment of the organizational identity it adopted. Further guiding research questions were: What organizational identity did the Center's members adopt and disseminate to third parties as its strategic orientation within this context? Did the organizational members identify with this identity? Based on this, how did the Center's members form relations with party-state elites, and what kind of relations were these? The latter question clearly intersects with the fourth organizational perspective (assessing the Center's members, their interaction, and their networks), and will be analyzed in that category. In order to access and evaluate the Center's identity, it is necessary to define the underlying concept.

Organizational identity

²⁷ Social organizing in China is mostly nonprofit organizing. Defining characteristics of nonprofit organizations are generally their self-governance, their nonprofit distribution, and the importance of volunteers in their governance and day-to-day activities (Schuhen 2009, p. 101). The Center met all three of these criteria.

Basing on Alvesson's (2011) understanding of organizational identities, SOs form their common identity in relation to their context. Generally speaking, this identity is defined by the organization's participants' commitment to values that are central, enduring, and distinctive (Alvesson 2011, p. 21; Scott 2013, p. 116). An organizational identity can provide participants with a core set of normative elements around which to draft their narratives and sense-making activities (Scott 2013, p. 116).

The category of an organizational identity is especially interesting for the assessment of Chinese SOs in relation to their environment. Certain organizational identities can lead to harsher treatment from the Chinese party-state. For instance, Zhang et al. (2011, p. 13) argue that an SO adopting the identity of an *advocacy* organization would lead to a particularly unfavorable context, as the party-state would scrutinized such organizations much more severely than other SOs. This relates directly to the registration status an SO obtains. Some advocacy organizations therefore consciously decide against using their actual organizational identity as their formal registered identity, so as to avoid harsh treatment (Zhang et al. 2011).

Other China scholars have found that the degree of identity and participation within SOs, which are relatively independent, is much higher than in more traditional and official civil organizations, such as the ACWF (Yu 2009). This indicates that SOs might have a stronger organizational identity, which could benefit their advocacy due to stronger cohesion among their participants.

On this basis, the questions to assess the Center's identity in relation to its context are obvious: What was the official organizational identity of the Center, and what core normative elements were associated with it? What registration status did the Center obtain, and was it in congruence with its organizational identity? How did the organizational members identify, and what normative elements were they following? Did gender play a role in the organizational identity, and if so, how? Addressing these questions clearly requires an open explorative approach.

2.3.2.2. Structure and organization of the Center

In a perspective they label "organizational structure," Tischer et al. (2010, pp. 22–23) argue that no social system exists without formalized structures. Organizational structures not only

shape employees' and volunteers' behavior but also reflect organizational principles (Scott 2010, p. 169). They are also closely interwoven with the material resource base of a Chinese SO, since the registration status supports certain revenue streams and complicates others, as I will illustrate shortly. This material resource base shapes the organizational structure by enabling certain forms of internal organization, such as team-building sessions or time-consuming democratic decision-making processes.

I broadened Tischer et al.'s (2010, pp. 22–23) perspective to include not only the Center's formalized *organizational structures* (its governing organs, decision-making processes, registration status) but also its *day-to-day organization* (expressed in its management and leadership practices). The latter is important because previous studies have shown that SOs often refuse to formalize their structure, having started out small and not anticipated rapid expansion (Lewis 2006, p. 171). As such, inquiring into their day-to-day operation helps to assess an SO and its activities.

Guiding research questions here were: What did the structure and organization of the Center look like? How did the Center's structure impact on its development and outreach possibilities? How was the organization managed and led on a day-to-day basis? How were decisions made within the Center? What material resources were available, and how were they deployed? To address these questions I broke this organizational perspective of the framework down into several analytical categories, in order to access the data and make them measurable (operationalization). The following four unnumbered subsections discuss these categories.

Governance, governing organs, and decision-making processes

Research on Chinese nonprofit governance, although still in its infancy, is steadily growing (Zhang et al. 2011, p. 12). Previous studies have found that Chinese nonprofit organizations generally have weak governance mechanisms and management skills to meet the rising demand for their services (Chen et al. 2006). Governance and effective governing structures are crucial, since several studies link the governance of nonprofit organizations²⁸ with their

²⁸ The Chinese SO considered in this study is a nonprofit organization. The aspect of self-governing – which, as mentioned, is considered to be one of the criteria for autonomy from the party-state – has often been critically debated in the Chinese context. Due to registration procedures, many SOs are linked to party-state

organizational effectiveness (Zhang et al. 2011; Ostrower and Stone 2010; Ostrower and Stone, Melissa, M. 2006) and hence their ability to advocate effectively. Governance of nonprofit organizations goes beyond management and leadership (Schuhen 2009, p. 104); whereas leadership is necessarily personal (such as a chief executive), governance can be implemented by structural elements such as organizational structures and governing organs, such as a volunteer board of directors (Zhang et al. 2011, p. 13).

For the assessment of organizational governance, Ostrower and Stone propose a nuanced analytical approach and identify three broad categories of factors (Ostrower and Stone 2010). The first category concerns the attributes and characteristics of the governing board itself: its composition, size, frequency of meetings, length of board terms, and board recruitment and selection (Ostrower and Stone 2010, p. 903). The second category relates to internal organizational factors: the organization's size, age, degree of staff professionalization, and the board-executive relationship (Ostrower and Stone 2010, p. 904). I will also look at the Center's formalized decision-making structures and how they are implemented on a day-to-day basis. Decision-making structures illustrate organizational hierarchies; deviations between formalized decision-making structures and actual day-to-day decision-making practices can provide important insight into organizational processes and management. Finally, the third category includes the external environment (Ostrower and Stone 2010, p. 904), which I have already assessed by disaggregating the opportunity structure.

Studies on Chinese nonprofit organizations have found that their governing board (where established) often consist of the founder (leader) and his/her close friends or colleagues (Zhao 2001b, p. 139). There are often no clear selection criteria, selection processes, or length of terms established. Many Chinese SOs perceive the establishment of organizational structures, and hence clear responsibilities, as cumbersome and bureaucratic (Zhao 2001b, p. 139), and are reluctant to establish formalized governing structures. It is therefore essential to consider the organization's everyday management practices. I followed Ostrower and Stone's proposed categories, but also inquired into what the decision-making process looked like.

organizations and are under their supervision, and are therefore not considered to be self-governing. The particularities of the selected case organization will be discussed in the analysis chapter.

Management

Management relates to the day-to-day operations of nonprofit organizations (Schuhen 2009, p. 104) and is a technocratic approach (Hinterhuber 2009, p. 22). An organization's management responsibilities include to: (a) creatively solve a problem, (b) optimize established processes, and (c) plan, organize, and control these processes (Hinterhuber 2009, p. 22).

Research has shown that value-driven nonprofits²⁹ have tended to build management skills on a rather ad-hoc basis; formal management is often shunned as being part of business culture, and therefore at odds with nonprofit employees' and volunteers' self-perceived identity as "doers" who do not want to waste resources on management (Lewis 2006, p. 168).

Nonprofit management in China is receiving increasing attention. SOs face huge problems regarding internal capacity-building (Cao 2017, p. 194), particularly the internal management of organizations³⁰ (Cao 2017, p. 194). Despite some SOs having problems with transparency and internal management, in comparison to government agencies they are quite transparent (Yu 2009). Moreover, SOs are allegedly characterized by more democratic internal governance, since they are more accountable to their members and beneficiaries than state organizations (Yu 2009). Nonetheless, this approach focuses on the organizational members, and follows the broad research questions: What management practices were in place? How did the management practices impact on the organization? Who exerted the management?

Leadership

Chinese SOs are often the result of individual endeavors (Zhao 2001b, p. 139; Li 2009; Wang 2009d); their founder often becomes their leader – and sometimes, even, simultaneously

²⁹ Lewis refers actually to "third-sector organizations." Third-sector organizations can be understood as a loose category of organizations that are not government or for-profit businesses, but are held together by the glue of value-driven action and commitment (Lewis 2006, p. 60). As such, they have tremendous overlaps with what I referred to as value-driven nonprofit organizations. I therefore use the already-introduced terminology to avoid confusion.

³⁰ Other SOs registered as civil society organizations (*minjian zuzhe*) still act as a "second government" (Ye and Onyx 2015). Therefore, they are managed in effect by the government. They mostly carry out a specific function under the direction of their administrative department (Ye and Onyx 2015). Hence, these organizations have a management system, but one that was set up by the government.

their managing director (Ho 2008, p. 33). Previous studies have shown that SOs usually do not rely on the organization's structure but on the leader's personal ability; the enthusiasm and devotion of members; and networks of leaders, employees, and volunteers (Zhao 2001b). Still, the leader often remains paramount (Lu 2009a, pp. 139).

The debate on leadership remains rather heterogeneous, with many competing conceptualizations³¹ (Hesselbein 2007; Murphy, Patrick, J. 2011; Neubauer 2009). At its core is a leader who exerts *leadership*, which was initially understood as a one-dimensional process of influence but is also a relational concept centering on the relationship between two or more people (Neubauer 2009, p. 48). Therefore, leadership is a dynamic mutual process in which both sides influence one another – whether they are trying to do so or are unaware of it (Neubauer 2009, p. 48). Leadership is more subtle than, and goes beyond, management (Hinterhuber 2009, p. 22).

Besides their paramount position, the centrality of many Chinese SO leaders to their organizations relies on their *charisma* and/or *resourcefulness* (Ru and Ortolano 2008, p. 65; O'Brien and Li 2006, p. 15; Shieh 2009, p. 30). Resourcefulness, according to these authors, relates to (for example) leaders' connections to policy elites, their supportive function in the registration process, or their provision of other resources. Looking specifically at Chinese women's organizations, Lu (2009a) found that their leaders often had cynical motives (Lu 2009a, p. 95); for example, interest in personal advancement, fame, foreign travel, additional income, and the enhancement of their social and professional network (Lu 2009a, p. 95). Such leadership has a huge impact on the organizational culture, often characterized by a lack of trust and openness between leaders and other members, a lack of institutional loyalty, backbiting, and incessant power struggles (Lu 2009a, p. 97). Whether or not these aspects of leadership are valid in the case of the Center has to be carefully assessed through an open explorative approach. This approach was guided by the broad research questions:

³¹ The Chinese debate on leadership in SOs remains largely underdeveloped and selective. Some interesting descriptions of portraits of Chinese SOs leaders and to some extent of their leadership of the first generation can be found in Ma's writing (Ma 2009, pp. 128). I focused on Western theoretical debates about leadership. A comprehensive review of relevant Chinese literature would have gone far beyond the possibilities of the project. It would however be an important future research project, to systematically review relevant literature and compare it with established leadership practices in Chinese SOs. One should though include two organizations from each issue area, in order to assess whether leadership practices would also be different due to content related aspects.

What were the characteristic features of the exerted leadership? What impact did it have on the organization?

Material resources

If Chinese SOs receive an official registration, they have superior party-state units (*Lingdao Danweis*) with which they are registered (Ma 2009; Yang et al. 2015b). These *Lingdao Danweis* can, for instance, provide free office space or other material resources. Against this background, it makes sense to assess the material situation of SOs in general, rather than only their financial revenues.

The primary sources of revenues for nonprofit organizations are private contributions, such as individual donations, corporate gifts, or foundation grants (Hodge and Piccolo 2005, p. 174); revenues from the public sector, such as government grants; and private sector payments for services provided (Hodge and Piccolo 2005, p. 174). In many cases, nonprofit organizations largely depend on donations, often in the form of foreign support. Foreign funds are not granted unconditionally but entail certain requirements, such as specific organizational structures or project funding limited to certain issues (Zhang 2009a, p. 78; Kaufman 2012, p. 585). In this context, studies have shown that donors' demands can lead to a "tyranny of the project," which may financially secure the organization but may also alienate it from its actual goals (Lewis 2006, p. 69) and hinder the establishment of sustainable organizational structures.

Most SOs in China depend on foreign funding, particularly from the U.S.³² (Zhang 2009a, p. 78; Ma 2009, p. 188). Nonetheless, since the reform and open policies, the pool of foreign funding has increasingly diversified (Adele Harmer and Lin Cotterrell, p. 15; Guo et al. 2013, p. 5). The Chinese government has also increased its financial support for SOs (Yang and Alpermann 2014), but Chinese SOs nonetheless remain heavily dependent on foreign support, with all its potentially negative side-effects – such as the aforementioned "tyranny of the project" (Lewis 2006, p. 69), emphasis of worst-case problems (Chan 2013, p. 18), or

³² Foreign aid was traditionally given to democracy assistance programs, mostly in a top-down manner. This paradigm has slowly shifted since the 1990s, diversifying to support bottom-up projects and, increasingly, civil society development projects (Sundstrom 2006, p. 11; Zhang 2009b, p. 79). This shift was marked by increasing involvement of many U.S. non-governmental organizations (NGOs), such as the Ford Foundation (FF), in aid policies, and stronger funding support for projects working on advocacy, lobbying, awareness raising, and campaigning (Riddell 2007, p. 287; Leutner and Spakowski 2005, p. 238).

political trouble (Zhao 2001b, p. 140; Yang and Alpermann 2014). Irrespective of the composition of financial revenues, the material situation of Chinese SOs remains difficult, resulting in them having insufficient capabilities (Ye and Onyx 2015).

Chinese SOs remain largely informalized, with leaders occupying paramount positions. Consequently, the organizational members, their interaction, and their networks seem crucially decisive in assessing of the Center and its advocacy.

2.3.2.3. The Center's members, their interaction, and their networks

This organizational perspective is inspired by what Titscher et al. (2010, p. 22) labeled organizational members and their interaction. Due to the centrality of networks for Chinese SOs, I broadened this perspective to also include members' networks. Every organization consists of its members; they provide the organization with capabilities and have individual motives, ideals, and expectations of the organization (Titscher et al. 2010, p. 22). Nonetheless, they comply with certain organizational norms and behave accordingly (Titscher et al. 2010, p. 22). Consequently, this perspective significant overlaps with the organizational identity, which provides members with a core set of normative elements around which to draft their narratives and sense-making activities (Scott 2013, p. 116). To assess this dimension, I look at three interrelated analytical aspects: the Center's human resources (HR); its members' interaction, as expressed in the established organizational culture; and the networks of the organization and its members. Guiding research questions were: What was the HR base of the Center? How did the members interact? What features characterized the emerging organizational culture? What kind of networks did the organization's members develop? In order to access and measure the necessary data, I broke down this organizational perspective into analytical categories as well. The following three unnumbered subsections discuss these categories and illustrate how they help to capture the empiric phenomenon.

Human resources (HR)

To analyze the organizational members and their capacities, motives, ideals, and expectations of the Center, I adopted the HR concept. HR is all those people who currently contribute to doing the work of the organization, as well as those who could potentially contribute in the future and those who have contributed in the recent past (Jackson and

Schuler 2006, p. 13). However, as Brewster and Larsen pointed out, this particular resource is not like others (Brewster 2000, p. 11); it has needs and wants, and can respond and react.

HR becomes even more specific if we look at studies on HR in SOs. Lewis pointed out that people usually join SOs for a variety of reasons, of which financial gain is not the most important (Lewis 2006, p. 170). The scientific community generally assumes that in voluntary organizations,³³ shared values exist between the management and employees, which would link them to the organization's cause or mission (Cunningham 2012, p. 52) and ultimately to the organizational identity and thereby the normative core elements. Such employees are often assumed to be more committed to SOs than employees in for-profit business organizations, and would even accept smaller pay packets and less personal advancement and job security (Cunningham 2012, p. 52). This suggests the need for careful assessment of the normative core elements that organizational members carry.

Looking at nonprofit organizations in China, we find a few particularities. Lack of talent is one of the most serious problems they face (Cao 2017, p. 192), especially for SOs not registered with the MOCA (Zhao 2001b, p. 140). Numbers of employees in Chinese SOs are mostly unstable, with high turnover rates and limited strength and quality (Cao 2017, p. 192; Ye and Onyx 2015). Cao argues that money and welfare benefits are key problems for attracting and retaining HR (2017). Employees in grassroots organizations³⁴ suffer harsh working conditions and insufficient welfare (Cao 2017, p. 192). Moreover, since the sector is still rather small, there are few career development prospects. Consequently, the sector remains unattractive for many talented professionals; this affects the overall quality and capability of the organization's workforce (Cao 2017, pp. 192), contributing to their high turnover rate (Chan 2013, p. 18) and limiting organizational effectiveness.³⁵

Moreover, even if members of value-driven nonprofit organizations have motives other than profit, not only organizational leaders but also employees often have self-serving purposes (Lu 2009a, p. 95). Many are, above all, motivated by their personal interests (Lu 2009a, p. 97), such as enhancing their own network (Ma 2009, p. 109). As discussed, the leadership of the

³³ Voluntary organizations can be defined as self-governing, independent nonprofits with a certain degree of voluntarism (Cunningham 2012, p. 52).

³⁴ *Grassroots organization* is another term used to refer to value-driven nonprofit organizations that developed in a bottom-up manner. Some of these develop out of volunteers' activities.

³⁵ Regarding NGOs, Tao argues that insufficient monetary rewards for employees of value-driven organizations led to a public discussion of whether NGO workers must maintain a dignified poverty (Tao 2016).

organizations often impacts on recruiting and retaining talent (Lu 2009a, p. 96). Moreover, leaders (who would often remain in paramount positions) may not necessarily be primarily motivated by passion for the organization's cause, and hence may lack the ability to convey inspirational motivation or conviction for the organizational objectives to their employees (Lu 2009a, p. 96). This might weaken organizational cohesion. Organizational members are not isolated aspects; rather, they are constantly interacting, and this interaction can be assessed by looking at the organizational culture.

Organizational culture

Organizational culture is an umbrella concept referring to shared orientations to social reality, created through the negotiation of meaning and use of symbolism in social interaction (Alvesson 2011, p. 14). Culture is a system of common symbols and meanings (Alvesson 2011, p. 14); it provides the shared rules of governing cognitive and affective aspects of membership of an organization, and the means by which they are shaped and expressed (Alvesson 2011, p. 14). In that sense, organizational culture is not primarily inside people's heads; rather, it manifests in human interaction and in the code of conduct among organization participants. It is also closely related to the organizational identity, which provides normative core elements that should guide employee's identification and interaction. Organizational identity and culture can be, but do not have to be, congruent. I understand organizational culture as fragmented and characterized by a pervasive ambiguity (Martin 1992, pp. 118). There are multiple interpretations within a culture, and contradictions and confusion are common. Therefore, any broader cultural configuration (such as an organization, or a working group within an organization) would be temporal or issue specific. Nonetheless, Alvesson makes a convincing argument that if an organization is unsuccessful in shaping at least a moderate degree of common understanding on at least some issues, then it may not survive (Alvesson 2011, p. 16). Organizational culture can be analyzed by looking at the communication (verbal and non-verbal) and interaction between the organizational members.

Research into organizational culture in Chinese nonprofit organizations is still in its infancy. Li and Zhang (2015, p. 2) argue that core characteristics of value-driven nonprofit organizations are common values, shared norms of behavior, and a sense of belonging. Moreover, as discussed previously, many nonprofit organizations have problematic internal governance,

which emphasizes their leaders and refuses to implement transparent and reliable organizational structures. In many nonprofit organizations, this leads to an organizational culture characterized by a lack of trust and openness between leaders and other members, a lack of institutional loyalty, backbiting, and incessant power struggles (Lu 2009a, p. 97). Whether or not these conclusions are also valid for the Center and its members has to be clarified through a careful explorative analysis. Interactions between organizational members can lead to networks, which formalize these relationships.

Networks

Networks are patterns of relations between not only organizations but also individual actors (Broadbent 1985, p. 2). These relationships are characterized by the structures that shape them (Broadbent 1985, p. 3). Networks are crucial for social actors, since they pave the way to resources or new information³⁶ (Broadbent 1985; O'Brien and Li 2006). According to Granovetter, one can distinguish between weak and strong ties (Granovetter 1973). Strong ties are relations with actors who are emotionally close, whereas weak ties are connections with actors who are emotionally distant to oneself (Granovetter 1973, p. 1361). He stresses the importance of weak ties by arguing that they would enable actors to seek out new resources and access to information³⁷ (Granovetter 1973, p. 1361).

Looking at China, there are quite a few specifics we need to consider. First and foremost, any discussion regarding networks is automatically connected to the debate about *Guanxi*.³⁸ There are a multitude of definitions of *Guanxi*. Pye, for instance, understands it as friendship with continued exchange of favors (1992), while King (1991) defines it as networks of personally defined reciprocal bonds. Grainger argues that these definitions exemplify the

³⁶ In general, networks are an aspect of *social capital*. According to Putnam, social capital refers to features of social organizations – such as trust, norms, and networks – that can improve the efficiency of society by facilitating coordinated actions (Putnam 1993, p. 167). Social capital, unlike other forms of capital, is often produced as a by-product of other activities (Putnam 1993, p. 170). This means, for instance, that networks emerge due to other activities in which two actors are involved. According to Putnam's definition, social capital goes beyond networks to refer to a social quality of SOs in general, explaining why, for instance, civic engagement as a collective social activity is possible.

³⁷ Putnam illustrated the advantage of weak ties vividly. He argues that "strong ties with intimate friends may ensure chicken soup when you're sick, but weak ties with distant acquaintances are more likely to produce leads for a new job" (Putnam 2000, p. 363).

³⁸ Some scholars argue that activists living in repressive contexts establish international connections that can exert outside pressure on their states through the so-called *boomerang effect* (Thornton 2008, p. 185).

reciprocal exchange of favors that characterizes this phenomenon (Grainger 2014, p. 96). According to Grainger, there is no single unchanging form of *Guanxi* (Grainger 2003, p. 57). He refers to Kipnis, who differentiated distinct forms of *Guanxi* according to the area in which they occur, such as rural, urban, and marriage. For my purposes, the concept of networks is sufficient, since I primarily need to assess who the organization and its members developed networks with, and to what end.

Networking is an important activity for Chinese social actors (Shieh 2009; Zheng 2010; Ho and Edmonds R. L. 2008; Hsu 2009; Yang and Alpermann 2014). Networks can provide access to information and other resources (O'Brien and Li 2006, p. 83). It has often been argued that connections to party-state officials are especially crucial for social actors in a repressive political system (Hildebrandt 2012, p. 845); through such connections, they can improve their potentially weak and vulnerable position. Moreover, some scholars indicate that informal relations between party-state and social actors can substitute for a lack of formal registration in the official political system, and even provide funding (Yang and Alpermann 2014). A previous study found that activists in religious, feminist, and environmentalist organizations established cross-locality, national, or even international networks (Hsing and Lee 2010b, p. 8). Nonetheless, networks among collective social actors and activists are rather limited and weakly developed (Hildebrandt 2012, p. 857; Jia 2006, p. 33). Cross-sector connections are particularly rare due to institutional discouragements by the party-state, and because these actors are often in competition over scarce resources (Hildebrandt 2011; Schwartz and Shieh 2009a, p. 182). Nonetheless, cross-sectoral networking has increased in recent years (Shieh 2009, p. 34), as have networks with international actors (Moore 2003).

Another reason why networks are so important in China is the slowly emerging rule of law; this can lead to uncertainties, which can be overcome through networks (Grainger 2014). It is not necessarily easy to develop a network with resourceful actors, such as policy elites.

2.3.2.4. The Center's advocacy

So far, our focus has mainly been inner-organizational aspects. However, the structure and interaction of a SO are directed toward realizing its objectives. We therefore need to consider the output the organization is able to achieve as a result of its inner-organizational processes. While the output refers to all services, publications and so forth provided by the organization, the outcome relates to the actual results the Center achieves with its activities.

In case of the Center, this leads us directly to the advocacy the organization conducted to achieve better legal protection against DV. This raises interesting questions: How did the Center advocate for better legal protection against DV? What tactical approach did it follow, and what activities did it accordingly conduct? How did these relate back to the resources and capabilities of the Center? Were its activities in compliance with its tactical approach? And were the activities successful? To access the empiric phenomenon, it is useful to define advocacy.

Advocacy tries to change political, legal, or cultural aspects on behalf of a constituency or group that the actor represents (Heaney 2007). Advocacy is directed at governments, businesses, or even other advocacy groups, and most advocacy activities are conducted by collective actors (Prakash and Gugerty 2010, p. 2). Advocacy can consist of diverse tactical activities, including lobbying; testifying at congressional hearings; submitting regulatory comments; mobilizing grassroots constituents with public rallies or letter-writing campaigns; buying media advertising; filing *amicus curiae* briefs with appellate courts; and sponsoring class-action or other lawsuits (Heaney 2007, pp.614). Modern advocacy groups rely predominately on professional staff (Young 2010, p. 34). Previous research has found that for advocacy to be effective, actors need to establish networks with policy elites and other interest groups (Riddell 2007, p. 294).

There has been a sharp increase in advocacy actors³⁹ in China (Guo et al. 2013, p. 28); in recent decades, advocacy alliances such as the Gender and Development Network (GAD), the Women and Gender Studies Networks, and the Anti-Domestic Violence Network (ADVN) have emerged (Guo et al. 2013, p. 30). Applied tactics such as campaigning are carried out in public places. Others, such as legal and policy (research) advocacy, are carried out mostly by professionals and occur within the system (Guo et al. 2013, p. 4). Many SOs apply a combination of advocacy strategies in their work (Wexler et al. 2006, p. 7).

One strong characteristic of Chinese advocacy actors is that they are usually neither oppositional in their thinking nor adversarial in their conduct, and most seek constructive

³⁹ The advocacy concept was likely imported to China via grassroots organizations and their connection to international organizations (Guo et al. 2013, p. 15). While a 2006 report found that both *changdao* (倡导) and *tichang* (提倡) were in use as translations, in 2013 the most commonly applied phrase was *changdao*, especially to refer to political advocacy (*zhengce changdao*) (Guo et al. 2013).

engagement with Chinese government agencies (Wexler et al. 2006, pp37). The tactics applied so far have largely been recommendations, research papers, and diverse activities to raise the awareness of the public and elites (*xuanchuan* activities) (Wexler et al. 2006, pp25). Whether or not the Center's advocacy was also characterized by these features has to be clarified through a careful explorative research approach.

2.3.2.5. The Center's gender regime

The previous four organizational perspectives were all proposed by Titscher et al. (2010) and amended to fit the case of the Center. I also added a fifth organizational perspective to account for the gender regime manifesting within the Center. As discussed previously, gender arrangements are likely to spill over into social organizing (Acker 1990, 1998). These arrangements form the Center's own gender regime, which may correspond with the contextual gender order but can also deviate from it. Moreover, these gender arrangements can reproduce gender division and inequalities, even against the best intentions of some organizational members (Acker 1998). Guiding research questions for assessing the Center's organizational gender regime were: How did the gender arrangements manifest within the Center? How did these arrangements impact on the organization and its working culture, resources, and advocacy?

The Center's gender regime will be assessed through a gender-sensitive analysis of all four of the aforementioned organizational perspectives. Practically, this means that I will look (for instance) at the gender ratio of the Center's HR; how the different genders within the Center interacted with each other; which gender roles were in place in the Center; whether or not there was a difference in clients' treatment depending on the gender of the lawyer; if in the Center gender training courses for new staff were offered; and if gender arrangements were reflected in the Center's networks (such as through a higher share of networks with female party-state elites) or if it manifested somehow in the organizational structures.

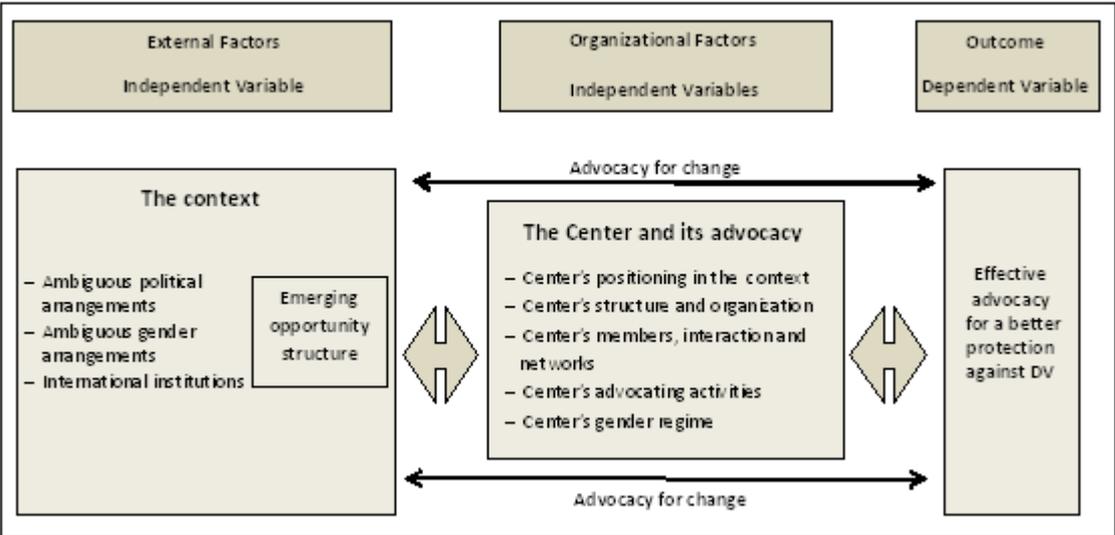
These five organizational perspectives did not exist in isolation; rather, they intersected in multiple ways, and were connected to the context in which the Center was embedded. The next section includes a model illustrating how the Center advocated for better legal protection against DV within this context.

2.3.3. Synthesized conceptual framework: The opportunity structure framework substantiated with an organizational analysis

Conceptual frameworks help to answer different kinds of questions. Since this project seeks to address a diverse set of inquiries to substantiate its main research question, it was necessary to draw on several insights. Using different conceptual frameworks to address different aspects of an inquiry is called *theoretical eclecticism*.

I followed theoretical eclecticism and applied a synthesized framework consisting of two conceptual frames: the opportunity structure, and organizational analysis. Thereby, two important aspects – the context, and the organization itself – could be analyzed in depth with fitting frameworks. The opportunity structure framework – disaggregating the context into political, gender, and international arrangements – enabled an assessment of the context from the subjective viewpoint of the Center. The context represents external factors forming the opportunity structure. The organizational analysis was based on Titscher et al.’s (2010) organizational perspectives, which I developed into five perspectives. These were then substantiated with analytical categories rooted in scientific debates on China, social organizing in general, and social organizing in China in particular. These two conceptual frameworks and the substantiating analytical categories intersect with and influence one another in multiple ways. Figure 1 visualizes the overall process in which the Center and its advocacy for better legal protection against DV is involved.

Figure 2.1: The Center’s advocacy process for better legal protection against



First, as discussed, I follow Giddens's dual understanding of social structures as both a platform and product of social action (Giddens 1997). Looking at Model 1, this implies that the contextual arrangements (political, gender, and international) are the platforms shaping the Center and its activities. However, as a social actor, the Center is able to effect changes in this world (Scott 2013); through its existence and advocacy, it can initiate political change that can ultimately lead to structural changes of institutional arrangements, such as new gender-specific legal documents.

The institutional arrangements influence the organization in multiple ways relating to several of the five organizational perspectives. How exactly this impact manifests, its consequences for the organization and its advocacy, and which organizational perspectives are mostly involved has to be clarified through an explorative approach, since there are no reliable previous findings. Here, an explorative approach means that both the independent variable (contextual arrangements and inner-organizational aspects) and the dependent variable (effective advocacy for better legal protection against DV) are clear. The precise mechanics of causation and impact the single aspects have on one another remain open, and the explorative approach enables analysis of these processes. However, irrespective of the exact (as-yet unknown) relationships, some connections are obvious. For example, the Center's general positioning through its obtained registration status and official organizational identity directly relate to the context, which enables and supports certain forms of registrant and constrains organizations with certain identities, such as advocacy organizations (Zhang et al. 2011).

The next section will discuss the variables in detail and summarize the most important research questions and main hypotheses.

2.3.4. Variables, research questions, and hypotheses

The main research question is: how was the Center able to advocate effectively for better legal protection against DV within a context fraught by difficult political and gender arrangements? This research question ties the underlying hypotheses together. The two most obvious hypotheses target the context and its impact on the case study's development and activities. I argue that the institutional arrangement rooted in the authoritarian regime and regulating bottom-up social organizing provided distinct obstacles for the Center and its activities. While this is a rather common assumption, the second hypothesis explicitly turns

to the contextual gender arrangements. I argue that the specific contextual institutional arrangement regulating gender relation remains coined by practices in which men dominate women (patriarchy) and provide distinct obstacles for the Center and its advocacy. Nonetheless, the Center's advocacy was effective since it contributed to institutional change most notable, the improvement of the legal protection against DV. Therefore, as third guiding hypothesis, I argue that it is precisely the inner-organizational aspects of the Center which enabled the SO to effectively advocate for a better legal protection against DV.

The primary dependent variable was effective advocacy for better legal protection against DV, and the part the Center played in this. Effective advocacy refers to actual improvement of legal protection against DV initiated by the Center. In practice, this relates to changes in official regulations – or, in the best-case scenario, a new law against DV. The independent variables are various and are located in the five organizational perspectives, as follows.

1. The Center and its context: The context and perceived opportunity structure formed an independent variable impacting on the Center and its advocacy. My main assumption was that the opportunity structure shaped the Center and its activities. I was especially interested in the importance the relevant gender arrangements played in this regard. To address these questions and assess this opportunity structure, I disaggregated the opportunity structure from the perspective of the organization and assessed how the Center's members related to the context in general (organizational identity and registration status).

2. and 3. The organization and its structure; its members, their interaction, and their networks: Inner-organizational aspects (governance; management; leadership; decision-making processes; resource base; networks, and organizational culture) formed a set of independent variables that I assumed to be influential regarding the Center and its advocacy. Following findings from social movement theory, I assumed that the Center was only able to conduct effective advocacy if it was able to bundle its resources and capabilities successfully. The explicit analytical categories were selected on the basis of previous studies on Chinese organizations and their effectiveness. Their assessment followed several open research questions, as discussed in detail in the previous sections.

4. The Center's advocating activities: To analyze the dependent variable of primary interest (effective advocacy for better legal protection against DV conducted by the Center), it was necessary to understand what tactical approach the Center's members followed, and how these tactics translated into actual activities. As with the first organizational perspective, this analysis also addressed the Center's relationship with the context. Since the tactics were designed to enable effective advocacy within the particular context, they explain how the Center's members dealt with the limitations and possibilities of its environment, and how it chose to navigate therein (for example, being cooperative or confrontational).

5. The Center's gender regime: Gender arrangements manifest not only in the Center's context but also within this particular social system. Since I assume that the gender arrangements can function as possibilities and limitations in the organization's environment, they likely have a similar effect within the Center. As such, the particular gender regime functions as an independent variable affecting the Center and its advocacy. To assess the gender regime in the Center, I draw on findings from the analysis conducted under (2.2.4.1.-4.). I assume that the gender arrangements within the Center provide distinct difficulties for the Center's advocacy.

The main goal of this project is to assess the importance of contextual institutional arrangements as well as inner-organizational aspects for the Center and its advocacy for a better legal protection against DV. I will address the main questions and hypotheses again in the conclusions, Chapter 7. As mentioned repeatedly, this research required an explorative research approach. This research design will be introduced and discussed in detail in the following chapter.

3. Methodology

The assessment of the Center and its advocacy within this study was guided by certain assumptions and research questions. The five organizational aspects (the center and its context, structure and organization of the Center, the Center's members, their interaction and their networks) help to assess the relationship and way of causation between the structural (external opportunity structure) and actor-specific (internal/organizational) elements. Moreover, the assessment of these organizational aspects helped to clarify the interplay between the five organizational aspects, which remained unclear prior to the analysis. It was therefore necessary to adopt an open and exploratory research approach, which allowed for an analysis of these complex relationships from the actor-centered perspective of the Center. The assessment of the Center itself adopted a case study approach.

Both of these approaches – open/exploratory and case study – are indicative of a qualitative research design. A qualitative approach is able to identify and unpick the mechanisms that link particular variables by looking at the accounts of those involved (Barbour 2008, p. 11). Hence, it allows for an actor-centered perspective, which is necessary for the assessment of the Center and its advocacy. A qualitative approach also helps to retrace social situations and processes in order to gain socio-scientific explanations (Gläser and Laudel 2008).⁴⁰

Section 3.1. introduced the case study design, section 3.2. discusses the applied research instruments (document analysis, semi-structured interviews and participant observation), 3.3 presents problems regarding field research and interview conduct and 3.4. turns concluding to the data analysis.

3.1. Case study design

3.1.1. The Center as a single case study

Case studies are empirical inquiries investigating phenomena in their real-life context (Yin 1984, p. 23). They emphasize a detailed contextual analysis of a limited number of events or conditions, and the relationships between these events and conditions, in the sense of a bounded system (Stake 1994, p. 444). A “case” is understood rather broadly as social

⁴⁰ As such, this project followed the core assumptions of a social constructivist paradigm, arguing that knowledge is not generated from cognitive attributions or realistic reproductions of the world, but rather always emerges in societies and social discourse communities (Reich 2001, p. 366).

community, organization, or institution (Flick 2011, p. 69). Case studies aim to produce a “precise description or reconstruction of a case” (Flick 2011, p. 69), to provide insight into an issue, and/or to draw generalizations from the specific case (Stake 1994, p. 445). They are often used when the boundaries between phenomenon and context are not evident (Yin 1984, p. 23). The case study method therefore supports an open exploratory approach, which, as mentioned, is necessary to assess the Center and its advocacy – particularly the contextual gender and political arrangements. It is further suitable because the precise relationships between the previously mentioned five organizational aspects describing the Center remained unclear prior to the analysis.

Single case studies are in-depth assessments in which scholars clarify features of a larger class of phenomena (Gerring 2004, p. 341). Critics of this approach argue that it is impossible to produce generalizable findings from a single case (Long and Hollin 1995; Merriam 2009; Stewart 2014); however, well-established scholars (e.g. Yin 2009, p. 6) argue the contrary. Yin (2009) points to Allison and Zelikow’s (1999) study of the Cuba missile crisis, arguing that it demonstrates how a single case study can form the basis for significant exploration and generalization. A single case study approach is well suited to reconstructing one particular case and carving out the exact relationships between an organization, its inner-organizational factors, as well as between the organization, its advocacy and its external context.

The Center was selected as single case study due to its representativeness as a gender advocacy organization. It was an excellent example of such organizations due to its development of, and engagement in, policy within this area. It started its operations in 1995, inspired by the Fourth World Conference of Women (FWCW) in Peking, as the first social organization (SO) providing legal aid to women and conducting legal rights advocacy for women’s rights and interests nationwide.⁴¹ Moreover, it functioned as a reference point for other gender advocacy and legal rights organizations nationwide, in some cases due to its gender advocacy work, in some due to its legal rights work, and in others due to its combination of both strands of work. The example the Center set was both positive and negative, as I will illustrate in Chapter 6; but irrespective of the actual evaluation of the

⁴¹ While the Center was initially set up to focus on *women’s* rights and interests, at the start of the new millennium it declared itself to be a *gender* organization. This change in organizational identity did not occur in isolation but was related to international developments, as I will discuss in detail in Chapter 6.

Center, its function as an important reference point for other bottom-up SOs developing their own gender and legal rights advocacy made it an excellent case study.

3.1.2. Issue limitation: Advocacy for better legal protection against DV

The Center's advocacy for gender equality covered a wide range of issues, stretching from better legal protection against DV to women's land rights. Indeed, its advocacy was so vast that it would be impossible to analyze it in its entirety within a single PhD project.

The opportunities for bottom-up SOs vary depending on the particular issue that they focus on (O'Brien and Stern 2008, p. 14). Although all of the Center's advocacy was in the field of gender equality, the relevant institutions affecting the Center – both formal (e.g. national laws and regulations) and informal (e.g. socialized practices) – varied tremendously, and hence led to different configurations of related opportunity structures. As such, a comprehensive assessment would have exceeded the resources available for this project and led to a sacrifice of quality in favor of quantity.

Consequently, I limited the analytical focus to just one of the Center's key advocacy areas: its work to achieve better legal protection against DV. This was a core issue for the Center since its inception; it also gained immense national awareness and support over the years, which reached a peaking point around 2012, four years prior to the implementation of new anti-DV legislation in 2016.

To enhance the manageability and focus of the project further, it was also necessary to limit the time frame of the analysis, explored next.

3.1.3. Time-frame limitation: Advocacy between 1995 and 2012

I limited the time frame of the analysis of the Center and its advocacy to 1995–2012. The aforementioned FWCW, which was held in 1995, functioned as catalyst for gender organizing,⁴² which subsequently blossomed in China (Zhang 2009a; Hsing and Lee 2010b). Inspired by this conference, the Center was established in 1995. As such, 1995 represents an excellent starting point for this study.

⁴² In the late 1990s and early 2000s, the “gender concept” (*shehui xingbie*, 社会性别) was imported into the PRC, revitalizing and broadening feminist and gender debates (Xu 2009; Spakowski 2014; Chen 2011). Initially, much gender organizing was conducted under the label “women's organizing,” but after the gender concept entered the PRC, social actors in China started to refer to their activities as “gender organizing” instead.

The selection of 2012 as the endpoint of the analysis was motivated by both political and practical considerations. On the political level, Xi Jinping was elected as General Secretary of the Chinese Communist Party in November 2012, which preceded his election as President of the People's Republic of China (PRC) in March 2013. His election marked the official starting point of the Xi Jinping era, which was characterized by an authoritarian style of leadership not seen since the Mao era. Academics still discuss the different facets of his leadership and in which direction it will lead the PRC (Li 2016; Lam 2015; Ross and Bekkevold 2016; Dickson 2016). Irrespective of their eventual evaluation, one thing became crystal clear: his leadership changed Chinese politics and state-society relations fundamentally. And it is not yet clear to what end. An assessment of bottom-up social organizing under Xi Jinping should therefore be an entire research project rather than a byproduct of the assessment of one specific bottom-up social organization and its advocacy. I therefore chose to coincide the endpoint of the analysis with this transition of power to Xi Jinping. This enabled me to focus on the development trajectory of the organization as well as its agency until 2012 and independent of the fundamental change in the institutional context. While this meant that the Center's final years (2012–2016) were not explicitly included in the analysis, the trends and problems leading to its forced shutdown in 2016 are considered, and form a crucial pillar of the study's final conclusions in Chapter 7. Through an in-depth analysis of the Center and its advocacy until 2012 I was able to contextualize the Center's forced shut down in 2016, as well as the so far discussed trends for bottom-up social organizing under Xi Jinping, in a broader context of institutional development trajectories since the mid-1990s for bottom-up rights and gender advocacy. And this approach provide the helpful insight that deterioration of the context for bottom-up advocacy and gender activism was not a sudden occurrence under Xi Jinping, but a slow but constant development since the mid-1990s. Therefore, an in depth analysis of the Center and its context until 2012 provide important insights into the institutional context for bottom-up rights and gender advocacy within the era Xi Jinping. In the Conclusion (Chapter 7), I therefore explicitly contextualize the research findings alongside recent developments in bottom-up rights and gender advocacy under Xi Jinping.

On a practical level, this time frame was also a result of restrictions on the grant that funded the necessary field research. Inevitably, the funding for PhD projects is not bottomless, and this inevitable shortage of resources allowed no further field research after 2012.

3.2. Research instruments

To collect the data for this case study, I employed an approach of methodological triangulation; that is, including different methods and data (Flick 2011, p. 186), as well as different informants' viewpoints on the same matter (Lueger 2000, p. 51; Kleining 1982, p. 234).

To contextualize the Center and its advocacy, a two-pronged analytical approach was necessary: I analyzed the external context (i.e. opportunity structure) first, and the Center and its advocacy (i.e. organizational analysis) second. Context-related data were predominantly collected via document analysis (i.e. secondary data), while the organizational analysis utilized two key methods to gather primary data: participant observation, which I conducted while undertaking two unpaid internships at the Center; and expert interviews with staff and clients, as well as (to a lesser degree) members of other organizations, policy elites, and scholars. These methods are discussed in greater detail below.

3.2.1. Document analysis

Documents are standardized artefacts that occur in particular formats, such as notes, case reports, laws, regulations, expert opinions, annual reports, and so on (Wolff 2004, p. 284). The nature of documents depends on the way in which they are integrated into fields of action, such as in government sanctioned activities, by including them as speech manuscripts or official statements, and they can only be defined in terms of such fields (Prior 2003, p. 2). This implies that any record that turns into a standardized artefact in any field can be regarded as a document. In this sense, not only official records (e.g. laws, regulations, official speeches) but also newspaper articles (in both traditional and new, social media), expert opinions in relevant forums, and mailing lists all count as documents.

Documents should be used as methodologically created communicative turns in constructing versions of events (Flick 2009, p. 259). They have to be understood as statements, made by somebody playing a particular role within institutions that have a particular function; to use the above examples, that could be official government representatives (with regard to laws, regulations, official speeches, etc.), independent experts (stating their opinions online, in the media, etc.), or activists (in mailing lists, circulated statements, etc.). Documents selected for

investigating a particular case must therefore be chosen for their specific utility for that case, for which a purposive sampling strategy is necessary.

Documents provided important insights into not only the institutional context but also the Center and its advocacy; for instance, in the form of the organization's published development reports. This approach was time consuming and highly complex; not only was it necessary to gather the published reports and translate them their context needed to be treated carefully and often be contextualized in broader development trends of the organization and the specific context at the time. For instance, published financial statements remained mostly vague, since the organization feared repercussions due to its dependency on foreign funds. Therefore, each financial statement had to be understood as a politically motivated and contextualized in the actual situation of the Center. And often, even then it was only possible to make careful guesses about the actual financial situation.

3.2.2. Semi-structured interviews

Semi-structured interviews are qualitative in nature. Qualitative interviews are diverse; there is no single ideal type of interview but rather a spectrum of interview practices, which can be differentiated by the extent to which they are structured – ranging from narrative interviews at one extreme to structured interviews on the other (Flick 1995, p. 94, 2009, p. 156). Regardless of the specific approach, an advantage of qualitative interviewing is that it incorporates a degree of openness (Bryman 2004, p. 319).

Semi-structured interviews are based on a list of questions, or fairly specific topics, which are covered during the interview process (Bryman 2004, p. 321). The perspective of the interviewee is central to the investigation (Bryman 2004, p. 320). The interview process is kept open and flexible; this gives the interviewee the opportunity to elaborate on issues that are important to them, and the interviewer the ability to follow up on relevant information⁴³ (Bryman 2004, p. 319; Flick 2011, p. 112). As such, semi-structured interviews are much more open and flexible than structured interviews, in which detailed research questions are

⁴³ Experts' comprehension in this process is a matter of some controversy (Pickel Gert et al. 2003, p. 301). "Experts" can be understood as persons with certain knowledge, which they do not exclusively possess but which is nonetheless not accessible to everybody in the field of interest (Pickel Gert et al. 2003, p. 302). Through *insider knowledge*, they can inform the researcher about processes, organization, and strategies in the particular research area. Experts can be selected due to the expertise they are supposed to have. This expertise can derive from their occupational position or from activities in their private lives, such as civic engagement (Meuser and Nagel 2009, p. 486).

asked (Bryman 2004, p. 319). Since I followed an actor-centered, explorative approach, semi-structured interviews were an ideal fit. I formulated the interview questions to be as open as possible and as structured as necessary (Kruse 2009, p. 68), both guiding the interviewee toward the questions and leaving the interview sufficiently open enough for the participant to offer her own perspective.

However, one problem inherent to interviews is that interviewees' statements may be unreliable, unrepresentative, self-serving, or ideologically motivated (O'Brien 2006, pp. 27). It was therefore necessary to treat interviewees' statements carefully to avoid being manipulated or included in organizational quarrels.

3.2.3. Interview sample, guide, and conduct

Before the interview phase, participant observation was conducted in the Center in the form of an unpaid, four-month internship.⁴⁴ This enabled me to build trust with potential interviewees – a prerequisite for a productive interview – as well as to establish essential background information about the Center⁴⁵. In course of the participant observation, I applied a snowball sampling approach to identify further potential informants in the field.

The interview guide was designed to cohere with the categories in the conceptual framework (i.e. five organizational perspectives and three opportunity structure dimensions). This guide is presented in the Appendix (Table 8.2).

Where possible, interviews were conducted in private, with no third parties present,⁴⁶ and in locations chosen by the interviewee, enabling the creation of a comfortable and open interview situation. Not all employees were supportive of this approach, however; with male employees in particular, the paternalism effect (i.e. domination of female researchers by

⁴⁴ This first period of participant observation was followed by a second period six months later, which took another three months. The second participant observation was treated more flexibly, allowing for outside appointments.

⁴⁵ Although women's rights issues are repeatedly presented as "non-sensitive," participants of the Center were hesitant to openly convey relevant information, stating that their situations were risky, in the sense that they could be surveilled by public security agents, or even blackmailed. Building relationships of mutual trust was therefore essential to enable interviews to be openly conducted.

⁴⁶ This was possible in most cases, but one male lawyer objected to this private interview practice. His opposition became most obvious when he only permitted an interview with his client if he was present; he repeatedly interfered in the interview process, speaking for his clients and opening sentences with: "She does not know what she is talking about." It became obvious that this refusal was not an isolated incident but rather was part of his general attitude towards interviewing clients. As a result, I tried to avoid cases in which he was involved. This interaction was included in the analysis, since it illustrates the informal institutions at work among the Center's staff, as well as staff-client relations.

male informants due to their gender; see section 3.3) seemed to prevent the set-up of such interviews.

Of the 55 conducted interviews only three were conducted in English. On average, they took two to four hours. Interviews were recorded and later transcribed. Only five interviews were not recorded, due to interviewees' explicit wishes. The transcripts were not translated and remain in the Chinese language. The transcripts were made by a Chinese woman teaching Chinese to foreigners and their families working in companies. Interestingly, she often had difficulties transcribing, since most informants had a specific accent and she had trouble understanding local accents⁴⁷. I translated the passages cited in analysis and included both, the translation as well as the actual transcription.⁴⁸ I signed a consent form with the informants, ensuring that they could withdraw their interviews at any time as well as declaration for the protection of interviewees' anonymity in all resulting research or publications.⁴⁹

3.2.4. Participant observation

Participant observation is a logic and a process of inquiry that is open-ended, flexible, and opportunistic; it is based on facts gathered in concrete situations (Jorgensen 1989, p. 13). Such an approach reduces the distance between the researcher and the observed situation, persons, or events. The main rationale for selecting particular situations to observe is accessibility (Flick 2011, p. 120).

Participant observation was carried out in the form of two unpaid internships (19.09.2011 – 13.01.2012 and 02.07.-28.09.2012) at the Center itself. Data gained through participant observation were recorded in the form of research notes and protocols.

There were three main reasons for undertaking participant observation as part of this study. First, it is a straightforward way of gaining access to a research field. This was particularly

⁴⁷ These passages remained red underlined in the transcripts. If I could I tried to clarify these aspects in the transcripts.

⁴⁸ While my Chinese language skills improved constantly over time, there were always the problems of mis-or not understanding during the interview but even during analysis. For all misunderstandings during the interview process I am terrible sorry towards my informants!

⁴⁹ The issue of securing interviewees' anonymity is a difficult one. Even if their names and organizations would be anonymized, it would be possible to identify at least the organization under investigation, due to the harsh registration requirements for SOs allowing only for one type of organization on each administrative layer – and hence, the organization's key actors. This raises the ethical question of how to maintain interviewees' anonymity – and therefore their security. The director of the Center did not insist on maintaining her anonymity.

important due to the geographical distance between Western Europe (where I live) and the PRC (where the Center was based), which made it difficult to forge networks before the field research began. An unpaid internship enabled me to gain access to the field, as well as providing me with the necessary background and insider information on the organization.

Second, qualitative interviews require a certain level of mutual trust. This was particularly important for this project, given its focus on a field in which actors frequently experience negative reactions to their activities, such as state surveillance or blackmail.⁵⁰ Participant observation provided the necessary (geographic) proximity to build such trust, which enabled frequent communication between myself and the participants – a crucial basis from which to build trusting relationships. This approach proved highly useful during the field research; for example, on more than one occasion (and especially toward the end of the internship, when trust had been established), key actors came into my office, closed the door, and provided unrequested insights that they had concealed during their earlier interviews.

Third, participant observation was useful for assessing the unfolding of informal institutions; for instance, interactions between the Center’s staff (organizational culture). Moreover, it helped to unpack differences between perceptions of processes and their actual implementation in day-to-day interactions.

While this section has touched on some of the problems inherent to the field research, some of these problems seriously obstructed my research and therefore require closer examination. The next section does just that.

3.3. Problems regarding field research and interview conduct

The research process outlined in the previous section was accompanied by several difficulties and limitations. At times, these caused a major strain on me as the researcher; the process was complex and time consuming, not to mention the difficulties of researching

⁵⁰ As mentioned, although women’s rights and gender issues are frequently framed as a “non-sensitive” policy field, the research illustrated that the line between non-sensitive and sensitive issues was thin, and that even the activities of actors in “non-sensitive” areas often led to reprisal (interview # 1, Peking, 04.01.2012, interview # 7, Peking, 20.09.2011). Moreover, under the Xi Jinping era, gender became an increasingly sensitive issue; occurrences such as the detention of the Feminist Five illustrate this change vividly. Interestingly, some of the Feminist Five were participating in performance art advocacy to advocate for better legal protection against DV.

a sensitive issue in an authoritarian context. The most salient problems are discussed further below.

3.3.1. Forging mutual trust networks

As mentioned, mutual trust is essential to enable open and insightful interviews. However, there was a significant geographical distance between myself and the participants, and given the sensitivity of the research context it would hardly have been possible to establish trusting relationships via email or Skype. As a result, I undertook an unpaid internship at the Center,⁵¹ which enabled me to slowly develop the necessary trust and networks. Organizational advocates and a snowball sampling strategy further assisted me in including a wider range of experts.

However, it is difficult to establish trusting relationships and networks in sensitive issues, especially when interviewees can be confronted with negative side effects as a result. Although the field approach was generally quite successful, there remained some instances in which relationships could not be forged; this is why, for instance, policy cadres are underrepresented in the interview sample⁵² and broader research. And interestingly, although research on bottom-up social organizing is commonly understood as easy accessible, my experience was quite different- The informants of the Center were quite reluctant to initially share their actual thoughts. Over time it became obvious that they and their families had experienced political pressure as a result of their work and were afraid that an interview with a foreign researcher might lead to similar situations again. Moreover, they were often reluctant to openly discuss their organization. Over time it became clearer that the communication of criticism specific to the Center was often understood as disloyal behavior. Participant observation held for the latter two incidents to improve the situation.

⁵¹ An unpaid internship was consciously chosen over a paid internship to minimize possible ethical issues. By avoiding receiving payment from the organization, I intended to ensure the research maintained its independence and to avoid possible accusations of sponsorship. Moreover, it was difficult to imagine that an organization working in a sector characterized by a shortage of financial resources would be either able or willing to pay interns.

⁵² The underrepresentation of policy cadres may also relate to the researcher's status as a PhD student, on the one hand, and the support of door openers into the policy cadre's network on the other hand. Interviews with policy cadres are often a result of networks and hence often difficult to obtain at the beginning of an academic career. Both are crucial problems, which, at the beginning of an academic research career, are hard to resolve. Of the 55 interviews conducted, only one was with a policy cadre. This cadre, initially employed with the ACWF, was already retired. She agreed to the interview after her daughter, whom I came to know quite well, encouraged her to participate.

In sum, researching sensitive topics is time consuming and can significantly delay a planned project.

3.3.2. Leaving the “foreign visitor” status behind⁵³

The qualitative, semi-structured interviews enabled me to gain in-depth insight into interviewees’ institutional environment and perceptions of relevant organizational processes.

Moreover, interview partners often seemed motivated by a desire to explain the “situation on the ground” to me as the foreign visitor; they wanted to explain what China was like, how Chinese SOs functioned in general, presuming that I would not know because I was a foreign visitor. This may have prompted them to answer in ways that they deemed socially acceptable (Jones 1993, pp. 253).

Participant observation helped to reduce these problems. During the internship, I was able to gain useful insights into the day-to-day processes of the organization and its advocacy, which enabled me to contextualize interviewees’ statements. Moreover, through the internship I partially became “one of the team,” partially reducing interviewees’ desire to explain “the situation on the ground” to the foreign visitor.

3.3.3. The paternalism effect: Establishing equal relationships

While the status of “researcher” can be crucial to establish networks that enable recruitment of interviewees, the status of “PhD student” can complicate this process – especially regarding networks with policy elites. Although these difficulties can be reduced (e.g. through Chinese advocates, introducing such policy elites), they cannot be eliminated.

Differences in age and gender can also negatively affect the establishment of networks and productive interview situations. The “paternalism effect,” in which gender status dominates professional status, can result in (male) interviewees deeming the (female) researcher incompetent (Abels and Behrens 2009, pp. 167), hence complicating the ideal of an open interview situation between equals.⁵⁴ Paternalism effects occurred regularly with male lawyers, which precluded the establishment of open interview situations – and, therefore,

⁵³ This does not imply that the data gained was treated as objective. Rather, they were treated as communicative turns in which interviewees constructing versions of events through their own lens (Flick 2009, p. 259).

⁵⁴ Although this research focuses on gender equality in general and better legal protection against DV in particular, not all interviewees were female. In terms of employees in legal aid organizations, men still dominated, or were at least equally represented.

untainted access to data. This effect was partially reduced as a result of the Center director's support, but it remained a constant problem. To some extent, however, paternalism effects are an inevitable byproduct of expert interview situations because of information asymmetry between experts and the researcher (Abels and Behrens 2009, pp. 167).

In sum, gaining access to the field through an unpaid internship proved a worthwhile approach to reduce the negative effects of the problems discussed in this section. However, the duration of a PhD project limits the time available to establish the necessary mutual trust. As such, it was not possible to overcome all of the obstacles detailed here; this was particularly evident in the limited access to policy elites and the lack of field research conducted in the Xi Jinping era.

Despite all of these problems, however, the data gathering was quite successful. The data subsequently had to be meaningfully processed to address the research questions – a process detailed in the next section.

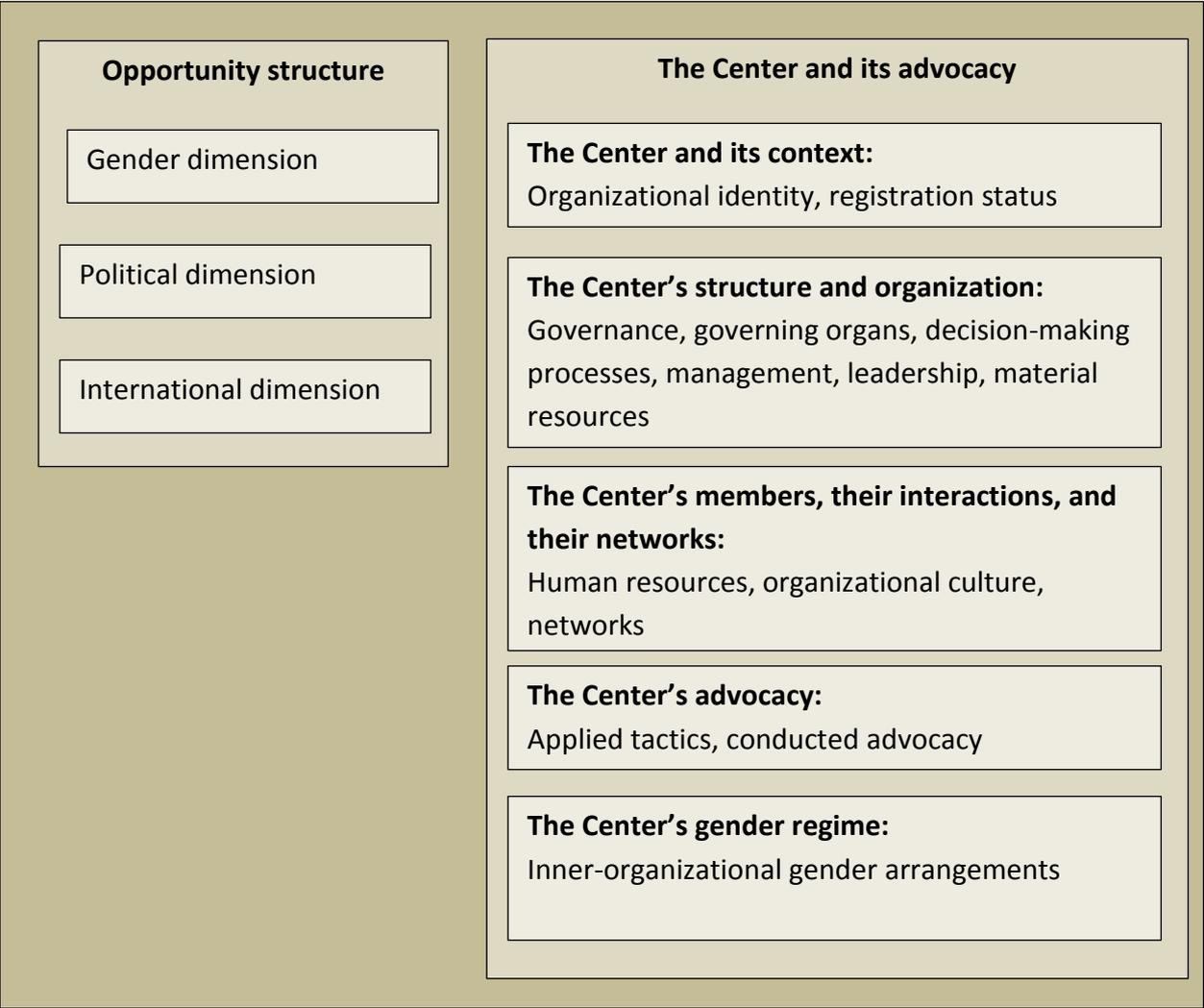
3.4. Data analysis

Analytical categories form the cornerstone of the analytical approach, functioning as heuristic analytical schemes to sort and categorize the information gained (Kruse 2009, p. 165). Based on these analytical categories, I conducted a qualitative content analysis using MAXQDA software⁵⁵. A qualitative content analysis is an approach oriented toward systematically extracting information from gathered data (Gläser and Laudel 2008, p. 46). The approach taken for this project was strongly inspired by Mayring's (2008) well-known model of qualitative data analysis. However, rather than following Mayring's suggested inductive coding process, I organized the data according to ex-ante analytical categories⁵⁶ (discussed in detail in Chapter 2). Figure 3.1 below provides a recap of the main categories.

⁵⁵MAXQDA is software that helps you collect, organize, analyze, visualize and publish your data. I uploaded all relevant data material in the software. In a next step I coded the material according to the developed analytical categories (cf. 3.2.) and extracted it. Basing on this selection the data interpretation and reflection was conducted. For a detailed discussion on the usage of the MAXQDA software please cf. <https://www.maxqda.de> (accessed 06.08.2018).

⁵⁶These analytical categories were not set in stone; they could, if necessary, be amended over the course of the analytical process.

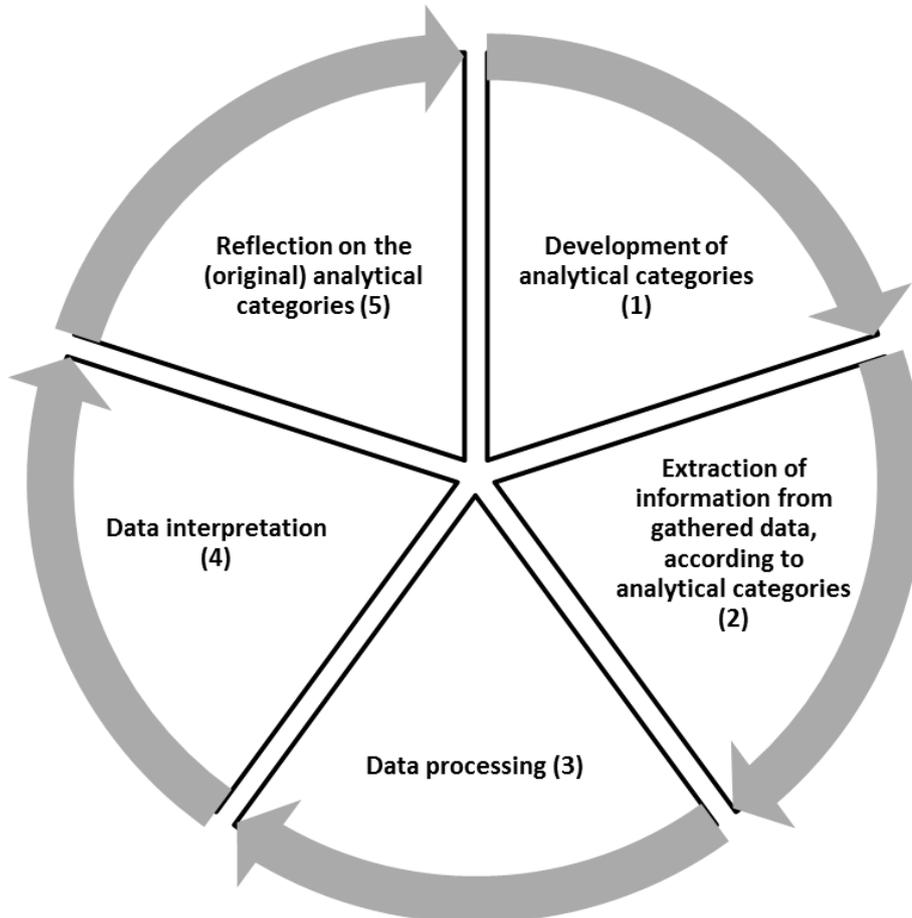
Figure 3.1: Analytical categories supporting the conceptual framework



Note: Figure 3.1 illustrates the theoretical framework as discussed throughout Chapter 2. It was designed by the author according to her argumentation, especially throughout section 2.3.

The analytical process is illustrated in Figure 3.2, which is based on Gläser and Laudel's (2008) analytical approach.

Figure 3.2: Analytical process



Note: Figure 3.2. is an illustration Gläser and Laudel's (2008) analytical approach

The analytical categories (segment (1) of the chart in Figure 3.2) were developed on the basis of previous research on non-profit SOs in China⁵⁷ and corresponded with the interview guide⁵⁸ (Gläser and Laudel 2008, p. 200). (All of these categories are listed in Figure 3.1, above). Based on these analytical categories, all relevant data were extracted (segment 2) (Gläser and Laudel 2008, p. 201). This approach enabled an open and explorative research

⁵⁷ The Analytical categories and how they are operationalized are discussed in detail in chapter 2.2.2. and 2.2.3.

⁵⁸ The interview guide can be found in the appendix, Chapter 8.

perspective, since the scheme could be amended during the analytical process if the categories were ill-defined or ill-fitting (Gläser and Laudel 2008, p. 201).

MAXQDA software for qualitative data analysis supported the extraction of information (segment 2), the data processing (3), and the data interpretation (4). The data processing (3) included data cleaning: removing repetitive information and checking for contradictions. The processed data were then interpreted in light of the underlying research interest; that is, the Center's advocacy for better legal protection against DV in the ambiguous Chinese political and gender context (4). Finally, the analytical process was reflected upon, with special attention afforded to the utility of the initial analytical categories for accessing the phenomenon (5).

As such, the analytical approach was an iterative and hermeneutic process, with openness as central maxim, enabling diverse readings and interpretations of the data (Kruse 2009, p. 139). This process was extremely time consuming – particularly given the enormous amount of data gleaned from various documents, semi-structured interviews, memory logs, and participant observation protocols.

This and the previous chapter have provided a detailed discussion of the conceptual framework, as well as its mobilization to access the data necessary to assess how the Center advocated for better legal protection against DV. Before we turn to the discussion of the actual case, it is necessary to take a closer look at the development of Chinese political and gender arrangements. Chapter 4 analyzes both the development and particularities of these arrangements, with particular emphasis on the institutional arrangements regulating DV in China. As such, Chapter 4 provides the reader with the necessary background to contextualize the case study, which chapters 5 and 6 then present.

4. Advocacy in a double-adverse context

The main question I want to address in this chapter is: How did the institutional arrangements in which the Center advocated for better legal protection against domestic violence (DV) develop since 1949? As argued in Chapter 2, I disaggregate the opportunity structure into three institutional dimensions; a (national) political, gender, and international dimension. International institutional arrangements are included in relation to either institutional arrangements governing gender relations and DV or in case they impacted on the institutional arrangement regulating Chinese bottom-up social organizing. The first three sections of this chapter analyze the development of these institutional arrangements specifically scrutinize the development of the DV situation and the legal protection against it since 1949. 1949 was selected as starting point for this discussion because it marked a fundamental change in state–society as well as in the political understanding of gender relations (and hence the relevant institutional arrangements). The pre-communist era will also be included in case its legacy shaped post-1949 institutional arrangements.

Did the institutional arrangement governing bottom-up social organizing, gender relations and those determining the treatment of DV relate to one another? Were their developments congruent or characterized by significant difference? Can we say something about how these institutional configurations impacted on the Center and its advocacy at this point of the analysis? These questions will be addressed in the fourth and final section of this chapter.

This chapter will show that the three contexts developed quite differently. This is most surprising regarding the difference between the development of the institutional arrangement regulating gender relations in general and DV in particular. Whereas the institutional arrangements governing DV improved remarkably the ones regulating gender relations in general deteriorated, especially during the new millennium. These findings will be discussed in detail in the conclusion of this chapter.

4.1. Institutional arrangements for bottom-up social organizing: both conducive and restrictive

In December 2017 there were, according to official data, roughly 762 000 civic groups in the People's Republic of China (PRC), of which 356 681 were social organizations (SOs),⁵⁹ 399

⁵⁹ *Shehui tuanti*, 社会团体.

622 were non-profit organizations,⁶⁰ and 6088 were foundations.⁶¹ However, scholars have argued several years ago, that these official numbers are only the tip of the iceberg; approximately 80% of civic groups remain unregistered and in legal limbo (Xie 2008; Li 2011b). While their numbers are still growing, scholars have reported a slight decrease in growth rates of registered SOs since 2013 (Huang et al. 2017).

Moreover, a great deal of bottom-up social organizing is not officially sanctioned. China has witnessed an increase in unrest and protests, often referred to as mass incidents,⁶² in recent years. These incidents cover a wide range of topics, including protests against corrupt cadres (Cai 2010; O'Brien and Li 2006), environmental pollution (N.D. 2014; Dugan 2013), and sexual assaults against women (Zhang 2014). Estimated numbers⁶³ of these incidents indicate a rising tendency among Chinese citizens to take to the streets and demand changes in diverse areas of their lives (Göbel and Ong 2012). According to a study by the Chinese Academy of Social Sciences (CASS), 44% of public protests involved people venting their opposition to officials' actions (Hou 2014).

The rising numbers of civic groups and mass incidents indicate that, in its various manifestations since 1949, the institutional context governing bottom-up social organizing has undergone changes which supported an increase in bottom-up social organizing. However, the previously mentioned decrease in its growth rate might relate to an ambiguous nature of these institutional arrangements, which present difficulties to bottom-up social organizing. This might indicate also that the party-state is not entirely supportive of uncontrolled growth of bottom-up social organizing.

To understand the institutional context in which the Center for Women's Law Studies and Legal Services (abbreviated as the Center) was operating between 1995 and 2012, it is necessary to understand its ambiguous nature, consisting of conducive and restrictive elements (as introduced in Chapter 2).

⁶⁰ *Minban feiqiye danwei*, 民办非企业单位.

⁶¹ The numbers are derived from the public online database of the website *Zongguo shehui zuzhi* (中国社会组织), run by the Ministry of Civil Affairs (MoCA), which can be accessed at <http://www.chinanpo.gov.cn/index.html> (accessed 12.12.2017). *Jijinhui*, 基金会.

⁶² *Quantixing shijian*, 群体性事件.

⁶³ The Chinese authorities stopped the publication of data regarding the number of protests and unrests per year in 2005, when the number of protests was estimated at 87 000 (Wright 2013). CASS identified 2010, 2011, and 2012 as leading years for mass incidents, with the numbers rising each year (Hou 2014).

4.1.1. Bottom-up social organizing from 1949 until “reform and open” in the late 1970s

Prior to the establishment of the PRC in 1949, many grassroots SOs existed⁶⁴ (Simon 2013, p. 145). Indeed, during the turbulent 1930s and 1940s the Chinese Communist Party (CCP) encouraged the organization and development of independent SOs, hoping they would further their own goals (Simon 2013, p. 146). However, from 1949 until China’s leaders adopted the reform and open policies, China was largely characterized by austere socialism and tight social control (Kaufman 2012, p. 587).

The early years after the founding of the PRC were characterized by moderate transition (Simon 2013, p. 180). Starting in 1953,⁶⁵ and especially following the launch of the Anti-Rightist Campaign⁶⁶ in 1957, grassroots SOs were for all practical purposes outlawed or absorbed into the party-state system (Simon 2013, p. 146). State dominance in social organizing was influenced by Marxist–Leninist thought, leading to significant restrictions (Simon 2013, p. 147). Lieberthal argues that a Confucian legacy resulted in individuals in different networks finding it difficult to work together⁶⁷ (2004, p. 69). To overcome these divisions in society, Mao banded together large numbers of individuals into broad social groups with which they could identify, such as workers or peasants (Lieberthal 2004, p. 69) – a practice often labeled an “organizational principle” (Simon 2013, p. 149). One cornerstone of this practice was the establishment of mass organizations.⁶⁸

Through these transformations, customary forms of civic association in both rural and urban China were distorted almost beyond recognition during the second half of the 20th century (Shue 1994, p. 67). Many formerly grassroots SOs were simply absorbed by the state, the party, or mass organizations that effectively functioned as arms of the party (Simon 2013, p. 154). These destructive effects on grassroots SOs were not a uniquely Chinese phenomenon; rather, they were a common side effect of building socialism (David and He 1992).

⁶⁴ Scholars such as Simon (2013) even argue that these organizations were actual civil society organizations.

⁶⁵ In 1953, the New Democracy period ended, during which many independent SOs were encouraged to operate to support the social transformation (Simon 2013, p. 146).

⁶⁶ The Anti-Rightist Campaign, which lasted roughly from 1957–1959, was a drive to inculcate intellectual orthodoxy. For more information, cf. Wasserstrom and Cunningham 2013.

⁶⁷ Individual affiliation with a certain network prevented cooperation across affiliation. For a more detailed discussion, please cf. Lieberthal 2004.

⁶⁸ *Qunzhong zuzhi*, 群众组织.

Mass organizations are akin to a bridge that links the CCP and government with the people. They provide important social support for state power, and play a vital role in socialist democratic life⁶⁹ (Simon 2013, p. 168). Of special importance for the case of the Center and its advocacy was the All-China Women's Federation⁷⁰ (ACWF), which was founded on April 3, 1949 under the leadership of the CCP (Chen 2011, p. 42; Howell 1997a; Honig and Hershatter 1988; Croll 1995; Shen 2011; Shen 5/23/2007; Simon 2013, p. 171). The ACWF was set up to organize women (from the central government down to the local level), execute all the communist political decisions related to women, rally support for the incorporated policies (Chen 2011, p. 42; Kaufman 2012, p. 589; Hershatter 2004, p. 1035), and promote equality between men and women (Simon 2013, p. 171). The beginning of the Cultural Revolution⁷¹ in 1966 led to the disbandment of mass organizations, including the ACWF in 1968; it was only reinstated in 1978 (Bailey 2012, p. 131). Following re-installment, mass organizations faced real and shifting difficulties in defining their roles, although their semi-legal position within the party hierarchy did not change (Simon 2013, p. 206). The ACWF, for instance, was often dismissed as a transmission belt for party-state directives⁷² (Honig and Hershatter 1988). Nonetheless, mass organizations continue to be important players in the associational realm; even today, they often serve as sponsors for grassroots SOs under the dual-administration system (Simon 2013, p. 183).

The creation of a formal institutional arrangement (i.e. setting up a legal framework) for bottom-up social organizing began in 1950, when the State Council adopted "Provisional Measures on the Registration of Social Organizations"⁷³ (Simon 2013, p. 152), through which all grassroots SOs became entirely part of the state and the party (Simon 2013, p. 155). While this initial regulation remained quite vague, it established the basis of institutional

⁶⁹ Other scholars refer to these organizations as "transmission belts" between society and the party-state (Howell 1994).

⁷⁰ Some scholars argue that the ACWF was the most effective part of the nationwide new gender infrastructure. In 1952 it was reported that branches of the ACWF had been formed in 80% of the counties or equivalent administrative units (Croll 1978, p. 227), and by 1953 the ACWF employed 400 000 officials nationwide (Bailey 2012, p. 111). *Quanguo fulian*, 全国妇联.

⁷¹ The Cultural Revolution lasted from 1966–1976 and was launched by Mao Zedong. Its stated goal was to preserve "true" Communist ideology. For more detailed information, please cf. Kraus 2012.

⁷² Recent studies suggest that the Mao-era ACWF should not be seen as monolithic party-state agency; rather, it was a heterogeneous and complex entity. While it lacked funding and political status, it nevertheless endeavored to keep gender issues on the wider party-state agenda (Hsiung et al. 2001; Judd 2001).

⁷³ *Shehui tuanti dengji zanxing banfa*, 社会团体登记暂行办法.

arrangements (such as the dual-administration system) that continue to exist – largely unchanged – today (Simon 2013, p. 166).

Looking at the supportive and/or disabling function of this institutional arrangement for bottom-up social organizing during this early period of the PRC, we can delineate several core tendencies. Although the arrangement remained quite moderate and supportive of bottom-up social organizing until 1953, it became restrictive and disabling thereafter; from 1953 until the end of the Cultural Revolution in 1976, it essentially prevented any legal form of grassroots social organizing, and closed up most of the space necessary for bottom-up social organizing.

In the late 1970s, the well-known reform era started, which was accompanied by the gradual establishment of the institutional arrangements governing bottom-up social organizing, at least until the major changes accompanying the era Xi⁷⁴. This framework changed from the late 1970s to 2012. I have therefore divided the discussion into three parts: from the beginning of the reform era until 1988; from 1989 (when new SO regulations were enacted following the Tiananmen incident) to 2008 (the year of the Wenchuan earthquake); and finally from 2008 to 2012, a period characterized by remarkable changes both supporting and circumventing bottom-up social organizing.

4.1.2. Shifting responsibilities: the establishment of the current institutional framework

Between the adoption of the first rudimentary regulation on SOs in the 1950s and the State Council' s transfer of regulatory power over SOs to the Ministry of Civil Affairs (MoCA) in 1988, the founding of bottom-up SOs was almost unregulated. Any government bureau or organization, or even SO, could approve new organizations and place them under supervision (Simon 2013, p. 186). Irrespective of this formal freedom, the turbulent early years of the PRC were characterized by austere social control, disabling independent social organizing. Only with the beginning of the “reform and open” era did a blossoming of social organizing take place.

⁷⁴ These changes will be subject of the continuing discussion in Chapter 7.

4.1.2.1. 1978–1988: blossoming of bottom-up social organizing

The “reform and open”⁷⁵ period, which started with the Third Plenary Session of the 11th Central Committee of the Communist Party of China from December 18–22, 1978 (Simon 2013, p. 185), marked a turning point for SOs (Cao 2017, p. 174). The reforms were predominately economic rather than political⁷⁶ (Wesoky 2002, p. 8), which is commonly situated as a reason for citizen upheavals in the 1980s⁷⁷ (Esherick and Wasserstrom 1994, 1994). The Plenary Session announced proposed economic reforms, and triggered reforms in political, administrative, and social systems⁷⁸ (Cao 2017, p. 175). As part of these proposed changes, the party-state withdrew from the economic and social sectors. These initiatives led to shifts of responsibility: from the state to social collective and individual actors⁷⁹ (Howell 2000, 133f; Ma 2009, pp. 47–49; Milwertz and Bu 2009, 2008, pp. 121–122; Liu 2000; Schwartz 2008, p. 69; Yan 2009). The purpose of these shifts was (for instance) to decrease the financial burden of the government while still ensuring the implementation of official party-state programs – such as gender equality (Milwertz and Bu 2009, p. 228; Chen 1999, pp. 139–1410; Evans and Strauss 2010, pp. 817–826) – and the provision of social welfare (Ma 2009, pp. 51–52; Schwartz 2008, p. 587). Shifts in responsibility initiate changes in power relations between the party-state and society, which can improve the structural position of collective social actors vis-à-vis party-state actors; for instance, by improving their bargaining position (Mathews 1997). All of these changes provided a fertile policy-making environment for the emergence, growth, and expansion of bottom-up SOs, and encouraged their involvement in social construction (Cao 2017, p. 175). In effect, these

⁷⁵ *Gaige kaifang*, 改革开放.

⁷⁶ Nonetheless, although the impact of these reforms was focused on the economic sector, they were still also political in nature. Due to the strong interdependence of the economic and political realm, any change in the economic structure was politically sanctioned.

⁷⁷ The Tiananmen Square protests of 1989 (commonly known as the June Fourth incident) were student-led protests in Beijing. The protests were forcibly suppressed after the government declared martial law. For more detailed information, please cf. Zhao 2001a, Lim 2015. Although the Tiananmen Square protests are the most well-known, they were not the only student protests during the 1980s. For instance, prior to Tiananmen, protests spread throughout several Chinese cities in December 1986 and January 1987. For more detailed information, please cf. Kwong 1988, Lim 2015.

⁷⁸ These reforms led to (and are often referred to as) “post-socialism”: a formation of society in which core elements of socialism were abandoned and socialism remains as heritage – either structurally or in the form of party ideology and social discourses (Spakowski 2014, p. 229; Zheng 2009). However, the notion of post-socialism in the PRC is far less precisely defined than in (for instance) Eastern European countries. In the PRC, the notion is ideologically delicate, since it can be interpreted as a complete withdrawal from socialism (Zheng 2009).

⁷⁹ Some scholars have discussed these shifts under the label of privatization (Hsu 2010). These shifts in responsibilities were accompanied by the party-state slogan “small government big society” (*xiao zhengfu, da shehui*, 小政府大社会); cf. e.g. Keech-Marx 2008, p. 192.

changes were the starting point for the increasing importance of social actors in policy decision-making processes, and relaxed government control over people's day-to-day activities (Kaufman 2012, p. 586).

Hence, the start of the 'reform and open era' was a fairly relaxed period for bottom-up social organizing, in which associations began to be allowed to form outside of the party-state system (Shieh 2016, p. 51). During this period, bottom-up SOs were permitted, and their founding was almost unregulated (Simon 2013, p. 186). This increased social space led to the well-known social mobilizations during the 1980s, among which the Tiananmen incident 1989 is the most famous. After Tiananmen, the CCP reasserted its strict control over SOs, beginning with mass organizations and extending to all SOs in the autumn of 1989 (Simon 2013, p. 185).

4.1.2.2. 1989–2008: carving out an institutional framework for bottom-up social organizing

Between 1989 and 2008, the institutional framework for bottom-up social organizing was gradually carved out. The State Council issued regulations on foundations in 1988 (updated in 2004) and on SOs in 1989 (updated in 1998)⁸⁰ (Simon 2013). During this time, skepticism toward bottom-up SOs remained. For instance, high-ranking cadres such as Premier Zhu Rongji and Wei Jianxing (member of the Standing Committee of the Political Bureau) reminded civil affairs offices in 2002 that uncontrolled development of SOs may be destructive for social stability in China (Ru 2004, p. 44). I will discuss the regulations on SOs only insofar as they are relevant for understanding the ambiguity of the institutional arrangement regulating bottom-up social organizing,⁸¹ in which the Center operated.

The 1989 Regulations on the Registration and Management of Social Organizations⁸²

After the June 4 protests, the party-state sought to strengthen its regulation of SOs (Shieh 2016, p. 52). The 1989 regulations were quite vague; however, they introduced the system of dual administration, which originated in the 1950s Provisional Measures for SOs (Simon 2013, p. 193). Under the dual administration, SOs wanting to register with the MoCA were required to be sponsored by a professional supervising unit⁸³ in the same field and same

⁸⁰ I will not discuss the regulations on foundations, since the Center was an SO and therefore unaffected by these.

⁸¹ For an in-depth discussion of these regulations, please cf. Simon 2013.

⁸² *Shehui tuanti guanli tiaoli*, 社会团体管理条例.

⁸³ *Yewu zhuguan bumen*, 业务主管部门. These organizations are often labeled "mother-in-law" or "popo" organizations.

locality (Shieh 2016, p. 52). The agencies involved in the dual administration were responsible for the day-to-day management of the SOs they had examined, approved, and registered (Simon 2013, p. 204). The registration process was fairly complex and a little unclear⁸⁴ (Simon 2013, p. 203). An additional difficulty was a regulation prohibiting the establishment of new SOs if there was already an SO working on a similar issue and on the same administrative layer (Simon 2013, p. 193).

While this bureaucratic apparatus created to regulate SOs appears formidable, the reality suggests that it has been less than effective (Shieh 2016, p. 52). The number of registered SOs dropped significantly after the adaption of the 1989 regulation – from 209 400 in 1989 to 154 500 in 1992 (Simon 2013, p. 206). However, grassroots SOs with few or no ties to the state grew rapidly⁸⁵ (Shieh 2016, p. 52). The institutional framework for SOs enabled the circumvention of institutional difficulties to a certain degree, illustrated by reports of rising numbers of SOs with a business, no registration, or an affiliation to a university. This space for bottom-up social organizing increased through an international event held 1995 in Beijing: the United Nations Fourth World Conference for Women (FWCW).

Fourth World Conference for Women (1995) and its impulses for bottom-up social organizing in general

The CCP invited the FWCW to China to boost its damaged image in Western media after the Tiananmen incident in 1989 (Chen 2011). In preparation for the conference the Ford Foundation financed the participation of Chinese women's organizations⁸⁶ at regional preparation meetings (Zhang 2009b; Kaufman 2009). Moreover, the CCP granted considerably more social space and occasionally funding to bottom-up social organizing, especially for women's organizations, in the run-up to the conference (Hershatter 2004, p. 1038; Howell 1997b). The party-state's positive attitude toward bottom-up social organizing was accompanied by broad and positive media coverage (Chen 2011, pp. 46). Nonetheless, even during this time of increased space restrictions remained for bottom-up social organizing, continuing the ambiguous nature of this arrangement. For instance, the

⁸⁴ Tax deductions for donations or tax exemptions for SOs were not discussed in the 1989 regulation (Simon 2013, p. 202).

⁸⁵ These grassroots SOs include "affiliated (*guakao*) SOs" attached to a legal entity such as an university, SOs registered as businesses, and unregistered groups of various kinds (Shieh 2016, p. 52).

⁸⁶ At this point, most of the relevant organizations identified as *women's* rather than *gender* organizations. The concept of gender received a boost with the FWCW and (especially) during the new millennium.

Maple Psychological Counselling Center⁸⁷, founded by Wang Xingjuan⁸⁸ in 1988 (Wang 2009c), lost its SO registration in the run-up to the conference (interview # 15, Peking, 31.07.2012). Only by reregistering as a commercial entity was the Maple Center able to resume its activities (interview # 15, Peking, 31.07.2012). The founder and then director of the Center argued that the difficulties leading to the loss of their registration originated in their public advocacy for women's rights while pointing to the existing problems (interview # 15, Peking, 31.07.2012). Despite these existing difficulties, the FWCW was an important catalyst to revitalize bottom-up social organizing in China after the Tiananmen incident 1989, and marked a phase of increased space for bottom-up social organizing. It was however also a time of continuing ambiguity exemplary illustrated by the case of the Maple Center. In 1998, shortly after the FWCW, the renewed "Regulations on the Registration and Management of SOs" were enacted, further specifying the institutional framework for social organizing.

The 1998 Regulations on the Registration and Management of Social Organizations⁸⁹

While largely similar to the 1989 regulations, a central change in the 1998 regulations was that understandings of SOs' establishment shifted from top-down to bottom-up: "voluntarily created by Chinese citizens in order to achieve the collective desires of members, and conduct activities according to their charters" (Simon 2013, p. 241). Nonetheless, the registration process remained complex and challenging, and required relatively large resources (particularly problematic for smaller SOs), prompting many SOs to continue their work unregistered (Simon 2013, p. 241). SOs needed to have over 50 individual or 30 institutional members, an approved organizational name, an organizational structure, and a fixed business plan (Simon 2013, p. 243). Moreover, the number of full-time staff members had to correspond with the size of the organization's professional activities, and the legal source of property and funds had to be 100 000 RMB for national SOs and 30 000 RMB for

⁸⁷ *Beijing hongfeng funü xinli zixun fuwu zhongxin*, 北京红枫妇女心理咨询服务中心.

⁸⁸ Wang Xingjuan was born in 1931. She worked as an editor at the Peking Publishing House for many years. After her retirement in 1988, she started the first women's hotline in China. This initiative has grown into the Maple Women's Psychological Counseling Center (Zhang 3/12/2004). The Center provides psychological counselling and started to include educational seminars for local communities and public education facilities (protocol observation period # 1, Peking, 19.09.2011 – 13.01.2012). Wang is internationally renowned for creating and sustaining one of the earliest women's SOs in China. After the loss of the registration status Wang was consternated. While taking a stroll to clear her head a maple leaf dropped down in front of her. This inspired her later to rename to re-registered organization into Maple (interview # 15, Peking, 31.07.2012). For more details on the Maple Center please cf. Wang 2009c, 2009b, 2009e; Hou 2009.

⁸⁹ *Shehui tuanti guanli tiaoli*, 社会团体管理条例.

local SOs (Simon 2013, p. 243). Finally, the regulation preventing “double representation” of issues per administrative layer remained in place, enabling the party-state to prohibit any SO they did not approve of (Simon 2013, p. 243). Finally, the dual-administration system remained intact. Some responsibilities for overseeing SOs were shifted from the MoCA to the sponsor organization to reduce the administration’s burden (Simon 2013, p. 240); however, some sponsor organizations refused to agree to this due to the increased workload it entailed, meaning that many SOs remained unregistered (Simon 2013, p. 241).

Many independent, bottom-up SOs thus remain unregistered due to lack of financial and/or human resources (Simon 2013, p. 244) or inability to find a sponsoring unit. They carried out their activities using three “masks,” either becoming affiliated with other registered organizations and acting as an internal group; registering as a commercial entity (and thereby giving up any tax preferences or other preferential treatments SOs were entitled to)⁹⁰, as for instance the aforementioned Maple Center; or acting without a legal status (Simon 2013, p. 244).

The period of 1989–2008 was an ambiguous one for bottom-up social organizing. On the one hand, the party-state shifted responsibilities (especially for social service provision) to SOs, held a positive attitude toward them, and provided them with more space and occasionally with funding. This attitude is partially reflected not only in the aforementioned regulations but also in statements such as at the 17th National Congress of the CCP (October 15–17, 2007), which stated that “attention should be paid to the development and management of SOs” and the “active role of social organizations should be emphasized in expanding people’s involvement in reflecting people’s requests and demands so that the organizations should strengthen their function of self-rule or self-governance” (Cao 2017, p. 175). However, the regulations included vague paragraphs that enabled the party-state to prohibit any SOs, illustrated vividly by the temporary closure of the Maple Center. Moreover, the general resource requirements for SOs were so high, and the increasing requirements on supervising units so demanding, that many SOs – most notably smaller social initiatives – were effectively hindered from registering as SOs. As such, the institutional framework (although including conducive elements) tended to be restrictive – especially for independent, bottom-

⁹⁰ These organizations were especially vulnerable, since they violated regulations that specifically forbade organizations registered as business entities to act as an SO or a *min fei* (Simon 2013, p. 244).

up social organizing. Between 2008 and 2012, this situation temporarily improved, before a clear tightening of social control over SOs.

4.1.2.3. 2008–2012: social management and tightening social control

The 2008 Wenchuan earthquake and local experiments

The year 2008 was a defining one for social organizing (whether professional- or volunteer-based), as many grassroots SOs, volunteer groups, and networks emerged to help in the devastating Wenchuan earthquake in Sichuan province⁹¹ (Shieh 2016, p. 45). The magnitude of SOs' and volunteers' contributions to disaster relief was unprecedented. As a consequence, some media reports went so far as labeling 2008 as the "Year of the Volunteer" or "Year of the NGO [non-governmental organization]" (Shieh and Deng 2011a). Irrespective of the actual validity of this denomination, it illustrates the improved public and political attitudes toward social organizing in the immediate aftermath of the earthquake.

Around the earthquake, the party-state at both central and local levels undertook initiatives to encourage and support SOs, including conducting local experiments and reforms to make it easier to establish SOs and strengthening their supervision (Shieh 2016, p. 54). These local experiments started in Shenzhen in 2009, when SOs were allowed to register directly with the local MoCA without the sponsorship of a professional supervisory agency (Shieh 2016, p. 54). Over the last few years (and with MoCA's approval), a few provinces and province-level municipalities have followed Shenzhen's lead, issuing formal regulations and other legal documents governing the various forms of charitable and non-profit groups either based in or active in their jurisdiction (Shieh 2016, p. 54). The boldest reform was undertaken by Guangdong in November 2011. The Guangdong Civil Affairs Bureau announced it would make it easier for several different categories of SOs to register by doing away with the professional supervising agency requirement (Shieh 2016, p. 54). On the central level, the MoCA has been working on revising the registration and management regulations for SOs, taking into account the experiments in the provinces (Shieh 2016, p. 54). In practice, these positive attitudes and the experiments provided bottom-up SOs with considerably more space and support for their activities. At the same time, though, the central and local

⁹¹ On May 12, 2008, a 7.9-magnitude earthquake struck the Wenchuan region of Sichuan Province. Over 85 000 people died, and 5 million were left homeless. The overall economic damage was estimated to range from \$9.7 billion to \$1.2 trillion. For more detailed information on the earthquake and its consequences, please cf. Sorace 2017.

party-state have introduced regulations tightening control over certain aspects of SOs' operations, as well as making life difficult for some SOs by harassing them – and even closing them down (Shieh 2016, p. 45). One regulation which provided new difficulties was the *Notice on Issues Concerning the Administration of Foreign Exchange Donated to or by Domestic institutions* (SAFE)⁹² enacted in December 2009 by Chinese authorities (Simon 2013, p. 290; Congressional-Executive Commission on China 10/10/2011; Human Rights in China (HRIC) 5/27/2010). These regulations required SOs to provide a notarized donation agreement stating the purpose of the donation, and that the foreign donation went into a special foreign exchange bank account (Congressional-Executive Commission on China 10/10/2011). Moreover, SOs needed to provide documents signed by donor and donee assuring that no national laws or regulations would be inflicted (Simon 2013, p. 291). Thereby, the Chinese authorities were obviously trying to prevent situations similar to the color revolution⁹³. Moreover, through this regulation the difficulties for, especially small bottom-up SOs increased, since the administrative effort associated with foreign funding rose tremendously and not all SOs had the necessary resources at their disposal to handle the additional workload. Despite this new regulation, Chinese authorities remained suspicious toward foreign funded organizations. This wariness increased even further, when in 2010 the Arab Spring began. As part of it, popular reform movements in North Africa and the Middle East demanded democratic changes (Institut für Sicherheitsstudien, Europäische Union 10/5/2012). These increasing difficulties came in two major phases: the 2010–2011 clampdown on social organizing, and the immediate period before the leadership transition in 2012.

2010–2011 clampdown on social organizing and the 2012 leadership transition

Since 2010, certain SOs have not been permitted to register – or have been deregistered – either because their leaders were openly critical of the government, or because their work was considered inconsistent with party-state policy or control (Simon 2013, p. 237). Such attacks on organizations or their leaders intensified during 2010–2011, a period sometimes

⁹² *Gujia waihui guanli ju guanyu jingnei jigou juanzeng waihui guanli youguan wenti de tongzhi*, 国家外汇管理局关于境内机构捐赠外汇管理有关问题的通知. Some China experts argue that the actual concrete reason behind the regulation was an internal document by the Chinese Ministry of Education claiming that the Hong Kong branch of Oxfam was infiltrating China and striking up alliances with rights defense organizations Cao 2016a.

⁹³ Beginning in 2003 a wave of revolutions, often referred to as color revolutions, swept away authoritarian regimes (Yongding 2005); stretching from Georgia in 2003 with the Rose Revolution, extending to the Orange Revolution in the Ukraine in 2004 and finally to the Lemon Revolution in Kirgizstan in 2005.

retrospectively characterized as a “clampdown on civil society” (Simon 2013, p. 237). These developments were also influenced by the uneasiness as a result of the emerging color revolutions (Yongding 2005) and “Jasmin Revolution”⁹⁴ in the Middle East and North Africa (Simon 2013, p. 315). When similar attempts occurred in China, they were dealt with severely (Simon 2013, p. 315). These efforts to tighten control (as well as the attacks) continued in 2012, and in some cases even intensified, as the time for leadership change drew closer (Simon 2013, p. 237). These strikes, especially on rights-defending lawyers, caused many social actors to be fearful for their safety and that of their families during this period (Simon 2013, p. 315).

Nonetheless, the official party line attributed SOs an important role in addressing China’s social problems (Shieh 2016, p. 55). This official positive perception was included, for instance, into the 12th Five Year Plan (2011–2015) (Shieh 2016, p. 55). Moreover, the party-state envisioned the continuing support of SOs in addressing China’s social problems, and therefore supported a further development of the institutional framework, as expressed during the 18th National Congress of the CCP from November 8–14, 2012 (Cao 2017, p. 175). However, their support should be managed and therefore controlled by the party-state (Cao 2017, p. 175).

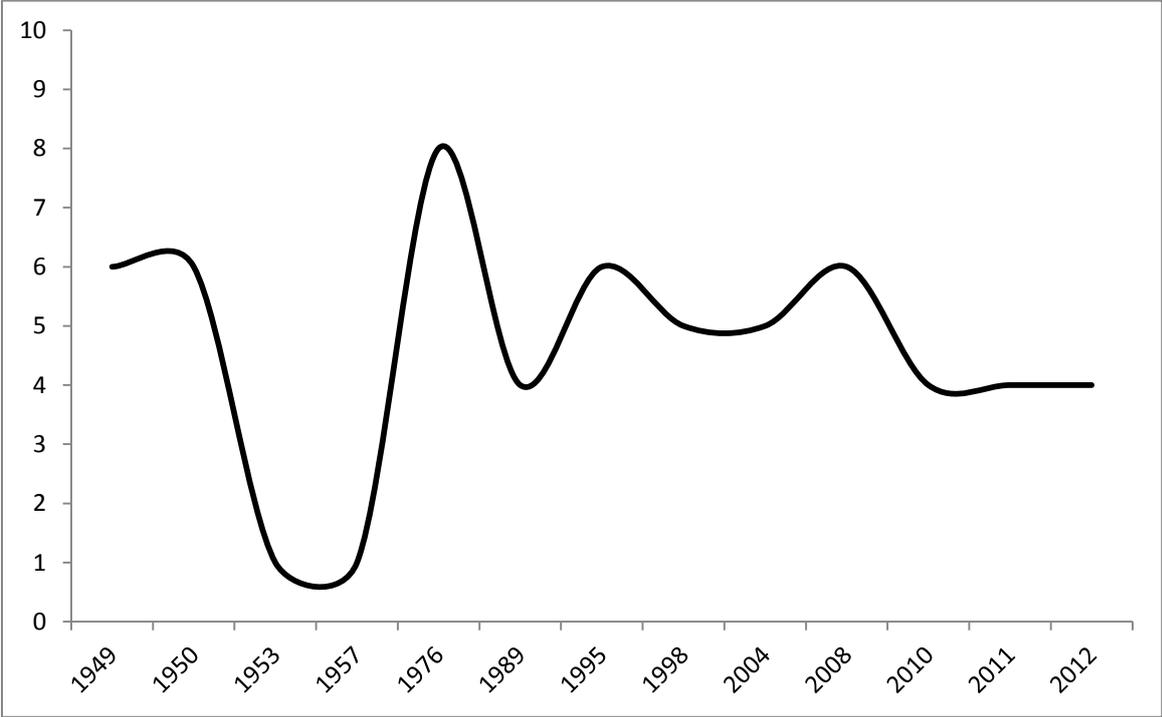
In sum, 2008 started as a fairly relaxed period for bottom-up social organizing; SOs were recognized for their huge contribution to disaster relief and for social development in general, and given more space, funding, and support. However, this period was followed by a rapid change in institutional support. While the institutional framework per se was not changed, its interpretation prevented many SOs from working productively, prevented new SOs from emerging, and even dissolved existing SOs.

Figure 4.1⁹⁵ illustrates these developments in the institutional framework for bottom-up social organizing. It illuminates the context, oscillating from most restrictive (0) to most conducive (10) on the y axis.

⁹⁴ The “Jasmine Revolution” refers to the revolution in Tunisia during the Arab Spring between 2010 and 2011. For more detailed information, please cf. Alianak 2014.

⁹⁵ The graph deliberately depicts the developments from 1949-2012. 1949 was selected as starting point, since with the founding of the PRC state-society relations were fundamentally altered building a legacy on which the institutional arrangement with which the Center was faced based. 2012 was chosen as end point for two connected reasons; first after 2012 no further field research on the Center was possible. Therefore, I limited

Figure 4.1: Conduciveness and restrictiveness of the institutional arrangements governing bottom-up social organizing (political dimension)



Note: Figure 4.1. is an illustration of the discussion of section 4.1. The evaluations of the institutional arrangement as conducive, moderately conducive, most conducive and quite restrictive are made by the author basing on this discussion. The development of this institutional arrangements governing bottom-up social organizing and oscillating between conduciveness and restrictiveness illustrates that bottom-up social organizing between 1949-2012 was embedded in a context which provided seldom great opportunities for its activities and especially since 2010 became increasingly restrictive.

Figure 4.1 illustrates that the institutional arrangements governing bottom-up social organizing immediately following the founding of the PRC (1949) was moderately conducive (1949–1953), but during the turbulent years under Mao (1953–1976) became quite restrictive. After Mao’s death (1976), and with the beginning of the “reform and open” era (1978), the context become most conducive throughout the period under review (1976–1989). The Tiananmen incident and subsequent implementation of SO regulation (1989) instigated a shift toward a more restrictive environment, but nonetheless, the context remained moderately conducive. There were two peaks of conduciveness after 1989: one

the analysis to the time until 2012. Moreover, beginning in 2013 Xi Jinping took office and altered Chinese politics and with it state-society relations tremendously. This deserves a distinct analysis to attribute for all enacted changes. I will discuss the importance of this study for the particularities of the enacted changes under Xi, such as the “Law of the PRC on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland China”, enacted in 2017, in Chapter 7.

with the FWCW in 1995 and one after the 2008 Wenchuan earthquake. Between 1995 and 2008, the institutional arrangement governing bottom-up social organizing was moderate. Beginning in 2010, there was a trend toward increasing restrictiveness, which has not changed since.

4.1.3. Remaining difficulties regarding institutional arrangements regulating bottom-up SOs

As well as reviewing the institutional framework for social organizing between 1949 and 2012, it is worth considering the remaining legacy these formal institutional left for bottom-up SOs today. Generally speaking, the party-state exercises control over SOs in three areas: registration, routine supervision, and coercive enforcement (Ru 2004, p. 45). “Routine supervision” refers to all measures included under the dual-administration system.⁹⁶ In this process, the supervisory units work together with civil affairs offices to oversee SOs’ activities (Ru 2004, p. 48): membership dues, routine activity, financial supervision, and annual checks of all activities (Ru 2004, p. 49). Coercive measures become effective when SOs registered with civil affairs offices fail to comply with, or violate, their registration control and routine supervision measures – including warnings, suspension of activities, replacement of culpable leaders, confiscation of illegal income, collection of fines, revocation of registration, or repression (Ru 2004, p. 52).

A central problem is the shortage of financial support from government, enterprises, and international funds. Statistics show that only 20% of SOs have received government funding, and that the average amount of government funding accounts for only 20,3% of the total revenue (Cao 2017, p. 191). There are further problems relating to requirements for registration. Here, three aspects are often mentioned as the most hindering: (a) the requirement for registered capital is very strict and the sums rather high: 100 000 RMB for national and 30 000 RMB for local SOs (Simon 2013, p. 243); (b) the restriction associated with the dual-administration mechanisms has raised registration costs, resulting in many SOs being reluctant to register or unable to find a supervising unit (Ru 2004, p. 43; Simon 2013); and (c) the “no double representation of issues per administrative layer” regulation remains

⁹⁶ Dual administration limits the autonomy of SOs in terms of their finances, human resources, and decision-making (Yang et al. 2015b, p. 547). The regulation was modified in 2013 to enable certain categories of organizations (trade associations and chamber of commerce, SOs working for technology, public welfare, and community service) to register directly with the MoCA, but it remains in place today (Yang et al. 2015b, p. 548).

a free ticket for the party-state to prevent any SO from setting up operations (Simon 2013, p. 193; Cao 2017, p. 193).

Some scholars argue that the political considerations behind these ambiguous regulations relate to serious concerns that SOs may develop into dissident political powers, which would pose threats to the authority of the government and the party (Cao 2017, p. 193). Nonetheless (and despite all efforts), since 1989 the party-state has been less than successful in creating a state corporatist system to regulate SOs, although it has made sustained efforts to address deficiencies in its regulations (Shieh 2016, p. 55). As evident from the earlier discussion, the institutional framework usually tends toward restrictiveness.

As discussed, the institutional arrangements governing bottom-up social organizing spans only one dimension, I labeled political, of the opportunity structure for the Center's advocacy for better legal protection against DV. It is also necessary to consider the institutional arrangements governing gender relations in particular and DV in particular, which I discuss in Chapter 4.2. and 4.3.

4.2. An ambiguous institutional arrangement governing gender relations

The previous section discussed the conduciveness and/or restrictiveness of the institutional arrangement regulating bottom-up social organizing. This section scrutinizes the institutional arrangement governing gender relations, and questions in particular how conducive or restrictive this arrangement was for increasing gender equality. A preliminary analysis of the institutional arrangement showed that the arrangement regulating gender relations in general and that regulating DV in particular developed quite differently. Therefore, I will discuss both arrangements and their evolution separately; the one governing gender relations in section 4.2. and the one regulating DV in section 4.3. Together, both arrangements form what I call the *gender dimension of the opportunity structure*.

The current Chinese institutional gender arrangement remains ambiguous. Political discourse echoes traditional Confucian gender roles and institutions (Wang 2017). Until colonialism in China, gender roles and institutions were largely defined by Confucian⁹⁷

⁹⁷ This is a simplification, since even in China the Confucian discourse had to compete with other philosophical and ethical systems with equally universalist claims, often subsumes under the rubrics *Buddhism* and *Daoism* (Ko et al. 2003a, p. 3). Nonetheless, the Confucian ethic had tremendous impact on social and state structures in China (Moritz et al. 1998 Ko et al. 2003a, Ko 1994, Croll 1995 Li 2000a). Confucianism in itself consists of

notions and oriented according to the adequate *Li* (*rite*, 礼), which were derived from Confucian cardinal relations (Barlow 1994, 2004, 1993; Ko et al. 2003b; Ko 1994; Mann 1997). The five cardinal relations, which structure the family and society, describe the relationship between father and son; husband and wife; man and woman; older brother and younger brother; and patriarch and clan member (Li 1991, p. 53). All relationships feature similar role differentiations, expectations, and associated codes of conduct (Li 1991, 56pp). With regard to Chinese women, the relationships between man and woman and between husband and wife are of particular importance. The husband was responsible for securing the (material) survival of the family, while the wife was in charge of all decisions within the family, similarly to a managing director of the private sphere (Li 1991, p. 55). This differentiation of rights and duties became the cornerstone of the so-called *nei-wai* binary. Confucian scholars argue that the general division of labor between men and women in a family can be described by the adoption of the external (*wai*, male) and internal (*nei*, female) functions (Li 2000a, p. 4), with a special emphasis on the exclusion of women from the public – and particularly, the political – sphere⁹⁸ (Li 2000a, p. 3; Croll 1995, p. 13). Under the guise of good womanly behavior, this *nei-wai* binary thus formed the foundation of girls' and women's general confinement into the house and inner chambers (Croll 1995, p. 39). Generally speaking, the role of the wife toward the husband, and the woman toward the man, is fundamentally characterized by obedience (Li 1991, pp55). This central aspect of the Confucian gender institution found its expression in the *Three Obediences and Four Virtues*⁹⁹ (Croll 1995, p. 13).

many variations. To account for the internal variety and changes over time scholars tend to talk about *Confucian discourse* rather than Confucianism and thereby acknowledge that there is not one but many forms of Confucianism (Ko et al. 2003a, p. 3; Li 2000a, p. 2). Moreover, there is no exact Chinese counterpart of the English term *Confucianism*. The Chinese term often used in similar contexts is *Rujia* (儒家, the school of the literati). The term *Rujia* has also been used to include later developments of Confucian thoughts. In this analysis I understand Confucianism in accordance with one form Li delineates, as institutional structures that most directly impinge on people's lives (Li 2000a, p. 5). For the sake of readability in this chapter I will refer to Confucianism when in fact referring to discourses of Confucianism.

⁹⁸ We have to treat these guidelines for an adequate code of conduct carefully, since they aim to establish an *ideal type*; as such, they are not necessarily found in Chinese historical reality. Ko et al., for instance, reject the image of Confucian women as cloistered beings who had no access to the public sphere, regardless of authoritative texts prescribing such isolation (Ko et al. 2003a, p. 7). Rather, they list examples of women who participated in public life despite this dictate. However, we have to treat this finding with equal caution. Chinese women in the late imperial era, by and large, were probably oriented to fulfil these prescribed and widely accepted norms for adequate behavior.

⁹⁹ *Sancong, Side*, 三从四德. The Four Virtues refer to the morality of women (*Fude*, 妇德). First, they advise women to know their place in the universe (their *Li*) and behave in total compliance with the time-honored ethical code (Croll 1995, p. 13). Second, women were supposed to be reticent in their words and take care not to chatter too much and bore others; in short, proper womanly speech (*Fuyan*, 妇言). Third, women had to be clean in their person and habits and adorn themselves pleasantly for the opposite sex; in sum, a modest

The three obediences prescribe a woman's subordination to her father and elder brother when she is young (*Weijia congfu*, 未嫁从父), to her husband when she is married (*Jijia congfu*, 既嫁从父), and to her husband and son in old age (*Fusi congzi*, 夫死从子).¹⁰⁰ Since the wife is not only a wife but also a daughter-in-law, she must also be filial and obedient toward her in-laws (Li 2000b, pp. 55). The legacy of the *nei-wai* binary and the Three Obediences and Four Virtues remains valid even today¹⁰¹.

On the other hand, formal institutions ensure gender equality. This ambiguous institutional arrangement provides difficulties and conflicts for social actors advocating for gender equality. To understand the institutional arrangements regulating gender relations the Center faced between 1995 and 2012, it is important to understand how these arrangements developed into their current ambiguous manifestation. Therefore, this section assesses the post-1949 development of the institutional gender arrangement. 1949 was selected as starting point because it marked a fundamental change in the institutional arrangement governing gender relations: from a predominantly patriarchal to a socialist-patriarchal arrangement. The pre-communist era will be included in case its legacy shaped post-1949 institutional arrangements. Given that this time period is rather long, I will divide the analysis into two main sections: from the founding of the PRC (1949) until the beginning of the reform era (1978), and from the reform era until 2012. In the latter period, I differentiate between developments in the 1980s, 1990s, and the first two decades of the new millennium. This differentiation follows development tendencies in these time periods.

appearance (*Furong*, 妇容). And finally, Chinese women were supposed to be diligent with regard to their household duties (*Fugong*, 妇功) (Croll 1995, p. 13).

¹⁰⁰ These are not literal translations. Literally translated, the three obediences become: unmarried, obey the father (*Weijia congfu*); already married, obey the husband (*Jijia congfu*); and after the husband's death, obey the son (*Fusi congzi*).

¹⁰¹ Confucianism is not the only influence which contributed to the current institutional gender arrangement. However, it is the most crucial, Moreover, it is precisely elements of the Confucian discourse which are revived according to China scholars e.g. Wang 2017. A discussion of other possible influence on current gender regimes can be found e.g. in Lin 2015.

4.2.1. 1949–1978: major changes in the institutional gender arrangement under Mao and during the turbulent years

The times have changed, men and women are the same. Anything male comrades can do, female comrades can do too.¹⁰² (Honig 2015, p. 185)

The socialist gender project of the PRC aimed to achieve women's liberation, through which women's centuries-long oppression by patriarchal structures would be overcome (Spakowski 2001; Croll 1978). According to Mao, a new socialist gender order had to combat the "four thick robes" in which women were bound: the authority over women of the political; the clan; the religious; and the husband (Croll 1978, p. 189). Through breaking down the prevailing economic structure, a socialist revolution would inevitably lead to a breakdown of the social relations between the sexes, and hence a solution to the gender issue¹⁰³ (Croll 1978, p. 189). Thereby, women's liberation was perceived as an integral part of the socialist revolution; however, it was also effectively subordinated to class issues¹⁰⁴ (Spakowski 2014, 2014; Chen 2011; Xu 2009).

Officially, Confucian gender institutions were abolished and replaced by gender-egalitarian ones in 1949. This new institutional arrangement was characterized by androgynous gender institutions. Formal gender institutions prescribed equality, while the official rhetoric did away with the idea of men and women as different creatures and oriented all citizens on male norms (Croll 1978; Bailey 2012). Nonetheless, deeply rooted Confucian gender institutions remained valid. This was especially evident regarding the *nei-wai* binary and, in particular, the perception of housework as a "womanly task" (Croll 1978). Moreover, while reforming Confucian marriage practices was a keystone of the socialist agenda, these practices were deeply anchored and did not disappear (Croll 1978; Bailey 2012).

This new institutional gender arrangement was supported by several infrastructure measures. Most prominently, gender equality was anchored in the constitution (Croll 1978, p. 223; Chen 1999), which clearly states that women enjoy equal rights with men in all

¹⁰² *Shidai butongle, nanü douyiyang, nantongzhi nengbande, nütongzhi yenengbandedao*, 时代不同了，男女都一样，男同志能办的，女同志也能办得到。 This slogan was initially proclaimed by the *People's Daily* in July 1966 (Bailey 2012, p. 122).

¹⁰³ This concept is often labeled the Englesian perception of gender equality (Bailey 2012, p. 144).

¹⁰⁴ Nonetheless, as early as the early 1930s critical voices warned against subordinating gender issues under class questions. Meeting this criticism, women's departments in all party-state organizations and local women's congresses were established, and presided over women's work (Croll 1978, p. 191).

spheres of life: political, economic, social, family, and all other respects (Zhou 2009, p. 117; Yang and Guo 2001, p. 626; Chen 2004, p. 159). However, the main focus of the socialist gender project was the reform of the family institution, which was identified as the main vehicle perpetuating women's inferior position (Croll 1978, p. 230). The Marriage Law¹⁰⁵ (1950) was therefore designed to form a new basis for intrafamily relations (Croll 1978, p. 230; Hershatter 2007, p. 7) and was one of the government's first legislation priorities¹⁰⁶ (Croll 1978, p. 237). In some ways, the law represented a culmination of the CCP's post-1930s attempts to provide women with more freedom regarding marriage and divorce, as well as to abolish feudal practices such as concubinage and feet binding (Bailey 2012, p. 101). With the new law, marriage was supposed to become an agreement between the involved parties rather than an arrangement between clans and families (Croll 1995, p. 93; Bailey 2012, p. 103; Croll 1978, p. 230); the law prescribed monogamy, equal rights for women regarding family decisions, and equal family inheritance rights (Croll 1978, p. 230; Croll 1995, 96f; Bailey 2012, p. 103), and granted either party the right to petition a divorce.¹⁰⁷ Any gender-specific change of property rights in rural areas had a massive impact on established gender relations, since 505 million Chinese people were rural residents in 1953 compared with 77 million urban residents (Department of Population, Social, Science and Technology, National Bureau of Statistics 2004, p. 13). As a result, the key aim of the Agrarian Reform Law¹⁰⁸ of 1950 was to equally distribute land in rural areas to peasants, irrespective of their age and sex (Croll 1978, p. 215).

Socialist reformers were concerned with the implementation of the new laws; experiences during the Guomindang regime had shown that adopting a new law was significantly different from practical implementation (Croll 1978, p. 231). The ACWF was therefore a central vehicle for the implementation of these new gender institutions; it was supposed to be set established on all administrative layers, theoretically allowing it reach the entire Chinese population (Croll 1978; Bailey 2012). To ensure successful implementation of their

¹⁰⁵ *Zhonghua renmin gonghe guo hunyin fa*, 中华人民共和国婚姻法.

¹⁰⁶ The law was revised in 1980 and amended in 2001 (Zhou 2009, p. 122).

¹⁰⁷ Mediation only had to take place in cases of unilateral and/or contested divorce petitions (Bailey 2012, p. 103; Croll 1978, p. 230; Chen 2004, p. 160).

¹⁰⁸ *Zhonghua renmin gongheguo tudi gaige fa*, 中华人民共和国土地改革法

priority gender project, the ACWF initiated nationwide dissemination and awareness-raising campaigns¹⁰⁹ (Croll 1978).

Conservative turn and negligence of gender issues during the turbulent years

Similarly to developments in state–society relations, the initial phase of the socialist gender project experienced a conservative turn in the 1950s and suffered deterioration during the turbulent years, which lasted until the “reform and open” era. The reform of marriage patterns in particular was accompanied by not only massive conflicts between men and women but also resistance from parents and prospective parents-in-law (Hershatter 2007, p. 16). Consequently, the government proclaimed in the mid-1950s that the establishment of new forms of marriage should take second place to encouraging women to enter social production alongside their male peers (Croll 1978, p. 99; Bailey 2012, p. 108). To ease these conflicts, Confucian perspectives on gender relations were re-emphasized from 1953 on e.g. through the endorsement of policy elites, and also disseminated by the ACWF, e.g. during their second (1953) and third (1957) congresses (Bailey 2012). It was announced that, if a family was well-run, household members would be free of anxiety and thus able to contribute positively to the socialist construction (Bailey 2012, p. 112). Therein, women’s main responsibility for the domestic sphere was re-emphasized and the *nei-wai* binary effectively revitalized. This turn was echoed by the policy line of the *Five Goods Campaign*, launched in 1955, which promoted the virtues of the *socialist housewife*: a woman who manages the household well, ensures harmony among family members, and brings up children consciously (Bailey 2012, p. 112). Moreover, the CCP amended the Marriage Law in 1953 so that even divorcees of uncontested marriages had to submit to the district court for mediation (Bailey 2012, p. 109), effectively raising the hurdles to gain a divorce.¹¹⁰ Although

¹⁰⁹ To support these grand social transformations, the ACWF established e.g. childcare facilities and pushed for special regulations during pregnancy and an introduction of maternity leave (Croll 1978, p. 245). Thereby, it attempted to turn women’s reproduction from a private into a public concern (Bailey 2012, p. 101).

¹¹⁰ This was also a reaction to the enormous increase in the divorce rate. In Confucian China, divorces were not a banality; divorce was only established as a solution to dysfunctional marriages in the early 20th century in areas under sovereign nationalist rule (Hershatter 2007; Bailey 2012, p. 101). Once introduced as a possibility, divorce rates increased suddenly and enormously. In September 1951, the CCP newspaper *People’s Daily* reported a total of nearly 21 500 divorce cases in 32 cities and 34 rural county seats, in which 77% of the plaintiffs were women. Between 1950 and 1953, courts granted on average 800 000 divorces a year; thereafter, the rate decreased slightly to 510 000 divorces granted in 1956 (Bailey 2012, p. 108). Zhou argues that China witnessed its first divorce wave during the three years immediately following the promulgation of the law: 186 167 divorces in 1950, 409 500 in 1951, and only 398 243 during the first half of 1952 (Zhou 2009, p. 125). However, there were still barriers to gaining a divorce, which increased during the turbulent years. To

gender equality was proclaimed by every newspaper (Croll 1995, p. 91), Mao's state feminism postulated gender equality without actually striving to implement it (Li and Zhang Xiaodan 1994; Hershatter 2004, p. 1038); its practices and innovations merely reinforced existing gender attitudes and assumptions¹¹¹ (Bailey 2012, p. 114). These turbulent years symbolized the peak of the Maoist gender politics; its degendered society implemented gender androgyny, was characterized by clear discriminatory tendencies (Croll 1995), and established a triple burden¹¹² for women.

The socialist gender project was ambitious and included enormous social transformations. It brought along huge improvements for Chinese women, who, for instance, experienced tangible health improvements from the 1950s on, according to not only the Physical Quality of Life Index but also the Gender Related Development Index (Yu and Sarri 1997). Initially, women's political participation also increased considerably, especially after the foundation of the PRC; between the 1960s and 1970s, the proportion of women in the Party's Central Committee (CCP) rose from 5% to 13% (Rosen 1995).¹¹³ All of these aspects indicate a development in the direction of more gender equality. However, as discussed, the reform tendencies were contradictory and social transformations were not exclusively supported. For instance, the number of divorce cases increased so dramatically that critics argued that the stability of the family would be at stake (Croll 1995, p. 98; Hershatter 2007), contributing to the aforementioned conservative turn. The older generation in particular had problems accepting this complete change in the gender institutions that had guided their entire life. Many remained convinced that men and women were born different and that Confucian gender institutions were a good thing (Croll 1978, p. 226). Attempts to introduce uxori-local marriage and residence patterns¹¹⁴ failed, and were partially vehemently refused by society

gain a divorce, women had to overcome three obstacles; the husband, the mother-in-law, and the cadre (Croll 1978, p. 235; Bailey 2012, p. 109; Diamant 2000). The conflicts involved were immense. A government report in 1953 estimated that 70 000–80 000 women been murdered or driven to suicide each year as a result of divorce disputes, and thousands more suffered physical assaults (Bailey 2012, p. 109).

¹¹¹ For a detailed discussion of gender practices during this time, please cf. Bailey 2012; Croll 1978; Wang 2004b; Xiong 2004.

¹¹² Triple burden refers here to the situation that women were supposed to fully participate in the socialist construction, in work life but were still perceived as carriers of household duties (Croll 1995).

¹¹³ However, subsequently it declined to 7,7% in 2002 (Guo and Zheng 2008) and a devastating low of 4,9 % in the recent party congress (Zheng 2014). Nonetheless, the status of Chinese women initially improved. Recent trends, however, show that Chinese women's political voice seems to be in decline again (Guo and Zheng 2008).

¹¹⁴ To increase gender equality, uxori-local residence patterns were encouraged as early as 1950 (Zhang 2008; Croll 1995, p. 94). Patrilineal family structures are often combined with patrilocal or virilocal post-marriage

(Croll 1995, p. 94). Moreover, the ambiguity of the reforms and skepticism toward them supported the patrilocal patterns expressed in *chengyus*, and common sayings such as *a daughter married is just like water poured out of the door*¹¹⁵ remained valid (Croll 1995, p. 95).

In sum, between 1949 and 1953, developments toward greater gender equality were enormous. After 1953 the institutional framework became quite restrictive, prescribing socialist androgyny, which embodied a continuation of many Confucian gender practices while simultaneously asking women to contribute alongside men to the socialist construction.

4.2.2. 1978–2012: more space and new challenges for gender equality

The period between 1978 and 2012 brought improvements in gender equality, but was also characterized by ambiguity within gender institutions, which oscillated between gender equality and traditional Confucian gender institutions. With the beginning of the “reform and open” era (1978), the party-state undertook several initiatives to improve gender equality again (Angeloff et al. 2012). An early measure was the re-installment of the ACWF in September 1978¹¹⁶ (Bailey 2012, p. 131). Nonetheless, the “reform and open” policies in particular increased the ambiguity of the gender arrangements and sharpened existing gender biases, with negative consequences for women (Hong Fincher 2013; Spakowski 2014; Xu 2009; Chen 2011; Berik et al. 2007; Wang 2012b; Wesoky 2002). Moreover, population control policy was introduced, with dire consequences for women (Greenhalgh 2009). These harmful initiatives formed the counterpart to regulations supporting gender equality and aided the ambiguous nature of the institutional gender arrangement.

Gender inequality is deeply rooted in informal institutions, and even reinforced by formal ones, as discussed in Chapter 2. The anchoring of gender inequalities in informal institutions

residence patterns. *Patrilocal* residence patterns refer to arrangements in which the newlywed couple lives close to or with the husband's family. *Uxorilocal* marriage patterns refer to arrangements in which a husband moves to live with his wife's family (Zhang 2008).

¹¹⁵ *Shui de quchu po er nü de quchu jia*, 水的去出泼，而女的去出嫁. This perception prevailed even though a bridal price had to be paid to the daughters parents as compensation for her loss.

¹¹⁶ The ACWF still had a dual identity. It functioned as not only a transmitter and mobiliser of women in support of party objectives but also an independent pressure group for women, highlighting negative trends for women and encouraging theoretical research on them (Bailey 2012, p. 134; Croll 1995, p. 137). For a more detailed discussion on the functions of the ACWF after the reforms in the late 1970s, please cf. Howell 1996; Liu 2001; Judd 2001.

is especially relevant considering the nature of formal Chinese institutions, such as laws and regulations, which are often characterized by vague language such as *public interest* or *justified self-defense* (Cao 2008, p. 120). Such phrases are often not defined properly in the statutes (Cao 2008, p. 120). Moreover, formal institutions are generalist in not only their terminology but also their very nature; guidance is therefore needed to specify how certain regulations must be enforced. If such specifying amendments are missing, the implementation and interpretation of formal institutions remain in the elite's sphere of influence, throwing the gates wide open for individual arbitrariness. In such situations, it is precisely informal institutions that guide these individuals' decisions. It is therefore essential to improve not only formal but also informal institutions to achieve gender equality¹¹⁷. Since the period of 1978–2012 is rather long, I discuss it, for practical reasons, in three intervals: the 1980s, the 1990s, and the new millennium.

4.2.2.1. The 1980s: “reform and open” policies and sharpening gender biases

The reform era of the 1980s relaxed the austere social control practiced during the turbulent years, providing more space for gender relations to deviate from the earlier socialist androgyny. The reforms provided significantly more space for bottom-up social organizing (as discussed in section 4.1); regarding gender relations, however, they led to a revitalization of a rigid gender binary (Bailey 2012, p. 131) through both formal and informal gender institutions. Cadres of the ACWF (such as Guan Tao) or scholars from the CASS (such as Tan Shen) acknowledged that, during the reform era, women's status had regrettably dropped (Wesoky 2002, pp. 57).

Regarding formal gender institutions, the second Marriage Law¹¹⁸ – issued in 1980, implemented in 1981, and superseding the 1950 version – was important.¹¹⁹ It supported gender equality: it further liberalized divorces, and instructed courts to favor women and children in subsequent property distribution (Chen 2004; Zhen and Xia 2009; Wang 2009a; Engel 1984). However, divorce decisions still depended on judges – and hence their socialized gender practices– making informal gender institutions decisive. Another aspect of

¹¹⁷ The Chinese case has shown that if only formal institutions are improved e.g. by anchoring gender equality in the constitution, no public awareness raising campaigns conducted though, socialized practices, such as the nei-wai binary forming informal institutions remain.

¹¹⁸ *Zhonghua renmingon he guo hunyin fa*, 中华人民共和国婚姻法.

¹¹⁹ In 1983 a further amendment was made to allow interracial marriage and marriages with foreigners.

the new Marriage Law was the introduction of the one-child policy.¹²⁰ This was not one piece of legislation; rather, the provinces were expected to draw up their own regulations and guidelines to achieve the central government's aim¹²¹ (Bailey 2012, p. 143). Thereby, the one-child policy opened the gates to local officials' arbitrariness and corruption – as well as to violence against women (VAW) (Bailey 2012, p. 143). It led to an increase in female infanticide: early on through neglect and killing (Croll 1995, pp. 111), and later on through forced abortion (Greenhalgh 2001, p. 870). But measures, such as sterilization, increased the health risks to women – especially in the countryside, where health services were still rudimentary or geographically dispersed (Greenhalgh 2001, p. 871). On the one hand, the one-child policy reinforced the traditional secondary status of daughters; but on the other, the one-child policy led to the perception of urban daughters *becoming the apple of the eye*¹²² (Liu 2007, p. 125). As such, the policy also contributed to the ambiguous nature of the established institutional gender arrangement.

Negative consequences of the reform measures disproportionately affected women. Some scholars even argue that the post-Mao reforms required inequality between men and women as a feature of economic development¹²³ (Rofel 1994; Li 1994). Such negative consequences included the privatization of healthcare and education, impeding women's rights and girls' access to those services (Berik et al. 2007). But the most well-known bundle of negative consequences were those associated with restructuring the Chinese economy.¹²⁴

¹²⁰ The ACWF did, however, propagate birth control early on. They argued that gender equality was also constrained by the average size of the family, with a multitude of children keeping women from not only full participation in the social production but also developing their capacities. Hence, they propagated the application of birth-control methods in the 1950s – way before the initiation of the well-known one-child policy – to enable women to take charge of their lives (Croll 1978, p. 246).

¹²¹ The one-child policy was supervised by the newly established State Family Commission, headed by Chen Muhua, who later became the president of the ACWF (Bailey 2012, p. 143). Its aim was the establishment of the norm of a one-child family and to restrict the population to 1.2 billion. In rural areas, the two-child policy (in case the first child was a girl) was established. Members of officially-acknowledged minority groups were also allowed to have two children. For more detailed information on the one-child policy and its consequences, please cf. Fong 2004; Hong 1987; Greenhalgh 2009, 2001; Fong 2016. The one-child policy was relaxed in 2013 to allow parents a second child, in case either grandparent was an only child (Basten and Jiang 2014). In 2015, the one-child policy was officially ended by allowing all couples to have two children (Zhang 2017).

¹²² *Zhang shang ming zhu*, 掌上明珠.

¹²³ A notion also implied in the famous saying *Let some people get richer first* (*Xian rang yibufen ren fuqilai*, 先让一部分人富起来) (Li 1994; Spakowski 2014, p. 233).

¹²⁴ Despite the emerging economic negative consequences for women, the overall trend compared with the pre-communist era remained positive. Several years into the reform, it was estimated that women made up almost 40% of the total labor force and that the female participation rate was rising (especially for urban workers) (Croll 1995, p. 117). In 1995, almost 58 million women (compared to almost 96 million men) were

In the context of oversupply of labor, many enterprises decided to hire men over women, who were considered unreliable workers because of their responsibilities in the domestic sphere (Croll 1995, p. 119; Honig and Hershatter 1988, p. 5). It is estimated that 60–70% of all workers who lost their employment due to the restructuring of Chinese enterprises were women (Croll 1995, p. 120; Liu 2007, p. 6; Zhang 2005; Wang 1993; Berik et al. 2007). These redundancy measures were propagated using gender-specific narratives by reverting to gender institutions, such as the *nei-wai* binary.¹²⁵ As early as 1984, party ideology praised the Confucian virtues¹²⁶ of women who demonstrated their patriotism by staying at home to educate their children (Bailey 2012, p. 133). Furthermore, women continued to undertake the majority of housework (Sun 1995, p. 83). In a survey conducted in several Chinese cities in 1991, Sun (1995, p. 83) found that 74,9% of woman were solely responsible for cooking, 87% for washing the clothes, 82,2 % for cleaning the house and 64,6% for childcare.

The revitalization of a rigid gender binary rooted in biological essentialism implied women's physical, intellectual, and emotional inferiority to men (Honig and Hershatter 1988, p. 14; Bailey 2012, p. 131); a valorization of Confucius and his teaching (Bailey 2012, p. 127); the commodification of women; and the sexualization of their image in the media (Bailey 2012, p. 131). These gender institutions were disseminated in various ways. Applying a “watering can” principle¹²⁷, the ACWF propagated the new orientation of the post-socialist gender project throughout the country, and press articles, school texts, and advice books further anchored these gender roles¹²⁸ (Honig and Hershatter 1988, p. 17; Bailey 2012, p. 133).

Despite these rather negative tendencies regarding the establishment of a more gender-equal Chinese society, the 1980s saw a diversification of gender actors (Milwertz 2003;

employed in urban work units (Department of Population, Social, Science and Technology, National Bureau of Statistics 2004, p. 40).

¹²⁵ Women were either asked to retire early to the house (*neitui*, 内退), simply laid off (*xiagang*, 下岗), bought out (*maiduan gongling*, 买断工龄), or put on extended maternity leave (Liu 2007, pp. 87–105). The third, longest, and most influential debate on *Women should return home* took place in the 1980s and 1990s (Zhang 2005, p. 386).

¹²⁶ For more details on the Confucian virtues of women, please cf. Spakowski 2014, p. 235; Croll 1995, p. 143. Or Chapter 4.2.

¹²⁷ Watering can principle refers here to the ability of the ACWF to reach its entire target group equally, due to its established structure, leading to its presence at all administrative layers.

¹²⁸ The incorporation of gender bias into the curriculum, in particular, leads to long-lasting and deeply anchored social consequences; the sexual division of labor became deeply rooted in, and perpetuated through, the educational system (Honig and Hershatter 1988, p. 19).

Zhang 2009b; Kaufman 2009; Wesoky 2002; Liu 2000), leading to a broadening of the public gender discourse and increasing gender awareness.

4.2.2.2. The 1990s: a continuation of previous development tendencies

Due to the aforementioned rise in gender-specific discrimination, beginning in the 1980s the ACWF increasingly raised the issue of protecting women's rights (Bailey 2012, p. 145). Simultaneously, the newly emerging non-state women's actors lobbied for the party-state to better protect women's rights and ensure gender equality (Zhou 2009, p. 132; Yang and Guo 2001; Kang 2004; Li and Wang 2006; Guo and Li 2009). These endeavors culminated in the Law on the Protection of Rights and Interests of Women,¹²⁹ enacted in 1992 and commonly known as the *Women's Law* (Yang and Guo 2001). It was the first law to specifically define a set of women's rights, and thus heralded anew the importance party-state actors formally ascribed to these rights (Croll 1995, p. 142). Wang argues that the law has effectively protected women's rights in the years since it was enacted (Wang 2003, p. 81). Moreover, there had been considerable efforts to persuade the population that reproduction had a social value, and hence that women should not be discriminated against in the workplace (Croll 1995, p. 121; Croll 1978, p. 245). Nonetheless, negative consequences for women on the labor market persisted (Zhang 2010). The Labor Law,¹³⁰ enacted in 1995, was supposed to improve this situation (Li and Wang 2006). It was an important step toward greater gender equality in the workplace, prescribing equality regarding all aspects of working life and the issuing of specific regulations to safeguard women; for instance, by allowing 90 days of maternity leave (Yang and Guo 2001, 713f). To ensure the implementation of the regulations, the ACWF initiated a large-scale month-long women's rights campaign to study and publicize the new law (Croll 1995, p. 142). The ACWF also set up a network of legal centers to advise, for instance, female victims of violence on how to collect evidence and pursue offenders through the courts (Croll 1995, p. 143).

As discussed in section 4.1, continuing shifts of responsibility in the 1990s provided important impulses for bottom-up social organizing. The 1990s was also a fairly supportive decade for the establishment of gender equality, characterized by party-state actors' increasing tolerance of for the discussion of women's and gender issues. This situation was

¹²⁹ *Zhonghuarenmin gongheguo funü baohu fa*, 中华人民共和国妇女权益保障法.

¹³⁰ *Zhonghua renmin gongheguo laodong fa*, 中华人民共和国劳动法.

further elevated by the successful convening of the FWCW¹³¹ (Wesoky 2002, p. 113). In preparation for the FWCW, the Ford Foundation provided considerable more funding for Chinese women's organizations (Wesoky 2002, p. 113), which contributed noticeably to the blossoming of independent women's organizations during the 1990s (Wesoky 2002, p. 113). Increased contact with the international women's movement, as a result of preparations for the FWCW, contributed to the development of substantially new analytical tools for women's studies and activism (Wang 1999, pp. 159). The most important new analytical tools was the concept of *gender* (Spakowski 2011), which is now everywhere in scholarship and activism (Hershatter 2004). According to scholars, it could be used as an analytical weapon to "fight the myriad manifestation of patriarchy in Chinese society" (Yu 2015). The gender perspective also enabled a more comprehensive questioning of gender relations than previous conceptual understandings, such as equality between men and women (*nannü pingdeng*) or Marxism, which subordinated gender questions to class issues (Spakowski 2014). These developments supported a further diversification of Chinese gender actors and broad dissemination of gender debates,¹³² contributing to increased gender awareness in Chinese society.

4.2.2.3. The new millennium: continuation of ambiguity and further revival of traditional Confucian gender institutions

In the new millennium, existing ambiguities in the established gender arrangements continued. But this time period was also characterized by both a backlash against gender equality and the emergence of unprecedented and innovative forms of gender activism.

Looking at formal gender institutions, the Marriage Law was amended in 2001 to finally include DV as legitimate grounds for divorce (Bailey 2012, p. 144; Hershatter 2007, p. 18; Chen 2004, p. 159). This change also provided legal grounds for the prosecution of perpetrators (Lü 2011), and was perceived as a great improvement. Moreover, this legal revision included further reasons for divorce, enabling considerably more couples a way out of dysfunctional relationships (Chan 2002). In 2005, the Women's Law was also amended to

¹³¹ Some scholars attribute ambiguous characteristics to this time period. They argue that in the aftermath of the FWCW, a closing of the opportunity structure occurred, which started with the moving of the NGO Forum to Huairou (Wesoky 2002, p. 151). Irrespective of these possible setbacks, the positive impulses outweighed the negative during the 1990s.

¹³² As a consequence, the women's movement went beyond the limits of socio-cultural remapping and attempted to be more involved in the political domain (Wang 2017, p. 18). This became more obvious during the new millennium.

include stipulations prohibiting DV against women and requirements that government should take action to prevent and stop DV (Lü 2011, p. 7). However, in 2011 the Supreme Court issued the Third Interpretation of the Marriage Law, leading to an outcry among gender activists. The interpretation stipulated that property bought before marriage reverted to the buyer on divorce, which predominately negatively affected women; while women contributed to the payment of the mortgage during the marriage, they lost any legal rights to the property following divorce unless their name was added to the title deeds – an action few couples undertook¹³³ (Tatlow 2011; Wu 2011; Hong Fincher 2013). This interpretation was often understood as part of a backlash against gender equality by scholars (e.g. Hong Fincher 2013).

Traditional patriarchal gender patterns largely persisted during the new millennium, and traditional Confucian gender institutions were revived. For instance, a survey showed that in 1990, 20,1% of urban marriages remained arranged by parents (Chen 2004, p. 159). More prominently, in the new millennium the *nei-wai* binary persisted, with more than 85% of wives being the prime caretaker of daily tasks, such as washing, cooking, and laundry (Chen 2004, 159f). This revival of traditional Confucian gender roles was not confined to the private sphere; the political discourse also echoed with it, disseminating slogans such as “men work outside, women work inside” and “husband leads and wife follows,” and establishing a powerful guideline for gender roles that represents a strong backlash against gender equality (Wang 2017, p. 9). This seemingly easy revitalization indicates also that traditional Confucian gender institutions remained active and never fully disappeared.

Despite this strong backlash and the gradually worsening gender situation, the position of younger, especially urban women has improved – at first sight, remarkably (Wang 2017, p. 9). They have grown up with liberal and modern ideas of gender roles because of their parents’ educational investments, which have allowed them to obtain a higher education, and tremendous expansion of educational facilities in China (Wang 2017, p. 9). However, when they graduate and enter the labor and marriage market they suddenly enter a world they do not understand: a world filled with discrimination and exclusion, the glass ceiling, and pressure to define their values by marriage (Wang 2017, p. 9). For instance, professional

¹³³ Following traditional Confucian gender roles, such a behavior was perceived as not womanly, since it would anticipate a future divorce (Hong Fincher 2013).

women have been subjected to many gendered constraints, such as being rejected by their suitors and partners who harbor “male superior norms,” or are forced to forgo marriage proposals because their partners and suitors try to control their work or lifestyle choices or to stereotype them into domesticated roles (To 2015, p. 81; Hong Fincher 2013).

This ambiguity of the gender arrangement for women has created considerable frustration, especially among younger women. Some take this frustration to the streets and become activists. This has contributed to a further diversification of social actors advocating gender issues and the emergence of unprecedented and innovative forms of gender specific activism, such as performance art advocacy, thus challenging the boundaries of acceptable social activism¹³⁴ (Wang 2012a; Bräuer 2015):

The young people have a different way than the old (...) the previously existing approach basing on experience and expert knowledge is completely different. (...) The old approach relied on articles, experts, or the ACWF. But this new approach is a very direct activity; it is the freedom of speech of the public. (...) These activities try to make the public discuss such hot topic.¹³⁵

Interview # 21, Peking, 11.08.2011

Despite the comparatively small number of gender activists engaging in new forms of activism, the majority learned to accommodate with the new situation (Wang 2017, p. 10). However, romance, sex, and marriage became prime sites of social contestation, and the ambiguity of gender institutions becomes quite obvious in this field (Wang 2017, p. 10; Evans 2010).

In sum, the new millennium witnessed not only continuing gender ambiguities but also a rapid decline in conduciveness for improvements to gender equality. This trend has manifested in a severe backlash against gender equality, most notably in the severe

¹³⁴ The “Feminist Five” group, consisting of Li Tingting, Wei, Tingting, Zheng, Churan, Wu Rongrong and Wang Man, who were arrested for campaigning against sexual harassment, is one of the most widely internationally covered performance art activism. For a more detailed account of the events, please cf. Zheng 2015; Hong Fincher 2018a Jia 2017.

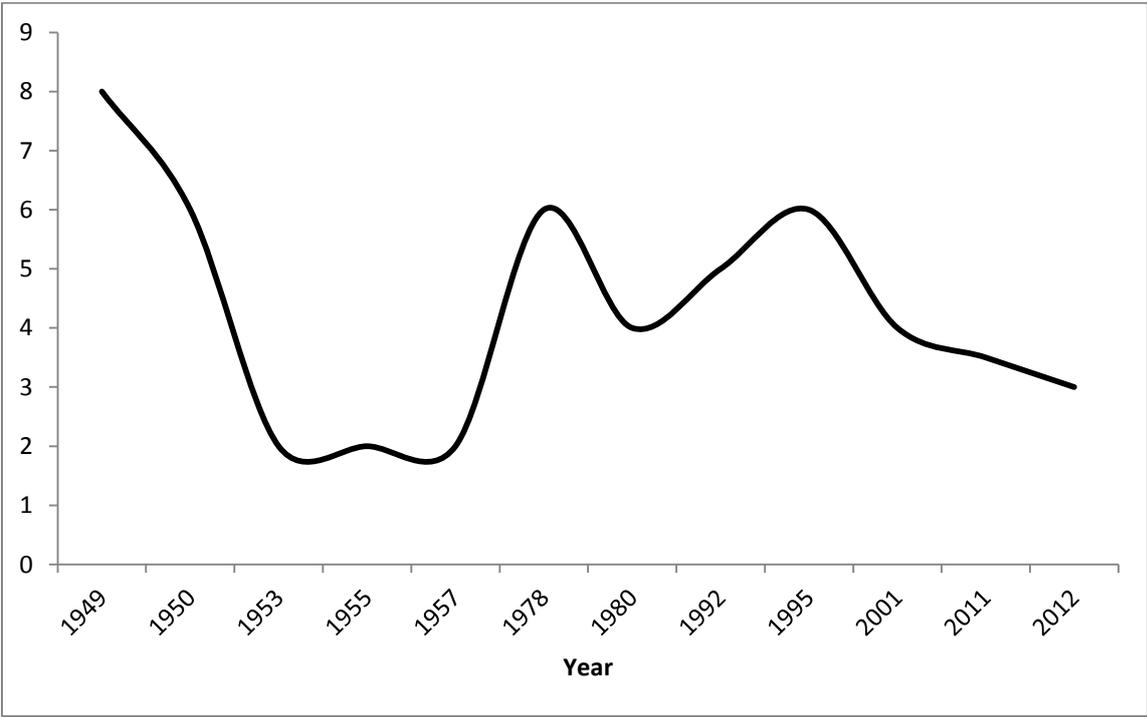
¹³⁵ “(...) 就是年轻人现在那一些这些方式是跟那些老...就是那些已经有的那些就比较资深或者专家那些他们的方式其实是完全不一样的，就是之前可能你是靠小文章或者是一些专家然后来说一个什么话，或者是如果说要靠妇联去推动去做一个什么样的事情，(...)非常直接的这种行动(...)就是这种直接的行动去占据这个，就是公共舆论的这样的一个话语权，(...)”

revitalization of traditional Confucian gender institutions and deterioration in party-state actors' reception of gender specific activism.

4.2.3. Conduciveness and restrictiveness of the gender framework for gender equality

Figure 4.2 illustrates these developments in the institutional gender arrangement and its restrictiveness and/ or conduciveness for improvements regarding gender equality. The arrangement oscillates from most restrictive (0) to most conducive (10) on the y axis.

Figure 4.2: Conduciveness and restrictiveness of the institutional arrangement regarding improvements for gender equality



Note: Figure 4.2. is an illustration of the discussion of section 4.2. The evaluations of the institutional arrangement as conducive, moderately conducive, most conducive and quite restrictive are made by the author basing on this discussion. The development of this institutional arrangement governing improvements for gender equality oscillates between conduciveness and restrictiveness.

Figure 4.2 illustrates that, in the immediate aftermath of the founding of the PRC (1949), the institutional gender arrangement was quite conducive to establishing gender equality. However, from 1953 until the death of Mao Zedong (1976) and the onset of the “reform and open” initiatives (1978) a conservative turn was initiated, which led to quite a restrictive institutional gender arrangement for improvements in gender equality. The period after Mao’s death until the materialization of the consequences of the reforms was characterized

by a fairly conducive context for improvements in gender equality. However, despite legal improvements, the reform period of the 1980s brought along quite discriminatory tendencies against women, such as increased layoffs. The 1990s was more conducive, with further legal improvements and generally positive public and political attitudes toward gender issues, initiated by the organization and hosting of the FWCW (1995). The new millennium witnessed a downward trend, which – interestingly – was characterized less by the formal institutional gender arrangement hindering gender equality than by a conservative turn in informal institutions, operationalized through, for instance, the Third Interpretation of the Marriage Law issued by the Supreme Court (2011).

So far, we have looked at the institutional arrangements for bottom-up social organizing and improvements for gender equality. Since this project is interested in the Center's advocacy for better legal protection against DV as one aspect of its endeavor to establish a gender-equal society, the next section discusses the development of the institutional arrangement governing DV and legal protection against it.

4.3. Domestic violence and institutional arrangements regulating it

Institutions regulating DV are definitely part of the gender context. The Center addressed legal protection against DV as a key, but discrete, topic in its advocacy. Moreover, a preliminary analysis of both, the institutional arrangement regulating gender relations in general and DV in particular showed that their development was not congruent. I will therefore emphasize the development of the institutional arrangement regulating DV and legal protection against it since 1949 separately in this section. Similar to the two previous sections, I chose 1949 as starting point for this assessment due to the enormous social transformations instigated by the founding of the PRC.

The first section assesses developments until the 1990s; the second turns specifically to the 1990s, which were characterized by considerable improvements and impulses; and the third section discusses developments from 2000 to 2012, characterized by a continuation of the positive developments of the 1990s. I sum up the findings in Figure 4.3, illustrating how conducive or restrictive the institutional arrangement was for legal improvements on DV. Interestingly, although there was a backlash against gender equality during which the arrangement for improvements regarding gender equality became increasingly restrictive

(especially at the beginning of the new millennium), this section will show that the context for legal improvements regarding DV became increasingly conducive.

4.3.1. 1949–1990s: the DV situation and development of legal protection against DV

Until 1949, men’s superiority over women was a central pillar of Chinese society. Men legally owned women through marriage (Hester 2000, p. 156), and socialized violence against girls (for instance, feet binding and female infanticide) was an accepted part of Chinese society (Kaufman 2012, p. 588; Honig and Hershatler 1988, p. 273). The post-1949 socialist gender project was critical of these traditional gender discourses and practices (Hester 2000, p. 156), and the new constitution outlawed some socialized violent practices (Kaufman 2012, p. 588; Honig and Hershatler 1988, p. 273).

The period from the 1950s until Mao’s death in 1976 was quite restrictive toward legal improvements against DV, and although systematic analyses of DV rates during this time are non-existent, the available evidence suggests that DV itself was probably on the rise. The anticipated transformation of gender relations from women’s subordination to men to equality between men and women led to immense conflicts, especially regarding intimate relationships. A government report in 1953 estimated that 70 000–80 000 women per year had been murdered or driven to suicide as a result of divorce disputes, and thousand more suffered physical assaults (Bailey 2012, p. 109). These developments also contributed to the initiation of the conservative turn in gender politics, as discussed in the previous section. Moreover, the heightened level of violence in general during the turbulent years did not exclude women. For instance, in many cases “sent-down” women¹³⁶ were sexually abused by local or corrupt officials. In the north-eastern province of Jilin there were 2000 reported incidents of harm to sent-down youth between 1970 and 1972, the majority of which involved rape of women (Bailey 2012, p. 125). In sum, until the onset of the conservative turn in 1953, one can argue that the institutional arrangement regulating DV was quite conducive. However, with the conservative turn the context became quite restrictive for any legal improvements against DV.

¹³⁶ “Sent down” relates to the policy “Up to the mountains and down to the countryside” (*Shangshan xixiang yundong*, 上山下乡运动), through which certain privileged urban youth were sent to mountainous areas or farming villages to learn from the workers and farmers between the late 1960s and early 1970s. For more detailed information, please cf. Zhong et al. 2001, pp. 97.

The reform era, beginning in 1978, not only initiated economic reforms but also relaxed the previously existing social control. However, the reforms also led to a revitalization of Confucian gender roles (as discussed in the previous section), which resulted in violent repercussions – especially for women in marital or anticipated marital relationships¹³⁷ (Gilmartin 1990, pp. 217). The increased level of violence against women (VAW)¹³⁸ was noted in several reports (Croll 1995, p. 130); however, the government did not make relevant statistics available (Honig and Hershatter 1988, p. 273). Nonetheless, official concern about the level of VAW in general – and DV in particular – grew, and the ACWF became especially active in advocating for women, including publishing reports on DV in its journal to raise awareness (Gilmartin 1990, pp. 204). Citing Chang, Hester argues that “the worrisome trend is that with the social economy developing, the number of cases involving domestic violence has rising year by year” (Chang 1996); In: (Hester 2000, p. 157). She further argues (alongside other scholars) that this might also be due to increasing public debate on, and hence increased awareness, of DV – specifically, “wife-battering”¹³⁹ – as a serious and unacceptable phenomenon (Honig and Hershatter 1988, p. 292; Hester 2000, p. 157).

One central problem at this time was that DV was still perceived as a private matter (Chen 2004, p. 163), and in some cases even a *natural phenomenon*¹⁴⁰ (Chen 2004, p. 163). During the 1980s, women therefore remained reluctant to involve authorities when their legal rights were violated and when they were habitually physically threatened (Gilmartin 1990). As such, DV aspects, such as wife-battering, were rarely reported or prosecuted (Honig and Hershatter 1988, p. 273).

¹³⁷ Gilmartin argues that bridal prices were reintroduced and rose significantly due to the beginning of the one-child policy. Moreover, this general trend of scarcity of females led to increased control over women’s bodies – and hence, also violence toward them (Gilmartin 1990, pp. 217).

¹³⁸ VWA is consciously used here, since the studies this is based on, describe the situation of violence against women in general and do not focus exclusively on DV. This reflects that at this time DV as a concept was still rarely used in China.

¹³⁹ Until the mid-1990s, DV as concept was seldom used. Aspects of the phenomenon were described, for instance the occurrence of “wife-beating” or “wife-battering.” And as mentioned in the introduction, many policy elites were convinced that their existed no DV in their jurisdiction, but wife battering on the other hand was a well-known and often occurring phenomenon cf. Wang 2004c.

¹⁴⁰ Common sayings in this regard were *If you don’t beat your wife, she will get on the roof and within three days break down the house*, and *The wife I marry is like the horse I buy: They are mine to ride and mine to beat* (Chen 2004, p. 163)

Despite these rather negative developments, there were some clear improvements in formal institutions that supported better legal protection against DV. For instance, in November 1980 the PRC signed and ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Human Rights in China (HRIC) 2006), and was one of the 65 original members to sign the treaty. Moreover, the Marriage Law was revised to include more legitimate reasons for divorce; this was accompanied by the publication of articles on women's marriage rights, which discussed violent marital conflicts, to raise awareness of the illegality of violent behavior (Gilmartin 1990, p.205). Both the international treaty and the national law served as important discursive opportunities, as discussed previously.

In sum, after the founding of the PRC the institutional arrangement regulating DV was rather conducive for legal improvements for better protection against DV. However, this fairly supportive environment became quite restrictive with the conservative turn in 1953 and during the turbulent years. During the "reform and open" era (beginning in 1978) there was increasing willingness to tackle DV, especially against the backdrop of its rising numbers. However, only during the 1990s did this increasingly conducive arrangement become quite supportive for legal improvements.

4.3.2. The 1990s: the DV situation and development of legal protection against DV

Increasing awareness of DV continued throughout the 1990s, both officially and publicly (Anti-Domestic Violence Network of China Law Society (ADVNS) (Zhongguo faxuehui fandui jiating baoli wangluo) 2010a, p. 46). For instance, in 1991 a woman lawyer working for the ACWF in Beijing published an article entitled "White Paper on Domestic Violence"¹⁴¹ (Pi 1991). This article is often regarded by Chinese feminist scholars as the first declaration against DV in China's indigenous discourse (Zhang 2009a, p. 70; Milwertz 2002, p. 125). But public awareness also increased, as illustrated by several studies conducted during the 1990s. In 1990, the ACWF and the State Statistical Bureau conducted a survey of Chinese women, collecting 40 000 questionnaire responses across 23 provinces, municipalities, and autonomous regions. The study revealed that 29% of women suffered in varying degrees from DV (Wang 2004c, p. 179). A survey conducted in Beijing in 1994, which received 2400

¹⁴¹ *Jiating baoli – baishupi* 家庭暴力-白书皮. The article documented the harrowing stories of several women who had experienced material violence, and demanded institutional change (Zhang 2009a, p. 70).

valid questionnaire responses, similarly found that 21,5 % of women experiencing DV in varying degrees¹⁴² (Wang 2004c, p. 179). However, experts argue that there exists a rather huge estimated number of unreported cases. The latter study revealed that, when asked about DV, local residents and officials would immediately answer that there were no such cases; but when asked whether men beat their wives, they would answer “of course” (Wang 2004c, p. 179). The underlying problem here was a still existent lack of recognition of the terminology ‘DV’ and what DV actually contained. Consequently, accurate estimations of the prevalence of DV were difficult to obtain¹⁴³.

DV was certainly an issue in China before the FWCW, but it raised only a few eyebrows among women’s rights activists (Zhang 2009a, p. 70). However, the topic gained political and cultural prominence throughout the conference (Zhang 2009a, p. 70). In the run-up to the FWCW, women’s activists began using the term “DV”. Through the increased usage of the DV terminology and its public discussion, the phenomenon was increasingly turned from a private to a public matter. Previously, the term “violence” had been associated with the public sphere, whereas the term *nüedai*¹⁴⁴ was used to refer to violence within the family (Keech-Marx 2008, pp. 189). The FWCW and the run-up to it created a forum and an audience in which VAW – whether DV, sexual harassment, or rape – could increasingly be made public (Hester 2000, p. 151; Evans 2007). During the conference, the term VAW was added to the Chinese state’s policy discourse (Zhang 2009a, p. 71), and DV was a core topic during the conference. This had a great promotional effect for the development of Chinese anti-DV activism and reports on DV by the mass media (Anti-Domestic Violence Network of China Law Society (ADVN) (Zhongguo faxuehui fandui jiating baoli wangluo) 2010a, p. 46). Prompted by these developments, the Chinese government issued “Plans and Guidelines for the Development of Chinese Women” (1995–2000),¹⁴⁵ the first state-issued policy exclusively designed to promote women’s development (Zhang 2009a, p. 71). During the

¹⁴² Experts argue that, although awareness of DV was rising, it remained low; hence, any DV studies during this period must be treated with caution.

¹⁴³ In 1995 the first shelter for victims of DV was opened in Hebei province by Zhang Xianfei. Unfortunately, the shelter had to close after it helped 400 women due to continuing public pressure and threats by husbands against it (Wang 2013). The establishment of shelters for DV victims was a difficult endeavor and accompanied by repeated setbacks. For a detailed discussion of the development of shelter for DV victims in the PRC please cf. Wang 2013.

¹⁴⁴ 虐待, to maltreat, tyrannize, or abuse.

¹⁴⁵ *Zhongguo funü fazhan gangyao*, 中国妇女发展纲要.

FWCW participants signed the “Beijing Platform of Action,”¹⁴⁶ which committed its signatories to officially recognizing and combatting DV (Anti-Domestic Violence Network of China Law Society (ADVN) (Zhongguo faxuehui fandui jiating baoli wangluo) 2010a, p. 45) and served as an important discursive opportunity. In 1996, the Changsha municipality of Hunan Province also passed its “Decisions on How to Prevent and Stop DV,”¹⁴⁷ the first policy paper issued by the subnational Chinese government to address the problem (Lü 2011, p. 6).

In sum, the 1990s were characterized by a continuation of development tendencies that began in the late 1980s. More and more institutions, organizations, and individuals in China were committed to the elimination of DV, in which bottom-up SOs played a vital role (Lü 2011, p. 1). Awareness of DV continued to rise, and anti-DV actors were equipped with not only more space and resources before, during, and after the FWCW but also powerful discursive opportunities in formal institutions.

4.3.3. The new millennium: the DV situation and development of legal protection against it

Despite this sharp increase in awareness of DV and initiatives undertaken by officials and the public, DV was still often perceived as a private matter.¹⁴⁸ A common popular saying remained that *not even good officials can settle family quarrels*¹⁴⁹ – a concept that partially prevailed throughout the early years of the new millennium among the wider public (Wang 2004a, p. 3). This indicates that DV remained an issue and protection against it was not necessary achieve, despite existing legal improvements. Furthermore, a considerable portion of the judicial personal and policy cadres still understood DV as a private matter that should not be solve by public institutions (Wang 2004a, p. 3). A survey of judicial personnel in Beijing showed that 90% of respondents were highly aware of the principle of gender equality, but 20% were convinced that the principle should only impact on the Women’s Law of 1992 (Wang 2004a, p. 3). This indicates that, although awareness of gender equality was high, there was reluctance to implement legal procedures that supported its large-scale implementation.¹⁵⁰

¹⁴⁶ *Beijing xingdong gangling*, 北京行动纲领.

¹⁴⁷ *Guanyu yufang he zhizhi jiating baoli de ruogan guiding*, 关于预防和制止家庭暴力若干规定.

¹⁴⁸ *Jiating baoli shi geren de shishi*, 家庭暴力是个人私事.

¹⁴⁹ *Qingguan nanduan jiaowushi*, 清官难断家务事.

¹⁵⁰ The same study showed that awareness and knowledge of DV was far higher among female than male judicial personnel (Wang 2004a, p. 3), but there were considerably more male than female staff.

Whereas the new millennium brought a downward trend for the realization of gender equality in general, there were unprecedented developments regarding legal protection against DV, as well as a sharp increase in anti-DV activism. Reports on cases that were remarkable (due to their cruelty or difficulty) can improve public awareness of DV (Anti-Domestic Violence Network of China Law Society (ADVN) (Zhongguo faxuehui fandui jiating baoli wangluo) 2010a, p. 80), and the second decade of the new millennium witnessed several such landmark cases. For instance, Dong Shanshan, a 26-year-old woman based in Beijing who married her husband at the beginning of 2009, died on October 19, 2009 as a result of severe injuries inflicted on her by her spouse¹⁵¹ (Beijing Second Intermediary People's Court (Beijingshi dier zhongji renmin fayuan) 7/22/2010; Wu Xiaojie 2010). The case was broadly discussed in Chinese media and on bottom-up SO's platforms due to its brutality and the extreme brevity of the marriage. Another landmark case was that of Kim Lee, a US citizen married to the Chinese celebrity Li Yang. In autumn 2011, she disclosed her violent abuse on her Weibo account¹⁵² and filed in Chinese court for divorce, which was ultimately granted in 2013 on grounds of DV¹⁵³ (de Silva de Alwis, Rangita and Klugman 2015, p. 24; Kim Lee 2014; Tatlow 2011). Both of these cases were discussed in traditional and new media; it seemed that DV had become a hot topic, with some experts arguing the topic not only entered the public discourse but also became a subject of popular culture (Dong 2014). Anti-DV activism also changed at around this time; new forms (such as the aforementioned performance art advocacy) entered anti-DV actors' tactical repertoires, pushing the boundaries of legitimate forms of Chinese social activism (Guo 2012; Wei 2014; Yu 2012).

¹⁵¹ In the course of her ten-month marriage, she allegedly called the police eight times to report the violence she was experiencing. Often, she was sent home. In those cases, the police argued, it was a family quarrel and not their responsibility. In April 2009 she fled to her parents' and filed for divorce. Unfortunately, over the next few months her husband repeatedly abducted her. She was able to escape him for the last time in August 2009, by which time she was severely bruised and suffered from retroperitoneal hemorrhage. As a consequence, she died on October 19, 2009. Her husband was sentenced to six and a half years in prison. Her parents, supported by the Center, tried to appeal this verdict, arguing that it was not simply a case of assault and battery (which could be sentenced with up to seven years) but attempted murder. The appeal was only granted after the Center mobilized considerable social and media support. Unfortunately, the parents and the Center's lawyer dropped the appeal after receiving repeated threats and blackmail from party-state representatives (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, Wu Xiaojie 2010).

¹⁵² Weibo is best characterized as the Chinese version of Twitter.

¹⁵³ Li Yang is famous for his "Crazy English" language training centers all over China. Kim Lee also applied for custody of their three daughters. The Beijing intermediary court granted the divorce, gave Kim full custody of their daughters, and in the summer of 2013 decided that Li Yang had to pay alimony for their daughters. Kim Lee's divorce case, and particularly her public disclosure of DV, transformed her into a beacon of hope for Beijing anti-DV activism.

By July 2009, DV shelters had been set up, backed by relief stations, in nearly 60 cities in China. By 2010, 2,903 legal aid workstations had been established, backed by women's organizations across the country, providing free legal advice to over 830,000 women¹⁵⁴ (Anti-Domestic Violence Network / Beijing FanBao & Beijing Zhongze Women's Legal Consulting Services Center & China Women's University 2014, p. 2).

As well as these developments in public debate and social activism focusing on gender issues, the institutional arrangement governing the legal protection against DV improved remarkably in the first two decades of the new millennium, culminating in the passing of the first specific national DV law in March 2016. Table 4.1 shows a chronology of institutional protection against DV from 2000 to 2016.

Most notable among these developments is that throughout the first two decades of the millennium bottom-up SOs were actively advocating for better legal protection against DV; for instance, by submitting draft proposals for a specific DV law in 2003 and 2006. The ACWF joined in with the bottom-up SOs' advocacy after 2006, openly announced that it was also now advocating such a law¹⁵⁵. Interestingly, the local level was often much more proactive in improving legal protections against DV, issuing regulations on better implementing existing

¹⁵⁴ However, shelters were often not perceived a good solution. Some victims still understood DV as a private matter and refused to turn to shelters for help, because thereby their "private" problem would become "public" (interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011). Moreover, some shelters informed the husband and alleged perpetrator of the whereabouts of their wives, making the concept of a shelter ad absurdum (interview # 18, Peking, 02.11.2011).

¹⁵⁵ Local-level branches of the ACWF were institutional members of the ADVN, and thereby officially joined the network in its advocacy for a better legal protection against DV. This is an unprecedented development in China and represents a huge success of the ADVN in its advocacy; they convinced local-level ACWF branches to not only join their efforts but also become institutional members. The ADVN was thus also able to use the local networks of the ACWF branches for advocacy in their particular localities. According to data from the ADVN, in September 2012, it had 121 individual and 78 institutional members. Of its institutional member organizations, 60% were local ACWF branches, three of which were located in Heilongjiang province, 15 in Hebei province, and 2 each in Hunan, Henan, Hainan, Liaoning, and Inner Mongolia. Peking ACWF branches seemed reluctant to join; only one local ACWF branch became an official institutional member of the ADVN in 2012 (data from the ADVN, protocol observation period # 1, Peking, 19.09.2011 – 13.01.2012). An ADVN informant argued that Peking ACWF branches were under closer scrutiny by the Chinese party-state, and that due to their geographic proximity to the central government, their activities could be understood as approved by policy elites. They would therefore often refrain from activities that could be regarded as too progressive (interview # 16, Peking 09.08.2012).

laws and passing resolutions of their own to regulate how to deal with DV in their jurisdiction¹⁵⁶.

In sum, the developments during the first two decades of the new millennium remained ambivalent. On the one hand, public and official awareness of DV increased enormously and anti-DV activists adopted innovative tactics, pushing the limits between acceptable and prohibited social activism further and further. Moreover, the formal institutional arrangement governing a better legal protection against DV was continuously improved. However, it took until 2016 for a specific national law to be passed; until then, provisions were incomplete and scattered across many different laws (Anti-Domestic Violence Network of China Law Society (ADV N) (Zhongguo faxuehui fandui jiating baoli wangluo) 2010b, p. 45). Against this background, calls for a specific DV law grew louder among not only social but also policy actors (Lü 2011, p. 16; Creasey et al. December 2013).

¹⁵⁶ An informant from the ADVN argued that this more progressive attempt to implement a better protection against DV was possible, because the local level was geographically remote from the central party-state, and hence they would be under less scrutiny (interview # 5, Peking, 22.09.2011, interview # 16, Peking 09.08.2012).

Table 4.1: Chronology of institutional protection against DV, 2000–2016

Date	Title	Description	Source
2000	The National Plan of Action for Women and Children ¹⁵⁷ (2001–2010)	Includes curbing VAW as one of its priorities	(UNFPA China, United Nations Population Fund China 2010, p. 9)
03.2000	Resolution on “How to Prevent and Stop DV” ¹⁵⁸ passed by the People’s Congress Standing Committee of Hunan Province	First anti-DV regulation to be enacted by a local administration in China	(Lü 2011, p. 6)
04.2001	Amendments to the Marriage Law	Offers a definition of DV for the first time in a national law; recognizes DV as legitimate grounds for divorce; helps to ensure legal accountability of perpetrators; prescribes remedies for victims	(Palmer 2007, p. 683; Lü 2011, p. 7)
12.2001	Interpretation for Issues Regarding the Marriage Law of the PRC, Part I ¹⁵⁹	China’s Supreme Court further spells out the definition of DV, offering legal guidance to the country’s court system at all levels in DV cases	(Lü 2011, p. 7)
03.2003	ADV ¹⁶⁰ submits the first draft proposal of a Law of the PRC on the	Important step in advocacy for better	(ADV 2010a, p. 46)

¹⁵⁷ *Funü ertong guojia xingzheng jihua*, 妇女儿童国家新政计划.

¹⁵⁸ *Guanyu yufang he zhizhi jiating baoli de jueyi*, 关于预防和制止家庭暴力的决议. This Resolution is based on the aforementioned “Decisions on How to Prevent and Stop DV.”

¹⁵⁹ *Ghuanyu shiyong ,Zhonghua renmin gongheguo hunyinfā’ ruogan wenti dejieshi* (I), 关于适用<中华人民共和国婚姻法>若干问题的解释(-). Unfortunately, “family member” is not defined more precisely; it is therefore often assumed to exclude gay people.

	Prevention and Punishment of Domestic Violence	legal protection against DV	
08.2005	Amendments to the Women's Law	Includes stipulations prohibiting DV and requires the government to take action to prevent and stop DV	(Lü 2011, p. 7)
2006	ADV N resubmits revised version of the draft law to the National People's Congress	Important step in the advocacy for better legal protection against DV. ACWF announces that it would support such a law	(Xia and Lin 2011; Chen et al. 2005)
12.2006	Amendment of The Law on the Protection of Minors ¹⁶¹	Includes a specific provision to protect minors from DV	(Lü 2011, p. 7)
03.2008	"Trial Guide for Cases that involve DV and Marriage" ¹⁶² published by the China Institute of Applied Jurisprudence	Attempting to adopt a protective order system in DV cases and set up pilot courts; announcement of nine ground-level courts to pilot it	(UNFPA China, United Nations Population Fund China 2010, p. 9; Lü 2011, p. 3)
07.2008	Expansion of the pilot to 27 courts		(Lü 2011, p. 3)

¹⁶⁰ The Anti-Domestic Violence Network of the China Law Society (ADV N) was established in 2000 and announced its closure on May 18, 2014 (Dong 2015; ADV N 2010a, p. 46). For an in-depth discussion of the organization's closure, please cf. Dong 2015. After many years of efforts, raising awareness of DV among public and policy elites is one of the Network's most noted achievements.

¹⁶¹ *Weicheng nianren baohufa*, 未成年人保护法.

¹⁶² *Sheji jiating baoli hunyin anjian shenli zhinan*, 涉及家庭暴力婚姻案件审理指南.

	<p>“Some Opinions Regarding the Issue of How to Prevent and Inhibit DV”¹⁶³ jointly published by ACWF, Publicity Department of the CPC Central Committee, Supreme People’s Procuratorate, Ministry of Public Security, MoCA, Ministry of Justice, and Ministry of Health</p>	<p>China’s first national anti-DV policy paper; provides a more specific definition of DV; prescribes the responsibilities of each participating institutions</p>	<p>(Lü 2011, p. 8)</p>
08.2008	<p>First national restraining order¹⁶⁴ issued by Chong’an District People’s court in Wuxi city, Jiangsu; by 10.2010, over 100 orders had been issued nationwide</p> <p>Human Rights Action Plan¹⁶⁵ (2009–2010)</p>	<p>Nationwide improvement of legal protection against DV</p> <p>Includes curbing VAW as one of its priorities</p>	<p>(Lü 2011, p. 3)</p> <p>(UNFPA China, United Nations Population Fund China 2010, p. 9)</p>
09.2008	<p>20 provinces, municipalities, and autonomous regions implement legal</p>	<p>Nationwide improvement of legal protection against DV</p>	<p>(Lü 2011, p. 7)</p>

¹⁶³ *Guanyu yufang he zhizhi jiating baoli de ruogan yijian*, 关于预防和制止家庭暴力的若干意见.

¹⁶⁴ *Renshen baohuling*, 人身保护令.

¹⁶⁵ *Guojia renquan xing dong jihua*, 国家人权行动计划.

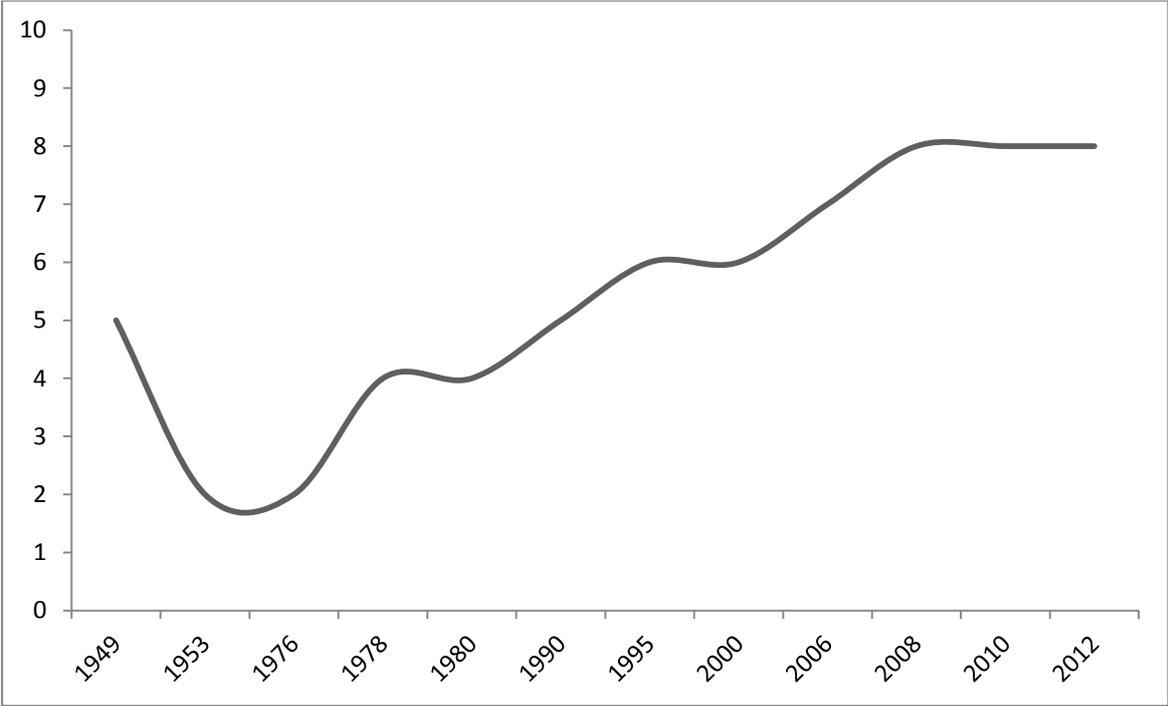
	mechanisms to prevent and inhibit DV		
12.2008	28 provinces, municipalities, and autonomous regions in China pass enforcement plans for the Law on Protection for Women, all of which include specific sections on DV	Nationwide improvement of legal protection against DV	(Creasey et al. December 2013, p. 39; Lü 2011, p. 8)
04.2013	Announcement by the National People's Congress that the anti-DV legislation will be part of a review of important laws in 2013	Important development toward a specific DV law	(The National People's Congress of the People's Republic of China 4/27/2013)
03.2016	Specific DV law ¹⁶⁶ takes effect	First specific national law on DV in China	(The National People's Congress of the People's Republic of China 2016)

¹⁶⁶ *Zhonghua renmin gongheguo fan jiating baoli fa*, 中华人民共和国反家庭暴力法, the law can be accessed at The National People's Congress of the People's Republic of China 2016.

4.3.4. Conduciveness and restrictiveness of the institutional arrangement for improvements of legal protection against DV

Figure 4.3 illustrates these developments in legal protection against DV. It illuminates the institutional arrangement, oscillating from most restrictive (0) to most conducive (10).

Figure 4.3: Conduciveness and restrictiveness of the institutional arrangements for improvements of the legal protection against DV



The founding of the PRC in 1949 instigated a rather conducive time for legal improvements against DV. However, this period was short; it ended with a conservative turn against gender politics in general in 1953 (at the latest). Until the end of the turbulent years (1976) and the beginning of the reform era (1978), the context remained quite restrictive for any legal improvements against DV. In the reform spirit of the 1980s, there was an increasing willingness to consider DV as a severe social problem, but it remained on a backseat. Only during the 1990s did the climate distinctively change for legal improvements against DV. Before the FWCW in 1995, DV raised few eyebrows. But in the run-up, during, and after the FWCW, the conference provided a platform, concepts, and resources that set impulses for future improvements. The first two decades of the new millennium were a positive continuation of these developments, culminating in the first specific national DV law.

Regarding legal improvements for better legal protection against DV, this section has shown that, besides the turbulent years (1953–1976), the development tendencies were increasingly conducive. Considering all three development tendencies – institutional arrangements for bottom-up social organizing, for improvements regarding gender equality, and for regulating DV – together will enhance understanding of the general environment in which the Center started its operations in 1995.

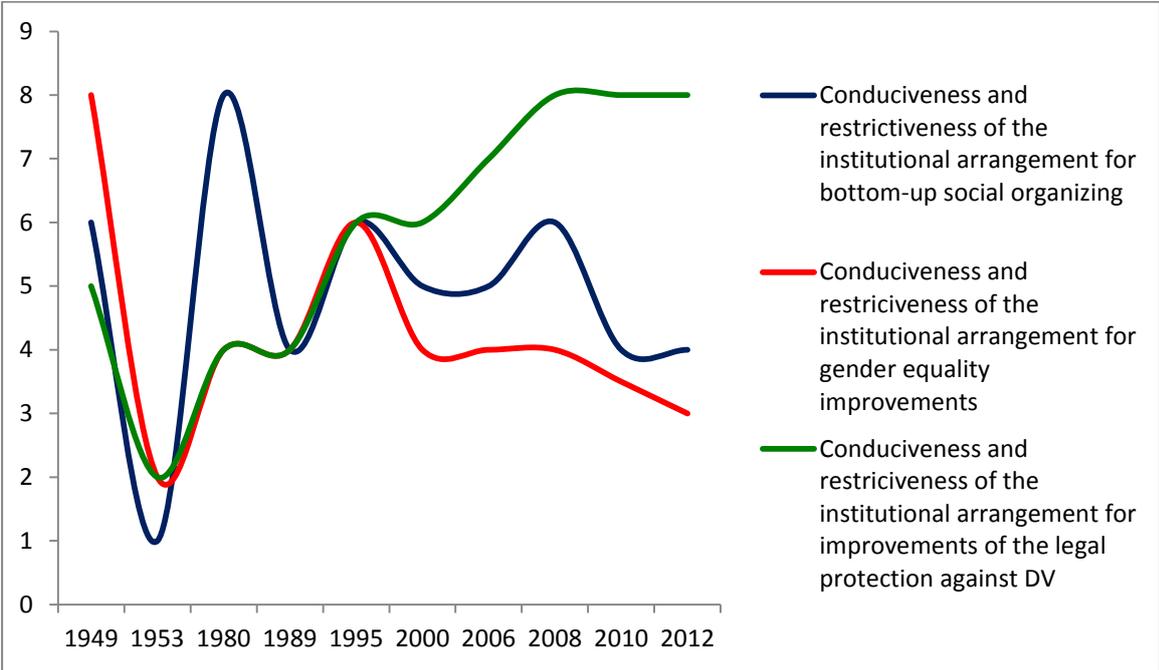
This chapter also returns to the well-known agent–structure problem. As discussed in section 2.2.2., the Center’s contextual political and gender arrangements were institutional and impacted on the Center’s agency. However, the Center was able to navigate within this context in a way that eventually altered the established institutional arrangements. One finding of this chapter is that improvements in legal protection against DV were motivated not by one single factor but by a bundle of factors; for example, increased awareness of DV among public and policy elites, and both bottom-up SOs and party-state actors committing to advocacy for better legal protection against DV. The Center’s advocacy seems to have been one aspect in this wider bundle of factors. Its precise efforts will be discussed in more detail in Chapter 6.

4.4. A double-adverse institutional context for the Center’s advocacy for better legal protection against DV?

Figure 4.4 visualizes the development tendencies of all three contextual institutional arrangements together, enhancing the accessibility of this chapter’s analyses. For all three institutional configurations, we find that, between 1953 and Mao’s death (1976) and during the onset of the “reform and open” era (1978), the contextual institutional arrangements were quite restrictive – for bottom-up social organizing, for improvements regarding gender equality, and for improving legal protection against DV. Here, the developments were quite congruent. With the reform era, though, this situation changed. The context for bottom-up social organizing peaked, while the institutional environment for improving gender equality and DV remained congruent; the latter two contextual institutional arrangements improved, but not as significantly as for bottom-up social organizing. All three developments had their most congruent peak in the mid-1990s around the FWCW. This is interesting, since it was the founding year of the Center, and the beginning of our actual analysis of the Center’s advocacy.

After 1995, all three institutional configurations followed different development tendencies. The contextual institutional arrangement for legal improvements against DV became increasingly conducive, while both the institutional context for bottom-up social organizing and gender-equality improvements became increasingly restrictive. The instructional context for bottom-up social organizing relaxed again around the time of the Wenchuan earthquake (2008), but reverted back to restrictiveness soon afterwards.

Figure 4.4: Conduciveness and restrictiveness of the institutional arrangements for bottom-up social organizing, gender equality and legal protection against DV improvements



We can interpret several interesting findings from this analysis. First of all, we find that the institutional configurations regarding improvements for gender equality and DV drifted apart after 1995. This is unexpected, since legal protections against DV are essentially an aspect of a more gender-equal society. This finding can be understood as a warning; the categorization of institutional arrangements according to thematic areas can mask important development trends, and hence potentially mislead our evaluations of a situation. It will be interesting to see whether or not the Center registered these development differences between both institutional arrangements in its advocacy.

Moreover, if the most restrictive development tendency is a yardstick for the Center’s room to maneuver, we find that the mid-1990s was the most conducive time period. Thereafter,

the context became increasingly restrictive. We have to carefully assess whether this is reflected in the development of the Center (depicted in chapters 5 and 6).

But we also find that the increasing conduciveness for legal improvements against DV, which manifested in new laws and regulations, provided important discursive opportunities for the Center's advocacy. It will be interesting to see whether the Center's members were able to use these authoritative texts as discursive opportunities to further its objectives – despite the increasing restrictiveness of the context for bottom-up social organizing and gender equality.

I have mentioned several times that it will be interesting to see whether the Center's members experienced these changes in the contextual institutional arrangement. As discussed in Chapter 2, the opportunity structure is neither objective nor set in stone. Scholars such as Einwohner (2003) have shown that a participant's positive evaluation of opportunities can even supersede structural barriers for activism. We must therefore now turn to the Center itself and analyze the three dimensions of the opportunity structure (the political, regulating bottom-up social organizing, the international, contributing to the governance of both gender specific arrangements and bottom-up social organizing, and the gender dimension, consisting of arrangements regulating gender relations and DV) through the "eyes of the organization." In the introduction to this chapter, I raised the question of whether these contextual institutional arrangements intersected, supported, or disabled one another. It has become increasingly evident that we also need to address these questions from the perspective of the organization. There are multiple options for intersections between the different dimensions. However, it is the intersections from the perspective of the organization which are crucial for our understanding of the Center and its advocacy. This leads us directly to Chapters 5 and 6. In the next Chapter (5), I finally turn to the Center itself to analyze the opportunity structure for the SO from its perspective. It will be interesting to see where the developments analyzed in this chapter and those depicted in Chapter 5 differ, and for what reasons.

But before we turn to the Center and its perspective on the opportunity structure, I want to relate the findings to Chapter 7, the conclusion. The increasing restrictiveness for bottom-up social organizing and gender activism during the Xi Jinping era did not occur overnight. Rather, the findings of this chapter already indicate that these developments have emerged

since the new millennium, and especially after the short improvement around the Wenchuan earthquake. However, we also need to be cautious not to overstretch these findings. Furthermore, this chapter has shown that categorizing specific thematic areas (such as bottom-up social organizing or gender equality) into institutional configurations can mask other meaningful developments. This implies that the experience of each SO might be unique, and that we need to always take the subjective perspective of the organization into account.

5. The Center and its development within a subjective opportunity structure

This chapter has two main goals. First of all, it introduces the Center for Women’s Law and Legal Services of Peking University (“the Center”) and its main features (section 5.1.). Second, it discusses how the Center’s members perceived the institutional arrangements regulating bottom-up social organizing, gender relations and domestic violence (DV), and how this impacted on its development and advocacy for better legal protection against DV (5.2.–5.4.). Thereby, the aforementioned subjective component, i.e. the Center’s perception of the institutional arrangements regulating bottom-up social organizing, gender relations in general and DV in particular, forming an opportunity structure, is included. In the discussion on the subjective opportunity structure, I will illustrate the developmental milestones of the Center between 1995 and 2012. In section 5.5. I will sum up all findings from this chapter and show that the arrangements regulating bottom-up social organizing dominated those regulating gender relations and DV. Moreover, I will contextualize these findings in relation to those from the analysis of Chapter 4 to discuss the advantages of an analytical approach that combines the development of the relevant institutional arrangements, as well as the subjective perception of these arrangements separately. And finally, I will reflect on how the findings of chapters 4 and 5 relate to the supposedly ambiguous gender order in the People’s Republic of China (PRC).

5.1. Overview of the Center: A legal advocacy organization protecting women’s rights and enhancing gender equality

The Center was established in December 1995. Initially affiliated to the Law School of Peking University, its official name was “Center for Women’s Law Studies and Legal Aid Services of Peking University”¹⁶⁷ (Founder of the Center, Peking 2012). Following its establishment, the organization underwent rapid development. Although its evolution has often been described as rather positive (Center for Women’s Law Studies and Legal Aid Services of Peking University 2000), it was often at the brink of closing (Li 2006), and Chinese authorities eventually forced it to shut down in February 2016 (Cao 2016b; Tatlow 2016). The director of the Center described its development in 2006 as “struggling uphill with a heavily loaded cart against a strong wind” (Li 2006, p. 28). Following this metaphor, the Center’s forced

¹⁶⁷ *Beijing daxue faxueyuan funü falü yanjiu yu fuwu zhongxin* (北京大学法学院 妇女法律研究与服务中心). After the revocation of its affiliation with the Law Faculty of Peking University, it was known as “Beijing Zhongze Women’s Legal Counseling Service Center” (*Beijing zhongze funü falü zixun fuwu zhongxin*, 北京众泽妇女法律咨询服务中心). In the following, its name is abbreviated to “the Center.”

shutdown symbolized the cart eventually rolling back down the hill. The Center was founded as the first non-state organization specializing in the provision of legal aid for women in China (The Qianqian Law Firm 2017), and became an important social player for the protection of women's rights and enhancement of gender equality in Peking and nationwide.

A preliminary analysis of the Center showed that its evolution until 2012¹⁶⁸ can be divided into three discernable development phases. The *startup phase* (1995–2000) was characterized by the setup and basic orientation of the organization. This phase lasted until the beginning of the new millennium, when, due to its positive development trend, the Center met with bottlenecks for its organizational evolution. Its second development phase was characterized *stabilization and expansion* (2000–2010), during which time the Center's leadership started to professionalize its activities to stabilize, expand, and overcome internal difficulties. The third development phase (since 2010) started with an external shock for the organization, when the Law Faculty of Peking University revoked its affiliation and the Center lost its legal position. This initiated a phase of increasing *deterioration and reorientation*. The details of this development will be discussed below, as well as in Chapter 6.

The organization clearly identified as a women's and law organization; however, it changed its identity into a *gender and law organization* (Li 2013, p. 90), as I will discuss in more detail in Chapter 6. Accordingly, the organization's main slogan was: "Writing public welfare (life) with love, using the law to build gender equality"¹⁶⁹ (Li 2009, p. 88).

The organization's main objectives were closely interwoven with its envisioned identity as a legal rights and gender advocacy organization. The Center's members aimed to establish gender equality through legal rights advocacy work (Li 2009). It provided legal counseling and (pro bono) legal aid; after 2000, it did so only for public interest cases. With the beginning of the Center's professionalization, all its cases were representative of legal

¹⁶⁸ As discussed in Chapter 3, 2012 was selected as endpoint of the analysis for two reasons, practical and political in nature. In November 2012, Xi Jinping was elected as General Secretary of the CCP, leading to his election as President of the PRC in March 2013. His election marked the official starting point of the Xi Jinping era, in which he gained leadership unprecedented after the Mao era. The timeframe was also based on the limitation of the grant for the necessary field research and the inevitable shortage of resources available for a Ph.D. project, which allowed for no further field research after 2012. Since 2012 the situation for bottom-up social organizing as well as for gender and feminist activism has further deteriorated. This deterioration will be discussed in more detail in section 7.3.

¹⁶⁹ *Yong aixin shuxie gongyi rensheng, yi falü goujian liangxing pingdeng*, 用爱心书写公益人生，以法律构建两性平等.

deficits in the protection of women's rights and interests, especially in four main fields: marriage and family, labor rights, personal rights, and land rights¹⁷⁰ (interview # 5, Peking, 22.09.2011, interview # 7, Peking, 20.09.2011). The Center's work went beyond the mere provision of legal aid; it also conducted legal research projects, especially in areas it identified as representative of deficits in the protection of women's rights and the implementation of gender equality. The Center's members published the organization's research, composed legal recommendations on the basis of its work, and submitted them to relevant (legal) departments. It also conducted workshops, seminars, and conferences with and for relevant policy elites, scientists, and social actors respectively. Through this work, the Center's members intended to raise awareness of women's rights and interests, as well as gender equality and the problems associated with it, and to build up a broad base of sociopolitical support for legal improvements. As such, the Center functioned as an agent of social policy changes.

The services offered by the Center were not limited to Peking; they were available in 25 provinces, autonomous regions, and municipalities¹⁷¹ (Center for Women's Law Studies and Legal Aid Services of Peking University 2000).

In the course of its development, the Center differentiated into three organizational entities: the Center as an administrative and advocacy unit, the Women's Watch China¹⁷² (WW project) project (a specific gender advocacy unit), and the Qianqian Law Firm¹⁷³ (a professional law firm). The WW project was founded in 2005, subordinated under the Center, and located in the Center's office space. It engaged in media observation and conducted analysis regarding Chinese and international gender politics, as well as undertaking research

¹⁷⁰ The Chinese names for these categories (in the order they were listed) are: *hunyin jiating*, 婚姻家庭; *laodong*, 劳动; *renshen*, 人身; *nongcun tudi*, 农村土地. After the founding of the Qianqian Law Firm in 2009, the focus broadened beyond gender equality to include the protection of the rights of e.g. the elderly or disabled, as I will discuss in more detail in section 5.3.

¹⁷¹ Representatives of the Center never clarified why they were not active in all administrative units of the PRC. It stands to reason that the Center, which intended to offer its services nationwide, was not able to reach this goal due to limiting external factors, e.g. the authoritarian context. This will become more evident in the conclusion of this chapter.

¹⁷² The official title of the Women's Watch Project was Women Watch – China (*Funü guancha – zhongguo*, 妇女观察-中国).

¹⁷³ After the shutdown of the Center in 2016, the Qianqian Law Firm remained in operation (Cao 2016b). The official Chinese name of the law firm is Qianqian Law Firm (*qianqian lüshi shiwusuo*, 千千律师事务所). Its official webpage can be found at: <http://www.woman-legalaid.org.cn> (accessed 30.01.2018). Initially, the web address related to the Center's webpage.

projects and delivering training workshops relating to various aspects of gender equality (Suda 2011, p. 126) (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). The Qianqian Law Firm, which was founded and independently registered in 2009, provided legal aid (legal counseling and representation), conducted legal research projects, and provided seminars and workshops for various sociopolitical groups. Despite the law firm's independent registration, for all intents and purposes it remained an integral part of the Center (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011). This close relationship was emphasized geographically: first by the law firm's inclusion in the Center's office space, and second, after its relocation away from the university campus, by its location in the office space right next to the Center. All three entities were closely interwoven; together, they were presented as forming the Center.¹⁷⁴ All activities conducted by the three organizational units were coordinated by the administrative unit of the Center, which also centrally organized all administrative tasks, fundraising efforts, and public relation activities.

The size of the organization varied throughout its development. Its human resource (HR) base initially increased, but deteriorated after 2010 (e.g. interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011), as I will discuss in detail in Chapter 6. Throughout its development, the Center was confronted with HR problems, such as high turnover rates and a general shortage of staff. Regarding its financial situation, the Center was a typical third-sector organization, in that it did not earn a profit from providing services (market approach). Rather, the organization was dependent on grants, supporters' donations, and financial compensation from well-off plaintiffs.¹⁷⁵ Since a philanthropic culture was still in its infancy and no system of charitable giving had yet been set up by Chinese authorities¹⁷⁶ (Simon 2013, p. 269), financial support from foreign organizations played a crucial role for the Center (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). However, foreign funding was a double-edged sword for social organizations (SOs); while it provided urgently needed revenues, it possibly attracted the resentment of Chinese authorities, as I will discuss in more detail in section 5.4. and Chapter 6.

¹⁷⁴ The precise setup of the organization will be discussed in Chapter 6.

¹⁷⁵ I will discuss the Center's material resources in detail in Chapter 6.

¹⁷⁶ The drafting of a Charity Law started in 2005. A first draft was delivered to the State Council in 2012 (Simon 2013, p. 269). The law was finally passed on March 16, 2016 under the official title "Charity Law of the People's Republic of China" (*Zhonghua renmin gonghe guo cishan fa*, 中华人民共和国慈善法). A bilingual version (Chinese and English) can be accessed at: <http://chinadevelopmentbrief.cn/wp-content/uploads/2016/01/Charity-Law-Second-Draft-CDB-Translation.pdf> (accessed 30.01.2018).

This short introduction to the Center is only a snapshot of its eventful developments and important contributions to gender equality in China. The following sections will discuss the Center's opportunity structure, through the lens of the organization. The importance of the organizational perspective in relation to its impact on institutional arrangements will be acknowledged in each of the three development phases (startup, stabilization and expansion, deterioration and reorientation). Embedded in the discussion of the Center's subjective opportunity, I illustrate how the organization developed in it include a discussion of actual development within this structure in each section, further illuminating the organization throughout the time under study, and illustrating how the perception aided or disabled the organization's development and advocacy for better legal protection against DV.

5.2. The Center's opportunity structure and development during the startup phase (1995–2001)

As discussed in detail in Chapter 2, I disaggregate the opportunity structure into three dimensions: political (regulating bottom-up social organizing), gender-related (regulating gender relations and DV), and international (contributing to the regulation of both bottom-up social organizing and gender-related aspects). Following this approach, I will first discuss the institutional arrangements regulating bottom-up social organizing (which can be understood as the political dimension of the opportunity structure) before discussing the gender-related aspects (which can be understood as the gender dimension of the opportunity structure). I include the international dimension within these two discussions rather than presenting it separately, because international aspects were closely interwoven with the bottom-up social organizing and gender dimensions, as will become clearer in the following sections. This approach was taken in sections 5.2., 5.3., and 5.4.

5.2.1. The dimension regulating bottom-up social organizing, and the Center's development

In 1995, the Fourth World Conference of Women (FWCW) in Peking and simultaneous nongovernmental organization (NGO) forum in Huairou¹⁷⁷ were cited by one of the Center's founders (later, its director) as the single most important aspect motivating the organization's foundation. Scientists reflecting on the boom of women's organizations in the

¹⁷⁷ Huairou district (怀柔区) was, at that time, a small and sleepy county resort town in the northeastern part of the Beijing municipality (Howell 1997b, p. 235). The decision to move the NGO forum to a location distant from central Beijing and the UN conference was a sudden one (Wesoky 2002), regarded by many as a deliberate attempt to keep NGOs out of the official meeting (Lindblom 2013, p. 481).

1990s agree with this evaluation (Zhang 2009a; Hsing and Lee 2010b; Wesoky 2002; Hsiung et al. 2001).

Guo Jianmei,¹⁷⁸ one of the Center's founders and its director since 1996, participated in the FWCW in her then-role as editor of the journal *Chinese Lawyer*¹⁷⁹ (interview # 1, Peking, 04.01.2012). She said:

The World Conference on Women is absolutely the reason [that I became a public interest lawyer]. I was responsible to report as a journalist to the female lawyer's forum (...) I was very passive at first; but the second day I was there; I found I could not be without it. Though from different races with different skin colors, they assembled themselves into one body full of vigor, enthusiasm and energy! My blood was surging within me. We communicated and shared common points from the depth of our souls; what they discussed was just what was on my mind (...) In this diversified world, I find my home and companions, something common in spirit.

Interview with Guo Jianmei, cited from (Li 2013, p. 87)

the FWCW in 1995, (...) I thought I had found my comrades, I had found people just like me, (...) these people gave me a feeling, really open, really enthusiastic, very energetic, real fiercely and brave. They were neither afraid to face challenges nor did they fear difficulties.¹⁸⁰

Interview # 1, Peking, 04.01.2012

She was far from the only event attendee who wanted to turn her experiences and motivation into action. Professor Yang Dawen,¹⁸¹ her former colleague at the All-China Women's Federation (ACWF), and Professor Ma Yinan,¹⁸² her former fellow student, participated in the conference as well. Enamored with by the event (Li 2013) and motivated

¹⁷⁸ 郭建梅 was born in 1961 to a teachers' family in rural China. In 1979, she went to the Faculty of Law at Peking University to study law. After graduating, she worked for the Ministry of Justice before transferring to the ACWF. I will discuss her biography in more detail in Chapter 6.

¹⁷⁹ *Zhongguo lüshi*, 中国律师.

¹⁸⁰ „95 年世界妇女大会 (...), 我就觉得 (...) 找到了自己的同志, 找到了跟自己一样的人 (...) 这些人给我的一个感觉就是说, 非常的 open, 非常的热情, 非常的充满活力, 还有充满斗争性, 他们很勇敢。他们也不怕面临挑战, 也不怕面临困难, (...)“

¹⁸¹ 样大文.

¹⁸² 马忆南.

by their experiences, these three joint together to found the Center (interview # 1, Peking, 04.01.2012).

However, the FWCW provided more than inspiration. In addition to the preparation meetings, the conference led to an increasing inflow of foreign funding for Chinese SOs working on women's rights (Kaufman 2012; Howell 1997b; Zhang 2009a). This additional funding was a decisive factor in the boom of non-state women's organizing (Wesoky 2002). Moreover, the conference facilitated Chinese SOs to forge networks with the international women's movement and foreign SOs, most notably those active on gender and women's issues (Zheng 2010; Zhang 2009b). The conference also enhanced attendees' capabilities and knowledge, such as introducing the DV concept, which was incorporated into SOs' work and tremendously supported the development of the Chinese women's movement. Furthermore, it supported Chinese authorities' increasing tolerance of the development of Chinese women's organizations (Howell 1995, 1997b; Hsiung et al. 2001; Milwertz and Bu 2008; Zheng 2010; Yang 1999b) and social organizing in general.

Another tangible aspect of FWCW attendees' ideas following the conference was their official registration of the Center. As discussed in Chapter 4, the 1990s were marked by a shift of responsibilities from the party-state to social actors, expressed in the official party-state slogan "small government, big society," which set the tone for social organizing. This led to an increasing formation of bottom-up SOs, which also started to provide social services. By and large, the 1990s were characterized by a rather conducive environment for bottom-up social organizing.

Nonetheless, this rather relaxed attitude toward social organizing did not apply to all organizations alike and did not extend to the Center. Shortly after its setup, the Center was confronted with major difficulties when representatives of the Peking municipality argued that provision of legal aid was a government task, not a responsibility of SOs. Ultimately, this led to the first closure of the organization (interview # 1, Peking, 04.01.2012):

[B]ut after six month[s], the Peking municipalities intervened, they simply opposed. The city of Peking has a Politics and Law Committee (...) at that time they were establishing a state-run legal aid center. That was the background. (...) He [the representative of the Peking municipality] said you cannot do this. He said, legal aid is the government's responsibility, it has to be conducted by the government, (...) he

simply said, it has to be provided by the government. Your social organization cannot do this.¹⁸³

Interview # 1, Peking, 04.01.2012

Starting in 1994, the Chinese Ministry of Justice proposed the establishment of legal aid centers in China (Jiang 2006, p. 158; Yang and Guo 2001, p. 573). In 1995, five or six legal aid centers existed nationwide (Choate 2000, p. 13), and 1996 was the year “most significant in terms of laying the legal basis for legal aid in China” (Choate 2000, p. 9). Against this background, Peking authorities prohibited the Center from providing legal aid. As a consequence, the organization had to affiliate with the Faculty of History of Peking University – as a research unit instead of a legal aid center (Li 2013, p. 88) – to obtain legal status at all. The three founders were not satisfied with this registration, which they saw as profoundly limiting their possibilities, including prohibited them from providing legal aid (interview # 1, Peking, 04.01.2012). They turned to their personal networks (*guanxis*) for help, eventually registering with the Faculty of Law of Peking University, which ultimately enabled them to provide legal aid (interview # 1, Peking, 04.01.2012).

This development emphasizes a finding from Chapter 4. I argued there that the categorization of institutional arrangements according to thematic areas can mask important development trends within a particular field, potentially leading to a misevaluation of a situation. The Center had a dual identity as a gender and legal rights advocacy organization. Based on the authorities’ reaction, it seems that the problems it encountered related to its envisioned identity as a legal rights advocacy organization that provided legal aid. The difficulties the Center consequently encountered were unexpected, considering the conduciveness of the institutional framework for bottom-up social organizing in general. This might imply an unspoken hierarchy of politically sensitive issues that bottom-up SOs engage in – a hierarchy in which legal issues seem to be more sensitive than gender issues. The sensitivity of legal rights issues remains apparent in the current Xi Jinping era. As such (and similarly to the findings in Chapter 4), the increasing restrictions on bottom-up social

¹⁸³ “但是做了半年以后，结果北京市就来干预了，就来反对了。北京市有一个政法委 (...) 那个时候，正在组建国家法律援助中心。它有这样一个背景。 (...) 他说不可以。他说，法律援助是政府行为，必须是政府行为， (...) 就是说，必须由政府来做。你们民间不能做 (...)。”

organizing and gender activism during the Xi Jinping era did not appear overnight; rather, it seems they have developed incrementally. I will discuss this in more detail in Chapter 7.

As mentioned, the Center's leadership circumvented these registration difficulties by eventually affiliating with the Faculty of Law as an internal group. Revised regulations for SOs, enacted in 1998 (Simon 2013, p. 135), made it difficult for bottom-up SOs to register (Simon 2013, p. 244), as discussed in Chapter 4. One strategy to circumvent these difficulties was to affiliate the organization with an already registered entity as an internal group,¹⁸⁴ instead of opting for independent registration (Simon 2013, p. 245). Through such a registration, the organization would no longer be considered as a "legal person." According to one of the Center's founders, the three founding members opted for precisely this approach after learning they would not be able to operate as an independent, legal-aid-providing SO (interview # 1, Peking, 04.01.2012). However, according to one founding member, the decision was inspired by a U.S. example rather than by a national precedent. During the FWCW, they had learned about the experiences of a legal center for women at the University of Maryland, which inspired them to affiliate with a Chinese university: "So in fact, I was inspired by a NGO located at an US-American University, it's just like the University of Maryland, (...) later I thought why not set up within a university"¹⁸⁵ (interview # 1, Peking, 04.01.2012).

Another regulation affecting the Center, especially after its affiliation with the Faculty of Law at Peking University, was the Law on Donations and Welfare that the PRC¹⁸⁶ enacted in 1999. This law created a framework for the ways in which donors and donees related to one another (Simon 2013, p. 254). Under this new law, a "mother organization" (the superordinated entity a SO could affiliate with) would keep a certain amount of the internal group's income (Simon 2013, p. 257). Due to its affiliation as an internal group with the Faculty of Law, this regulation applied to the Center. The portion of resources the Faculty of Law kept remains unclear; interviewees were reluctant to convey this information (interview # 11, Peking 7.-9.12.2011), and argued that the Center remained effectively independent in

¹⁸⁴ *Erji zuzhi*, 二级组织.

¹⁸⁵ "所以其实是美国的大学的 NGO 组织启发了我, (...) 就是像马里兰大学 (...) 后来我就想, 我们能不能成立在, 在大学成立."

¹⁸⁶ *Zhonghua renmin gongheguo gongyi sheye juanzheng fa*, 中华人民共和国公益事业捐赠法. The law can be accessed at: http://www.npc.gov.cn/wxzl/gongbao/2000-12/05/content_5004744.htm (accessed 31.01.2018).

HR and financial matters during its time as an internal working group. This evaluation has to be treated carefully, as I will discuss in more detail in Chapter 6. However, this also implies that the Center's opportunity structure might not have been as conducive as one might have initially thought.

5.2.2. The dimension regulating gender relations and DV, and the Center's developments

The analysis in Chapter 4 showed that, for the period under study, the institutional framework regulating gender relations and that regulating DV were not congruent. This strongly indicates that a separate analysis of each arrangement is advisable. Nonetheless, the focus of this chapter is the Center's perception of relevant institutional arrangements, i.e. the subjective opportunity structure. And interestingly, the Center's members did not indicate that these different development trajectories were relevant to the Center and its advocacy for better legal protection against DV. Rather, for them, both arrangements present as one combined arrangement; one that was overall supportive of the organization and its advocacy. Therefore, I will present the findings of both analyses combined for all three development phases of the Center (5.2.2., 5.3.2., 5.4.2.).

As argued in Chapter 4, the 1990s saw rising discrimination against women, originating in measures accompanying the reform-and-open policies. But there was also a rising awareness of gender-specific problems supporting improvements in gender equality. As a consequence, the ACWF started to lobby for better legal protection of women's rights (Bailey 2012, p. 145). This rising awareness also manifested in the enactment of laws protecting women's rights and interests (introduced in Chapter 4), such as the Women's Law of 1992 or the new Labor Law of 1995. Interestingly, two of the Center's founders, one of which became its director, were involved in the drafting of the 1992 Women's Law due to their then-occupations within the ACWF. Through this involvement, they were familiar with legal rights aspects of current gender problems prior to their involvement in the Center. Moreover, their work had enabled them to establish networks with elites from the ACWF and other related influential policy elites, they could later fall back on. Moreover, the institutional context for improvements regarding gender equality in general, and legal protection against DV in particular, was quite conducive – especially before, during, and after the FWCW – as discussed previously.

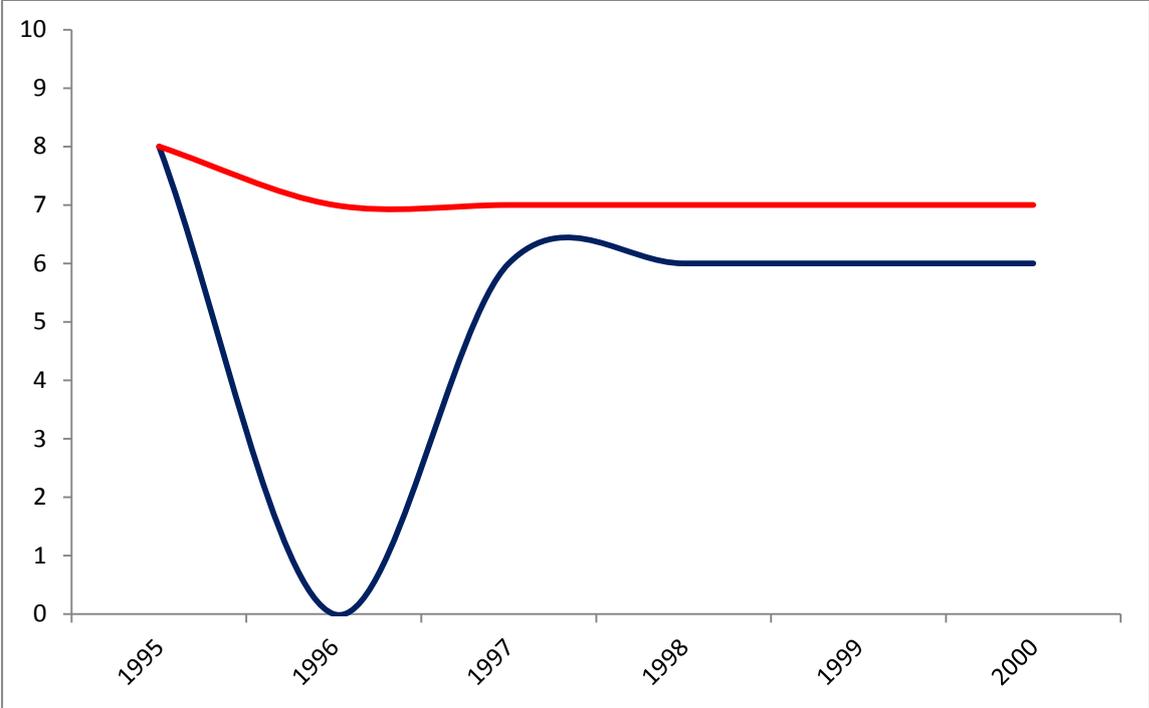
The conference and its prior preparation meetings provided resources, networks, and capabilities, including concepts supporting such improvements, as introduced in Chapter 4. Moreover, it led to an increasing diversification of social actors engaged in gender issues. In the supportive environment surrounding the conference, these actors were able to set up cooperative projects for joint advocacy or research, forging important alliances for advocacy for better legal protection against DV. One of the most prominent of these projects was the Anti-Domestic Violence Network¹⁸⁷ (ADVN), in which the Center was involved.

5.2.3. The Center's subjective opportunity structure between 1995 and 2000

Chapter 4 discussed the institutional framework, differentiating between institutional arrangements regulating bottom-up social organizing and those regulating gender relations and DV. In the 1990s, the overall picture appeared to be rather conducive for all three aspects. Looking at the subjective situation of the Center, we find a differing picture, characterized by conduciveness predominately in two of the aforementioned aspects. Figure 5.1. illustrates the developments in both institutional frameworks – the arrangement regulating bottom-up social organizing (blue line) and that regulating gender relations and DV (red line) – oscillating from most restrictive (0) to most conducive (10) on the y-axis.

¹⁸⁷ The ADVN (*Fandui jiating baoli wangluo*, 反对家庭暴力网络) was founded in 2000 within the framework of the China Law Society, an internal group of the Chinese Academy of Social Science (CASS), for their part an institution of the State Council. Initially, it was launched as the project *Counter Measures and Intervention of Combating DV* and was only later transferred into the Anti Domestic Violence Network (ADVN), a gender advocacy organization. The organization announced its official closure on May 18, 2014. For an in-depth discussion of the organization's closure, please cf. Dong 2015. The FWCW played an accrual role, motivating the formation of networks that contributed to the later founding of the ADVN (interview # 16, Peking 09.08.2012, interview # 17, Peking, 22.08.2012).

Figure 5.1: Conduciveness and restrictiveness of the subjective institutional arrangements regulating bottom-up social organizing (blue line), and gender relations and DV (red line), between 1995 and 2000



This section has shown that the subjective opportunity structure for the Center’s members was tangibly restrictive due to its organizational identity as a legal rights advocacy organization. This shows that the Chinese party-state was wary of legal rights (advocacy) activism as early as the mid-1990s, and even then did not hesitate to prohibit such activities. It also illuminates how the separate dimensions of the opportunity structure intersect, support, or disable one another. The institutional framework regulating bottom-up social organizing (blue line), and that regulating improvements in gender equality and legal protection against DV (red line), were overall rather conducive for the Center’s advocacy. However, the intersection into the legal rights advocacy realm closed the opportunity structure for the Center remarkably, as indicated by the complete temporary closure of the opportunity structure in 1996 (blue line), despite ongoing conduciveness in the gender dimension. As such, conducive elements of the gender dimension could not balance out the restrictions manifesting in the political dimension.

But what does this mean? On the one hand, it implies that limitations originating in the legal rights advocacy nature of activism override other supportive elements of the institutional

framework, at least during the late 1990s. Moreover, the closing of the opportunity structure for social and gender activism during the era of Xi Jinping had already started in the 1990s – certainly in case when it intersected with the legal rights advocacy realm. This is interesting because it enables us to understand the Feminist Five (for instance) as continuing the legacy of gender rights advocacy that originated in the 1990s. I will discuss this in more detail in Chapter 7. And finally, this brings us back to one of the findings of Chapter 4. The categorization of an institutional framework into different dimensions has clear limitations; it can mask important developments within a particular category, thereby preventing the researcher from picking up such developments.

5.3. The Center's opportunity structure and development during its stabilization and expansion phase (2000–2010)

Despite the tangible restrictiveness of the political dimension of the subjective opportunity structure, the Center's members were quite successful in navigating it – so much so that it met bottlenecks in its internal development and needed to expand its activities. The analysis in Chapter 4 showed that the institutional arrangement regulating bottom-up social organizing between 2000 and 2010 was mixed, with a tendency toward restrictiveness. The institutional arrangements regulating DV were quite conducive for legal improvements, but that regulating gender relations turned increasingly restrictive. But what did this imply for the Center? Did it experience these changes in institutional arrangements, and if so, how did it evaluate them?

5.3.1. The dimension regulating bottom-up social organizing, and the Center's development

As discussed in 5.2., during its startup phase the Center was confronted with registration difficulties, originating in the national legal aid system. These problems decreased tremendously after 2003, when the National Legal Aid Regulations¹⁸⁸ were adopted. These outlined the role of legal aid centers, eligibility for legal aid, and application procedures for such support. Moreover, they clearly stated that bottom-up SOs were permitted to provide legal aid to Chinese citizens. Initially, the emerging national legal aid system had complicated the Center's setup, but the developments leading up to the new regulations and the regulations themselves escalated the Center's development. Director Guo was invited to

¹⁸⁸ *Fǎlǜ yuánzhù tiáolì*, 法律援助条例. The original legal text can be found on http://www.gov.cn/gongbao/content/2003/content_62309.htm (accessed 08.02.2018).

participate as an expert advisor in drafting these regulations (Li 2009) due to her role as director of a pioneer organization that provided legal aid. As a consequence, the Center experienced a temporary positive reevaluation from Chinese authorities (interview # 1, Peking, 04.01.2012). The Center remained affiliated with the Law Faculty of Peking University until March 2010, and consequently did not state any direct benefits arising from the new regulation. Nonetheless, the regulation improved the legal situation of bottom-up SOs that provided legal aid in general, and hence was supportive for bottom-up social organizing in this area.

It was not only national actors who gave the Center positive feedback during this period. Starting in 2005, director Guo received increasing national and international recognition for her work with the Center, for which she was nominated for and awarded prizes (Li 2006). Through these nominations and prizes, the spotlight was on not only the director but also the Center and its staff (observation period # 1, Peking, 19.09.2011 – 13.01.2012, observation period # 2, Peking, 02.07.-28.09.2012). For instance, director Guo was nominated for the Nobel Prize in 2005, and received an award during the Forum of Leaders of Global Women NGOs in the same year (Li 2006). She was a recipient of the Person of the Year 2005 Award for Public Interest, granted by the *South Reviews* magazine,¹⁸⁹ and a year later was nominated as Public Welfare and Rights Protector of the Year 2006 by the *China Quality Around the World* magazine¹⁹⁰ (Li 2006). This is only a selection of Guo's nominations and prizes between 2000 and 2010, reflecting the increasing positive national and international reputation of Guo and the Center.

The increasing international attention, in particular, has often been described as a double-edged sword. International organizations provide organizations with more funding (among other resources), as well as additional safeguarding against forced shutdowns by Chinese authorities (Yang and Alpermann 2014). However, party-state actors often viewed international connections suspiciously, leading to special scrutiny of the organization and its members, and in some cases increasing difficulties or even forced shutdowns. The director of the Center argued that party-state actors' suspicion of international support stemmed

¹⁸⁹ *Nanfengchuang*, 南风窗. '2005 weile gonggong liyi niandu renwu'jiang '2005 为了公共利益年度人物'将. The journal can be accessed at: <http://www.nfcmag.com/> (accessed 08.02.2018).

¹⁹⁰ *2006 gongyi weiquan niandu renwu houxuanbang*, 2006 公益维权年度人物候选榜, *zhongguo zhiliang wanlihang*, 中国质量万里行.

from a concern that international actors might use their connections to bottom-up SOs for their own purposes: “They [the government] are afraid that they [the international foundations and relations] exploit me, because they [the government] know I received quite a lot of prizes from abroad, including France, Europe, they have good relations with me”¹⁹¹ (interview # 1, Peking, 04.01.2012).

Nonetheless, the director also argued that these international networks and increased international reputation safeguarded the organization’s existence, since a forced shutdown would lead to an international outcry (interview # 1, Peking, 04.01.2012). This illustrates that international support and connections can be both supportive and disabling for bottom-up social organizing. In the case of the Center, they probably contributed to the political pressures on the organization that escalated later.¹⁹² However, as I will discuss further below, international connections and resources received from international actors were not equally problematic. Rather, the combination of networks with certain international actors that the part-state was critical of (Open Society Foundations, International Republican Institute) with an organizational engagement in issue areas perceived as increasingly sensitive (legal rights advocacy) led to the rising political pressures on the Center.

Despite this ambiguity regarding its increasing positive reputation, the Center’s members were able to use supportive institutional aspects between 2000 and 2010 to its own advantage. Under the leadership of director Guo, the nationwide China Public Interest Lawyer’s Network¹⁹³ was established in 2007. Initially, the network was found as Public Interest Lawyers’ Network for Women’s Rights, but it was renamed in 2009 (Suda 2011, pp. 125). The inauguration took place on March 15, 2009 at the Centennial Lecture Hall at Peking University in the presence of Chinese authorities, such as representatives of the Ministry of Justice’s Department of Legal Aid, the Center for Legal Assistance, the All-China Lawyers’ Association, and the Beijing Lawyers’ Association (Suda 2011, pp.125). The presence of an audience including important party-state actors supported the Center’s

¹⁹¹ “他们就害怕我被他们利用，因为他知道我得了很多奖，是国外的，包括在法国，包括欧盟跟我也挺好。”

¹⁹² Unfortunately, the established international connections were not able to safeguard the organization against the clampdown on legal rights advocacy organizations emerging under Xi Jinping. The Center was effectively forced to shut down in 2016.

¹⁹³ The network’s Chinese name is *Gongyi lüshi wang* (公益律师网). Its official webpage can be found at: <http://www.wrpil.org.cn/IndexZh.aspx> (accessed 30.01.2018).

perception that the organization had stabilized and was highly valued by Chinese authorities (interview # 1, Peking, 04.01.2012). Among other services, the network conducted training workshops and seminars for lawyers, policy elites, judges, police, and government officials nationwide (interview # 1, Peking, 04.01.2012, interview # 5, Peking, 22.09.2011) (Suda 2011, p. 125). Its nationwide mobilization aimed to improve the Chinese legal system and enhance gender awareness, and it continuously gained new lawyers and new contacts with government officials (interview # 1, Peking, 04.01.2012, interview # 5, Peking, 22.09.2011). In 2011, the network consisted of about 300 lawyers in 20 provinces and cities, providing legal aid for thousands of poor and vulnerable people¹⁹⁴ (Suda 2011, 125pp). After its founding, the network was closely affiliated with the Center (particularly its director); since its founding, it was closely affiliated with the Qianqian Law Firm (again, particularly its founder).

The network's funding was predominantly provided by the Open Society Foundations.¹⁹⁵ Its funding increasingly became problematic when the "color revolutions" (e.g. the Orange Revolution in the Ukraine in 2004, and especially the Arab Spring in 2010) started. The Open Society Foundations actively supported the social revolutions in North Africa. As a consequence, the network was increasingly perceived as critical by Chinese authorities; it was seen as potentially supporting the donor's agenda due to the financial revenues it received. To maintain official permission to work the network eventually had to give up major proportions of its funding from donors supporting social revolutions in other parts of the world. This fate later struck the WW project and the Center, too:

So our Public Interest Network is supported by the Open Society [Foundations]. (...) Therefore, the network currently (...) can also not conduct that much activities, they [the Public Interest Network] also don't dare to conduct many activities¹⁹⁶

¹⁹⁴ The network lists individual members on its webpage. However, it is not clear whether this list is comprehensive (i.e. if all members agreed to be publicly listed), and the time of the data gathering is not included. Therefore, the most reliable data are those included in the text, dating back to 2011.

¹⁹⁵ The official webpage of the Open Society Foundations can be found at: <https://www.opensocietyfoundations.org/> (accessed 12.02. 2008).

¹⁹⁶ "所以我们那个公益律师网络那个就是 open society 支持的. (...) 所以现在公益律师网络基本上也...也没有太多的活动, 也不敢举办太多的活动."

The Center's leadership was the main initiator and driver of the network. Hence, both the potentially nationwide mobilization through the network and the financial support by a foundation categorized as critical by Chinese authorities may have contributed to the network's decreasing political standing vis-à-vis the party-state – and with it the Center, as the network's main initiator and driving force.

Nonetheless, the Center continued its rather positive development track until 2010. Its legal services had expanded and led to the foundation of the Qianqian Law Firm in 2009 (interview # 5, Peking, 22.09.2011). Under the leadership of the Center's director, some of the organization's lawyers founded this independently registered law firm, to which all of the Center's legal service work was outsourced (interview # 5, Peking, 22.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011). The law firm specialized, among other issues, in the representation of migrant workers, disabled, and elderly people (interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011). Thereby, the organization broadened its focus beyond gender politics (Suda 2011, p. 126), but the law firm remained an integral part of the Center and was dedicated to its main objectives. It was not registered as a nonprofit-organization but as a regular, profit-earning law firm (Suda 2011). However, most of its clients remained poor, and the services were provided pro bono. Consequently, the major portion of legal aid was provided on a volunteer basis by the law firm's staff.¹⁹⁷

At first glance, this description seems to illustrate a positive development, characterized predominately by stabilization and expansion. Therefore, the Center's members and supporters were utterly surprised when Peking University cancelled its affiliation in March 2010. However, national and international developments, which appear unrelated at first glance, give important insights into the deterioration of the Center's institutional arrangements.

¹⁹⁷ The financial situation of the Center, and with it the WW project and the Qianqian Law Firm, will be analyzed in Chapter 6.

Beginning in 2003, a wave of revolutions (often referred to as “color revolutions”) swept away authoritarian regimes (Yongding 2005) – from the Rose Revolution in Georgia in 2003, to the Orange Revolution in the Ukraine in 2004, and finally the Lemon Revolution in Kirgizstan in 2005. As a consequence, Chinese authorities tightened control, especially on media such as Weibo and bulletin boards, hoping to disable nationwide social mobilization. Additionally, the Chinese government started to heighten its surveillance of SO advocates and bottom-up social organizing (Congressional-Executive Commission on China 10/31/2008). Director Guo marked these revolutions as a detrimental international factor that contributed to the Center’s deteriorating political standing. Off the record, a central member of the Center argued that the combination of these international revolutions, the Center’s legal rights focus, and the funding it received from foreign organizations supporting democratic transitions (such as the Open Society Foundations and the International Republican Institute¹⁹⁸ (IRI) probably led to the deterioration of the Center (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

Director Guo marked the preparations for the Olympic Summer Games 2008 in Peking as another factor contributing to the tightening control over the Center. Observers evaluated the situation similarly, arguing that, in the run-up to the Olympic Summer Games, surveillance and control of bottom-up social organizing increased further (Congressional-Executive Commission on China 10/31/2008). Especially affected were HIV/AIDs organizations, but also advocacy organizations and advocates of bottom-up social organizing (Congressional-Executive Commission on China 10/31/2008). For instance, in 2007, the Peking-based English version of the *China Development Brief* (a nonprofit online publication that reports on Chinese civil society) was ordered to discontinue, and its founder Nick Young was denied reentry into China¹⁹⁹ (Congressional-Executive Commission on China 10/31/2008).

¹⁹⁸ The official webpage of the IRI can be found at: <http://www.iri.org/> (accessed 12.02.2018).

¹⁹⁹ The former English version of the China Development Brief was soon after reinstalled as a bilingual platform with Shawn Shieh as director. The official webpage can be found at: <http://chinadevelopmentbrief.cn/> (accessed 14.02.2018).

But the tightening control over bottom-up social organizing did not stop after the Olympic Summer Games²⁰⁰. Chinese authorities continued in this vein, mostly due to concerns over social stability arising from the continuing democratic transitions in other parts of the world (Congressional-Executive Commission on China 10/10/2011), but also due to the upcoming anniversaries of the founding of the PRC (its 60th anniversary was in 2009) and the CCP (its 90th anniversary was in 2011).²⁰¹ The preparation for both events, as well as the events themselves, were accompanied by tightening control and increasing surveillance of bottom-up SOs (Freedom House 2010). Director Guo described both events as affecting the government's attitude toward the Center (records observation period # 1, Peking, 19.09.2011 – 13.01.2012) Although she did not explicitly state that it was the combination of the Center's legal rights advocacy work with its funding from international organizations that supported bottom-up democratic transition, it stands to reason that this mix led to the deterioration culminating in the Center's disaffiliation from the Law Faculty of Peking University.

This overview of the subjective national and international institutional framework regulating bottom-up social organizing is ambiguous. However, there is already a strong tendency toward increasing restrictiveness, rather than conduciveness, for the Center's work. Informants argued that political pressure on the Center had started to increase as early as the color revolutions in the early years of the new millennium (interview # 1, Peking, 04.01.2012). However, the worsening of working conditions was not quite tangible at this time. Increasing restrictions on the Center's work definitely became tangible during the run-up to the Olympic Summer Games in Peking in 2008 (interview # 1, Peking, 04.01.2012, interview # 5, Peking, 22.09.2011), and continued thereafter due to the aforementioned national anniversaries, as well as the continuing democratic transitions in other authoritarian regimes. Nonetheless, until its disaffiliation with the Faculty of Law of Peking

²⁰⁰ Surprisingly, none of the Center informants mentioned positive effects originating in the Wenchuan earthquake, after which the Chinese government acknowledged the usefulness of (bottom-up) SOs in disaster relief (as discussed in Chapter 4).

For more information on the Sichuan earthquake in May 2008, please cf. Ishikawa and Tsujimoto 2009, 60pp. For a broader discussion of the positive effects of the Sichuan earthquake for the development of a Chinese civil society, please cf. Shieh and Deng 2011b, and Teets 2009.

²⁰¹ These developments did not lead to official regulations regulating bottom-up social organizing. Nonetheless, they were marked as detrimental by the organization for its development, motivating their inclusion in Chapter 5 rather than Chapter 4.

University on March 25, 2010,²⁰² the Center could continue its work rather undisturbed. Indeed, it was even able to expand its activities and establish new projects: the WW project with a nationwide mobilization approach, the independently registered Qianqian Law Firm, and the China Public Interest Lawyer's Network. It was therefore quite successful in navigating the increasing difficulties. This indicates that the Center might have had quite powerful inner-organizational capabilities, a question I will address in Chapter 6. But its ability to navigate these difficulties might also relate to the development of the subjective institutional framework regulating gender relations, and DV in particular, from 2000–2010. The closing of the opportunity structure in the bottom-up social organizing dimension may have been compensated by the provision of more space in the gender dimension.

5.3.2. The dimension regulating gender relations and DV, and the Center's developments

As discussed in Chapter 4, the new millennium witnessed not only continuing gender ambiguities but also a revitalization of traditional Confucian gender roles, such as the *nei-wai* binary. How did the Center's members perceive the institutional framework regulating gender relations and DV between 2000 and 2010? Were the institutional arrangements supportive or disabling for their advocacy for better legal protection against DV?

In 2001, the Marriage Law was revised (The State Council of the PRC 2005, p. 14; Lü 2011, p. 7; Creasey et al. December 2013, pp. 35). The revisions recognized DV as a legitimate reason for divorce,²⁰³ held perpetrators legally accountable, prescribed remedies for victims, and provided a legal definition of DV for the first time in a major Chinese law (Lü 2011, p. 7; Lin Lixia 2009; Congressional-Executive Commission on China 10/10/2011). The Center's members evaluated not only the formal regulative change positive but also the whole process. Similarly to the process leading up to the National Legal Aid Regulations, the Center's director participated in drafting revisions to the Marriage Law as an expert advisor (Li 2009). It is unclear whether she was consulted due to her previous involvement in drafting the 1992 Law on the Rights and Interests of Women as a member of the ACWF, due to her prominent position as director of a legal women's rights organization, due to both, or due to the networks she had established in general. Regardless, her involvement as expert

²⁰² The exact wording of the farewell message, posted on the webpage at the time by director Guo and her team, was archived by Shawn Shieh on his blog regarding NGOs in China. The Blog can be accessed at: <http://ngochina.blogspot.de/2010/04/peking-university-womens-legal-aid.html> (accessed 13.02.2018).

²⁰³ Nonetheless, it was only in 2013 that a divorce was granted on grounds of DV, when US citizen Kim Lee was granted a divorce from her Chinese-national husband (de Silva de Alwis, Rangita and Klugman 2015, p. 24).

advisor reevaluated the Center and its activities and supported its stabilization (interview # 1, Peking, 04.01.2012).

These legal improvements contributed to the rising awareness of gender issues and DV and the continuing diversification of social actors involved. Central here was the aforementioned ADVN, founded in 2000, which consisted of experts (individual as well as organizational) specifically targeting related issues. The Center was an institutional member of the ADVN early on and contributed to its activities and outputs. The ADVN held a decisive role in the advocacy process for better legal protection against DV, mostly because it bundled the efforts of many experts in the field into concentrated activities, conducted diverse advocacy projects, and coordinated its members' advocacy activities. For instance, in 2002 the network participated in the production of the television series *Don't talk to strangers*,²⁰⁴ which was broadcast on China Central Television (CCTV) (The State Council of the PRC 2005; China Development Brief 2014). The series generated strong reactions from the public and turned DV into an increasingly hot topic (China Development Brief 2014). Moreover, in March 2003 the ADVN submitted a draft proposal of a Law on the Prevention and Control of DV to the Proposal Committee of the Tenth National People's Congress (The State Council of the PRC 2005). As members of the network, director Guo and the Center participated in this drafting process as expert advisors (Guo et al. 2003). In the same year, the Center, in cooperation with the ADVN, published the book *Domestic Violence and Legal Assistance* (Guo et al. 2003).

All of these examples illustrate the diverse advocacy process of not only the ADVN but also the Center, and the increasing connections between organizations advocating for better legal protection against DV. They also underline the rising awareness for DV among both the public and policy elites, as discussed in Chapter 4. By and large, these developments emphasize the Center's evaluation of the institutional arrangements as rather supportive for its development and advocacy for better protection against DV. All of this seems to have had positive repercussions for the Center, since it established the gender-specific WW project in 2005 (Li 2006). The aforementioned IRI provided a decisive portion of the seed money for the project, which led to the same problems mentioned above in the following years.

²⁰⁴ “不要和陌生人说话”。 For more information on the TV series please cf. <https://movie.douban.com/subject/2148374/> (accessed 02.03.2016).

However, these problems related to connections between the WW project and foreign donors that supported bottom-up democratic transitions, rather than the gendered nature of the WW project. Although the WW project had its own website (initially in English and Chinese),²⁰⁵ it was not independently registered, but remained an integral part of the Center. It focused on media observation and analysis of Chinese and international gender politics (Suda 2011, p. 126). Moreover, it conducted research projects in the realm of gender politics and legislative matters and compiled reports, a newsletter, and publications, mostly in cooperation with the Center (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). However, when the project was set up, the director and its deputy had not decided on its distinct profile:

I think Guo Laoshi and [the deputy director], I think both of them had not really thought it through what women's rights really are, (...) moreover, because they were not clear, I think it was hard, I think one reason why the former Secretary General [of the WW project; simultaneously deputy director of the Center] left could be related to this [the unclear responsibilities and objectives within the organization], as well.²⁰⁶

Interview # 8, Peking, 27.12.2011

This unclear definition of the project's objectives and responsibilities became a major problem for the Center throughout its further evolution. It led to a "muddling through strategy," which impacted on the staff's commitment to the Center and the quality of its work, as I will discuss in detail in Chapter 6.

The general picture of the Center within its perceived institutional framework regulating gender relations and DV between 2000 and 2012 seems to be quite positive. The

²⁰⁵ The English webpage was no longer accessible sometime between 2013 and 2014, and the Chinese webpage from around 2014. Officially, the project was not continued thereafter, but it is unclear whether it was continued as part of the Center until its forced shutdown in 2016.

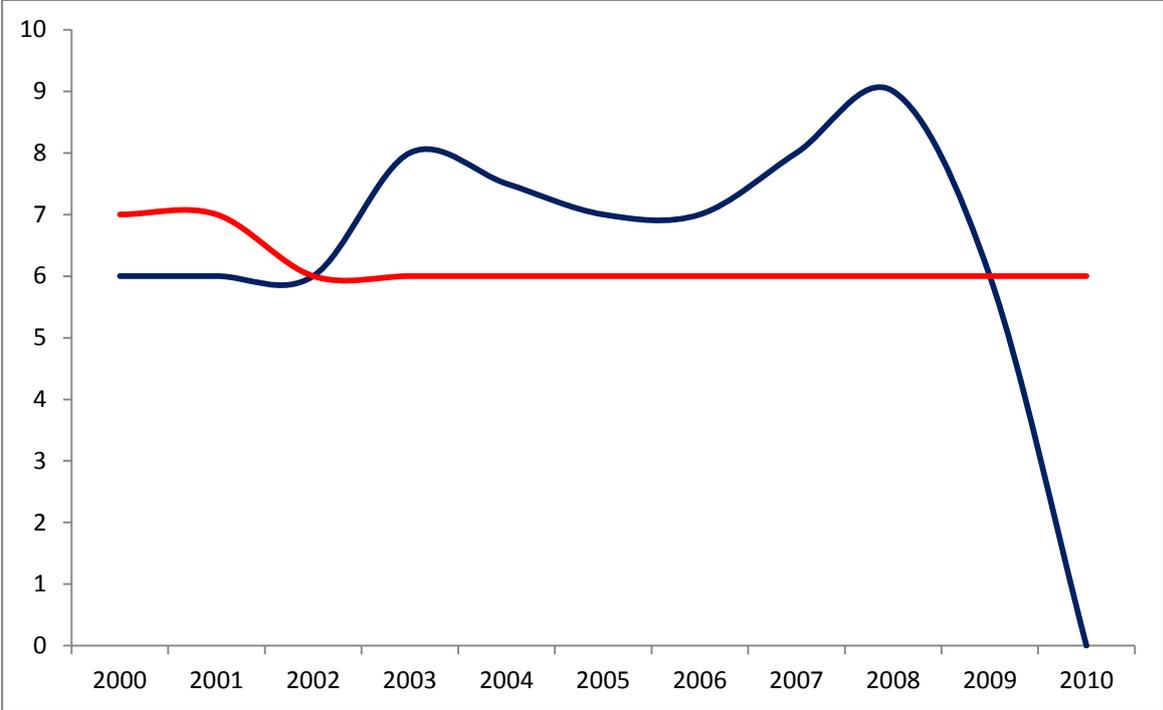
²⁰⁶ "我觉得郭老师和原来那个 XX 他们俩我觉得一个是没有真正的去想这个应该是一个什么样的...啊 ...women's right 应该是一个什么样的东西, (...), 另外一个呢, 我觉得他们因为...反正不是很清楚, 我觉得很难, 就是原来的那个秘书长他我觉得为什么走可能也跟这些也有一定的关系, (...)." The leaving of the deputy director, longtime ally of the director, will be discussed in more detail in Chapter 6.

institutional arrangements improved, and the Center actively contributed to these improvements. In that sense, the gender dimension of the opportunity structure was quite conducive for the Center's development and advocacy. It supported its stabilization as an expert organization advocating for gender issues in general and better legal protection against DV in particular. Moreover, the institutional context was conducive enough that the Center could expand its activities. However, the Center might not have been ready for the expansions it undertook. As indicated by informants, the Center seemed to have lacked a clear organizational strategy that outlined missions and objectives. This might indicate inner-organizational development problems and potentially weak and/or low organizational capabilities. This question will be addressed in more detail in Chapter 6. Nonetheless, the gender dimension of the Center's opportunity structure between 2000 and 2010 was rather supportive for the Center, its development, and its advocacy.

5.3.3. The Center's subjective opportunity structure between 2000 and 2010

The combined institutional framework for the Center's advocacy for better protection against DV was ambiguous. There existed, however, a clear difference in the development trajectories between the dimensions regulating bottom-up social organizing and those regulating gender relations and DV. And interestingly, these developments were not congruent. That said, the difference is not as drastic as that between the arrangements regulating gender relations and DV described in Chapter 4. Figure 5.2. illustrates the developments of both institutional frameworks – the arrangement regulating bottom-up social organizing (blue line), and that regulating gender relations and DV (red line) – oscillating from most restrictive (0) to most conducive (10) on the y-axis.

Figure 5.2: Conduciveness and restrictiveness of the subjective institutional arrangements regulating bottom-up social organizing (blue line), and gender relations and DV (red line), between 2000 and 2010



The framework regulating bottom-up social organizing was ambiguous – though it remained conducive enough, in the Center’s members’ perceptions, to continue their work. While the increasing difficulties emerged with the onset of the color revolutions, they only became tangible for the Center’s members in the run-up to the Olympic Summer Games in Peking, and then persisted until the Center’s disaffiliation with the Law Faculty of Peking University. The gender dimension of the opportunity structure for the Center (i.e. its perception of the institutional framework regulating gender relations and DV) was rather conducive between 2000 and 2010. It might therefore have provided space and support for the Center’s development and advocacy, compensating for increasing difficulties for bottom-up social organizing. Interestingly, the Center and its members were all utterly surprised by the dissolution of its affiliation with the Law Faculty in 2010. Hence, according to them the subjective opportunity structure had narrowed, but they thought it was still conducive enough for their work to continue. This was a clear mismatch of evaluations between the Center’s and party-state actors’ perception of the existing opportunity structure.

Moreover, although the development tendencies of the institutional arrangements discussed in this chapter and Chapter 4 are similar, their actual manifestation shows distinct differences. For instance, whereas the institutional arrangements regulating gender relations discussed in Chapter 4 continuously deteriorated, the Center's members did not identify any gender-specific arrangements as problematic. Rather, informants from the organization outlined positive effects deriving from both the arrangement regulating gender relations and that regulating DV. In contrast, the analysis in Chapter 4 showed positive effects originating predominantly from institutional arrangements regulating DV. Furthermore, the Center's subjective opportunity structure was not marked by temporarily conducive institutional arrangements regulating social organizing around the Wenchuan earthquake, as identified in Chapter 4. Rather, the Center's subjective opportunity structure became restrictive, especially in the run-up to the Olympic Summer Games in Peking – but not to a degree that made it worry about the general future of the organization.

Nonetheless, the Center's members were able to navigate the existing institutional ambiguity quite successfully and could even stabilize and expand its services; only after 2009 did its leeway decrease. There are three possible reasons for the Center's success in navigating the increasingly narrowing opportunity structure. Either the gender dimension of the Center's subjective opportunity structure provided space that balanced a narrowing in the dimension regulating bottom-up social organizing, or the Center commanded inner-organizational capabilities and powerful resources that enabled it to circumvent the increasing difficulties, or a combination of these. This is an interesting question, which links to general conceptual considerations. I will return to this after a detailed analysis of the inner-organizational aspects in Chapter 6.

The discussion of both subjective dimensions of the institutional framework forming the Center's subjective opportunity structure also illustrates something else. Following findings from previous studies, I argued in Chapter 2 that the perception of an opportunity structure as supportive, even if the descriptions of the sector or issue in their entirety appear quite restrictive, can open up space for actors (Shriver and Adams 2013; Kurzman 1996; Eitan Y. et al. 2006; Meyer 2004). This is also true for the inverted case: the perception of an opportunity structure as restrictive can close possibilities to act, even if they might exist (Shriver and Adams 2013; Kurzman 1996; Eitan Y. et al. 2006; Meyer 2004). The discussion in

this section shows that the Center's members recognized the increasing difficulties, especially those arising from the dimension regulating bottom-up social organizing. Nonetheless, it perceived them as manageable rather than a complete closure of the opportunity structure. However, the opportunity structure was actually closing so much that the Center lost its legal status in 2010. The detection of such mismatches between the subjective opportunity structure and the descriptive developments of the institutional arrangement is a strong benefit of an analytical approach analyzing both developments separately.

This is interesting insofar as it raises important conceptual questions: When can social actors' positive evaluation of their opportunity structure open up possibilities, even if the institutional arrangements are not necessary conducive in other relevant actors' perceptions – such as party-state actors in an authoritarian regime in which the rule of law remains weak, opening leeway for officials' arbitrariness? Or is this conceptual particularity not applicable in authoritarian regimes in general? Are inner-organizational aspects, such as networks or tactical orientation, responsible for the positive trajectory of an organization's development despite a closing opportunity structure? At this point of the analysis, it is too soon to conclusively answer these questions, but I will come back to them after a careful assessment of the inner-organizational aspects.

5.4. The Center's deterioration and reorientation since 2010

The Center's last development period started in 2010 and was initiated by the revocation of the organization's affiliation with the Law Faculty of Peking University. Until 2012, the main characteristics of this period were deterioration and subsequent reorientation of the organization. The Center's subjective opportunity structure again consisted of different dimensions: those regulating bottom-up social organizing, and those regulating gender relations and DV. But the development trajectories of these dimensions were not congruent, as the following discussion will show.

5.4.1. The dimension regulating bottom-up social organizing, and the Center's development

Generally speaking, the period of 2010–2012 was characterized by a clampdown on civil society (Simon 2013, p. 236; Institut für Sicherheitsstudien, Europäische Union 10/5/2012). Some China experts argue that this clampdown started as early as 2009, in the post-

Olympics period²⁰⁷ (Cao 2016a). The general mistrust against bottom-up SOs was rooted in many factors. On the international level, the color revolutions, which swept away authoritarian regimes, whipped up negative sentiment among party-state actors (Institut für Sicherheitsstudien, Europäische Union 10/5/2012; Yongding 2005; Congressional-Executive Commission on China 10/31/2008), who assumed that local bottom-up groups in those countries had received foreign funding to further political revolutions and undermine social stability (Institut für Sicherheitsstudien, Europäische Union 10/5/2012). As a consequence, in December 2009 Chinese authorities enacted the *Notice on Issues Concerning the Administration of Foreign Exchange Donated to or by Domestic institutions (SAFE)*²⁰⁸ (Simon 2013, p. 290; Congressional-Executive Commission on China 10/10/2011; Human Rights in China (HRIC) 5/27/2010), as discussed in Chapter 4. Center informants did not refer to the increasing workload this regulation entailed for the administration of their foreign funding. However, the Center received large portions of funding from organizations that supported activists and SOs engaged in the Arab Spring, such as the Open Society Foundations and the IRI (interview # 8, Peking, 27.12.2011). Center staff repeatedly stated that their receipt of such funding was a crucial aspect that contributed to the Center's deterioration (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

On the national level, 2011 marked the 90th anniversary²⁰⁹ of the founding of the CCP, and in 2013 the leadership transition took place. Both seem to have contributed to the tightening control over bottom-up social organizing to ensure social stability (records observation period # 1, Peking, 19.09.2011 – 13.01.2012), which was accompanied by practices often labeled social management²¹⁰ (Institut für Sicherheitsstudien, Europäische Union 10/5/2012). The principle of social management acknowledged the importance of bottom-up SOs in the provision of social services, especially in areas in which the party-state was unable to provide them. Nonetheless, as the term “management” indicates, bottom-up SOs were supposed to

²⁰⁷ In the course of this clampdown, the Open Constitution Initiative Legal Research Center (*Gongming falü yanjiu zhongxin*, 公盟法律研究中心) was also forced to shut down, and the well-known Peking Yirenping Center (*Beijing Yirenping zhongxin*, 北京益仁平中心) was raided (Cao 2016a).

²⁰⁸ *Gujia waihui guanli ju guanyu jingnei jigou juanzeng waihui guanli youguan wenti de tongzhi*, 国家外汇管理局关于境内机构捐赠外汇管理有关问题的通知.

²⁰⁹ For impressions of the celebrations of the 90th anniversary of the founding of the CCP, please cf. Taylor 2011.

²¹⁰ *Shehui guanli*, 社会管理.

provide services under the party-state's leadership – and hence under its control and guidance (Institut für Sicherheitsstudien, Europäische Union 10/5/2012). As such, bottom-up SOs were not supposed to engage in sociopolitical activities without party-state approval and guidance. The Center's advocacy for legal improvements could, however, be understood as precisely such activities (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). According to informants, party-state actors perceived the Center as following its own agenda, outside of their guidance, which potentially increased their skepticism toward the Center and contributed to its further deterioration (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

The situation deteriorated so much that the Office of Social Science of Peking University revoked its affiliation with the Center in March 2010 (interview # 1, Peking, 04.01.2012, Cao 2016a; Suda 2011; Shieh 4/13/2010; Wu 2010). However, as devastating as it was, the revocation seems to have been part of a larger campaign rather than an attack solely on the Center; three other organizations were also disaffiliated: the Public Law Research Center, the Constitution Research Center, and the Finance News Research Center. Peking University's statement was straightforward: "the above [four] agencies from today forward have no affiliation with Peking University, and Peking University takes no managerial responsibility for any of their actions"²¹¹ (Cao 2016a). Director Guo and her team published a statement in response:

The Center has made contributions in the fields of women's rights, legal support, and NGO. At the very least, it makes this much clear: the survival of civil legal support groups in China is crucial and indispensable. The reality of China is that if you want to establish a forward-thinking enterprise, you need a group of brave people who are willing to struggle and dedicate themselves, and you need to give them recognition and encouragement.²¹²

(Beijing Daxue Faxueyuan Funü Falü Yanjiu yu Fuwu Zhongxin 2004)

²¹¹ 上述（四个）机构自公告之日不再挂靠北京大学，对于被撤销机构的一切行为，北京大学不承担管理责任。

²¹² 中心在妇女权益、法律援助和 NGO 三个领域都做出了自己的贡献，她至少给人以这样的启示：民间法律援助机构的生存在中国不仅必要，而且将发挥不可或缺的重要作用；在现实的中国，要开创一项前瞻性的事业，需要一批为之奋斗和奉献的勇士，并给予认可和激励。The full archived statement can be accessed at: <https://archive.is/LZIVo#selection-1148.1-1261.65> (accessed 09.03.2018).

This statement already hints that the Center would not stop its activities. However, the situation required a drastic reorientation of the organization, in an increasingly difficult institutional context for bottom-up SOs' legal rights advocacy. For instance, immediately before and after the revocation there was a remarkable increase of political pressure toward the Center's plaintiffs and lawyers. The Commission for Politics and Law,²¹³ as well as court officials, blackmailed and pressured lawyers and/or plaintiffs to withdraw certain lawsuits (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 7, Peking, 20.09.2011, interview # 12, Peking, 30.11.2012, interview # 13, Peking, 26.12.2011). Interviewees argued that these were cases with a high potential for nationwide social mobilization and therefore classified as sensitive (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 7, Peking, 20.09.2011, interview # 12, Peking, 30.11.2012, interview # 13, Peking, 26.12.2011).

Despite these difficulties, the Center could eventually register as Beijing Zhongze Women's Legal Counseling Center²¹⁴ (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011). However, it was not able to register with the Ministry of Civil Affairs (MoCA), since registration for bottom-up SOs²¹⁵ conducting legal rights advocacy remained rather difficult (Simon 2013, 244pp; Hippel and Pissler 2010). One strategy to avoid the strict regulations was registration as a commercial entity (Simon 2013, p. 245). And the Center did exactly this, registering as a for-profit business with the State Administration for Industry and Commerce (interview # 1, Peking, 04.01.2012) (Cao 2016a). Thereby, the organization was (among other advantages) not entitled to tax benefits. Furthermore, Organizations registered as commercial entities were especially vulnerable because they were not permitted to act as SOs (Simon 2013, p. 245). Such organizations therefore had to perform a balancing act, weighing the advantages of a commercial registration against the accompanying restriction and increased surveillance of their activities. Chinese authorities carefully supervised organizations with business registrations, especially if they had a reason to be suspicious of them or object to their existence (Simon 2013, p. 245). Center informants repeatedly argued that the Center was constantly confronted with such suspicion after

²¹³ 政法委 is the equivalent in Chinese.

²¹⁴ *Beijing zhongze funü falü zixun fuwu zhongxin*, 北京众泽妇女法律咨询服务中心.

²¹⁵ For an in-depth discussion of the registration process of bottom-up SOs between 2010 and 2012, please cf. Simon 2013, 240pp, Hippel and Pissler 2010, pp. 428–479.

registering as a commercial entity (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

The Center's problems, and their associated working groups, were not limited to the newly obtained registration; it appeared that all its activities were viewed suspiciously and no longer welcome (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). In June 2010 – just one year after it was launched – the Public Interest Lawyers Network was shut down. This shutdown was only temporary, and the network resumed its work soon after; nonetheless, the Center's members understood it as a clear warning that some influential party-state actors²¹⁶ viewed legal rights advocacy, especially with national mobilization potential, suspiciously (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, also cf. (Li 2013). Moreover, in 2011 the WW project also faced the threat of being shut down, but managed to survive (interview # 8, Peking, 27.12.2011) (Cao 2016a). One of the main reasons for this threat was its dependency on foreign funding, particularly the large portions received from the Open Society Foundations and IRI. It became obvious that after the Center obtained a new registration its situation was never as good as before, and it is doubtful that the organization ever really stabilized before getting shut down in 2016. Informants repeatedly referred to the institutional context for bottom-up legal rights advocacy as increasingly restrictive after 2010 (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). This also affected the Center internally in many ways – for instance, by contributing to the further deterioration of its HR base and internal cohesion – as I will discuss in detail in Chapter 6.

Some observers argued that the Center's disaffiliation was officially based on its alleged inability to meet the requirements for an affiliated research entity, which postulated that the director and at least five employees must be teachers at Peking University (Wu 2010). But the reasons for the disaffiliation, as well as the continuing problems during the Center's reorientation period, were much more complicated and numerous. The Center's director and other observers argued that the Center's involvement in two high-profile cases, which were later on classified as sensitive, contributed to its deterioration, disaffiliation, and difficulties thereafter (interview # 1, Peking, 04.01.2012) (Cao 2016a; Li 2013).

²¹⁶ Unfortunately, they were not willing to specify more precisely whether these suspicious party-state actors were all located in one specific ministry or in many specific internal party groups.

One case was that of Li Ruirui,²¹⁷ a petitioner from Anhui province who was imprisoned in a so-called “black prison”²¹⁸ in Peking, where she was raped. The director of the Center personally represented her case. Director Guo described the case as crucially important for the improvement of legal protection of Chinese women, since it showed how a weak rule of law and deficiencies in the legal protection of women, formal and informal, intersect and harm women (interview # 1, Peking, 04.01.2012, records observation period # 1, Peking, 19.09.2011 – 13.01.2012). The case was publicly discussed and Guo’s analysis thus made public. The Center and the Qianqian Law Firm (under which the legal representation was conducted) were in the spotlight again – this time for advocating necessary improvements to the Chinese rule of law, rather than better legal protection against DV (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

The other case was that of Deng Yujiao,²¹⁹ who stabbed to death an official who tried to rape her in a karaoke and leisure center in Badong, central China.²²⁰ The Center was involved in publicly advocating for a verdict that recognized that Deng acted in self-defense, again referring to the intersection of a weak rule of law with deficiencies in the legal protection of women’s rights (interview # 1, Peking, 04.01.2012). Informants from the Center argued, off the record, that they had been approached after both lawsuits and asked not to get involved in such sensitive cases in the future²²¹ (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

Another reason for the Center’s disaffiliation and continuing deterioration after 2010 was its association with the aforementioned Open Society Foundations and IRI, and the funding they received from both. The Center and its projects, especially the WW project and the Qianqian Law Firm, were asked to stop their relationship with these organizations (interview

²¹⁷ 李蕊蕊. For more details on Li Ruirui’s rape case, please cf. the report Mudie, Long 8/10/2009, Ming 8/16/2009.

²¹⁸ “Black prisons” refer to impromptu detention centers, in which petitioners are often imprisoned to keep them from complaining in Peking at a higher administrative level after an unsuccessful local-level complaint and/or petition. Chen and Wu (2011) reported such procedures in their well-known *Zhongguo nongcun diaocha*, which was translated into many languages.

²¹⁹ 邓玉娇.

²²⁰ For more details on Deng Yujiao’s case, please cf. Branigan 2009, Sina Xinwen Zhongxin 6/18/2009, Xie 2009.16.06.

²²¹ The problem with this demand is obvious. Even if the Center’s leasership had agreed, there would have been no way to ensure they could meet this requirement. Many cases only became sensitive after they were discussed in public. As such, it is not always possible to anticipate the nationwide outreach and reaction of a particular case.

8, Peking, 27.12.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012). However, this was highly problematic; financial resources were scarce, and rejecting these revenues would have stopped significant proportions of the Center’s activities. I will discuss this in detail in Chapter 6. But shortly after the disaffiliation, the Center was invited to join forces with China’s National Legal Aid Foundation²²² in a legal aid project. This solution replaced the funding they would have to give up (records observation period # 1, Peking, 19.09.2011 – 13.01.2012), and the Center was offered government funding – for the first time ever. Although the promised funding was paltry (due to the severe shortage of revenues for legal services), the Center’s leadership accepted, hoping it would eventually open doors to increased government funding and future stabilization (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, Zhang, Li 2/3/2016).

From 2010–2012, the subjective institutional framework regulating bottom-up social organizing became increasingly restrictive for the Center, remaining harsh even after its reorientation. While the findings of chapters 4 and 5 are congruent here, the specifics are quite interesting. Not all of the Center’s legal rights advocacy was problematic and contributed to its deterioration: The increasing restrictiveness was rooted in its advocacy for better legal rights and the rule of law in general, rather than its advocacy for better legal protection against DV. The cases that put the Center into the spotlight concerned deficiencies in the protection of women’s rights, but the aspect deemed sensitive were the public discussion of party-state actors’ illegal activities, the weak rule of law, and the potential hardship for ordinary citizens. The women’s rights issue did not seem to contribute drastically to the Center’s deterioration, as I will discuss in more detail in the next section. Moreover, its association with international organizations that openly supported bottom-up democratic transition seems to have been a crucial factor that exacerbated official skepticism toward the Center. Director Guo’s increasing international network, represented by several awards and prizes for her work, probably also fed into this skepticism (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). The government funding the Center received can be understood as a concession, likely offered due to its increasing national popularity (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). But if we look at the broader picture, the amount was too little to really stabilize the Center, and

²²² *Guojia falü yuanzhu jijinhui*, 国家法律援助基金会.

further government revenues were not on the table. As such, the government funding was more lip service than an actual improvement. Although it appears that the Center's subjective opportunity structure narrowed remarkably, we need also to analyze the institutional arrangements regulating gender relations and DV. We have seen that, in some cases, the institutional framework regulating gender relations and DV might have provided space that was lost in the dimensions regulating bottom-up social organizing.

5.4.2. The dimension regulating gender relations and DV, and the Center's developments

The institutional framework regulating gender relations remained ambiguous, with a strong tendency toward increasing restrictiveness for improvements concerning gender equality, as discussed in Chapter 4. The institutional framework regulating DV, on the other hand, was characterized by increasing conduciveness for improvements in legal protection against DV. Taken together, both frameworks formed a rather ambiguous context in which the Center operated. For the Center, it meant that the public awareness of gender and DV issues had increased, along with the number of bottom-up social advocates – potential allies – engaged in these topics. Moreover, considerable numbers of young women had grown up with modern ideas and models regarding gender equality (Wang 2017), making it easier to win public support for advocacy on these issues (interview # 1, Peking, 04.01.2012, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). These three aspects supported the Center's gender advocacy.

Nonetheless, legal improvements in the protection against DV remained insufficient to protect victims. DV was prohibited, but neither the concept nor the specific responsibilities of public and private sector organizations in prevention, punishment, and treatment were clarified (Congressional-Executive Commission on China 10/10/2012). In this context, party-state officials, such as delegates to the 12th National People's Congress increasingly joined the calls for national legislation (Congressional-Executive Commission on China 10/10/2012; Creasey et al. December 2013, p. 36). Among these were some female delegates to the 12th National People's Congress, who publicly campaigned for finalizing a national DV law as soon as possible²²³ (Creasey et al. December 2013). This aided the Center's advocacy for better legal protection against DV, for which it was comparatively easy to win the support of party-

²²³ These efforts culminated in the announcement at the National People's Conference (NPC) in April 2013 that specific national DV legislation would be part of a review of important laws in 2013 (Creasey et al. December 2013). The national DV legislation finally took effect in March 2016 (Li Jianhua 2016; Gao 2016; Gao et al. 2016).

state actors (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, records observation period # 2, Peking, 02.07.-28.09.2012).

This increased awareness of DV and related problems was also supported by high-profile or “lighthouse” cases (Creasey et al. December 2013; Congressional-Executive Commission on China 10/10/2012). The Center’s involvement in such cases increased its popular recognition, with the aforementioned positive and negative side effects. Interestingly, although public awareness of DV increased, the number of DV cases the Center’s legal staff (more precisely, the Qianqian Law Firm) handled decreased. DV cases were handled as part of the category marriage and family cases, as I will discuss in detail in Chapter 6. “Last year, in 2010 we conducted a statistical evaluation of all represented cases, marriage and family cases accounted for 12%, in fact the DV cases we represented among the marriage and family cases accounted for 64%, this is a statistical evaluation of the Center”²²⁴ (interview # 5, Peking, 22.09.2011).²²⁵

A reason for this can be located in the Center’s reorientation rather than external difficulties. As discussed, with the founding of the Qianqian Law Firm and the outsourcing of all legal cases to it, the Center’s leadership tried to broaden its work beyond gender issues, which might have contributed to its decrease in DV cases. As I will discuss in Chapter 6, gender-related cases remained dominant in the Center; however, other gender-related topics, such as women and land rights issues, became increasingly prominent in its work.²²⁶

The Center’s members never argued, in an interview or off the record, that the ambiguous institutional framework regulating gender relations and DV had negatively impacted the Center’s development and advocacy between 2010 and 2012. They only referred to the positive aspects, especially the increased awareness and rising numbers of actors involved in the topic, which supported their objectives (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Moreover, the Center’s leadership kept aligning its activities with

²²⁴ “但是去年，2010年，我们做了一个统计，在所有的官司当中，婚姻家庭案件占12%，其实我们代理的家庭暴力案件在整个婚姻家庭的官司当中，比例高达64%，这是我们中心的一个统计。”

²²⁵ These numbers directly contradict those included in the previous table. This could be because the statistics held by the administration were incomplete, as indicated previously. This implies an unconscientious approach of some lawyers in documenting their cases. However, although the numbers might differ, the trend remains the valid.

²²⁶ In Chapter 6, I will illustrate in detail that these changes were predominantly motivated by the availability of funds for other topics beside DV.

nationally and internationally acknowledged institutions, such as the Beijing Platform for Action, and thereby tried to stabilize the deteriorating situation of the organization²²⁷ (Cao 2016a). But despite the Center's members' perspectives, gender rights advocacy seems to have become increasingly sensitive around 2010–2012. Besides the Center, the aforementioned ADVN also lost its affiliation with the Chinese Academy of Social Sciences (CASS) in 2010. The network, as a legal rights advocacy group, was also involved in publicity for the cases of Li and Deng; as such, its deterioration may be due to similar factors as the Center. However, this also raises the question of whether gender rights, and their increasing potential to instigate nationwide social mobilization, were a latent reason motivating the temporary shutdown of both organizations. This interpretation would lead to an evaluation of the backlash against feminist activists during the Xi era as a continuation of developments starting in the early 2000s, rather than a sudden phenomenon after the leadership transition. I will revisit this question again in Chapter 7 in more detail.

How do both frameworks – that regulating bottom-up social organizing, and that regulating gender relations and DV – intersect and form the actual opportunity structure of the Center? Do the conducive elements balance out the restrictive ones? It is to these questions that the next section turns.

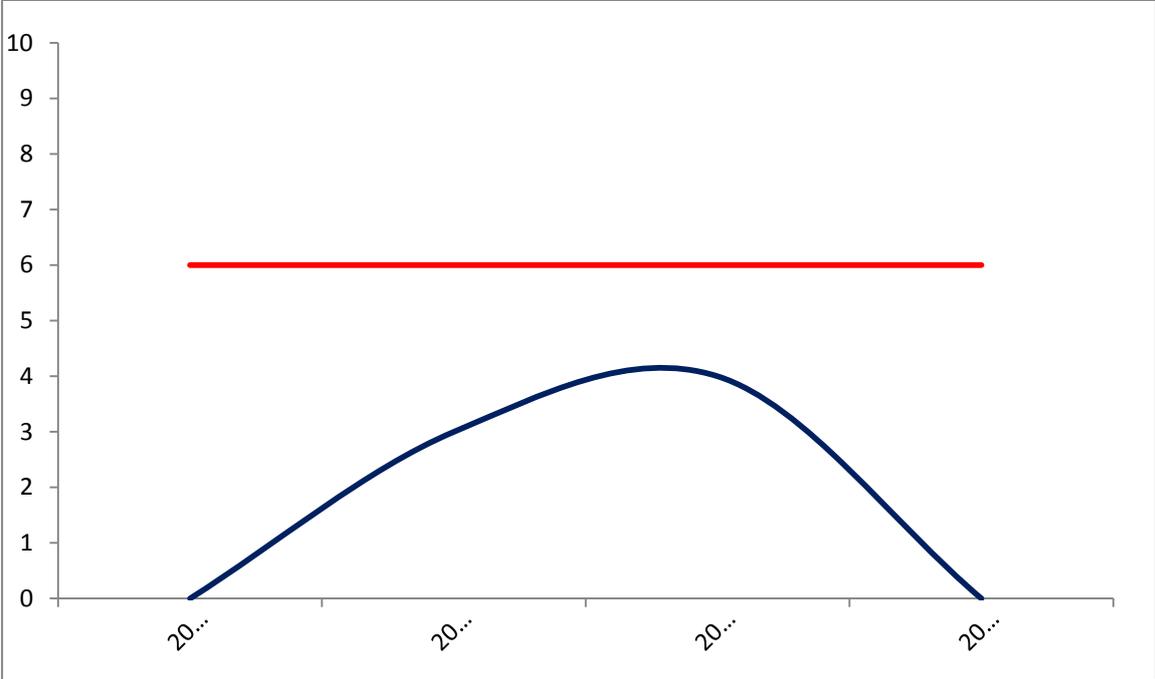
5.4.3. The Center's subjective opportunity structure between 2010 and 2012

Figure 5.3 illustrates the subjective opportunity structure for the Center and its advocacy for better legal protection against DV between 2010 and 2012. It visualizes developments in both institutional frameworks – the arrangement regulating bottom-up social organizing (blue line), and that regulating gender relations and DV (red line) – oscillating from most restrictive (0) to most conducive (10) on the y-axis.²²⁸

²²⁷ Initially, the Center's website specifically illustrated its work in 8 of the 12 areas defined by the Platform for Action. Unfortunately, no archives of the original website exist.

²²⁸ I included 2016 as the temporal endpoint of the developments depicted in figure 5.3. However, the actual nuanced developments between 2012 and 2016 are not the subject of this analysis. Rather, 2016 is included to show the overall development tendency of the institutional arrangements in which the Center was embedded.

Figure 5.3: Conduciveness and restrictiveness of the subjective institutional arrangements regulating bottom-up social organizing (blue line), and gender relations and DV (red line), since 2010



The institutions regulating bottom-up social organizing (blue line) became increasingly restrictive for the Center. However, as discussed, this was not necessarily the case for all forms of bottom-up social organizing; specifically, legal rights advocacy, with its potentially nationwide outreach and funds from foreign organizations supporting bottom-up democratic transition, subjected the organization to increasing restrictions and difficulties. Interestingly, the Center’s members described the institutional arrangements regulating gender relations and DV (red line) as rather stable and supportive. Moreover, as I outlined in Chapter 4, members of the Center did not mention the different development trajectory of gender institutions regulating gender relations and better legal protection against DV. But although the Center’s members described this combined institutional arrangement (regulating gender relations and DV) as rather conducive for their advocating activities, this arrangement could not balance out the closure of the Center’s opportunity space that manifested in increasing restrictiveness in the other area. Therefore, the Center’s subjective opportunity space was rather limited (blue line). This again seems to indicate that, if two institutional arrangements have different development trajectories, the one regulating legal

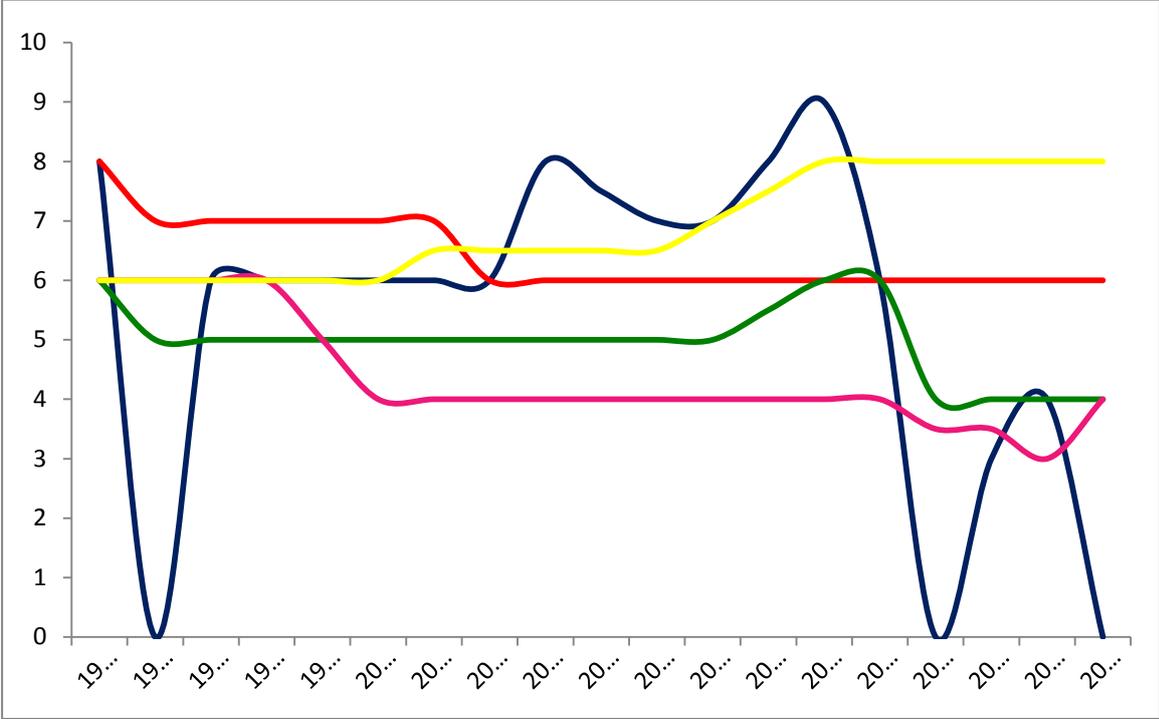
rights advocacy dominates the gender issues. This is quite interesting. Gender and women's rights activism was often described as non-sensitive, which is supported by this finding. However, this evaluation falls short of the reality. Gender and women's rights activism is also engaged in a specific field, such as legal rights advocacy or social service provision. I argue that its combination with engagement in legal rights advocacy, especially with a nationwide outreach, turns even non-sensitive issues into sensitive ones.

5.5. Conclusions: advocacy for better legal protection in an ambiguous institutional context?

This chapter has discussed the development of the subjective opportunity structure, differentiated into the Center's three development phases (startup, stabilization and expansion, and deterioration and reorientation) and alongside two dimensions (bottom-up social organizing, and gender relations and DV). Figure 5.4. illustrates the developments of the institutional arrangement regulating bottom-up social organizing (green line), and that regulating gender relations (purple line) and DV (orange line), as analyzed in Chapter 4. It also illustrates the perceived institutional arrangements regulating bottom-up social organizing (blue line), and that regulating gender relations and DV (red line), forming the subjective opportunity structure. These oscillate from most restrictive (0) to most conducive (10) on the y-axis and reflect the time period of 1995–2012. I included 2016, the year in which the Center was eventually forced to shut down for good, since it vividly illustrates the development tendency of the combined contexts.²²⁹

²²⁹ I did not include any rating for the period between 2012 and 2016, since I was not able to gather primary data during this period. Moreover, the analysis in Chapter 4 does not include ratings for the years 1996–1999, 2001–2005, 2007, 2009, and 2011. I revisited the analysis in Chapter 4 and rated the years according to their tendencies toward conduciveness or restrictiveness.

5.4. Conduciveness and restrictiveness of the institutional arrangements regulating bottom-up social organizing (green line), gender relations (purple line) and DV (yellow line) as well as the subjective opportunity structure in the dimension governing bottom-up social organizing (blue line), gender relations and DV (red line)



Looking at Figure 5.4., we see that the Center’s members did not register any differences in the development trajectories between the arrangements regulating gender relations (purple line) and DV (yellow line), as depicted in Chapter 4. Rather, they described both as aspects of one category, which was quite stable and conducive for their advocacy for better legal protection against DV (red line) between 1995 and 2012. The gender backlash and revitalization of the Confucian gender roles (discussed in Chapter 4) were not noticeable in the Center’s advocacy for better legal protection against DV. This raises interesting analytical considerations, as discussed previously.

The categorization of institutional arrangements into issue areas, as necessary at it is to sort and analyze data, can mask important differences within these categories. Moreover, the evaluation of such developments without the inclusion of the subjective actor’s perception can just be as misleading, as this particular case has shown. There was a deterioration in the combined institutional arrangements regulating bottom-up social organizing, and those regulating gender relations and DV; the Center’s members recognized this, but deemed it

non-influential for their work. Therefore, they were utterly surprised by the shutdown. The development trajectory of the institutional arrangements for the sector in its entirety could have provided the necessary background information to prepare for this development. Moreover, such categorizations can also mask tangible deterioration of organizational situations. The analysis in Chapter 4 showed that the institutional arrangement regulating social organizing was quite conducive between 1995 and 2010. But the analysis of the organizational perception of this arrangement has shown that, for the Center, the arrangement was rather mixed due to its partial identity as a legal rights advocacy organization (blue line). It was only possible to catch this difference through separate analysis of the development of institutional arrangements regulating bottom-up social organizing and the organizational perspective on it, which helps to explain the continuing deterioration of the Center.

Another interesting analytical aspect stems from a combined analysis of chapters 4 and 5. Some scholars argue that the perception of an opportunity structure as supportive, even if it is quite restrictive, can open up space for actors (Shriver and Adams 2013; Kurzman 1996; Eitan Y. et al. 2006; Meyer 2004). Chapters 4 and 5 have shown that the Center's members perceived the opportunity structure – more precisely, its dimension regulating bottom-up social organizing – as quite supportive, although it turned increasingly restrictive. And they were still able to navigate in it and expand their activities, noticeable in the establishment of the independently registered Qianqian Law Firm and the WW-project. Due to their conducive evaluation, the Center's members were utterly surprised when the Law Faculty of Peking University revoked its affiliation. As such, the rather positive evaluation could not prevent the impending closure of the opportunity structure. This suggests that further research is indispensable to assess precisely when such perceptions can open up sufficient possibilities in authoritarian regimes' opportunity structures for bottom-up social organizing. I will discuss this in more length in the conclusions in Chapter 7.

Chapter 5 has also shown that there seems to be a clear hierarchy among the dimensions of the opportunity structure. Increasing restrictiveness of institutional arrangements relating to legal rights advocacy cancelled out possibilities arising from perceived conducive arrangements regulating gender relations and DV.

This also suggests that we need to exercise caution regarding the well-known assumption that women's issues, and social activism relating to women's issues, are not sensitive. Rather, whether or not such activism is sensitive depends on other intersecting categories, such as whether it is related to legal rights advocacy or other aspects. The analysis has shown that women's issues – if they intersect with legal rights advocacy, nationwide mobilization attempts, and/or connections to unwelcome foreign donors – can become quite sensitive, leading to drastic official measures such as forced shutdowns.

And finally, the analysis of chapters 4 and 5 supports the depiction of the Chinese gender order as ambiguous, as proposed by Du et al. (2011) and discussed in chapters 1 and 2. The analysis of chapters 4 and 5 show, however, that the post-1995 ambiguity emerged predominantly from the interplay of formal and informal gender-specific institutions. By and large, after 1995 we find continuing improvements in the legal protection of women's rights and the production of gender equality. The backlash against gender equality and the revitalization of traditional Confucian gender institutions (e.g. during the reform-and-open era and at the beginning of the new millennium) were predominantly enforced by informal institutions; for example, policy elites' interpretations of relevant laws and regulations, the behavior of powerful official actors such as police officers, or former legislation that has not yet been subject to gender-sensitive scrutiny. This is interesting, as it entails a contradiction between theory and practice, suggests a huge implementation gap of existing rules and regulations, and shows an urgent need for awareness-raising campaigns and educational seminars for party-state officials.

Despite the increasing restrictiveness for legal rights advocacy, the Center operated effectively for quite a long time. At this point, it is therefore advisable to assess how inner-organizational aspects supported its navigation of this difficult contextual terrain.

6. The Center and its advocacy for better legal protection against DV

One of the central guiding questions of this project is: How can a bottom-up social organization (SO) effectively advocate for better legal protection against domestic violence (DV) in a context fraught with difficulties as a result of ambiguous political and gender arrangements? This question emphasizes the context as crucial for bottom-up SOs and their advocacy. Chapters 4 and 5 have shown that the Center's members perceived the opportunity structure as quite supportive, although it became increasingly restrictive. The organization could even expand its activities, signifying an effective navigation of this rather difficult contextual terrain. Accordingly, another central research question of this project is: How can a bottom-up SO employ its organizational capabilities to further its cause in this difficult environment?

To answer this question, this chapter focuses on the Center itself. It presents the results of the organizational analysis, which enables an understanding of not only the organization and its activities but also its strength and weaknesses. Understanding the Center's strengths and weaknesses is particularly important to ascertain which inner-organizational aspects supported its long-lasting effective advocacy and survival, despite the difficult context.

The structure of this chapter closely follows the five organizational dimensions discussed in chapters 1 and 2. Special attention is paid to how gender relations manifested in the Center. This is because (as argued in chapters 1 and 2) the ambiguous gender context supposedly affected inner-organizational aspects; the Center's established gender relations and arrangement of gender institutions (i.e. its gender regime) are therefore of particular interest.

6.1. The Center and its environment: organizational identity

Perceptions of the contextual institutional arrangement were discussed in detail in Chapter 5. The question of 'organizational identity' refers to how the Center and its members relate to its environment; how it is positioned within that environment; how it's members perceives its identity; and how organizational members define themselves, as a group, in relation to their external environment (Alvesson 2011, p. 21). As such, an organizational identity expresses the organization's strategic orientation toward its context, and is defined by the organization's participants' commitment to values that are central, enduring, and distinctive (Alvesson 2011, p. 21; Scott 2013, p. 116). Such an identity can provide participants with a

core set of normative elements around which to draft their narratives and sense-making activities (Scott 2013, p. 116).

Guiding questions structuring the analysis of this dimension were as follows: What was the official organizational identity of the Center, and what core normative elements were associated with it? What registration status did the Center obtain, and was it congruent with its organizational identity? How did the organizational members identify, and what normative elements were they following? Did gender play a role in the organizational identity, and if so, how?

6.1.1. The Center's organizational identity

The Center and its members initially identified as a women's and legal rights organization (interview # 1, Peking, 04.01.2012, Li 2013); as such, it had a dual organizational identity from the beginning. In section 5.2.1, I discussed the organization's establishment in 1995 as a bottom-up SO that provided legal aid, and its attempts to achieve a corresponding registration status. However, shortly after its setup party-state officials forced it to shut down its operations, arguing that bottom-up SOs were not permitted to provide legal aid (interview # 1, Peking, 04.01.2012). Only after the Center's members turned to their personal networks was the Center able to gain affiliation (with the Legal Faculty of Peking University), which enabled them to provide legal aid for women. Following its affiliation, the Center's registration corresponded, by and large, with its organizational identity.

In 2002, the Center participated in a three-year training program to improve Chinese women's organizations' leadership (Li 2013, p. 90). This program was financed by the Ford Foundation and run by the Winrock International Institute for Agricultural Development (Winrock).²³⁰ It intended to support the professionalization of women's organizations and ultimately led to a transformation of the Center's organizational identity, tactical approach, and objectives. The Center changed officially from a *women* and law organization to a

²³⁰ Winrock is an international NGO that came to China in 1981 and undertook rural development, environment protection, workshops on sustainable energy, and capability enhancement for NGOs (Li 2013, p. 90). <https://www.winrock.org/> (accessed 06.03.2018). Milwertz and Wang (2013) have analyzed the provided capacity building by Winrock for two other organizations. In their analysis they have outlined quite a few problems which emerged out of the provided capacity building program for the organizations.

gender and law organization, and its slogan became: ‘Writing public welfare (life) with love, using the law to build gender equality’ (Li 2009, p. 88).²³¹

Interestingly, this change of organizational identity, objectives, and tactical approach was not an indigenous organizational development; rather, it was supported and financed by an international foundation (Li 2013, p. 90). The Center needed to professionalize its operations to cope with the increasing workload and organizational problems associated with a growing organization. The program offered such professionalization (records observation period # 1, Peking, 19.09.2011 – 13.01.2012); the changes in organizational identity, objectives, and tactical orientation were side products. Informants hinted that not even the director and her deputy had thoroughly considered the implications of adapting the “gender” concept for the Center’s work and organizational identity (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). As one informant frankly put it:

I think Guo Laoshi and XX [then-deputy director], I think both of them had not really thought it through what women’s rights really are.²³²

Interview # 8, Peking, 27.12.2011

It seems that the adoption of the concept of gender was motivated by its potential to obtain international funding. According to one informant, there was considerable more international funding available for work targeting problems associated with the gender structure than for work relating only to women (interview # 8, Peking, 27.12.2011).

The Center’s reorientation – from an organization providing legal aid for women, to a public interest litigation organization concerning women’s rights and interests – closely aligned it with international feminism (Li 2013, p. 90), which at that time emphasized gender as a tool to analyze power relations and social structures (Li 2013, p. 90). This might also have contributed to the deterioration of the Center’s position in the political context. One major

²³¹ *Yong aixin shuxie gongyi rensheng, yi falü goujian liangxing pingdeng* (用爱心书写公益人生，以法律构建两性平等).

²³² “我觉得郭老师和原来那个 xx 他们俩我觉得一个是没有真正的去想这个应该是一个什么样的....” She referred explicitly here to women’s rights. The context of the interview revealed, however, that she was actually referring to the gender structure in which women’s rights were embedded.

fear of the Chinese party-state, as argued in chapters 4 and 5, was that international organizations might infiltrate Chinese organizations through the provision of funding (interview # 1, Peking, 04.01.2012). They were particularly afraid of Chinese SOs turning into agents of political change. In this context, party-state actors may have perceived the Center's close affiliation with an international movement as an infiltration of international organizations, and hence problematic.

The founding of the independent Women's Watch China (WW) program in 2005, subordinated under the Center, further emphasized the latter's gender identity. Its staff unanimously considered the Center to be a gender and legal rights advocacy organization (interview # 1, Peking, 04.01.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). Although all of the Center's staff dealt with gender, their understanding of the concept and perception of its importance – and therefore their narratives and sense-making relating to it – varied considerably (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

In fact we all [all staff members] are dealing with gender, because our Center's mission is the "protection of women's rights and interests," the promotion of gender equality.²³³

Interview # 5, Peking, 22.09.2011

Not all staff were aware of the precise definition of gender as an analytical category, which was exacerbated by a lack of further educational seminars within the Center (interview # 9, Peking, 08.12.2011, interview # 10, Peking, 07.09.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012), as discussed further below. Although gender had turned into a core category, the Center's members did not agree on the normative elements associated with it. Moreover, while all informants argued that they were committed to gender equality, their behaviors did not necessarily reflect this commitment (records observation period # 1, Peking, 19.09.2011 – 13.01.2012) – a finding that the participant

²³³ “看其实我们都是跟性别打交道，因为我们中心的宗旨就是“维护妇女权益”嘛，促进性别平等。”

observation repeatedly revealed. For instance, all employees had lunch together every day at the conference table. Lunch was prepared by a female housekeeper, and employees took turns to set the table and clean up afterwards. One male lawyer refused to help set the table or clean up, however, arguing that this was a womanly task which he would not do (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). On another occasion, when interviewing a female DV victim, a male lawyer interrupted or corrected her, as well as interpreting her situation on her behalf to me and another journalist at the meeting (interview # 18, Peking, 02.11.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012). While it is necessary, to some degree, for legal experts to interpret clients' statements, the constant occurrence of harsh interruptions and paternalism created a hierarchical power relationship. It also led to a devaluation of the DV victim's perspective. In that particular case, the DV victim simply stopped talking, instead referring all questions to the lawyer toward the end of the interview (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Besides contradicting the value of equal gender treatment, this behavior could also have reinforced the client's personal experience with unequal gender relations – or even constituted re-victimization.

This problem clearly originated in the lack of further educational seminars for the Center's members to improve their gender awareness (Interview # 10, Peking, 07.09.2012). This is despite the fact that, as one member of the organization said, the Anti-Domestic-Violence Network (ADV N) – another well-known, Peking-based gender advocacy organization – had repeatedly told the Center's leadership that its staff could participate in their gender awareness training (interview # 10, Peking, 07.09.2012).²³⁴ According to this informant, the director was supportive of the idea; however, after learning that the ADV N would cover the costs of traveling to the workshop but not accommodation or other expenses, the director declined the offer (interview # 10, Peking, 07.09.2012).

Although not officially included in the Center's organizational identity, two further aspects of its identity were nonetheless crucial. First of all, irrespective of the Center's actual

²³⁴ This informant argued that the ADV N made this offer after meeting several of the Center's lawyers at conferences and experiencing first-hand not only their lack of gender awareness but also clear marks of racism (interview # 10, Peking, 07.09.2012). I can recall at least two incidents during my participant observation in which a lawyer had racially abused a Black volunteer regarding her skin color in Chinese, which the volunteer did not speak; hence, the volunteer nodded along (protocol observation period # 1, Peking, 19.09.2011 – 13.01.2012).

registration, its members unanimously identified as working for a non-governmental organization (NGO) in general, and – especially after 2002 – as an advocacy NGO in particular (interview # 1, Peking, 04.01.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). This was the case for the period in which the Center was affiliated with the Law Faculty of Peking University as an internal group, as well as for the period in which the organization was registered as a business entity.

To the outside we are an enterprise [referring to the period after 2010], inside we have the operational form of a NGO; just look, all cases we handle are public interest cases, not commercial cases.²³⁵

Interview # 5, Peking, 22.09.2011

It was striking that the Center’s staff predominantly used the English term “NGO” instead of a Chinese translation. They also struggled to explain why they understood the Center as an NGO and how they would define key aspects of being such an organization, although all agreed that a central defining feature was an organization’s independence from the party-state. Interestingly, when asked directly, the majority of the Center’s staff described the Center as independent throughout its development and up to 2010 – despite its affiliation with the Law Faculty of Peking University, when it was not an independent organization (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). However, when discussing issues such as the resource base or decision-making structure, the staff indicated that the university interfered in their activities:

They didn’t let us affiliate, they told us, unless you are doing this and this, you only can continue to be here at the Beida [Peking University], their conditions were merciless, for instance your employees, the full-time staff, we had to have five teachers from Beida.²³⁶

Interview # 8, Peking, 27.12.2011

²³⁵ “对外是企业，对内是 NGO 运作形式，你看我们做的都是公益案件，没有做商业的。”

²³⁶ “让我们不能挂靠， (...)告诉我们就是除非你要做什么什么，才可以继续在我们这个北大，那就是条件很苛刻，比如说你的员工，专职工工， (...) 必须有五个是北大的老师。”

This interference can be understood as part of the party-state's strategy to control and manage bottom-up SOs, as discussed in Chapter 4. Similarly to "gender," it seems the label "NGO" functioned as a buzzword around which the Center's members drafted their sense-making activities, without agreeing on commonly shared core elements. The usage of the English label "NGO" further indicates that the Center's members thought of the organization primarily as part of an international movement and only secondarily as part of a national one. As with its affiliation with formations of international feminism²³⁷, this declaration of public solidarity with an international movement, through the use of the label "NGO," might also have contributed to the deterioration of the Center's political position.

The second crucial but unofficial aspect of the Center's identity was its identification as an advocacy organization (Li 2013, p. 95). After 2002 and its subsequent reorientation in particular, the advocating nature of the Center's activities became quite clear. This identity was also emphasized by the founding of the independent Qianqian Law Firm in 2009. I will discuss the details of the Center's advocacy approach in more detail in section 6.5.

The Center's members openly declared it to be an advocacy organization. Moreover, the Center's activities – for instance, drafting and submitting legal recommendations – clearly marked them as legal rights advocates. Advocacy is accompanied by problems in China; Zhang et al. (2011, p. 13) argue that a bottom-up SO that adopts the identity of "advocacy organization" would find themselves in a particularly unfavorable context, as the party-state scrutinizes such organizations much more severely than other SOs. During the new millennium in particular, the Center's official status constantly deteriorated. As argued in Chapter 5, this can be understood as a consequence of its legal rights advocacy, since party-state actors perceived such advocacy to be increasingly sensitive.

In sum, the Center's perception of its organizational identity consisted of four central elements: legal rights advocacy, gender advocacy, business (after 2010), and NGO. Its *actual* organizational identity oscillated between these four poles. Furthermore, different members

²³⁷ There is no such thing as the one international feminism. Rather, there are different facts and manifestations of feminism in the international realm, similar to the different manifestations and facets existent in the Chinese world (Chen 2011). An insightful and critical discussion on international feminism as promoted by, for instance Hillary Clinton was made by Tani Barlow (2000). During the remaining chapter I refer to international feminism as an umbrella term. This simplification is due to the different focus of the project.

of staff perceived the Center's identity differently and did not share a common understanding of these concepts.

6.1.2. Fractures in organizational identification: weakening inner-organizational strength?

The Center was officially presented by its members as a gender and legal right advocacy organization after 2002. This identity was reflected in the Center's output, such as legal recommendations, handled cases, and research projects. According to its own reports, it aimed to install this identity top-down (Li 2009, 2006); however, the reports did not discuss how this would happen, and no specific mechanism was in place.

As evident from the previous section, the Center's organizational identity was not unified. Moreover, a fracture materialized between legal rights advocacy and gender advocacy; this became especially evident after 2010, when the Center lost its affiliation with Peking University. This loss of affiliation led to (among other things) a deterioration of the Center's resource base; thereafter, the leadership struggled to find a strategy to deal with the manifesting difficulties²³⁸. These internal organizational problems probably contributed to the uncertainty and ambiguity regarding the organization's identity.

Members of the ADVN described lawyers from the Qianqian Law Firm as lacking gender awareness even before 2010 (interview # 16, Peking 09.08.2012). My own observations, however, refer to the time after 2010. I found that most of the lawyers at the Qianqian Law Firm identified first and foremost as legal rights experts; gender was merely the issue on which their cases focused (interview # 1, Peking, 04.01.2012, interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011). Male lawyers in particular reinforced traditional gender relations, such as the aforementioned (and repeatedly observed) male paternalism toward female DV victims (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). This might indicate that socialization in China remains anchored in traditional gender roles and is not characterized by equality between the genders (Wang 2017; Hong Fincher 2013).

Employees of the WW project identified first and foremost as members of a gender advocacy organization (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). They participated in gender training and continuously improved their gender awareness

²³⁸ The precise implications for the Center and its advocacy emerging out of the deterioration of the resource base will be discussed in section 6.2.4. and 6.3.1.

interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). Off the record, they harshly criticized the lawyers' lack of gender awareness and refusal to participate in gender training measures (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

Finally, the Center's admin staff (two people) said they would identify the organization as an NGO. However, they refrained from defining "NGO" (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

Effectively, then, the Center was characterized by at least two distinct organizational identities (legal rights advocacy and gender advocacy) rather than one cohesive identity, and its staff members were divided along project lines. Before 2010, this split was on the basis of specific job roles; after 2010, the main division was between the Qianqian Law Firm and the WW project.

Interestingly, throughout its entire development the Center's members refrained from conducting training workshops to communicate central elements of its identity, objectives, and tactics (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Until 2010, the Center's leadership had at least organized field trips, which functioned as team-building exercises (records observation period # 1, Peking, 19.09.2011 – 13.01.2012); after the disaffiliation in 2010, these trips stopped. Furthermore, after 2010 the Center's staff repeatedly reported that they did not feel they worked for one unified organization.

Until 2010, the then-head of the Qianqian Law Firm's litigation center conducted training sessions for newly employed lawyers, instructing them on the main principles of public interest litigation. These training sessions were set up on his own initiative and stopped when he left the Center (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012). As supportive as the sessions were to guide new lawyers into their first workplace experiences, they probably also supported the rupture within the organizational identity. The training aimed to instruct lawyers on legal rights; gender aspects were neglected. This supported lawyers' strong identification as legal rights advocates, first and foremost.

This rupture in the organizational identity had several consequences. Not only did the organizational identity fracture but also the Center's staff established different groups: the lawyers, the WW project staff, and the administrative staff. In itself, this was not a problem.

However, the Center's formal tactical approach was for the organizational units to support each other in their work. Unfortunately (and especially after 2010), these units increasingly drifted apart; employees within the distinct groups criticized and gossiped about employees within the other groups (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Cooperation between the different organizational groups continued but became increasingly fraught; members committed to one particular identity (e.g. legal rights experts or gender experts) seemed to move in different circles and, due to limited resources, their work seldom coalesced. This impacted on who they forged networks and alliances with.

6.1.3. Legal rights advocacy identity against all odds: Remain true to your roots?

Why did the Center's members continue to emphasize its legal rights advocacy, despite the increasingly difficult political context? Why didn't its leadership and members communicate its gender identity as dominant instead? Bottom-up SOs that conducted legal rights advocacy were operating in an increasingly negative institutional context. While the Center's members correctly perceived this dimension of the opportunity structure to be narrowing, its members thought it remained sufficiently conducive for the Center to continue its work. As Chapter 5 showed, the Center's members did not adequately understand the development of the problem – a conclusion supported by the Center's members surprise at losing its affiliation. This suggests that the Center's members were not actively engaged in critically observing the development of the institutional arrangements, even though the context remained authoritarian – and hence unreliable for bottom-up SOs advocating for policy changes. While there were likely several reasons for this, the Center's resource scarcity was certainly one of them (as discussed in section 6.2); it might therefore have been unable to undertake such a time-consuming activity.

Moreover, after its disaffiliation in 2010 and subsequent reorientation the Center struggled with several inner-organizational problems, such as the drastic deterioration of its human resource (HR) base and organizational culture (see section 6.2), as well as a lack of clear organizational strategy for how to deal with these developments.

A few conclusions can be made from this section. The Center obviously lacked a single cohesive organizational identity. Its members often used concepts as buzzwords, around which they designed narratives to fit their own personal agendas. (This will become even clearer in section 6.3 when analyzing the HR base.) This lack of a cohesive organizational

identity likely weakened the Center's inner-organizational strength. Its staff followed different core concepts – and even those who followed the same concepts associated different normative guidelines with those concepts. As such, they likely had quite different interpretations of the organization's objectives and tactical approach. This plurality of perceptions on the organization's core elements hints to potential leadership problems in the design of central understandings of the social actor as an unit. The exerted leadership practices will be discussed in more detail in section 6.2.3.

Yu (2009) argued that identification and participation within Chinese SOs is much higher than in more traditional and official civil organizations, such as the All-China Women's Federation (ACWF). From the analysis of the Center's organizational identity, however, this does not seem to be the case; at least, not after 2010. Although all informants strongly identified with the Center, they used buzzwords from its official organizational identity without necessarily substantiating them, and they did not follow shared normative guidelines associated with the relevant core concepts. Moreover, as I will elaborate in section 6.3, the Center was characterized by high turnover rates, which are not consistent with a high degree of participation.

Finally, Chapter 5 asked how the Center remained rather effective, in the context of deteriorating institutional arrangements, and whether its ability to navigate these difficult terrains stemmed from its inner-organizational strength. The Center's organizational identity did not function as a support to such navigation. Was this fracture in the organizational identity also reflected in the Center's structure and organization? Or was the leadership able to unite the Center's divided members into one coherent and unified structure?

6.2. The Center's structure and organization

This section aims to clarify the following questions: What did the structure and organization of the Center look like? How did the Center's structure impact on its development and outreach potential? How were decisions made within the Center? What material resources were available and how were they deployed? Addressing these questions not only helps to capture the Center's agency but also connects this chapter with chapters 4 and 5. Scrutinizing the Center's structure and opportunity helps to understand how it was able to navigate the closing opportunity structure.

This section assesses whether the Center's structure and associated aspects provided resources that enabled it to effectively navigate the difficult context of the institutional arrangements. It is divided into five sections: the Center's governance and decision-making processes; its management; its leadership; its material resources; and a concluding section that summarizes the findings and reviews the main questions.

6.2.1. Governance and decision-making processes

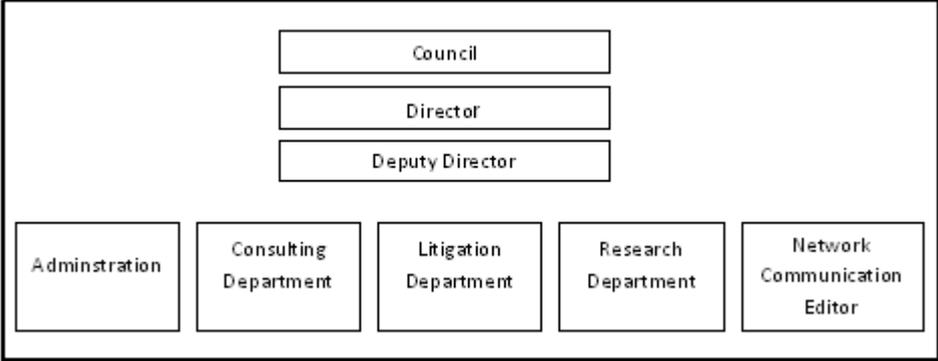
As discussed in Chapter 2, governance can be implemented by structural elements, such as organizational structures and governing organs (Zhang et al. 2011, p. 13). A definite and clear organizational structure was only introduced into the Center after 2002. As discussed in Chapter 6.1., in 2002 the Center's leadership embarked on a three-year-long training program to enhance its organizational capacity and support its professionalization. As a consequence, the organizational structures were modified. According to informants from the Center, the reason for this modification was to better meet international standards and international donors' funding-contingent demands for democratic decision-making structures, leadership accountability to stakeholders, and transparency (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, Li 2006).

Until 2002, the Center was operated without a formalized governance system (Li 2009, 2006); the leaderships approach was largely to muddle through using trial and error. However, during this early period the Center was characterized by a centralized leadership model in which the director(s) held sole decision-making powers (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). This governance system posed distinct obstacles to the Center and its development and made it difficult to win funding (Li 2006). Furthermore, it was receiving increasing numbers of requests for legal aid from women; this led to a sharp increase in workloads, but resources remained unchanged and work responsibilities unclearly distributed.

To rectify this situation, the Center's leadership adjusted the organization's tactical approach after 2002 to focus on representative public interest litigation cases (discussed in more detail in section 6.5) (Li 2009) (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011). This change in tactical approach also required adjustments and formalization of its governance structure (Li 2009). As a consequence, work responsibilities were

differentiated into departments. The model in Figure 6.1 illustrates the governance structure after 2002.

Figure 6.1: The Center’s governance structure²³⁹ after 2002



Note: Figure 6.1 is based on an illustration included in the Center’s webpage in 2011. By then, the Center’s leadership had established the Qianqian Law Firm and the WW project, both of which remained in the model as integral parts of the Center and its governance structure. I elaborate on how this was put into practice on an everyday basis in section 6.2.2.

This model illustrates that the Center’s leadership consisted of three building blocks: the director, the deputy director, and the council. The addition of a council to the Center’s leadership in particular followed international examples (Li 2006). According to this model, the director was responsible for the Center’s operations under the supervision and advice of the council (Li 2006). Interestingly, the Center’s director established a council instead of a governing board; a council is advisory, while a governing board exerts leadership. As such, although the council is included in the Center’s leadership structure, it is not able to exert control over the Center’s director per se; rather, it is supposed to provide expertise in areas in which the organization and its members lack knowledge (Layne 2014). After its establishment, according to a report from the Center, steps were taken to adjust and strengthen the council’s decision-making capabilities (Li 2009). The precise nature and effectiveness of these steps remain unclear. As such, through the establishment of the council as an advisory board, the director’s position essentially remained paramount – not only in day-to-day practice but also in the Center’s formal setup.

²³⁹ Zhili jiegou, 治理结构.

The council consisted of nine members in 2006 and seven in 2011 (Li 2006). An analysis of the composition of the volunteer council shows that it predominantly consisted of women (78% women in 2006; 86% women in 2011)²⁴⁰. The reason for this overrepresentation of women remains unclear; however, it stands to reason that the gender aspect of the Center's objectives might have predominantly been perceived as a women's issue, and hence might have motivated considerably more women than men to serve as council members. This would also indicate that the gender concept, although increasingly established in Chinese society in the early 2000s, had not yet been mainstreamed²⁴¹. Moreover, experts functioning as council members were not at the beginning of their careers but were established experts in their fields. As such, they might have had a traditional understanding of gender relations as focusing on women's problems rather than underlying structural aspects. Interestingly, besides losing two members in 2011, the composition of the council remained stable throughout the Center's development. Moreover, none of the organizational reports discussed either the duration of council membership or selection criteria. Participant observation and interviews indicated that council members served for as long as they were willing and were recruited through the founders' personal networks. The preference for a council instead of a governing board, as well as its composition, corresponds with what I discuss in section 6.4.2.4 as the cooperative networking approach. This approach is designed to deal with China's insecure political and financial situation by incorporating many different party-state actors, groups, and organizations into the organization. The Center's preference for a council instead of a governing board can also be understood as an act of self-assertion of the Center in relation to the Western actors supporting the capability training workshops during the early 2000s. Western NGOs routinely set up governing boards, the Center chose a council, institutionalizing relations with various established actors. After the founding of the Qianqian Law Firm in 2009, the responsibilities of the legal counsel and litigation departments were transferred into the law firm.

²⁴⁰ These numbers are the result of an analysis of various organizational reports, printed as well as web-based.

²⁴¹ Qi et al. (2016) have edited an important volume on gender (in) equality in China. This volume discusses various aspects of the Chinese endeavor for more gender equality and indirectly the status quo of gender mainstreaming.

6.2.1.1. Decision-making structure and its implementation

According to Western research (Ostrower and Stone 2010) governance structures build the framework for, and should be reflected in, the decision-making process. Until 2002, the Center's governance and decision-making structures were centralized and were the responsibility of the director. Although the council was established when the governance structure was formalized after 2002, and despite claims of a democratic and transparent decision-making structure (Li 2009), the director's position remained paramount (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011).

Effectively, there were two main areas of decision-making processes within the Center: *organizational development decisions* (including grant applications and HR decisions) and *content-related decisions* (including the selection of main working areas within the vast field of women's rights and gender equality, the selection of representative cases to be handled by the lawyers, and the identification of important research areas).

Decisions concerning organizational development seemed to remain the director's sole domain; according to informants, the director made all such decisions alone, without any dialog (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). This was the case even for decisions concerning the future development of the Center (for instance, the organization's reorientation after the disaffiliation in 2010), possible leadership transitions (interview # 10, Peking, 07.09.2012), and funding decisions with potentially long-term repercussions. For instance, Chapter 5 discussed the problems the Center faced due to funding from the International Republican Institute (IRI) and Open Society Foundations; the director alone made the decisions to receive, and later to cancel, this particular funding (interview # 8, Peking, 27.12.2011).

Content-related decisions were comprised of two main decisions: the selection of main working areas, and handled cases. The selection of the thematic areas was eventually made by the director alone (interview # 8, Peking, 27.12.2011). However, these decisions were not made in a vacuum; they were heavily influenced by available funding and international foundations' established funding lines, which remained the Center's main source of income (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011, records observation

period # 1, Peking, 19.09.2011 – 13.01.2012). For instance, the Center’s increasing focus on women’s land-right cases was reportedly due to ample international funding for work in this area (interview # 8, Peking, 27.12.2011). Clear guidelines for the decision-making process regarding the selection of cases were established after 2002, which I will discuss in more detail in section 6.4.

In general we provide limitless legal counseling (...) but if legal counseling cannot solve the problem, and I need direct legal help, then we need to take time and consider the provision of this kind of help. The consideration is based on several factors. One aspect is whether this case is representative, if it has research value, if it can help improve the judiciary; we need to think about these aspects in depth.²⁴²

Interview # 4, Peking, 27.12.2011

These selection criteria were not set in stone; they were relative and depended on each lawyer’s interpretation and presentation. The lawyers pre-selected cases and presented them to a panel consisting of the director, deputy director, and all employed lawyers. On the basis of the lawyer’s recommendation, the panel decided whether or not the cases should be represented (interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011):

The lawyer which had been engaged with the case, he can write why this case is representative, if we should handle the case and an analysis and comments. For this analysis I can look at the data material regarding the case, I [as a member of the panel] then can talk to the lawyer [presenting the case] (...) [I can ask] why do you think this case is valuable. After this we provide him with help, after this he can write

²⁴² “(...)咨询一般来说我们没限制，但是如果说，(...)，不是说咨询能解决的，我现在需要非常直接的这种法律帮助，那好了，这种帮助的时候我们就要去考虑了，考虑的基于考虑几种方面的因素，一个方面就是说，这个案件本身是不是有典型性，有研究价值，有对司法的那个推动，那这方面就是非常多的去考量， (...)。”

an analysis again, [he can say] I think we should handle this case; well then, then we start to represent this case.²⁴³

Interview # 4, Peking, 27.12.2011

It is clear from the above quotation that the lawyers' personal preferences heavily impacted on the selection process. The lawyers could present a pre-selected case in such a way that the case appeared highly supportive of the Center's objectives and representative of the structural problems within one of the Center's designated working areas.

Moreover, as indicated above, general funding trends seem to have impacted on the selection processes. The director and international foundations developed a strong interest in women's land-right cases during the 2000s (interview # 8, Peking, 27.12.2011).²⁴⁴ In particular, the director's preference for such cases might have influenced the sharp increase in their takeup.

According to Center informants, the panel met in the conference room to discuss and select cases (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). However, although new cases were accepted during the course of my four-month daily participant observation, not a single such panel was held in the conference room. This indicates that established decision-making procedures, at least in the realm of selection of legal cases, were not implemented in the Center's day-to-day activities – or not in 2011/12, when the participant observation took place.

As mentioned, after 2002 the Center's leadership supposedly attempted to strengthen the council's decision-making capabilities and financial oversight (Su 2009). However, the interviews and the participant observation revealed that the council played no role in these

²⁴³ "(...) 就是那个接案的律师他会写一个他认为这个案子有没有典型性, 应该不应该代理, 然后后面还有一个审批意见, 那个审批意见我就会看了他们的那个前面材料以后, (...), 我会跟他谈, (...) 你为什么觉得这个案子有价值, 我们应该去给他提供帮助, 然后我会再去写意见, (...), 这个案子我也觉得应该代理, 那好, 我们这个案子开始处理 (...)."

²⁴⁴ It remains unclear whether the director's interest in land-right issues was motivated by the international foundation's preference for the topic. Informants argued that her interest was predominantly motivated by the availability of funding (interview # 8, Peking, 27.12.2011).

processes. This does not mean that they had not been supervising finances (Su 2009), but it does imply that the council, as decision-making institution, seemed to be irrelevant to these decision-making arenas. Nonetheless, individual council members might have been consulted by the leadership. This was neither affirmed nor denied by members of the Center.

This section has clearly shown that, despite post-2002 attempts, the Center's director remained paramount in most of the decision-making arenas. One informant put it quite blankly:

Naturally, the leader made the decisions, she plans what we are supposed to do and we do it.²⁴⁵

Interview # 8, Peking, 27.12.2011

The director remained paramount in the Center's decisions, but was also strongly influenced by the preferences of the lawyers, as well as by funders' demands in relation to available grants and established funding lines.

6.2.2. Management

Management relates to day-to-day operations (Schuhen 2009, p.104); the everyday implementation of established organizational structures and processes. In general, after 1998 the Center's leadership institutionalized and standardized its working practices, including (among others) guidelines regarding case handling; staff working hours and holidays; volunteering; and further educations for employees (Li 2009).²⁴⁶ These measures were clear attempts to standardize the Center's management. Most of the informants who had been employed during this period described this time as positive but lacking any specific, standardized processes (interview # 1, Peking, 04.01.2012, interview # 8, Peking, 27.12.2011). It therefore stands to reason that these attempts were not quite successful.

The previous section showed that the Center's leadership attempted to establish a democratic, transparent decision-making structure after 2002. However, it appears that neither the staff nor leadership complied with this in their day-to-day activities (records observation period # 1, Peking, 19.09.2011 – 13.01.2012); rather, the personal preferences

²⁴⁵ “那当然是领导决定的，安排你做什么你就做什么。”

²⁴⁶ I was not able to access these early guidelines.

of the director, international donors, and (to a lesser degree) the Center's lawyers remained crucial in decision-making processes. Interestingly, this also means that international donors were divided in their demands on the Center; some demanded transparent organizational structures while other consciously worked around them.

After 2002, the governance structure included a formal differentiation into work departments; however, this differentiation of responsibilities was not reflected in the Center's day-to-day activities. The departments (administration, counseling, litigation, and network communication) and organizational units (the WW project and the Qianqian Law Firm) were supposed to cooperate to achieve the Center's main objectives. However, according to informants from the organization, there existed an intermingling rather than cooperation; often, work responsibilities were shifted across project lines, even from the Qianqian Law Firm to the WW project (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

In fact, the work of the Center and WW is not separated in many regards, not separated clearly.²⁴⁷

Interview # 8, Peking, 27.12.2011

Just like with the project on sexual harassment, actually it was originally a project conducted by the Center, later they set up this project, then they started it, and in the end (...) it was also decided by the leadership (...) and again the WW project had to conduct the project.²⁴⁸

Interview # 8, Peking, 27.12.2011

This raises another interesting question for future research: might intermingling be a form of cooperation established in China? This intermingling and shifting of work responsibilities did not equally affect all employees, volunteers, and organizational units. Lawyers were seldom asked to take up other departments' responsibilities (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011); it was members of staff in the WW project or (seldomly)

²⁴⁷ "(...) 其实这个“妇女观察”和中心的工作很多没有太分得开，没有太分得很清楚 (...)。”

²⁴⁸ “你像那个性骚扰的项目，事实上原来也是我们中心在做的，(...) 然后建设了这样一个项目，然后开始的，那最后呢，(...) 这个也是领导的决定吧，(...) 又把这个项目又弄到这个“妇女观察”来做了。”

the admin team who were affected by these shifts. One informant from the Center even argued that one of the reasons the deputy director left the organization was these unclear responsibilities (interview # 8, Peking, 27.12.2011). The unclear distribution of work and shifting of responsibilities impacted on the organizational culture and employees' cohesion within all three organizational units, as I will discuss in more detail in section 6.3.

The Center's registration status also had an impact on its management. Until 2010, the Center was an affiliated internal group of the Law Faculty of Peking University. The Center's staff had diverse views on this period of time; some argued that the Center remained entirely independent (interview # 11, Peking 7.-9.12.2011) (Li 2009), others that the university profoundly interfered in their resource decisions (HR and finances) (interview # 8, Peking, 27.12.2011, Li 2013). University-affiliated research units were generally required to have a director and at least five employees on the staff of the university (Li 2013). Thereby, the university could also (indirectly) influence HR and content-related decisions. The financial administration, although conducted by the administrative unit of the Center, remained under the supervision of Peking University; the Center was not permitted an independent bank account (Su 2009) and the university had to be consulted for any large financial transaction (Su 2009). This arrangement closely tied the Center's financial decisions to the university's administrative system. Another clear disadvantage was that the affiliation could be canceled at any moment, which acted as a general threat to the Center's existence (Li 2013). This situation also fed into employees' fears and insecurities regarding their workplace and future careers, as discussed in section 6.3.

After 2010, the Center and the Qianqian Law Firm were registered as separate business entities. This registration status effectively ended the university's interference in the Center's day-to-day practices; however, it brought with it new difficulties. Both organizational units were now subject to a set of regulations on foreign donations, which the State Administration of Foreign Exchange issued in 2010. These rules effectively threatened the Center's existence; they made the acceptance of foreign funds quite difficult, constraining the Center's main source of income. Moreover, the change in registration required the Center and the Qianqian Law Firm to pay taxes – a further drain on their already scarce (and now shrinking) finances (interview # 9, Peking, 08.12.2011). And finally, as discussed in Chapter 4, being registered as a business entity prohibited the entity from

conducting the work of an SO. In effect, this enabled party-state actors to easily close down bottom-up SOs with this registration, if they so wished. According to observers of Chinese social actors this pretext was commonly used to pressure or shut down unwelcome social actors (Shieh 4/13/2010; Cao 2016a).

These difficulties prompted one informant to frankly describe the Center's operations as rather difficult and entrapped between national and international developments:

Currently, Chinese NGOs are not working very well. Two aspects are interwoven; naturally, it is closely connected to national and international developments. The Center needs to adjust; this also includes that our director XX reflects how the Center should adjust as a next step.²⁴⁹

Interview # 5, Peking, 22.09.2011

This discussion has shown that the Center's management deviated remarkably from its governance structures. The director remained central and interests of third parties, such as international donors and the Peking University, influenced day-to-day activities. Especially the influence of international donor in day-to-day activities seems to be problem common to Chinese social actors and documented by other studies (Milwertz and Fengxian 2013). Moreover, personal preferences – even the lawyers' – impacted on these processes. This prompts questions regarding the actual leadership of the organization; namely, what kind of leadership was exerted?

6.2.3. Leadership

As discussed in Chapter 2, leadership is a mutual process in which both sides influence one another (Neubauer 2009, p. 48). Leadership is more subtle than, and goes beyond, management²⁵⁰ (Hinterhuber 2009, p. 22). The governance structures established after 2002

²⁴⁹ “现在中国 NGO 不是特别好做。这两个东西是比较紧一点，当然这跟国际和国内形式变化是有非常大的关系的。中心可能是需要调整，包括我们中心主任 XX 老师也在思考中心下一步要怎么调整。” It is interesting that most informants remained quite vague when describing these difficulties. This might indicate that their situation was politically difficult and that they feared repercussions.

²⁵⁰ In section 2.3.2.2. I explain why I focus on Western theoretical debate about leadership.

suggest that the Center's leadership consisted of three building blocks: the director, the deputy (executive) director, and the council. The previous section showed that this formalized three-way leadership split was irrelevant to the day-to-day operations and decision-making processes, in which the director remained quite central. Paramount leadership appears to be a characteristic feature of leadership in Chinese SOs, especially in the first generation of Chinese SOs (Ma 2009, pp. 121; Shieh 2009, pp. 30). This maintenance of the director's centrality in the organizations could also be understood as a *failure* of the above introduce capability training offered by Winrock, or perceived more positively, as a self-assertion of the director in the professionalization process. It would be interesting to take this finding and continue research on leadership practices in Chinese SOs and their effectiveness. Nonetheless, paramount leadership of a director can work very well, it can though also become a major obstacle to organizational development. A proverb tries to capture this problem: *The fish rots from the head down*. Was the paramount position of the Center's director a resource or a problem for the organization? To answer this question, we have to understand the director of the Center, embedded in the specific Chinese context.

The Center was initially founded by Guo Jianmei, Yang Dawen, and Ma Yinan.²⁵¹ Yang Dawen, an expert in household and marital law, was a law professor at Renmin University, Executive Director of the China Social Workers Association, and Honorary Chairman of the China Association of Marriage and Family Studies. He was one of the drafters of the *Law on the Rights and Interests of Women* (1992), through which he met Guo Jianmei, a young cadre in the ACWF's Department of Rights and Interests of Women, and was temporarily transferred to serve in the drafting office (Li 2013, p. 88).

This law [*on the Rights and Interests of Women*], I personally participated in its drafting, I was a principle member, in 1992.²⁵²

Interview # 1, Peking, 04.01.2012

²⁵¹ In some of its publications, Xu Weihua is also listed as one of the Center's founders. However, most of the Center's publications refer to Guo, Ma, and Yang as founders. I follow these later publications.

²⁵² “那个法是我亲自参加的起草的，我是个主要的成员。那么在 92 年， (...)”

After the Center's founding, Yang became and remained a member of its council throughout its development (Li 2009). Through his continuing integration, the Center had at least access to the Renmin University, the China Social Worker's Association, and the China Association of Marriage and Family Status (Li 2006).

Ma Yinan was a professor at the Law Faculty at Peking University and Vice Chair of the Association of Marriage Law Studies of the China Law Society (Li 2006). After the Center's founding, she became a member of the its expert group (Li 2009).²⁵³ Similarly to Yang's integration, her involvement enabled the continuing support of Ma's networks with the Law Faculty at Peking University and the Association of Marriage Law Studies of the China Law Society.

The relationships between Yang, Ma, and Guo were initially personal. It is unclear whether other members of the Center could effectively use their networks; however, as the following discussion will show, the director was rather reluctant to share her resources, including her personal network.

As discussed, the director remained paramount to the Center's inner-organizational processes and development. From 1997 on, the Center was effectively led by Guo Jianmei.

Then there was a change in the leadership, at this time Guo Laoshi just started to, initially it was not Guo Laoshi, during the first year it was another Laoshi [Zhu Qiao], then in the second year, only in 1997, Guo became the director of the Center.²⁵⁴

Interview # 8, Peking, 7.12.2011

During the first year of the Center's existence, Zhu Qiao, former associate dean of the School of Law at Peking University, functioned as its director. After solving the Center's initial problems, especially registration, he retreated and Guo became the director.

The director not only remained paramount in all decision-making processes but was also closely intertwined with the Center itself. As a consequence, the Center often appears to be

²⁵³ I will explain the function and composition of the expert group in detail in section 6.3.

²⁵⁴ “然后因为换了一个主任，(...)，那个时候才是郭老师刚刚开始做，原来不是郭老师，第一年是另外一个老师做，然后第二年，九七年开始那会儿才是郭老师当主任。” The informants regularly refer to 1996 as the year of establishment, whereas Guo and the official records state 1995.

Guo's organization first and a gender and legal rights advocacy organization only second (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). Against this backdrop, it is doubtful whether the Center could exist without her leadership. This will become even more evident in the below discussion of her networks. But first: Who is Guo Jianmei?

Guo Jianmei was born in 1961 to a teachers' family in rural China.

Because our own family belonged to the [socially] vulnerable group, including my maternal grandmother, my grandmother, including my parents, my grandparents – in fact my family was weak, they were all in the countryside.²⁵⁵

Interview # 1, Peking, 04.01.2012

My Grandma went to sell bread and starved on the road to death, while she was only 43 years old, until she died; she did not dare to eat bread out of fear to get beaten for it by her family. Because my maternal grandma gave birth to two girls, but no boy, my grandpa took a concubine and my grandma was "cleaned out of the house." Your decisions most definitely are related to your upbringing.²⁵⁶

(Wang Yang 2011)

In 1979, she went to the Faculty of Law at Peking University. After graduating, she worked for the Ministry of Justice before transferring to the ACWF (Li 2006) (interview # 1, Peking, 04.01.2012), where she met professor Yang Dawen (Li 2006). At this time, she was not quite satisfied with her position as a civil servant:

²⁵⁵ "(...), 因为我们自己家也是一个弱势群体的家庭, 包括我的外祖母, 我的祖母,(...), 包括我的妈妈爸爸, (...), 爷爷奶奶, 其实我的过去的家就是很弱的, 就是在农村 (...)."

²⁵⁶ "奶奶去卖馍, 饿死在路上, 她才 43 岁, 到死也不敢吃馍, 就怕被家里人打。姥姥因为生了两个女儿没有儿子, 姥爷就找了小老婆, 她被家里 "扫地出门"。你的选择肯定和成长的环境有关."

Or let me put it this way, you cannot get much work done [as a civil servant]. Every day there (...) it just felt like I was wasting my life, every day I was wasting my life.²⁵⁷

Interview # 1, Peking, 04.01.2012

She changed her career again and became a reporter for the journal *Chinese Lawyer* – a role in which she attended the Fourth World Conference of Women in 1995 (Li 2009). She subsequently participated in revising the Marriage Law in 2001 and enacting the Regulations for Legal Aid in 2003 (Li 2009), indicating both her good relations with resourceful policy elites and their appreciation of her expertise. She held several positions – including vice chair of the Peking Women Lawyer’s Association, executive director of the Legal Research Society on Marriage and Family Issues of the China Law Society (Li 2009), and member of the Special Committee on Constitution and Human Rights of All China Lawyers Association (Li 2006) – indicating her diverse network of resourceful national experts and policy cadres which could aide her in her work. Furthermore, she received several international awards, such as the Global Women’s Leadership Award in 2007, the Simone De Beauvoir Prize in 2010, and the International Women of Courage Award in 2011 (Li 2009), indicating that she was also well known internationally and had good international networks.

Like Guo Laoshi, she is very famous, just think about it, her husband is also quite famous and she is famous as well.²⁵⁸

Interview # 8, Peking, 27.12.2011

These networks made her a resourceful leader in the Chinese context, in which networks – especially with resourceful experts and policy elites – are traditionally important to becoming successful. Throughout this research, the importance of the director’s personal relations for securing the Center’s existence and development were repeatedly outlined. This finding confirms previous studies. The reliance on personal networks to further goals of

²⁵⁷ “或者说，你不能做更多的工作。每天都在那儿...就觉得每天我都在浪费自己的生命，每天都在浪费自己的生命。”

²⁵⁸ “所以像郭老师这种很有名的，你想她的丈夫也很有名，她也很有名。”

social organizing is an often reported strategy of Chinese SO leaders and social advocacy (Shieh 2009; Ma 2009; Zhang 2009b; Wells-Dang 2014, pp. 173). And especially the vast and diverse networks of these SO leaders have repeatedly been characterized as one detrimental feature of leader's resourcefulness (Ma 2009, pp. 128).

Guo's reputation in her field and diverse international networks made her quite like other leaders of first-generation, bottom-up SOs²⁵⁹ such as Gao Xiaoxian or Wang Xingjuan (Ma 2009, pp. 128). However, as discussed previously (chapters 4 and 5), these international networks might also have contributed to the closing of the Center's opportunity structure.

Interestingly, the director seemed unwilling to either share her international networks or support the Center's staff's diversification. Jun Li (Li 2013, p. 96) argues that the Center's legal personnel received the most important training of their careers during overseas visits and at conferences organized by people or organizations from outside mainland China. Participation in such events would have led to a diversification of the Center's members' international network and a disentanglement of its international relations from the director. However, one informant said that overseas visits, in particular, seldom take place (interview # 10, Peking, 08.12.2011). This could not have been due to a lack of resources, since organizations such as PILnet²⁶⁰ or the hosting universities would have covered legal experts' travel costs (interview # 10, Peking, 08.12.2011); rather, it was rooted in the director's unwillingness to let the lawyers go (interview # 10, Peking, 08.12.2011). I could not clarify the director's rationale for these decisions; however, they effectively hindered the emancipation of the Center from its director, and hence also the development of independent and sustainable perspectives for the organization.

In 1985, Guo married Liu Zhenyun, a well-known Chinese novelist. Both, therefore, are well-known nationally; between the two of them, they were able to make a good living and secure some financial wealth. These three aspects (networks, reputation, and financial resources) provided the director with a comparatively secure and embedded position in China.

²⁵⁹ Portraits of other first generation leaders of women SO's can be accessed through the following webpage <https://globalfeminisms.umich.edu/en/china> (accessed 20.06.2018).

²⁶⁰ For more information on PILnet, please cf. <http://www.pilnet.org/> (accessed 15.03.18).

To conclude this discussion of the director's biography, it is clear that she had experienced traditional Confucian gender relations when growing up, which, according to her, had profoundly shaped her thinking (interview # 1, Peking, 04.01.2012). As a consequence, she was aware of the established gender institutions – both formal and informal – that shape women's lives, even today. Moreover, in the course of her career she was able to establish and nurture resourceful personal relations and acquire an international reputation. Both of these factors positively contributed to the Center's development and helped the director to secure her personal situation. But how, exactly, did the director exert leadership? What were the characteristics of her leadership?

One informant described the director's leadership style as patriarchal²⁶¹ (interview # 10, Peking, 07.09.2012) but refrained from specifying the characteristics of such a style. Through both the interviews and the participant observation, it became apparent that the director's leadership was rather authoritative. It was striking that all employees and volunteers fell silent when she spoke, irrespective of their social or professional position and whether they were in a meeting, a lively discussion, or on lunch, when (in her absence) discussions usually took place in small groups around the table (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Once the director started to talk, all small group discussions would immediately stop. When she needed something from an employee or volunteer, she would call them from her office and they would go there immediately; in contrast, any other member of the organization would simply go to the employee's desk and talk to them (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Authoritative traits were also observable from employees and volunteers dropping whatever they were doing to immediately start the task she demanded of them, irrespective of their other responsibilities or deadlines (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). This led to situations in which employees had to cancel other prearranged professional engagements. Furthermore, the director would violate institutionalized governance structures, including decision-making processes. This leadership style was not necessarily to the overall benefit of the particular project or organizational development (Interview # 10, Peking, 07.09.2012). Despite her qualification as a lawyer, one informant argued that she was rather unqualified to make management decisions, due to a lack of knowledge of organizations and

²⁶¹*Zhongnan qingnüde*, 重男轻女的.

organizational development (interview # 10, Peking, 07.09.2012). Moreover, due to her experience she often perceived herself as an expert on bottom-up SO development, prompting her to ignore other employees' suggestions (interview # 10, Peking, 07.09.2012).

Participant observation revealed that the director cultivated some traditionally male networking practices. On a regular basis, mostly on Friday afternoons from around 2pm, she would sit down with three employees in the conference room to play cards – and even to smoke inside the office, despite its strict prohibition (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Most of the card players normally complained about even the smell following anyone who left the office to smoke; however, while they would not accept the director's invitation to join her in smoking, it was an accepted social behavior in this particular situation (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). One informant said the director played cards, for hours, far more often than once a week, calling into question her complaints about her busy schedule (interview # 10, Peking, 07.09.2012).²⁶² The selected group of card players changed; however, it never included volunteers or newer members of staff – only long-term employees.²⁶³ Smoking, drinking and card games are often described as traditionally male networking practices.²⁶⁴ Her behavior therefore reflected a leadership practice that centered on a paramount leader, who exerted a leadership with authoritative traits, and in which traditionally male networking strategies were applied. Especially the paramount and even authoritative features of leadership practices in Chinese SOs have been documented (Ma 2009; Shieh 2009; Wells-Dang 2014). Male networking practices on the other hand remain a side issue in scientific debate, it should though be thoroughly researched, since especially in countries like the PRC with authoritative structures and an underdeveloped rule of law it is precisely networks which are crucial and women are still underrepresented in decision-making positions.

This description of the director's authoritarian leadership style was further supported by her lack of consideration, and sometimes even respect, for her employees and volunteers. For

²⁶² Since the director often worked at home, it was impossible to confirm this.

²⁶³ It remained unclear whether the selection of the participating staff was part of some kind of non-transparent, unofficial reward system. It seems obvious, though, that only a small group of the Center's staff was awarded with this "honor" of playing with the director.

²⁶⁴ There are few scientific publications on drinking, smoking, and card games as male networking strategies. However, practical China guides regularly refer to exactly this connection; cf. <http://middlekingdomlife.com/guide/eating-drinking-smoking-china.htm> (accessed 16.09.16).

instance, one long-term employee had cancer and was often sick. Although the director was aware of her disease, she was upset about the employee repeatedly taking sick leave, rather than being concerned about her health in the face of a life-threatening disease. Moreover, the director seemed to find it difficult to understand the hardship that the Center's work caused for some staff. Throughout the Center's development, several staff left the Center after party-state officials pressured them and their families (interview # 1, Peking, 04.01.2012, interview # 2, Peking, 16.08.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011). While the director was quite understanding when one employee, a promising young lawyer, left the Center after such threats (interview # 1, Peking, 04.01.2012, interview # 3, Peking, 08.11.2011), she reacted quite differently toward the transfer of her former deputy to another women's organization that was under less pressure from the authorities (interview # 10, Peking, 07.09.2012). It is difficult to evaluate the extent of her lack of consideration for her employees' situations; during the four-month-long participant observation, however, such lack of consideration appeared to be a common practice. Interestingly, all reported incidents and observed situations in which the director complained about employees involved female employees; the aforementioned employee, toward whom the director expressed understanding when he left the Center, was male.

Most volunteers supported the Center through translations or proofreading translations. They worked at the Center once or twice a week and participated in its daily routine, including the shared lunch. Most volunteers had English as their native language and were unable to understand Chinese. The director hardly acknowledged any of them; strikingly, she would not even ask their names, enquire about their interest in the organization, welcome them, or talked to them at all (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).²⁶⁵ The only exceptions were when journalists or international funders visited the Center (interview # 10, Peking, 07.09.2012); on such occasions, the director often invited volunteers to sit through the interview, or introduced them (without giving their name) to the visitor.²⁶⁶

²⁶⁵ To a certain degree, this was supported by the director's lack of knowledge of the English language. Nonetheless, the Center had enough employees with good English, who could have functioned as translators.

²⁶⁶ The volunteers were often recommended by the Renmin or Peking University and could even collect credit points for their engagement. This support indicates that both universities remained supportive of the Center, even after the disaffiliation in 2010.

In conclusion, the director exerted a rather authoritarian leadership style, applying networking practices that are often described as male (smoking, drinking, card games). While employees did not outspokenly support these leadership practices, their lack of criticism or demand for formal structures and processes to be implemented constituted a tacit acceptance. Employees often had good reasons for their supportive attitudes, as discussed in more detail in section 6.3. Interestingly, the Center has similarities with other bottom-up SOs and their leadership. Several Chinese experts argue that these organizations rely on charismatic and/or resourceful leaders (Ru and Ortolano 2008, p. 65; O'Brien and Li 2006, p. 15; Shieh 2009, p. 30). It remains unclear whether the Center's members relied on its director to be resourceful and charismatic, but the organization was definitely characterized by a resourceful director, with vast and diverse networks with policy elites and experts as one central feature.

Lu (2009a, p. 95) argued that leaders of women's organizations often had cynical motives; however, I would not go so far as to characterize the Center's director in this way. She was certainly interested in her international reputation, and international travel was quite important to her. However, she was also genuinely interested in improving gender relations and protecting women's rights. Nonetheless, her genuine motivation does not necessarily justify her applied practices.

6.2.4. Material resources

Material resources refer to the financial and material endowments of the organization. Between 1995 and 2010, the Center's material resources were strongly influenced by its affiliation with the Law Faculty of Peking University, which functioned as its *lingdao danwei*. *Lingdao danweis* can provide, for instance, free office space or other material resources (Ma 2009; Yang et al. 2015b). In this section, I focus on two main aspects: first, the Center's formalized financial system and its implementation; and second, the Center's actual financial endowment (to the extent that I was able to access it) and consequences arising from its financial situation.

Formalized financial administrative system²⁶⁷

A financial administrative system was not implemented until 2002/03 (Su 2009). This system oscillated between the demands of foreign financial supporters and (until the dissolution of the affiliation in 2010) those of Peking University (Wang 2009f; Su 2009). According to a Center report, its financial system followed the guiding principles of transparency, democracy, openness, and honesty (Su 2009). I was not permitted insight into the Center's financial records; as such, a thorough investigation of the implementation principles could not be conducted.²⁶⁸ However, according to reports from the Center and interview data, the organization complied with national policies and regulations, as well as the financial regulations of Peking University (interview # 8, Peking, 27.12.2011, interview # 11, Peking 7.-9.12.2011).

The Center's financial administration and day-to-day financial activities were closely tied to Peking University (Su 2009). After the disaffiliation in 2010 and subsequent re-registration, in many ways the financial system interlocked with the governance structure. One member of staff from the administrative unit managed the Center's day-to-day financial activities (Su 2009) (interview # 8, Peking, 27.12.2011). Financial reimbursements and the like had to be signed by the organization's director and deputy director (Su 2009),²⁶⁹ and major financial expenditures had to be pre-approved by both directors (Su 2009). At the beginning of each year, the Center's members needed to prepare a fiscal report, which the directors also had to pre-approve (Su 2009). Supposedly, the council supervised and examined the Center's finances, especially after the council's decision-making responsibilities were strengthened in 2002 (Su 2009). How well this system was actually implemented is hard to tell since, as mentioned, no access was granted to financial records. The discussion on governance showed, however, that formalized control structures in other organizational areas were not

²⁶⁷ The Center did not grant me an insight in the overall financial documentation of the organization. The information on the composition of the Center's finances I included in the discussion were gathered through publicized reports or statements made by informants from the Center.

²⁶⁸ Other gender advocacy organizations granted access to financial documents but forbade reporting on them. The publication of the actual financial structure, with its strong dependency on foreign funding, was repeatedly described as politically sensitive. Therefore, the organizations were careful in this regard. Although informants from the Center did not explicitly mention this reason, in the context of the overall development of the Center, it seems likely that this was the main reason to withhold access to financial documents.

²⁶⁹ The Center's long-time deputy director left in 2010, and the position was not filled until the end of 2012. Between these years, the director conducted the financial oversight. This again emphasizes the paramount position the director held in the organization.

thoroughly followed. It therefore stands to reason that this might also have been the case regarding the Center's finances.

External project funding was officially under supposedly closer financial administration. Until 2010, the Law Faculty of Peking University, the directors, and the council supervised and examined the expenditure of all projects (Su 2009). Moreover, for each project a separate bank account had to be installed under the Center's account with Peking University, through which project money was transferred and administered (Su 2009). In effect, this granted Peking University financial oversight – and, eventually, control – over the Center's finances. After 2010, the supervision and examination function remained with the directors and the council. Thereby, financial oversight and control effectively shifted to the Center – and, as discussed in section 6.2, the director more so than the council.

The financial administration and reporting was amended according to the demands of the particular donors (Su 2009). Most funding was project funding and therefore earmarked (Su 2009). However, one informant emphasized that the distribution of funds remained unclear, of irrespective whether they were earmarked or not, and that these funds were often shifted internally according to needs rather than the purpose for which they were granted (interview # 10, Peking, 07.09.2012). Moreover, this informant argued that not only were finances misused but also unused funding remaining after the conclusion of a project often “disappeared” out of the Center's budget (interview # 10, Peking, 07.09.2012).²⁷⁰ The informant referred to both the second and the third development periods, although she only witnessed the third one.

All of this indicates a discrepancy between theory and practice in the Center's financial administration. The internal shifting of financial resources was seemingly a regular phenomenon, which established control units (director, council) did not prevent. Rather, due to the director's paramount position, these decisions largely remained her responsibility and went unchecked, especially after 2010. Final financial reports did not reflect any shuffling of earmarked project funding; hence, donors were not informed of it (interview # 10, Peking, 07.09.2012).

²⁷⁰ This informant went as far as to indicate that the director used some of the financial resources for her personal use. This was not verified by an additional source.

This also reflects a gap between the financial administration's self-proclaimed principles of transparency, openness, and honesty, and its real implementation. It indicates that the professionalization intended to accompany the formalization of the financial system after 2002 did not take place. Moreover, the reshuffling of earmarked funds in particular can be understood as a consequence of the established funding structure. Almost no funds were available for the development of sustainable organizational structures; the Center could not therefore rely on financial overheads, instead needing to cross-finance activities related to organizational development or activities, such as the further education of employees.

Financial endowment and arising consequences

Financial stability, and hence financial support, remained a major bottleneck for the Center throughout its three development phases. During the first phase in particular, China had not established a fundraising system, which made it difficult to professionally advertise for financial support (Li 2006).

According to a Center report, the initial grant to set up the organization and support it throughout its first development phase was provided by the Ford Foundation (FF) and amounted to about \$30 000 (interview # 1, Peking, 04.01.2012).²⁷¹ In 2012, the Center earned about \$200 000 in project grants, all of which came from international foundations (Li 2013, p. 95). With this financial endowment, the Center was supposedly not under as much financial pressure as other bottom-up SOs in China (interview # 1, Peking, 04.01.2012).

The Center had always predominantly depended on financial support from foreign organizations. It had no business model in general,²⁷² and received no membership fees or transfer payments from the government to provide social services. Financial support from the government was predominantly received through cooperation projects with transmission belt organizations, such as the ACWF, either on the national level or with one of its regional branches. Such cooperation was based solely on the personal networks the

²⁷¹ An independent scholar argues that the Center initially received funding from the FF amounting to \$60 000 (Li 2013, p. 95). Li's analysis does not specify for what exactly the financial support was granted. Against the background of research on international funding (Zhang 2009b, p. 28; Kaufman 2012, p. 585), and the findings from this project it seems likely that the FF stipulated certain conditions in return.

²⁷² The Center's leadership – and, after 2009, the leadership of the Qianqian Law Firm – demanded economically fit clients to pay a lawyers' fee. However, most handled cases were representative public litigation cases, which the lawyers conducted pro bono. This remained valid even after the Qianqian Law Firm registered independently in 2009. Therefore, the Center was not able to secure its financial sustainability through these fees.

director or other employees had with party-state officials (Li 2013, p. 99) (interview # 1, Peking, 04.01.2012, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011). Such cooperation existed as early as the mid-1990s. Chinese government agencies' financial support for the Center, albeit a small amount, was first granted after 2010 (Zhang, Li 2/3/2016).²⁷³ Chinese businesses were, according to one informant from the Center, reluctant to donate to the organization:²⁷⁴

Chinese business cannot support Chinese people. Chinese business is heavily restricted by the government. Why? For example, I am the owner of a company, I am a capitalist, you are the government, I need to have really good relations [*Guanxi*] with you. I will give you a sacrifice, I will bribe you, only then will you give me green light, only then will you let me do my business, earn a profit, sell goods, and let me do anything. Only with government support can your business develop. They [government and businesses] have a mutual collusion, and in this situation the capitalist listens to the government. The government says, don't give NGOs money.²⁷⁵ (...) They [the businesses] know the government is not friendly toward NGOs, it's distrusting them. (...) Moreover, if they would support us, this is very difficult in China.²⁷⁶

Interview # 1, Peking, 04.01.2012

²⁷³ Interestingly, the director argued that the organization never received government funding (interview # 1, Peking, 04.01.2012). This portrayal of the relationship between the Center and the party-state fits the overall narrative the director disseminated – a narrative in which the party-state largely disabled the Center and its advocacy.

²⁷⁴ Nonetheless, one scholar argued that the Center received a startup grant from an enterprise in Guangdong during its initial phase (Hsiung et al. 2001, p. 252). However, this could not be verified through an additional source.

²⁷⁵ The Center's director referred to the Center publicly only as an NGO.

²⁷⁶ “国内商业不可能给中国人资金的。国内商业很受制于政府。为什么呢？比如说我是公司的老板，我是一个资本家，你是政府，我必须跟你搞好特别好的关系。第一呢，我要给你上供，我要去贿赂你，你才给我开各种各样的绿灯，让我去开展我的业务，开展我的赢利，我才能够卖东西，我才能够怎么样。你必须有政府的支持，我企业才能够发展。(…)他们是互相勾结的，勾结的，所以说呢，在这种情况下，这些资本家一定要听政府的。政府说，你不要给这些 NGO 钱，它绝对，只要是官，这些商人都非常的，资本家非常的精明，非常的聪明。(…)他们也知道，政府对 NGO 组织是不友好的，是怀疑的。它不会资助你。另一方面，如果它资助了，它即将在中国是很困难的。”

International funding was predominantly provided in the form of project and/or program funding²⁷⁷ rather than funds for organizational development in general (interview # 8, Peking, 27.12.2011). This was one of the main reasons for the shortage of funds for developing sustainable organizational structures, and might have been the rationale for the aforementioned reshuffling of earmarked funding. Due to this strong dependency on international project funding, writing project proposals to raise funds became the cornerstone of the Center's existence and development (Su 2009).

In this regard, special attention was paid to the demands of potential donors. As discussed, most funding was granted by organizations in Western countries (Wang 2009f). Western organizations' requirements for grant proposals differed from Chinese organizations' and included, for instance, specific reporting standards and predominantly democratic governance structures (Wang 2009f). Consequently, projects were often designed according to funders' demands, in terms of not only their structure and administration but also their contents and objectives (Wang 2009f). This emphasizes the Center's strong dependency on foreign funders and lack of space to maneuver within this narrow opportunity structure: The Center's leadership had to follow international funding lines and demands regarding organizational structures to survive. Spakowski thus argued that the financial power and discursive dominance of Western donor organizations has shaped the development of women's and gender studies (Spakowski 2001). Western donor organizations definitely shaped the Center, especially regarding the adjustment of its organizational identity, governance structures, and tactical approach. To a certain degree, they were also able to influence, or even dictate, the Center's content:

Some foundations simply have an interest for a topic, they are interested in it, so we simply apply for it, apply for money, after we applied for the money, who is going to run the project? In the Center we don't have the human resources, so somebody else needs to do it, so they let Women's Watch conduct the project, it is simply like that.²⁷⁸

²⁷⁷ In the following, I will refer to "project and/or program funding" as "project funding."

²⁷⁸ "(...) 有的基金会就对这个很感兴趣, 很感兴趣呢, 所以就想申请, 申请钱, 那申请钱了以后谁做呢? 那我们中心没有人...别的人做, 那就说那就让“妇女观察”来做吧, 就是这样的。” This clearly indicates

This dependency on foreign supporters included a dependency on shifts in international funding trends; if foreign supporters shifted their interest from one field to another, the Center's leadership might find itself out of funding. The Center's director argued, however, that the organization would keep some autonomy regarding content alignment (interview # 1, Peking, 04.01.2012). According to her, all demands and preferences of international donors had to be amended to Chinese particularities (interview # 1, Peking, 04.01.2012), which would provide the organization with some leeway. The truth likely lies somewhere in the middle: The Center's leadership had to compromise on their envisioned content, for instance by shifting to project relating to land right issues of women (cf. section 6.4.) in order to receive funding, and funders were probably willing to amend their demands to support the increasingly well-known bottom-up SOs working to further gender equality in China.

In the context of this dependency, the Center was lucky insofar as it had long-term financial supporters. One of its central funders throughout its development was the FF (interview # 1, Peking, 04.01.2012, interview # 9, Peking, 08.12.2011).²⁷⁹ However, during the Center's last development phase, the FF only supported the Qianqian Law Firm (interview # 8, Peking, 27.12.2011), mostly within the program line of *Reforming Civil and Criminal Justice Systems*.²⁸⁰

Its dependency on foreign financial support could also threaten the Center's existence in another way: If, due to international developments (such as the Color Revolution introduced in chapters 4 and 5), party-state actors changed their attitudes toward foreign donors and/or bottom-up social organizing, the Center could lose all of its funding – or even get shut down. As previously indicated, the Chinese government had been vigilantly attentive to the Color Revolution and Chinese bottom-up SOs came under close scrutiny. Party-state agencies paid special attention to bottom-up SOs working on *sensitive* topics and those

that the Center's leadership also applied for the project just to gain financial support, without a well-elaborated plan on how to eventually implement the project.

²⁷⁹ According to one project manager of the Ford Foundation, the FF followed a long-term commitment to improve gender equality and legal protection against DV in China. Therefore, the FF supported organizations for quite long time periods (interview # 20, Peking, 26.09.2012), among them the Center.

²⁸⁰ <http://webapps.foundationcenter.org/rc/grants/html/70292.html> (20.10.15; no longer accessible since mid-2016).

receiving funding from foreign donors or forging national or international non-state alliances (Li 2013, p. 100), all of which were applicable to the Center. As discussed before, after 2006 the Center's leadership started to accept funding from (among others) the Open Society Foundations and the IRI – international actors that actively supported social actors in the Color Revolutions and hence were distrusted by the Chinese government (Li 2013, p. 100).

Many of the Chinese NGOs don't like this foundation [the Open Society Foundations] (...) for instance, (...) money from the Open Society Foundations, we cannot use, the project was canceled, afterwards they said you have to decide for yourself, this kind of money brings along threats [from the government], just like our director many others gave this [kind of funding] up a lot of times (...) it is because they [the Foundation] funded in Libya many of those revolutionary people, yes, that is why the government doesn't like them.²⁸¹

Interview # 8, Peking, 27.12.2011

Cao argues that relevant party-state actors brought the problematic nature of foreign funding to the director's attention early on (Cao 2016a). However, due to the scarcity of funding in general, she was not able to decline foreign funding altogether. Eventually, though, funding from such critical donors was partially declined to avoid further negative consequences for the organization. For instance, only a small percentage of the funding from the Open Society Foundations was kept, after party-state actors ordered the Center to decline their funding entirely. The reason for this compromising strategy was not clear. However, it stands to reason that the director decided to reduce these funds, calculating that this would be perceived as a concession toward the government's demands (interview # 8, Peking, 27.12.2011) while also enabling the Center to keep its main project lines operational.

²⁸¹ "(...) 我们中国基本上可能很多的 NGO 都不能要这个基金了 (...) 这个项目你不能做, 比如这个钱, 就是索罗斯...索罗斯那个基金会的钱, 比如说不能用, 那这个项目就要 cancel 掉, 然后他就说, 你...你自己决定吧, (...) 这种, 就是说带有威胁性的, 但是像 XX 一般的现在也还是放弃了很多时候 (...) 那么它也很多...就是它...因为它在利比亚那些地方资助了很多那种...革命的人, 对, 所以政府就不喜欢他们这个 (...)."

[Y]ou cannot want the money of the Open Society Foundations, but they can give us every year ten Wan, ten Wan Renminbi, very little. (...) Like our electronic newsletter which is completely financed by them, the webpage, the electronic newsletter, (...) if their support stops, I simply don't know what comes.²⁸²

Interview # 8, Peking, 27.12.2011

After repeated threats to shut down the organization, the Center's leadership agreed also to report its work to a relevant government department (Li 2013, p. 101).²⁸³ The Center's director argued that the reason it was not shut down at that point was due not only to its good international reputation but also because its shutdown would likely spark international protest (interview # 1, Peking, 04.01.2012). Therefore, according to her, party-state actors accepted the compromise that the Center would keep a small portion of the Open Society Foundation's funding (interview # 1, Peking, 04.01.2012). However, this financial situation kept the Center in a position of neither living nor dying and made it increasingly difficult for it to conduct good advocacy.

The Center's financial situation, which had always been difficult, seemed to deteriorate further in the mid-2000s, especially after the beginning of the Color Revolutions.

This [funding] becomes increasingly difficult, a bit difficult, a bit sensitive (...) That is why it currently is like this, the Ford Foundation, has already [accepted] this position. Others [other foundations] coming from Europe are all like this, in 2006, 2007, in all this years it was no problem. Afterwards, right now? It started in 2008, (...). Currently, it all [Western funds] is no.²⁸⁴

Interview # 1, Peking, 04.01.2012

²⁸² “就是说不能要那个 Open Society Foundations 的钱，但是他们可以给我们一年十万，十万人民币，那很少。(...) 像我们电子月报都是他们支持的，网站啊，电子月报啊，还有项目，那现在如果他们没有了，我就不知道以后这个(...)。”

²⁸³ No informant of the Center specified which department this would be.

²⁸⁴ “这是越来越难，有一点难，有一点敏感，(...) 所以它现在是这样，福特现在已经在这个位置了。那么其它的欧盟原来都是这个，我们在 07 年，06 年，那几年都是这样，都没有问题。然后，现在呢？从 08 年开始，我们觉得就是变成 yellow，变成黄色。红绿灯。现在都在这这这，都可以，都是 no。”

Although the Chinese party-state was skeptical toward all foreign funds at this time, it seemed to have categorized foreign funders into *good guys* and *bad guys*. Funding from a “bad guy” organization, such as the Open Society Foundations, was problematic; its support could bring along negative consequences for the Center’s development, such as additional control by party-state actors. Other foundations, such as the FF, were supposedly perceived as rather unproblematic:

The Chinese government is convinced that the FF has not such a major political background. They think organizations like the Open Society Foundations (...) are challenging them, so they fear them.²⁸⁵

Interview # 1, Peking, 04.01.2012

The enactment of the *Notice on Issues Concerning the Administration of Foreign Exchange Donated to or by Domestic institutions* (SAFE) regulation also made it incredible difficult to receive foreign funding. Furthermore, the new post-2010 registration placed further strain on the Center’s finances, as registering as an enterprise requires bottom-up SOs to pay taxes. The Center’s administrative unit neither confirmed nor denied whether they would pay their taxes, but it stands to reason that they were inclined to do so to prevent more political difficulties. It was well known that the government often used tax issues or tax evasion charges to tighten control over or shut down an organization, respectively (Shieh 5/10/2010). Tax payments were consequently another burden on the Center’s tight financial resources:

Generally speaking, if you are registered as an enterprise you need to pay taxes. (...) this is a further cost which can be rather high. (...) First of all, if you pay taxes there is no problem, if you don’t pay your taxes (...) you just break the law.²⁸⁶

²⁸⁵ “就是中国政府认为福特没有这么大的政治的背景。他们认为像这个，像 Open Society Foundations，像这些组织，(...)它觉得都有问题。它觉得跟他们斗争的这种，所以它害怕。像福特是一个很尖的，(...)，所以它不是那么的担心。”

The Center therefore experienced development problems common to most first-generation bottom-up SOs, including low salaries and insufficient social security for employees. The scarcity of financial resources also impacted on other inner-organizational categories, most notably the Center's HR, strategies, and provided services, as will become more evident in the following sections. Due to its difficult financial situation, the Center was unable to establish a financial overhead as a cushion for times of financial hardship. Moreover, the Center needed to employ experts in the field, especially legal and gender experts; however, the financial situation made it difficult to attract and retain them, which contributed to high turnover rates (interview # 5, Peking, 22.09.2011, interview # 9, Peking, 08.12.2011).

6.2.5. The Center's structure and organization: a resource to cushion the closing opportunity structure?

Might the Center's structures and organization have provided resources to aide its navigation of difficult institutional arrangements? It appears as if the director's leadership was characterized by leadership practices commonly documented for Chinese SOs (Ma 2009; Shieh 2009; Ru and Ortolano 2008), such as resourceful personal networks. As such, the Center's leadership might have helped to navigate the difficult contextual terrain. However, the dominance of the director, as well as external demands and their consequences, might have exacerbated existing problems rather than providing helpful resources. For instance, as discussed earlier on, organizational structures and processes enabled rather than prevented the rupture in the organization. Moreover, the Center's dependence on foreign funds and the general scarcity of resources were major difficulties. This section has repeatedly outlined that the personal preferences of the Center's members, as well as their networks, might be crucial. The next section analysis therefore analyses these two aspects, as well as the organizational culture manifesting within the Center.

6.3. The Center's members and their interaction

This section turns now to the Center's members and their interaction. As discussed in Chapter 2, I assess these aspects through three analytical categories: the Center's HR, its

²⁸⁶ “正常来讲你在工商注册，你应该交税 (...) 这就是你在成本上就会比较高啊 (...) 首先如果你交税，那没问题，如果你不交税， (...) 那你就是违法的 (...).”

organizational culture, and its networks. Guiding research questions were: Who was employed and/or volunteered in the Center and what was their background and motivation? What networks did the organizational members develop? How did the members interact? What features characterized the emerging organizational culture?

6.3.1. Human resources

As discussed in Chapter 2, HR consists of all the people who currently contribute to doing the work of the organization, as well as those who could potentially contribute in the future, and those who have contributed in the recent past (Jackson and Schuler 2006, p. 13). HR in Chinese SOs is characterized by a few particularities, such as a lack of talent or high turnover rates (see Chapter 2). To assess the particularities of the Center's HR, I discuss the formal structure and development first and outline general HR problems second. Based on this assessment, I will relate the findings on HR to those of previous studies, and question how the HR base might have affected the Center's navigation of a closing opportunity structure (chapters 4 and 5).

6.3.1.1. Structure and development

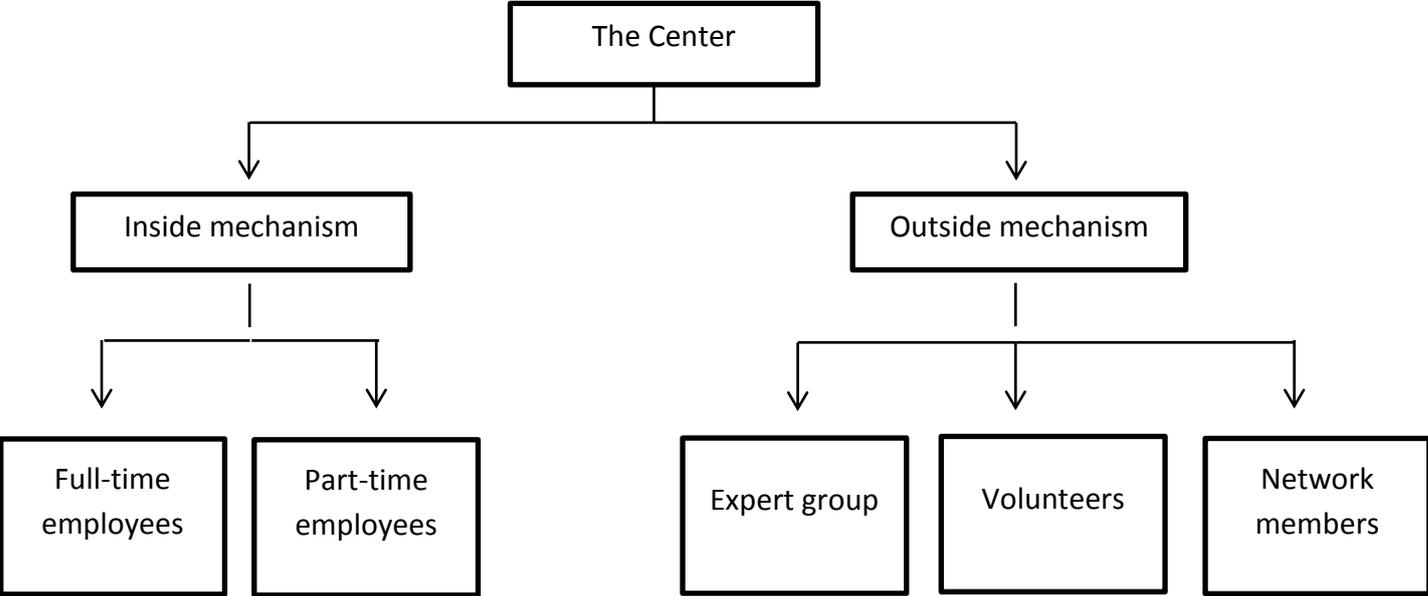
In addition to attempting to professionalize its governance and financial system, the Center's leadership initiated a formalization of its HR system after 2002; before then, no formalized system had existed. According to a Center report, this formalization process was also accompanied by the introduction of a performance evaluation system for its HR management (Li Ying 2009).²⁸⁷ Furthermore, the Center's leadership formally adopted a mission statement for its HR system: *Take the employees as basis, take the organizational culture as guidance* (Li Ying 2009, p. 93).²⁸⁸ This statement already indicates the crucial role HR was supposed to play for the organization, its internal cohesion, and its tactical approach; the people were the basis on which the organization was supposed to thrive.

As stated in a Center report, the HR system was based on an elaborate structure divided between inside (employees) and outside (volunteers), as illustrated in Figure 6.2 (Li Ying 2009, p. 99).

²⁸⁷ Unfortunately, during the research process I was not able to obtain any further details on this system.

²⁸⁸ “以人为本，以机构文化为导向。”

Figure 6.2: HR structure (Li 2009)



According to the report, the core of Center’s HR base was formed by professionals, irrespective of whether they were employed (inside mechanism) or volunteers (outside mechanism) (Li Ying 2009). This base consisted of five categories: full- and part-time employees, volunteers (general volunteers and those engaged in the Center’s expert group), and members of the Public Interest Lawyers Network (Li Ying 2009).²⁸⁹

According to a Center report, until 2002 it had only four full-time employees, who managed a constantly increasing workload (Li 2006). After the formalization process, the number of full-time staff expanded tremendously to more than ten (Li 2013, p. 89). In 2009 (a year before the disaffiliation from Peking University), the Center’s full-time employees consisted of 11 lawyers, seven administrative staff, and two people who ran the (then rather young) WW project (Li Ying 2009). They were assisted by three permanent part-time lawyers and almost 20 loosely affiliated part-time staff, including lawyers, researchers, and professors from various research institutions and universities (Li Ying 2009).²⁹⁰ In 2011 (about a year

²⁸⁹ Members of the expert group and of the Public Interest Lawyer’s Network were involved as volunteers. Since they all held a specific function, they are outlined separately from the other volunteers in the Center’s HR model.

²⁹⁰ The report did not clarify the employment details of those loosely affiliated staff. However, conversations during the four-month participant observation indicated that these lawyers were employed with short-term

after the disaffiliation from Peking University), the Center employed four full-time lawyers and one part-time lawyer, two full-time members and one part-time member of administrative staff, and two full-time staff in the WW project (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). After the disaffiliation in 2010 (with the exception of the WW project, in which the staff remained unchanged), the HR base of the Center experienced a reduction of more than 50% across all organizational units.

In 2011 and 2012, the gender structure of the Center's HR base was as follows: 60% of all lawyers were male and 40% female, while 50% of the female lawyers worked part-time (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). On the other hand, 100% of administrative and WW project staff were female (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). That said, there were only two members of staff within the WW project, assisted by five volunteers (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, interview # 9, Peking, 08.12.2011). The leadership of the Center was predominantly female; its directors and the majority of the council were females, both before and after the disaffiliation in 2010 (2006: 74% female; 2011: 86% female).²⁹¹

In 2011, full-time staff members were relatively young. According to informants, this was not a new development but had been the case throughout the Center's existence (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, interview # 9, Peking, 08.12.2011). In 2011, 80% of the staff were aged between mid-20s and mid-30s. One informant argued that the Center's leadership hired predominately young professionals, mostly right after graduation (interview # 9, Peking, 08.12.2011). According to her, older experts would expect incentives the Center's leadership would not be able to offer. All lawyers had backgrounds in law studies but none in women's or gender studies. The administration and WW project staff had no expert background in law or women's or gender studies. However, all of them held a BA degree and one finished a law degree as part during her free time.²⁹² This indicates that the Center's staff had no expertise in women's and/or gender studies, which might explain

contracts, or volunteered their time and expertise for regular legal work; that is. A huge share of these volunteers supported the WW project.

²⁹¹ The data for this analysis originated in organizational reports as well as the then- available webpage.

²⁹² She stated, off the record, that she was hardly supported by the Center's leadership in pursuing the degree, but that she learned a good deal about legal work due to her engagement at the Center and the practiced, hands-on approach.

the lack of gender awareness among some employees that supported the rupture in organizational identity (see section 6.1).

Moreover, many employees described themselves as sociopolitical activists (interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). However, their “activism” was predominantly limited to their employment, with its regular income and fixed working hours. Only one employee partook in sociopolitical activism in her free time and on a regular basis (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Nonetheless, all employees were at least formally committed to the Center’s objectives.

The expert group was institutionalized during the formalization of the HR structure after 2002. It was a stable group of approximately 50 volunteers, who provided the Center with important expertise in the areas of civil law; criminal law; administrative law; litigation; and social sciences (Li 2006) to make up for potential knowledge gaps among the Center’s employees. As such, the function of the expert group was similar to that of the council. However, the council was supposed to provide additional expertise for the leadership, while the expert group focused its expertise on specific issues and emerging issue-specific problems. Of the expert group, 39% held a PhD or professorship, among whom 67% were law experts and 16% experts in women’s studies (Li 2006). This again emphasizes that professionals dominated the Center, particularly legal experts. Moreover, it is interesting that no gender experts were part of the expert group. This was likely due to the fact that gender studies only properly developed in China toward the end of the 1990s and early 2000s.

Although the Center self-identified as a gender and law organization, the majority of its staff (and, after 2009, staff within the Qianqian Law Firm) prioritized its legal identity over its gender identity and seemed more interested in establishing networks in the field of law studies (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).²⁹³

The number of members within the expert group remained stable, despite the significant structural changes in 2010 and subsequent reorientation. This indicates that the Center’s members had strong and durable networks with its experts, who remained committed to the

²⁹³ However, this could also relate to the lack of gender experts in China at the time.

Center and its objectives – even when the Center’s political standing vis-à-vis the party-state deteriorated and party-state actors exerted increasing political pressure on members of the Center and their families (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

The gender distribution of the expert group also remained stable, at least between 2006 and 2012, with 67% females and 33% males (Li 2006). As with the council’s gender composition, this indicates that gender-related objectives seemed to attract mostly female expert volunteers. It could also indicate that gender-specific issues were still largely perceived as women’s issues, rather than problems originating in the established gender structure, which may have motivated more female than male volunteers.

6.3.1.2. Problems recruiting talent

A central HR problem throughout the Center’s entire development was recruiting and securing (expert) talent. This problem was rooted in multiple factors. According to reports, Chinese society is driven by utilitarianism (Shieh 4/13/2010). And according to these reports the Center’s public welfare objectives would be diametrically opposed to utilitarian motivations, making it difficult to find recruits with suitable motivations and mindsets. Moreover, according to some reports, awareness of public interest issues remained in its infancy, again making it difficult to recruit talent to such a sector (Shieh 4/13/2010; The Center for Women's Law Studies & Legal Service of Peking University 2000). A further aspect hindering talent recruitment was that the Center was not well known among university students as a possible (future) employer (interview # 9, Peking, 08.12.2011). This is quite interesting, since the Center was an affiliated research unit of Peking University until 2010 and, according to informants, granted credit points to foreign students who supported the Center. This would suggest that students from Peking University, at least, would be familiar with the Center and its work. The informant’s statement might instead indicate that the Center was not considered an *attractive* employer. This might relate to limited public welfare career options and the comparatively low salary offered for legal work, as discussed below. Furthermore, the Center required a certain mindset.

In fact, every current employee of the Center needs to have a public welfare spirit and they need to approve the Center’s development ideal and the Center’s purpose

entailed in the saying “Writing public life with love, using the law to build gender equality.”²⁹⁴

Interview # 5, Peking, 22.09.2011

According to Center informants, without such a mindset, newly recruited talent would only last a few months and then leave:

[I]f somebody does not have this public interest spirit, they are definitely not entering the Center and even if they entered the Center, they would only last a few months and then leave again, that is for certain.²⁹⁵

Interview # 5, Peking, 22.09.2011

This informant argued that all current employees shared this mindset. It remained unclear how and if such a spirit would be tested at interview. Moreover, informants did not address what the Center’s leadership would do if no available candidates had the mindset required, especially given the scarce HR and aforementioned general lack of awareness of public interest litigation in China. Despite vagueness regarding characteristics of a “public welfare spirit,” the entire staff appeared to have a certain degree of commitment to the Center and its objectives, and hence also such a spirit. The motivation behind their commitments varied, though. Some (predominantly the lawyers) were committed to the organization due to the career possibilities it provided to them, as discussed below; others (especially employees in

²⁹⁴ “其实现在到中心的所有的成员应该都是比较有公益心的，和比较认可中心的这样一个发展理念的，中心的宗旨就是那个以、用法……“用爱心书写公益人生，以法律构建两性平等。” Interestingly, despite many discussions on the subject with members of the Center during the participant observation, their joint understanding of a “public welfare spirit” remained unclear. They emphasized different aspects along the lines of the rupture in the organizational identity. For instance, lawyers emphasized their employment in a law firm conducting public interest litigation, while employees of the WW project would argue that this would be insufficient without a well-developed public interest spirit, characterized by tolerance and altruism (interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

²⁹⁵ “我觉得如果……如果一个人没有公益心的话，绝对不会进入中心的，即使是进入中心，呆……呆过一段或者说是几个月时间这样他就走了，这是肯定的。” The informant did not explicitly clarify why this would be. He indirectly argued, however, that without a public interest mindset you would not be willing to accept the comparatively low salaries payed for legal work in the public interest sector (interview # 5, Peking, 22.09.2011).

the WW project) were convinced supporters of the Center's objective to increase gender equality (interview # 5, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

6.3.1.3. Problems retaining talent

The lack of a public welfare spirit and general utilitarianism in Chinese society directly impacted on the Center's talent recruitment. There were also problems relating to retaining recruited talents. The aforementioned rupture within the Center's organizational identity, which was especially evident between the lawyers and those in the WW project, led to considerable dissatisfaction among some employees (interview # 10, Peking, 07.09.2012), which was one reason for occupational reorientation and high turnover rates (interview # 8, Peking, 27.12.2011, interview # 10, Peking, 07.09.2012).

Moreover, not only administrative and WW project staff but also the director herself complained about persistent overwork (interview # 1, Peking, 04.01.2012, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, interview # 10, Peking, 07.09.2012). This overwork (and the potentially lower quality of the work conducted) was neither a recent phenomenon nor related to the reorientation of the Center after the disaffiliation (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, interview # 10, Peking, 07.09.2012). Rather, the Center experienced its first *brain drain* in the late 1990s, when the initial four full-time lawyers left due to constant overwork and the organization's resulting ineffectiveness (Li 2013, p. 89). The continuing scarcity of HR, combined with persistent overwork, continuously motivated employees to leave (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, interview # 10, Peking, 07.09.2012). This was especially relevant in cases in which the (material and immaterial) incentive structure did not appeal to employees and/or the (material and immaterial) compensation for persistent overwork was perceived as insufficient. Due to comparatively low salaries, this seems to have been a permanent issue. Moreover, if staff were not committed to the Center's objectives but perceived it as a good starting point from which to further their own careers, occupational changes following a short time at the Center were even more likely (interview # 5, Peking, 22.09.2011, interview

8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, interview # 10, Peking, 07.09.2012).

The Center's internal incentive structure played a crucial role in securing talent. This structure consisted of two central aspects: material incentives (i.e. salary) and non-material benefits (e.g. further education options, networking potential, work experience). In particular, all employees criticized the Center's material incentives (salaries) as being low compared to similar occupations in other sectors (interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). The salary for administration or WW project staff varied from around 3000–4000 RMB per month (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). Lawyers received a fixed salary rather than being paid commission for each case won, as was customary outside the public interest litigation sector (interview # 3, Peking, 08.11.2011). While a lawyer's initial salary could start as low as 2000 RMB per month, it could rise to 4000–5000 RMB per month (interview # 3, Peking, 08.11.2011, interview # 10, Peking, 07.09.2012). Many employees, regardless of whether they were employed as lawyers or as WW project experts, complained that their salaries were not only lower than those paid for similar occupations in other sectors but also too little to make a good living (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). In particular, informants regularly mentioned the difficulty of buying an apartment in Peking – a customary pension scheme in China and often perceived as a precondition to getting married – in this context:

I was able to buy a small apartment, this was a few years ago, in 2003. (...) Currently this would be impossible. (...) moreover, look at people like XX [male lawyer employed in the Center;], for the men it is even more [difficult] because China has this tradition, a man has to buy an apartment ... they cannot buy one. (...) So just like me currently, you can only say I can barely live, but if you get a severe illness or something like this, it doesn't work.²⁹⁶

Interview # 8, Peking, 27.12.2011

²⁹⁶ "(...) 我还自己买了一个小的房子，那是在几年之前，2003 年的时候。(...) 要是现在根本买不起。(...) 而且...呃...你像现在你比如说 XX 他们，他们男的更是... (...)因为中国就是一个传统的...一般的男的都要买房子呀什么的，他们也...也买不起。(...) 所以像我现在呢就是说，你只能说你自己一个人过了还勉强强，但是你要遇到有个什么大病啊...什么这些不行啊。”

A common description of employees' economic situation was *you can barely live* (interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). However, the interviews implied that the situation was more difficult for male than female employees, due to informal traditional gender institutions and associated social expectations. Center informants indicated that men had to buy an apartment to get married, whereas women would not (interview # 5, Peking, 22.09.2011, interview # 6, Peking, 19.09.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011).²⁹⁷ The comparatively low salaries increased social and financial pressure on both male and female employees, but due to these informal traditional gender institutions, the pressure was more severe for male employees. This also contributed to the Center's high turnover rate:

But I also wonder how long I can stay at the Center and I am not certain, why? Because I want to get married and have a family, right? If you compare a NGO with a company, the treatment of a NGO is certainly not as good as that of a company, it is a really tangled issue. In the Center is another male lawyer, we currently have only two male lawyers. (...) In fact, the general pressure on us is huge, and we are all young. (...) If you want to get married, (...) or if you want to take on the responsibility for a family after getting married (...) this is still far away, I have no partner, I haven't married yet, for me, the Center enables me to meet my basic needs, but you cannot say it is a luxurious life.²⁹⁸

Interview # 5, Peking, 22.09.2011

²⁹⁷ This tradition is often called “三大件,” “五小件.”

²⁹⁸ “但是我自己也感觉到，我在中心能呆多长时间，我说实话我心里也没底，因为什么？因为我将来也要成家立室，还要养家糊口，上有老下有小，对不对？那 NGO 的跟企业相比，NGO 的待遇肯定是不如企业的，其实是很纠结的一个问题。包括，就是我们另外一个男律师也是，我们这边现在只有两个律师，两个男律师。(...) 其实我们平常的压力都很大，尤其都是年轻人。(...) 如果将来还要成家立室，两个人或者是说将来结婚之后，要承担一个家庭，(...) 就是 远远不够的(...)，因为我现在还没有成亲，没有结婚的话，可能相对来说，中心给我的个人待遇还是能满足我个人基本的温饱的，但不说过那种很奢华的生活。”

Both informants indicated that they will eventually leave the Center, certainly as soon as they become serious about family planning. Therefore, this combination of traditional informal gender institutions and low salaries hampered the securing of talent and contributed to the high turnover rate. Moreover, it clearly influenced the gender ratio among the lawyers.

The Center's employees were also economically dissatisfied with the difference in salaries between lawyers on the one side and administration and WW project staff on the other. Although the burden of overtime was equally applicable to all employees, WW project and administration staff earned considerably less. Although a common phenomenon, one WW project employee harshly criticized this income disparity, also arguing that the Center's lawyers often stuck precisely to their working hours (9am–5pm) while WW project staff worked late into the night (interview # 9, Peking, 08.12.2011). This income difference led to dissatisfaction among some employees and contributed, in a few cases, to the Center's high turnover rates.

Due to the scarcity of the Center's material incentives, its immaterial incentives were of heightened importance to employees; however, they were divided in their evaluation of these incentives. The official narrative, disseminated through several organizational reports, was that the Center's leadership had invested in a series of capacity-building seminars that had benefited its employees from 2002 to 2005 (Li 2006; Li Ying 2009). As discussed, the capacity-building program was financed by the FF and run by Winrock (Li 2013, p. 90). Employees' reception of these measures and the benefits they actually obtained remained unclear. In general, employees were divided regarding their evaluation of the further education options available to them. The lawyers – especially the male lawyers – argued that the Center provided them with ample possibilities to further their future careers, which would have not been available in ordinary law firms:

I think I could improve in this process [employment in the Center] tremendously, firstly regarding my personal capabilities, if I would not have been in such an environment, I would not have gotten that much practice, I would not have my current abilities to deal with many problems, if I had had the same qualification and had entered a law firm, it could be that I would today still be somebody's assistant,

help them write something, I would not have had the opportunity to get a platform, which enabled me to deal with these things [case handling, counseling, project management], let me lead a team, deal with problems, all of that would not have taken place, so this [the Center] gives you opportunities, this work gives you the added value it empowers you.²⁹⁹

Interview # 3, Peking, 08.11.2011

These opportunities were available to the lawyers due to the Center's particular HR situation. The majority of the Center's staff were rather young (22–35 years old) and predominantly without families. There were always too few employees for the scheduled tasks, which had the aforementioned negative side effect of persistent overwork. On the other hand, it enabled the lawyers to take on responsibilities and initiatives which senior staff (as gate keepers) in ordinary law firms would have blocked, likely keeping them at an assistant level. Interestingly, no female lawyer referred to these huge opportunities for young professionals; this could indicate that the situation differed for male and female lawyers.³⁰⁰

Conversely, administration and WW project staff complained of a lack of internal qualification schemes (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). These complaints were largely threefold. First, one informant argued that all employees had the option to increase their knowledge and abilities through self-directed studies. However, due to the Center's situation, persistent overwork, and scarce HR, this was rarely a real option – there simply was not enough time (interview # 8, Peking, 27.12.2011). This particular employee tried to finish her legal (BA) degree for several years; however, she struggled to find the free time to complete it and was not granted the working hours to do so.

²⁹⁹ "(...)我觉得在这个过程中我得到了很多的这个提升, 首先是对我个人能力的提升, 没有在这样的一个环境里面, 大量的得到锻炼, 我没有今天的这个能力去处理很多问题, 如果说同资历的话, 如果我进律所, 那可能我还在给别人做 assistant, 帮他写写东西, 我没有机会能给我一个平台, (...), 让我来去处理这些事情, 让我来去带一个 team 去...去处理问题, 这些都不现实, 所以这是给你的一个机会, 这也是这个工作所赋予你的附”值。”

³⁰⁰ This could also relate to the fact that most female lawyers employed at the Center in 2011/12 worked part-time and might have consciously decided against additional responsibilities due to their household responsibilities. While no employee offered this perspective, they repeatedly mentioned that being married and a mother would make housework part of their work responsibilities. This might indicate that these female lawyers also reproduced traditional informal gender institutions.

Second, as indicated in section 6.2., the director prevented the lawyers from participating in further education programs abroad. This denied them the opportunity to receive valuable expertise and forge resourceful networks. The latter was a clear negative, given that several lawyers repeatedly outlined the potential of forging networks through the Center as an immaterial incentive (e.g. interview # 5, Peking, 22.09.2011). Participation in further education programs was largely understood as free-time activity rather than part of employees' work (interview # 10, Peking, 07.09.2012); in practice, therefore, further education was not part of the immaterial incentive structure of the Center. Given the context of poor material incentives, one informant argued that it was hard to understand why the Center's leadership did not allow employees to undertake further education in their working hours (interview # 10, Peking, 07.09.2012).

Third, despite formalizing its HR system after 2002, the Center's leadership did not set up training programs for newly recruited employees (interview # 3, Peking, 08.11.2011). Informants described this lack of training programs as problematic for two main reasons. First, as argued in section 6.1., some of the Center's staff, especially lawyers, lacked gender awareness; they had focused on becoming legal experts and had not yet had the opportunity to gain expertise in gender issues. Provide gender awareness training for new employees, instead of expecting them to pick it up as they went along, should therefore have been a crucial aspect of the Center's HR system (interview # 10, Peking, 07.09.2012). Second, newly recruited lawyers had usually just received their law degree, did not yet have much work experience (interview # 3, Peking, 08.11.2011), and were asked to learn either by watching or through a trial and error approach. Not all new recruits received this very well (interview # 3, Peking, 08.11.2011). As a result, one of the Center's lawyers initiated a guidance program for new recruits; however, the program focused solely on legal aspects rather than gender awareness.

In fact, when I was working at the Center I was responsible for litigation, I was in charge of the litigation department, therefore I could give the young people some

instructions, [but] my experience was actually rather limited, because I am also quite young, this is a very real problem.³⁰¹

Interview # 3, Peking, 08.11.2011

The Center's leadership (director) did not prevent this initiative – but neither did they really support it, in the sense of institutionalizing it into the formal setup of the organization. This became especially evident when the lawyer running this guidance program left the Center in 2010; nobody volunteered to fill the position, and the leadership did not encourage the program to be maintained (interview # 3, Peking, 08.11.2011, interview # 10, Peking, 07.09.2012).

This is interesting insofar as the Center heavily relied on young professionals. Instead of guiding and embedding them well into the organization, however, these rather unexperienced professionals were left to learn by trial and error. This could also have contributed to the lack of gender awareness and rupture of the organizational identity (section 6.1); it also motivated newly recruited talent to apply for other jobs in which the organizational infrastructure was better suited to their demands and needs. Either way, the Center's leadership appears to have missed an opportunity here to improve the organization's overall capacity, inner-organizational strength, and cohesion.

Another factor contributing to the high turnover rate was externally induced; namely, the aforementioned political pressure on the organization and its employees. This pressure increased from the early 2000s on, reaching its height during and after 2010.³⁰² The pressure was directed at lawyers and/or the director of the Center, not at WW project or administration staff. Pressure could be exerted on lawyers if they handled a case that party-state actors perceived as sensitive, were involved in a program that party-state actors perceived as sensitive, or were involved in a program financed by an international supporter that Chinese authorities viewed critically (interview # 1, Peking, 04.01.2012, interview # 4, Peking, 27.12.2011, interview # 13, Peking, 26.12.2011). As discussed in Chapter 4, "sensitive"

³⁰¹ “其实那个时候我在在中心的时候我以前负责诉讼工作，就是诉讼部的工作是我来负责的，所以我会给年轻的律师去做一些这个讲解，就是我其实经验也很有限，因为毕竟我很年轻，这是很现实的问题。”

³⁰² It reached its peak from the time period under analysis until the end of 2012.

remained a relative term; it was not necessarily possible to anticipate what cases were eventually labeled as such. This also occasionally depended on public outcry followed some of the cases handled. According to Center informants, the pressure exerted took diverse forms (interview # 1, Peking, 04.01.2012, interview # 2, Peking, 16.08.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011). It included party-state actors visiting³⁰³ experts, politely asking them to drop a case, and not threatening them with specified consequences; or it could include party-state actors threaten their entire families, arguing that they would have to leave Peking or they would shut down their families' businesses, robbing them of their material existence (interview # 1, Peking, 04.01.2012, interview # 2, Peking, 16.08.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 7, Peking, 20.09.2011, interview # 8, Peking, 27.12.2011). Party-state actors threatened not only lawyers but also their entire family to achieve their agenda.

The police and the Security Bureau visited him, they did not let him work.³⁰⁴ They did not let him work. They visited his mother, telling them that if they continued, they could not stay in Peking.³⁰⁵

Interview # 1, Peking, 04.01.2012

Do you know the former XX [director of the WW project and deputy director of the Center], XX's husband was also visited. Her husband, he was visited. Her husband was visited three times. And she was visited as well, she was visited several times.³⁰⁶

Interview # 1, Peking, 04.01.2012

³⁰³ "Visit" is a euphemism that Chinese people applied when referencing the Chinese authorities pressuring the Center's employees.

³⁰⁴ According to informants, this description – "did not let him work" – was not entirely accurate. The Chinese authorities let him work, but repeatedly threatened his career and his family's material existence to such a degree that he no longer wanted to work at the Center. The director's statement that he "did not want to work" supported her narrative that it was not his choice but rather externally enforced.

³⁰⁵ "那个警察和安全部的找他，不让他干了。不让他干。找到他妈妈，说你们如果再继续干，你不要在北京待了。"

³⁰⁶ "我确实很难。你知道那个以前的 XX，(...), XX 她丈夫都被找了。Her husband, 他都被找了。她丈夫都被找了三次。还有包括她也被找了，她被找了几次。"

This political pressure, caused by the lawyers' employment in the Center and handling of sensitive cases, was a crucial contributor to the Center's high employee turnover rate – especially of its lawyers. Lawyers, in particular those with families, seemed to have been especially careful after they received such visits; a euphemistic paraphrase for the threats received (interview # 7, Peking, 20.09.2011, interview # 13, Peking, 26.12.2011). Apart from leaving the Center altogether, lawyers sometimes reacted quite differently to these threats; some left the Center to protect their careers (interview # 3, Peking, 08.11.2011, Interview # 4, Peking, 27.12.2011), or their families and careers (interview # 2, Peking, 16.08.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011); others remained at the Center but withdrew from sensitive cases to protect their careers and families (interview # 7, Peking, 20.09.2011); others unswervingly continued their work at the Center (interview # 1, Peking, 04.01.2012). These reactions can be categorized into those attempting to avoid further threats and consequences for themselves and their families, and those who unswervingly continued.

Interestingly, this categorization leaves the founder and long-time director (the initial sociopolitical entrepreneur) on one side, and the lawyers (as sociopolitical agents) on the other. This divide may be rooted in a different level of commitment between sociopolitical entrepreneurs (who initiated the social enterprise) and social agents (who put the social enterprise into practice), but it is also closely connected to the personal situations of the lawyers and director. Most founders and directors of bottom-up SOs in China have resourceful personal networks at their command, whereas the sociopolitical agents rely on the founder/director to help them build precisely such networks. Networks have been repeatedly outlined as crucial to protect the lawyers' personal lives (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Therefore, the sociopolitical situation of employees of bottom-up SOs is more fragile than that of their founders/directors.³⁰⁷ This difference in established networks was also accompanied by a discrepancy in economic backgrounds between the director and regular employees. As discussed in section 6.1., the director was financially secure; employees, on the other hand, earned an income that only

³⁰⁷ With this statement, I do not belittle the fact that the founders/directors of bottom-up SOs are the first, and often main, target of political threats. However, I want to draw attention to the fact that their resources include networks that are better able to escape politically delicate situations. Employees in bottom-up SOs, who were confronted with pressure and left, might find themselves out of a career and with very few future career prospects.

barely enabled them live, as they put it. This financially difficult situation, combined with the political pressure exerted upon them, therefore functioned as a reason to leave not only the Center but also the entire public interest sector (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 5, Peking, 22.09.2011, interview # 9, Peking, 08.12.2011).

All of these factors contributed to the problem of recruiting and securing sufficient expert talent for the Center. One informant argued that bottom-up Chinese SOs in general were characterized by high turnover rates (30–40%) (interview # 9, Peking, 08.12.2011):

Because I met a lot of people engaged in NGOs, the biggest part are young people, they leave [the NGO sector] really quickly. Then I talked to them about the reasons [for leaving], I think they are not leaving for financial reasons alone. You know the salary in NGOs is lower than in companies, but I asked these young people, generally those who are willing to work in a NGO are young people and they do not just care about money, so when they leave it has many reasons.³⁰⁸

Interview # 9, Peking, 08.12.2011

It is difficult to evaluate the Center's turnover rate throughout its entire development, since an exact assessment of the HR structure between 1995 and 2012 was impossible. However, information obtained from the Center indicates that the HR structure was rather young throughout its development, and a rather high turnover was quite common (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). But all interviews also pointed to the fact that the Center's turnover rate peaked as its political standing deteriorated (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011). Since 2010, 45 people (full- and part-time employees, as well as volunteers) were supposed to have left the organization (interview # 5, Peking, 22.09.2011). Furthermore, according to

³⁰⁸ “因为我碰到很多 NGO 的人，大部分年轻人，他离开的真的很快的。然后我跟他聊过各种各样的原因，我觉得他们并不是单纯的为了钱，你知道就是 NGO 它的收入要比企业要低一些，但是我问过他们，通常来讲，就是愿意从事 NGO 的年轻人，他不是只看重钱的人，所以他们离开有很多很多的原因。”

informants, many of these positions were not refilled due to the increasing scarcity of financial support following the disaffiliation in 2010.

These HR characteristics overlap remarkably with Cao's findings regarding nonprofit organizations in China (Cao 2017). He found that non-profits lacked expert talent, were characterized by high turnover rates, and that employees were confronted with harsh working conditions, insufficient welfare, and limited career options, since the Chinese nonprofit sector would remain rather small (Cao 2017).

A further general issue regarding the Center's HR concerned employees' gender awareness and consciousness. As discussed, most of the Center's staff had no background in gender and/or women's studies (interview # 8, Peking, 27.12.2011, interview # 9, Peking, 08.12.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012), and the Center's leadership did not invest in guiding and/or educating newly recruited employees (neither legal nor gender education). A merely voluntary initiative was established to aide newly recruited lawyers in public interest litigation, but this stopped as soon as the volunteering lawyer left the Center (interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011). The lack of training modules to raise employees' gender awareness and consciousness could have led to potentially difficult situations between employees and experts from other bottom-up gender organizations. As one informant argued and the participant observation repeatedly showed, such problems materialized rather regularly (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, interview # 9, Peking, 08.12.2011). For instance, male lawyers handled quite a lot of important gender cases. My participation in such work meetings showed that lawyers took ample time to meet their clients and learn about their cases. However, as discussed, some of the male lawyers tended to interrupted their clients or interpret their situation for them (interview # 18, Peking, 02.11.2011, records observation period # 1, Peking, 19.09.2011 – 13.01.2012); behavior that can be motivated by insufficient gender consciousness. Furthermore, one Center informant argued that gender experts in another bottom-up gender advocacy organization, who often supported the Center in workshops or took part in conferences organized by the Center, were shocked about the male lawyers' attitudes. The informant reported that these experts declared that the male lawyers not only had no gender awareness whatsoever but also actively discriminated against women, including peers, in their day-to-day activities

(interview # 9, Peking, 08.12.2011). This is difficult to evaluate; however, during the four-month daily participant observation, I witnessed traits of such behavior, which were most visible in employees' social interactions, particularly during lunchtime (see section 6.1).

However, this insufficient gender awareness was most problematic in another area. Some male lawyers made statements that clearly represented traditional informal gender institutions, thereby reinforcing them in their everyday practices. For instance, one of the male lawyers strongly argued that the Center would not need a housemaid to cook lunch for the employees because there were ample female staff who could take on this responsibility (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). That said, this particular lawyer did at one point reflect on the holistic nature of gender issues, particularly the inclusion of males:

Women's problems are absolutely not only problems of women, but they need to be problems of the whole society, therefore while we currently conduct women's work (..) [we] advocate the participation of men.³⁰⁹

Interview # 5, Peking, 22.09.2011

This lawyer also made statements in which he seemed to be aware of how to tackle gender issues in his working life; it seemed, however, that he had not internalized the structural dimension of the problem or gender equality principles, nor even to thoroughly commit to the Center's gender equality objectives in his actual behavior. This was quite problematic, since he interacted with vulnerable people who looked to him for help; even toward them, he reinforced traditional informal gender institutions.

However, not all employees exhibited this apparent lack of gender awareness and consciousness. The WW project staff, in particular, criticized this situation and presented themselves as highly aware of dynamics surrounding gender relations in their everyday practices and work lives. Nonetheless, without the leadership's support, the potential for

³⁰⁹ “妇女问题绝对不仅仅是女性的问题，应该是整个社会的问题，所以我们现在在做女性工作的时候 (...) 倡导男性参与。”

them to improve this situation was nonexistent. Moreover, the Center's leadership neither prioritized further gender education nor sanctioned behavior that reinforced traditional gender institutions. As discussed in section 6.1., the Center's leadership even declined invitations to educational programs, since the programs would not have covered participating lawyers' salaries (interview # 10, Peking, 07.09.2012).

Besides the obvious HR characteristics of the Center, two more factors should be briefly discussed. One of the central guiding questions of this project targets not only the manifestation of the Center and its agency but also whether the Center's inner-organizational formation provided it with sufficient resources to navigate the difficult contextual institutional terrain. Lewis pointed out that people join SOs for a variety of reasons, of which financial gain is not the most important (Lewis 2006, p. 170). Moreover, such employees are often assumed to be more committed to SOs than employees in for-profit business organizations, even accepting smaller pay packets and less personal advancement and job security (Cunningham 2012, p. 52). Lewis's finding was certainly valid for the Center's employees, who were not motivated to join by financial gain; rather, either idealistic or other non-material aspects, such as the expectation of increased networking possibilities or work experience, were crucial. It was apparent that most employees were quite committed to the organization. The harsh working conditions, and even political pressure, motivated many employees to change careers; however, quite a few remained despite these difficulties. This might be due to limited career options in the nonprofit sector, but it might also indicate a real commitment to the organization. The Center's HR structure seems, though, to have provided more difficulties than resources; this discussion shows that it did not constitute an additional resource to support the Center's navigation of a difficult contextual institutional arrangement.

This section has shown that the Center was characterized throughout its development by scarce HR, which supported overwork and contributing to high turnover rates. Moreover, it became evident that employees' expectations of the organization did not necessarily materialize. These issues, combined with the rupture in organizational identity and paramount position of the director, raise questions about how these inner-organizational aspects translated into the organizational culture. Such a culture provides the shared rules

that govern cognitive and affective aspects of organizational membership, as well as the means by which these rules are shaped and expressed (Alvesson 2011, p. 14).

6.3.2. Organizational culture

Following the above definition, organizational culture is closely related to the identity of an organization, which provides normative core elements that should guide employees' identification and interaction. I argued in section 6.1. that the Center's organizational identity was fragmented into at least two main identification:; a gender advocacy organization and a legal rights advocacy organization. However, as Alvesson has argued, although any organization or working group would be temporal or issue-specific (Alvesson 2011, p. 16), it needs to shape at least a moderate degree of common understanding on at least some issues; otherwise, it will not be able to survive. Organizational culture can be analyzed by looking at the communication (verbal and non-verbal) and interaction between the organizational members.

According to its own reports, the Center's leadership envisioned a certain organizational culture and wanted to establish it top-down. In one official report, it was argued that the leadership wanted to "take the employees as basis, take the organizational culture as guidance" (Li Ying 2009, p. 93).³¹⁰ The official basic principles forming the organizational culture were democracy, fairness, caring, and sharing (Li Ying 2009, p. 101).³¹¹ What exactly these categories entailed was not specified. Interestingly, and in accordance with the previous sections, the Center's leadership offered no introduction seminars, educational workshops, or similar initiatives instructing newly recruited staffs about these principles (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

Asked about the guiding principle of the organization, one Center informant immediately recited the mission statement (interview # 5, Peking, 22.09.2011); however, he remained an exception:

I can only say, if I am entirely honest, I can only say this is common sense [the guiding principles: democracy, fairness, caring, and sharing], I know you need to

³¹⁰ "以人为本，以机构文化为导向。"

³¹¹ "民主，公正，关爱，共享。"

protect the privacy of people, you need some adjustments, some principles, but looking at it objectively, since I entered the Center, nobody told me you need to follow certain principles.³¹²

Interview # 9, Peking, 08.12.2011

Similarly to the Center's organizational identity, this implies that while the leadership envisioned a certain code of conduct, it did not communicate and/or enforce its vision properly. This might also indicate that some of these officially disseminated guiding principles were requirements of donors who financed the three yearlong capability training, after which they emerged, rather than genuine principles developed by the Center itself. And therefore enforcement was largely neglected. The above informant's assessment of the Center is congruent with the earlier statement from a lawyer, who argued there were no mechanisms in place to instruct newly recruited lawyers in public interest litigation (except on a voluntary base). Against this backdrop, it is reasonable to conclude that the communication and instruction of these principles was neglected from at least 2005 – the year the aforementioned lawyer, who conducted workshops on a voluntary basis, commenced employment. This lack of proper instruction and communication was not necessarily associated with the increasing political pressure on the organization, which allegedly started around 2006 and increasingly resulted in the closure of the opportunity structure from 2010. Rather, the lack of instruction and communication of these guiding principles seems to be a characteristic of the governance structure; a system was formally introduced and officially disseminated, but it was not properly installed internally. This might also relate to the professionalization process, which the aforementioned Winrock initiated after 2002. Since the formalization of the organizational culture took place around that time, it seems reasonable to assume it was established as part of the general professionalization. This might indicate that the officially disseminated principles were designed to meet the demands of international funders, rather than being genuinely developed internally.

³¹² “我只能说，如果说实话的话，我只能说这是一个常识，就是我作为我个人来讲，我知道需要保护一些人的隐私，需要做一些就是调整，需要有一些原则，但是客观地讲，自从我加入这个 center，没有人告诉过我应该有什么样的原则。”

As mentioned, a moderate degree of common understanding on at least some issues was necessary for the organization to survive. The Center's leadership supporting the emergence of common understandings of organizational principles by institutionalizing a sense of commonality through several initiatives (prior to the disaffiliation in 2010): it regularly organized joint free-time activities, and all members of the Center ate lunch together (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). After 2010, communal activities during employees' free time were largely stopped (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Asked about this change, one informant argued, off the record, that the general situation of the Center had deteriorated so much that there was neither money nor motivation for such activities (records observation period # 1, Peking, 19.09.2011 – 13.01.2012, interview # 11, Peking 7.-9.12.2011). The joint lunch remained, though; at noon every day, all members of the Center who were in the office ate lunch together at the conference table. The only exception was during winter, when lunch was taken standing in the kitchen of the Qianqian Law Firm due to the higher temperature in this facility. Furthermore, the shared lunch was provided for all employees, free of charge, and a housemaid was paid by the Center to prepare it (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Nonetheless, and as argued earlier, the general atmosphere during lunch changed remarkably after 2010. It remains unclear as to whether, post-2010, lunch remained a tool to establish certain common understandings of organizational principles.

Looking closely at the guiding principles disseminated, the picture deviates from the formally propagated code of conduct. In section 6.2. I argued that, although democratic decision-making processes were supposedly part of the Center's governance structure, in reality all processes centered around the paramount director. Thereby, her leadership shaped the organizational processes. Furthermore, the analysis of the participant observation and interviews indicates that, since 2010 at least, hierarchy rather than democracy was a basic principle guiding the code of conduct – both among employees and toward third parties. In the director's presence, all processes focused on her. But even in her absence from the organization – a rather common phenomenon (records observation period # 1, Peking, 19.09.2011 – 13.01.2012) – a hierarchical structure remained. For instance, if there was not enough space for all organizational members to sit at the table during lunch, it was the housemaid or a WW project employee who sat alone and away from the common table –

not a male lawyer (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Neither would lawyers give up their space at the table. If the housemaid ate with the Center's members at the table, she would be the first to leave the table, in case a male lawyer later joined the group and insufficient seating was available. This was not necessary; there were enough extra chairs available in the Center for everybody to squeeze together, but a spare chair was only offered incorporated by female lawyers, employees from the administration or WW project, or volunteers (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Otherwise, the housemaid, or in some cases the administrative or WW staff, would leave the table. This indicates that there might have been a hierarchical structuring among the Center's staff in which the housemaid (at least) was at the bottom. It could also imply that in the director's absence, the hierarchical structuration followed traditional gender relations, according to which male were perceived as superior to females (indicated by male lawyers never offering to leave the table while female lawyers, at least occasionally, did). Moreover, it might also indicate that lawyers were perceived as higher up the hierarchical ladder than administrative or WW project staff.

Reports from the Center also claimed fairness as one of its central guiding principles. This was theoretically ensured via three measures: a fair reward system, equality within the performance evaluation system, and equality regarding rewards, HR management, social security benefits, and the educational system (Li Ying 2009, p. 101). Besides internal further qualification options, none of these elements were mentioned by the staff in interviews or informal conversations. Moreover, the official reports did not specify what it meant by "fairness," making it a buzzword rather than a yardstick for Center members' code of conduct.

Reports from the Center also claimed sharing as a guiding principle, but again, no specifications were made. No informant from the Center could indicate what this principle entailed (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

The last guiding principle officially disseminated in Center reports was caring³¹³, although this is probably better translated as empathy and/or respect. Similar to the others, this principle was barely specified. It was stated that the leadership would look out for the (mental) health of its employees and care for their personal lives; for instance, through the provision of social security benefits (Li Ying 2009, p. 101). However, as discussed in previous

³¹³ *Guanai*, 关爱.

sections, the reality (at least since 2010) presented a different picture. As the prior analysis has shown, the leadership lacked consideration or even respect for its staff, volunteers, and their situations – whether through insufficiently acknowledging them and their contribution (as illustrated by the volunteers’ treatment; interview # 10, Peking, 07.09.2012, records observation period # 1, Peking, 19.09.2011 – 13.01.2012) or by showing no consideration for employees’ health issues or decisions about how to deal with the increasing political pressure (interview # 10, Peking, 07.09.2012, records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

Besides these official guiding principles, the leadership envisioned the Center to become a workplace that reflected the statement *Enjoy the work, have fun at work* (Li Ying 2009, p. 95).³¹⁴ In contrast to the other principles, it is evident that the working atmosphere experienced a fundamental deterioration after 2010. A joyful atmosphere was quite well established until around that time; the staff played table tennis after lunch and went on trips together, not only in their free time but also as a reward for their contribution during working hours, and the lunch was much more relaxed and enjoyable (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). It was repeatedly argued that, despite overwork and scarcity of resources, work was fun until 2010; both staff and volunteers liked going to the office, no matter what (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). However, informants argued that the increasing political pressure (which started to become tangible in the workplace around 2006–7), and the increasing number of staff who left the Center after 2006, fundamentally changed the organizational culture (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). The Center’s lawyers were the main target of direct political threats, but to a certain degree the pressure was tangible for all employees, since it penetrated the organizational culture and was present throughout the Center’s entire development:

In fact, I have been a public interest lawyer for 16 years, and in fact right now, if I sum them up, I still think that these 16 years in which I have been a public interest lawyer, these 16 years have been the hardest, the most difficult, the most fatigued,

³¹⁴ “享受工作，快乐工作。”

the most tiring, and they have been 15 years in which the difficulties, obstacles and pressure I met were tremendous³¹⁵

Interview # 1, Peking, 04.01.2012

Several employees repeatedly emphasized the disaffiliation in 2010 as a turning point in the organization's development (interview # 1, Peking, 04.01.2012, interview # 3, Peking, 08.11.2011, interview # 4, Peking, 27.12.2011, interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.201, records observation period # 1, Peking, 19.09.2011 – 13.01.2012), as well as the fact that after 2010 the increasing political pressure could no longer be ignored at the Center, which also led also to a deterioration in the previously joyful workplace. Moreover, informants indirectly linked the increase in political pressure directed toward individuals with a decrease in Center members' commitment to the organization and its cause (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

This section indicates that the Center's leadership had not installed a mechanism to establish its envisioned organizational culture on a top-down basis; rather, its organizational culture emerged dynamically from the bottom up and deviated from the disseminated guiding principles. This was problematic, but not to the extent that it really harmed the organization – until 2010. The disaffiliation in 2010 marked a point at which the Center's opportunity structures increasingly closed, which also impacted on its already scarce HR, organizational identify, and so on. In this context, the lack of a cohesive organizational culture became a tangible problem, and the differences in employees' code(s) of conduct – especially between WW project staff and lawyers – became particularly evident. Moreover, after 2010, the workplace was partially experienced as a burden. Some informants even described situations in which traditional gender institutions were reinforced on a regular basis. As such, the organizational culture did not function as a resource that supported the Center's leadership's navigation of a difficult institutional context. Rather, this difficult context impacted on the organizational culture so much that the culture eventually changed fundamentally.

³¹⁵ "其实, 我当了 16 年的公益律师, 那其实我现在, 总结的话, 我还是觉得做这 16 年的公益律师, 这 16 年是我最艰苦, 困难最大, 然后最疲劳, 最劳累, 而且是遇到的困难和障碍和压力最大的 15 年."

6.3.3. Networks

According to research on China, networks are patterns of relations between not only organizations but also individual actors (Broadbent 1985, p. 2). They are crucial for social actors, since they pave the way to resources or new information (Broadbent 1985; O'Brien and Li 2006). To assess the Center's general network structure, this section addresses the following questions: With whom did the Center's leadership and its members establish networks? How were these networks established, and to what end? Did the network structure change throughout the Center's development; for example, due to the disaffiliation in 2010, which severely impacted on several other inner-organizational categories such as the Center's organizational culture? And finally, did networks function as an important resource, supporting the Center to effectively navigate its difficult contextual terrains?

For the development of the Center's networks, its leadership – particularly its long-time director – was crucial:

How did they [the Center and its established networks] know each other (...) I think, it is because the Center's leadership is in these circles [public interest litigation, gender advocacy, women's rights; authors comment] quite important, early on they all knew each other. (...) for example, if we want to conduct some kind of educational seminar, no matter regarding what issue, they [the leadership] know somebody who conducted research in this issue area.³¹⁶

Interview # 9, Peking, 08.12.2011

Informal conversations indicated that the Center's director was especially crucial for the development of the Center's networks (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). This directly relates back to earlier discussions of the Center's leadership and HR. In the section on the organization's leadership, I argued that the Center's director did not enthusiastically support members of the organization to develop international networks.

³¹⁶ "怎么认识的...我觉得是因为中心的领导在这个圈子很重要,早都认识了。然后就是...比如说我们要做一个什么样的培训,是关于什么话题,他们就会知道什么样的人在做这样的研究."

What is more, she even discouraged them to go on overseas trip to Western Universities for educational purposes and financed by the inviting organizations, as discussed in section 6.3.1. Thereby, international networks predominantly centered on the director rather than the Center and all its members. This strong focus on the Center's director of national and international networks supports also the analysis of section 6.2.3. on the Center's leadership. Despite initiated structural changes, the Center remained paramount in the Center and its decision-making processes. What is more, the findings from the section have also indicated that it might have been a conscious and/or even self-assertive decision of the leadership and in particular director Guo. The precise reason behind it can only be guessed. But it seems likely that it even was a conscious decision to maintain a networking and leadership practice which had proven effective in the Chinese context or that director Guo was unwilling to include more members of the Center in the decision-making and networking process.

Moreover, the director was also central and crucial to national networks. The Center's HR structure is also relevant here. As discussed, its employees were predominantly young professionals, who entered the organization right after graduation. They therefore had little work experience and very few, if any, professional networks; rather, they depended on the organization to support the development of such networks. Indeed, as discussed previously, some employees stated that the development of their personal network was a key incentive for their commitment to the organization. The Center's director, on the other hand, had already established some resourceful networks with policy elites and legal rights experts due to her previous posts (e.g. with the ACWF). This marked the director herself as an important resource for the development of the Center's networks – a development that she (and, to a lesser extent, her deputy director) also initiated.

Looking at the network structure of the Center, we find some particularities. One striking feature is that, despite its initial problems, the organization found resourceful and supportive policy elites early on. For instance, in 1997 the then Vice Chairperson of the National People Congress (NPC), Chen Muhua,³¹⁷ officially acknowledged the importance of

³¹⁷ "陈幕华." She was also head of the State Family Commission in the 1980s and president of the ACWF between 1988 and 1998. Due to her political function, she remained a resourceful partner for the Center.

the Center in the foreword of a report (Li 2006). One year later, Peng Peiyun,³¹⁸ then Vice Chairperson of the NPC and Chairperson of the ACWF, officially visited the Center (Li 2006).

As early as 2002, the Center's leadership initiated a (rather loose) network of nationwide public interest lawyers (Li 2006). This led to the founding of the nationwide China Public Interest Lawyer's Network in 2007, which was renamed the Women's Rights Protection Public Interest Lawyer Network in 2009 (Li Ying 2009; Suda 2011). This was initially a network that pooled law firms and public interest institutions to jointly advocate for public interest litigation and gender equality. The formal founding of the network as an organization represented the institutionalization of one part of the Center's network.

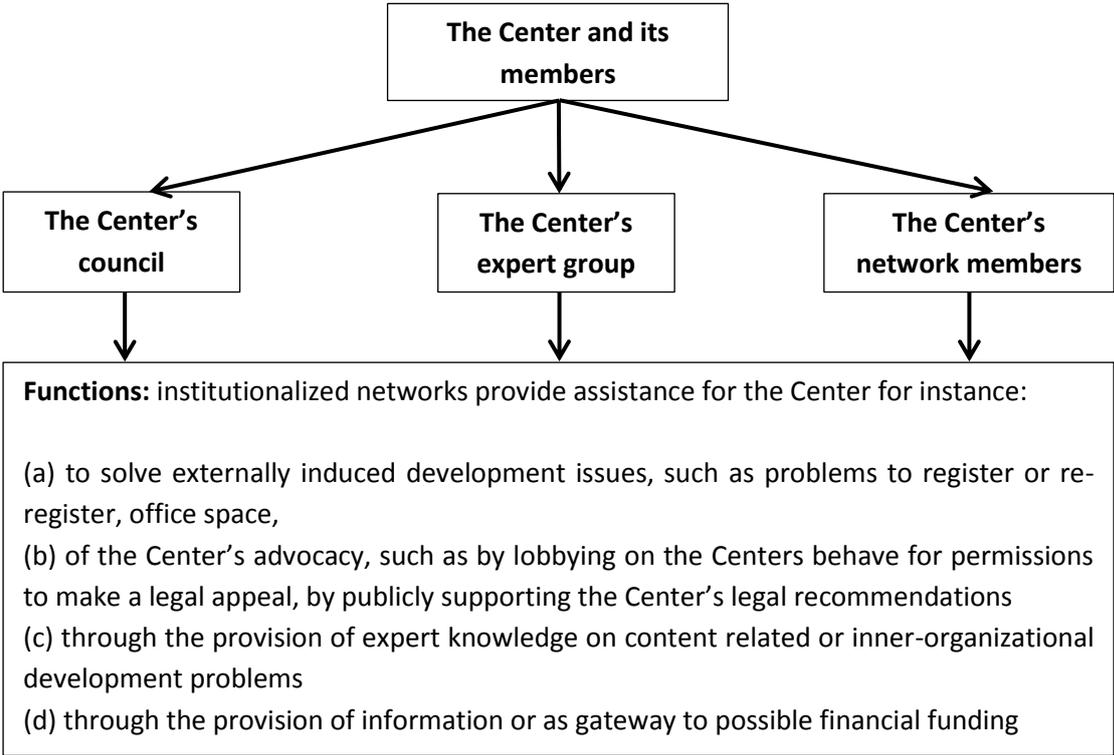
With the professionalization attempts after 2002, the established and future networks of the Center were also partially institutionalized. The Center's leadership transformed them into volunteer memberships, such as the council, the expert group, and the (officially publicized and explicitly named) long-term supporters.

It stands to reason that the Center's leadership consciously institutionalized parts of its network to tie network members more closely to the organization, thus making their support more stable and reliable. After the institutionalization of the network groups' into council, expert group, and long-term supporters, the Center regularly publicized its members. This can be understood as a safeguarding tactic; the Center publicized a list of (possibly resourceful) defenders of the organization, perhaps in an attempt to prevent party-state actors from exerting pressure and prohibiting the Center's advocacy. This suggests that we should take a closer look at these institutionalized networks,³¹⁹ since they might have played a crucial role in the Center's development and advocacy. For instance, the possibility to conduct awareness raising seminars depended largely on support by party-state officials, such as the ACWF or from other ministries. If such supporters issued invitations to other party-state officials the participation list was longer than without their support. An institutionalization secured the Center with important supporters to remain operational and advocate for its objective.

³¹⁸ “彭佩云.” She also held many official functions. For instance, she acted as vice chairperson of the ACWF between 1998 and 2003 and as chairperson of the Red Cross Society China between 1999 and 2003. This made her a resourceful network partner for the Center.

³¹⁹ I exclude the Women's Rights Protection Public Interest Lawyer Network from this detailed analysis. While it is part of the network, it is external; it is not incorporated into the organizational structure in the same way as the three building blocks (the council, the expert group, and long-term supporters, cf. governance).

Figure 6.3: Groups of institutionalized networks and their function



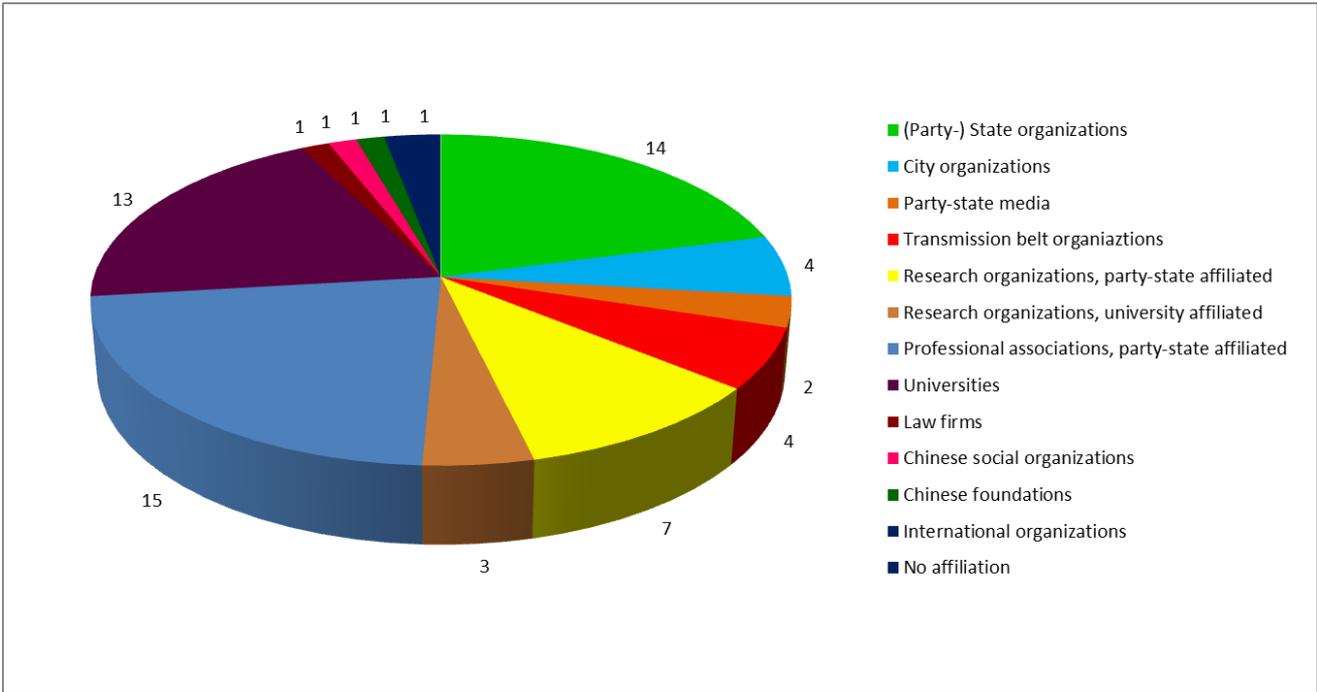
Note: The graphic was designed by the author and bases on the Figure 6.1: The Center’s governance structure after 2002, Figure 6.2: The Center’s HR structure as well as the analysis conducted on the Center’s networks.

The council and expert group have been analyzed previously regarding their number of members, gender composition, and members’ professions. The group of supporters consisted of 13 people in 2006 and 17 people in 2011 (Li 2006)³²⁰ and included members of relevant ministries and party-state institutions, such as the National People’s Congress, the ACWF and the Ministry of Justice (Li 2006). In 2006, 54% of the officially publicized long-term supporters were party-state officials; the rest were (predominantly legal) professionals. The gender composition of the supporters was relatively stable: in 2006, 46% were women and 56% were men; in 2011, 53% were women and 47% were men (Li 2006). This is interesting in so far as both the council and the expert group remained dominated by females.

The professional affiliations of all network partners in the council, expert group, and long-term supporters were quite diverse (see Figure 6.3).

³²⁰ The figures for 2011 originate from the Center’s webpage in 2012. Unfortunately, the webpage is no longer available.

Figure 6.4: Affiliations of the institutionalized network partners



Note: (Party-)State organizations included ministries, such as the Ministry of Justice. City organizations refer, among others to organizations such as the Beijing Arbitrary Committee. Party-state media included the CCTV. Transmission-belt organizations included the ACWF. Research organizations affiliated to party-state institutions included the CASS. University-affiliated research organizations included the NGO Research Center (under the Tsinghua University). Professional associations affiliated to (party-)state institutions included, for instance, the China Lawyers Association. Supporters included not only a broad variety of universities (such as Peking and Renmin University) but also the China Women’s University. Chinese SOs included Women’s Monitoring Network (under the Capital Association of Women Journalists), Chinese foundations included the China Legal Aid Foundation, and international organizations included the UN North-North Co-operation Committee. The categorization was designed by the author and is based on the Center’s webpage in 2011 and 2015, as well as Li (2006). Unfortunately, the Center’s webpage is no longer available.

Interestingly, no one among all these network partners no one was affiliated with a bottom-up SO. This indicates that the institutionalization of established networks targeted actors who could provide resources otherwise unavailable to the Center. Connections to other bottom-up SOs were definitely important, but not essential to the organization’s survival and impact. At least 46% of all members were employed in or affiliated with (party-)state institutions³²¹ (including party-state organizations; city organizations; party-state media;

³²¹ Universities could also be included in this list (since they are at least party-state approved), as well as Chinese SOs and foundations (since they remained, at that time, under the supervision of party-state organizations).

transmission belt organizations; research organizations affiliated to party-state institutions; and professional associations affiliated to party-state institutions). This again emphasizes the importance of party-state actors as network partners. Apart from party-state officials, all network partners were professionals. Moreover, the numbers of institutionalized networks remained rather stable throughout the Center's development, indicating their durability – even against the background of increasing political pressure toward the organization and its members.

The Center also experienced an increasing closure of its opportunity structure, beginning around 2006, which led to its loss of affiliation in 2010. This indicates that even its extended networks – which included party-state officials – could not balance out the closing of the opportunity structure. However, it is possible that the Center might have experienced such drastic measures *before* 2010 if it had lacked these networks with party-state officials. Given the deterioration of the institutional context after 2006/07, it seems likely that the Center would have experienced devastating consequences without such networks.

The Center's leadership also established broad national and international networks. The former included further party-state officials, such as from the Ministry of Justice, and the ACWF (Li 2009). The international network was broad and included well-known persons, such as former First Lady of the US, Hillary Clinton; the Secretary of State of the US, Madeleine Albright; the wife of the former British Prime Minister Tony Blair, Cherie; the wife of former UN Secretary General Kofi Annan, Nane; and the wife of former EU President José Manuel Barroso, Magarita (Li 2009, 2006). Some of these, such as Hillary Clinton, met director Guo several times and prompted the director to understand herself as internationally well connected³²² (interview # 1, Peking, 04.01.2012). However, as discussed previously, networks of high-level international political actors might have been a disadvantage rather than a resource that supported the Center's development and advocacy, because these politicians are committed to democracy and bottom-up democratic changes, as well as the active role of bottom-up SOs in such political transformations.

As discussed in Chapter 5, the Center's networks helped it to solve some crucial problems regarding its development. For instance, it was only by turning to the founder's networks

³²² According to informal conversations during participant observation, many of these meetings were financially supported by the Ford Foundation. This was though neither confirmed nor denied by on the record nor further specified.

that the organization was able to obtain a registration status that enabled it to provide legal aid (interview # 1, Peking, 04.01.2012). According to several informal conversations, this was not the only time that networks enabled the Center to solve such problems (records observation period # 1, Peking, 19.09.2011 – 13.01.2012); however, unfortunately the informants were reluctant to provide more specific information on this. This might indicate that the usage of networks to solve problems was a common strategy, but it remained sensitive, and therefore had to be kept quiet.

Networks were also crucial in determining where, and with whom, educational seminars and workshops were conducted:

Interviewer: Why was the workshop conducted in Hunan?

Interviewee: Why in Hunan? First of all, we have really good relations with the Hunan ACWF branch, with Peng Di the deputy director of the Rights and Interest Department of the local ACWF branch, this also includes the local deputy director, and the vice chairperson of the Hunan Provincial Women's Federation. Because his[gender] consciousness is well established he will actively pull people together, he would pull people from the Politics and Law Committee from Hunan Province together, directly under the procuratorial organs, public security organs, and courts. [Because of his active support] They [party-state officials] were participating from all organs related to the combat of DV. If the Politics and Law Committee invites you, other people have to participate and the ACWF will then coordinate the activity.³²³

Interview # 5, Peking, 22.09.2011

This describes the Center's general advocacy approach of conducting educational seminar or workshops, and the crucial role networks played in it. It lobbied influential and possibly high-ranking party-state officials from the relevant region or community to spearhead its

³²³ "为什么是湖南呢? 男: 湖南呢, 第一个, 跟他们妇联, 跟他们省妇联的权益部副部长彭迪, 都是我们非常好的朋友, 包括那里的副主任, 湖南省妇联的一个副主席, 因为他的意识理念非常的高, 他会积极地去牵头, 牵头是直接由湖南省政法委牵头, 底下的公检法, 湖南省公安厅, 检察院和法院, 他们参与, 从各个方面来防止家庭暴力事件。由省政法委牵头的话, 其他人不可能不参加, 然后妇联从中协调."

activities. The official and influential position of party-state officials invited policy elites to participate and seriously consider the topic, irrespective of whether or not they considered gender issues as important. Within bigger cities, they often turned to and cooperated with neighborhood committees (interview # 5, Peking, 22.09.2011). However, no matter where and whom they wanted to mobilize, the ACWF was a crucial partner in the mobilization process (interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011); it had local branches on all administrative layers and was, generally speaking, well connected. The ACWF local branch therefore often conducted the groundwork for the Center and coordinated activities on the ground, while the Center provided the actual expertise for seminars and workshops (interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011).³²⁴ As such, the Center's networks were decisive for where such advocacy events took place and who participates. This was especially true regarding events organized outside of Peking, which, due to the geographic distance made it difficult for the Center's staff to network local party-state officials.

Furthermore, if the Center cooperated with the ACWF and if their relations were good, they were able to ask the ACWF for certain conditions regarding the organization of the event.

Generally speaking, if we cooperate with the ACWF [to organize events] outside of Peking, we can ask for some conditions with the ACWF, we want those people from these government institutions to participate, they will then go and invite these proposed people. If we are to invite them ourselves, generally speaking, we can only invite people connected to the issue, only people who are working in an area related to the topic.³²⁵

Interview # 9, Peking, 08.12.2011

³²⁴ The tactical approach of including party-state officials, especially those employed in/or affiliated with the ACWF, was a common strategy of gender advocacy organizations, as was the institutionalization of such networks. The ADVN went even further with this approach to have ACWF branches as institutional members of their organization. According to data from the ADVN, it had 121 individual and 78 organizational members in 2012. Of these 78 organizational members, 60% were local branches of the ACWF. These data are derived from my own analyses of datasheets obtained from the ADVN during a field research trip in 2012.

³²⁵ “基本上如果是我们跟妇联合作，去外地的话，我们会跟他提要求，希望这些人来自什么样的机构和部门，他们根据这个要求去选人，如果是我们自己的话，基本上就会选跟这个话题相关的人，他在做跟这个话题有关系工作的人。”

The ACWF, with its elaborated organizational structure reaching through all administrative layers of China, was a crucial networking partner within and outside Peking. However, the Center also cooperated with representatives of neighborhood committees and/or legal institutions to organize and conduct advocacy.

The inclusion of well-connected party-state officials in the Center's network was particularly crucial to ensure its effective advocacy for gender issues. If relations between the Center's members and the ACWF branches were positive, the latter could function as extended arm of the Center. The institutionalization of networks can be understood as one way of tying important and resourceful partners closely to the organization. The ADVN strategy (which included ACWF branches as institutional members) went even further, but the purpose was the same.

Hildebrandt and others have argued on the basis of studies on China that networks among collective social actors and activists are rather limited and weakly developed (Hildebrandt 2012, p. 857; Jia 2006, p. 33). This is simultaneously valid and invalid regarding the Center. When the Center was founded in 1995, it had few networks with other bottom-up SOs working on gender equality and better legal protection against DV, for two reasons. First, as discussed in Chapter 4, the official regulation of SOs discouraged such alliances. Second, bottom-up SOs only emerged during the latter half of the 1990s. The early 2000s in particular witnessed the emergence of quite a few new organizations engaged in gender advocacy, most prominently the ADVN. The Center, the ADVN, and the Maple Women's Psychological Counseling Center Beijing established especially close and long-lasting networks and jointly advocated for better legal protection against DV (interview # 1, Peking, 04.01.2012, interview # 15, Peking, 31.07.2012, interview # 16, Peking 09.08.2012, interview # 17, Peking, 22.08.2012). They conducted workshops together, joined together for book publications, and pooled their expertise in drafting a DV law. Interestingly, the biggest problem hindering this cooperation was the different expectations of the individuals involved. Members of the ADVN in particular repeatedly criticized the Center for its reluctance to actively improve its legal personnel's gender awareness of (interview # 10, Peking, 07.09.2012). While the organizations still cooperated, they did so in a more limited fashion when the Center's resources were limited following the disaffiliation in 2010. This

thus led to the manifestation of an already apparent problem, which the limitation of the Center's resources seems to have catalyzed.

This discussion of the Center's networks has shown a few interesting particularities. Networks were crucial to the Center and its advocacy; among other things, they helped to solve fundamental problems, provided access to crucial party-state officials, and supported the Center's advocacy activities. Networks were even more crucial given the backdrop of an imperfect legal system (Yueh 2016, p. 77), which lacked robust legal institutions (especially in the mid-1990s), and had particular problems regarding the judicial mechanism and law enforcement (Li 2006). Parties therefore often turned to established networks instead of relying on established legal institutions (Yueh 2016, p. 91); conversations with Center members revealed that the Center also tended toward this approach.

6.4. The Center and its output: its advocacy

The Center's output – that is, all the activities it conducted to realize its objectives – connected its internal environment with external influences, and was therefore related to its tactical approach. According to its reports' descriptions of its organizational identity and description in organizational reports, the Center's leadership followed an advocacy approach. Advocacy tries to change political, legal, or cultural aspects on behalf of the constituency or group that the actor represents (Heaney 2007). The Center's constituency was women, and for our case study the envisioned change was better legal protection against DV. Advocacy is directed toward governments, businesses, or even other advocacy groups, and most advocacy activities are conducted by collective actors (Prakash and Gugerty 2010, p. 2). Advocacy can consist of diverse tactical activities, including lobbying, mobilizing grassroots constituents with public rallies or letter-writing campaigns, and sponsoring class action or other lawsuits (Heaney 2007, p. 614). Modern advocacy groups predominantly rely on professional staff (Young 2010, p. 34). Previous research has found that, for advocacy to be effective, actors need to establish networks with policy elites and other interest groups (Riddell 2007, p. 294). With regard to China, previous studies have shown that Chinese advocacy groups are neither oppositional in their thinking nor adversarial in their conduct, and predominantly seek constructive engagement with Chinese government agencies (Wexler et al. 2006, pp37).

The main questions for assessing the Center's tactical approach were: How did the Center advocate for better legal protection against DV? How was this advocacy approach implemented; that is, what activities were conducted? To address these questions, I will discuss the tactical approach and how its elements developed throughout the Center's lifetime. In the final part of this section, I will outline how this approach manifested vis-à-vis the party-state, and whether the organization took a confrontational or cooperative approach.

6.4.1. Evolution of the tactical approach

During its startup phase, the organization had no strategic plan guiding its activities, focusing instead on providing legal aid and representing cases for as many people as possible (Li 2009). As mentioned, requests for pro bono legal aid grew consistently during this initial period, while the available human and material resources remained rather limited. This led to a bottleneck in the Center's development. In this context, after 2002 the Center's leadership changed its organizational identity into a gender and law organization (Li 2013, p. 90) – a change intertwined with a tactical adjustment. One cornerstone of this adjustment was that the initially pro bono legal aid approach, which was available to everybody, was changed into a public interest litigation approach (Lin Lixia 2009, p. 116). Through such an approach, the Center's members aimed to identify weaknesses in the current legal system regarding the protection of women's rights and enhancement of gender equality, draft corresponding legal recommendations, and lobby relevant policy cadres to implement them. This transformed the tactical approach from a focus on individual support to one that took on the cases most representative of structural problems related to enhancing gender equality. The public interest litigation approach also went beyond providing legal aid for cases representative of structural problems:

Because the NGO's activities are policy advocacy, it is pushing for conceptual changes of the whole society; I think a NGO can achieve such an outcome.³²⁶

Interview # 9, Peking, 08.12.2011

³²⁶ “因为 NGO 做的事情就是在做政策倡导，就是在推动整个社会改变观念，我觉得 NGO 可以做到这样的—一个效果。”

Through these cases that we handle, we can promote the improvement of the legal system in our country, through them we can not only help this poorest and most vulnerable group to achieve the guarantee of their personal rights, but we can also simultaneously conduct research, we can submit the output of this research to relevant departments, promote, and thereby change and solve this problem which is not only a personal problem, but the problem of a whole group.³²⁷

Interview # 3, Peking, 08.11.2011

The value of the case is that you research DV, you find out about all forms of DV and you try to solve them through the litigation approach, (...) [You find out] what kind of a protection woman can get.³²⁸

Interview # 3, Peking, 08.11.2011

Following this approach, the Center's lawyers selected cases it viewed to be the most representative of structural problems regarding women's rights and interests and the enhancement of gender equality. These cases were chosen according to their usefulness for the Center's objectives and had to be agreed on by the panel of lawyers discussed in section 6.2. The organization conducted comprehensive research on issues relevant to the selected case, organized conferences and workshops, drafted legal recommendations and submitted them to relevant party-state actors and ministries, and conducted cooperative community experiments (Li 2009). The main goal of these activities was to influence decision-making and legislation regarding protecting women's rights and interests. Thereby, the Center's leadership and members envisioned enhancing gender equality.

6.4.2. The Center's advocacy approach

The Center's advocacy approach can be understood as a circular process consisting of a multitude of activities, all of which were based on providing legal counsel and handling select legal cases. As discussed in section 6.2., the preferences of the Center's director, lawyers, and donors influenced both the Center's counsel and handling of cases. The Center

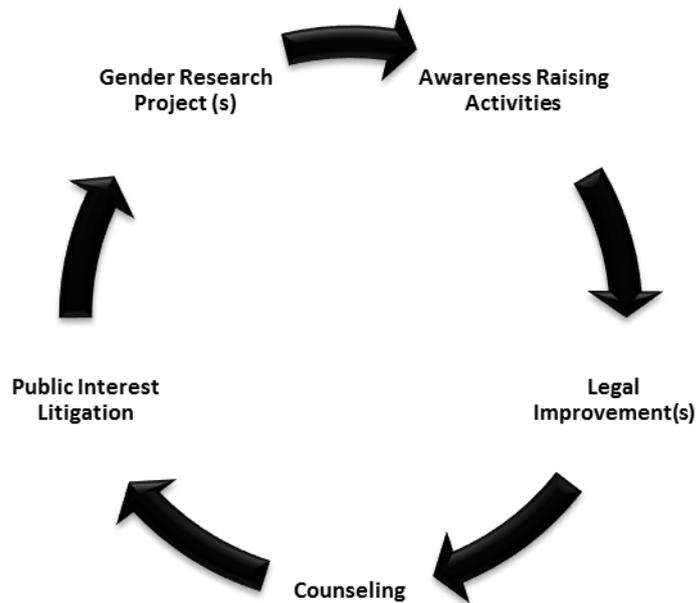
³²⁷ “通过这种我们代理的这种案件，可以推动这个国家法制的完善跟进程，不但我们可以帮助这些最贫困最弱势的这些群体，他们个人的权利得到保证，那同时我们会去做研究，这研究的成果就会去提交给相关的部门，去推动它，让它改变，而我们解决的不是一个个人的问题，而是一群人的问题。”

³²⁸ “价值的地方就在于，你要研究家庭暴力，你就要把家庭暴力的各种类型找到，而且要通过诉讼的方式来解决它，看看在诉讼以检验诉讼过程中法律的规定跟诉讼之间到底有多大差异，她能得到什么样的保护。”

often conducted gender research projects to increase their expertise; however, this was not a mandatory part of its advocacy approach, and was sometimes skipped. The insights gained through these research projects were then disseminated through awareness-raising activities, including research conferences, educational seminars and workshops, legal recommendations, and publications. These activities were directed toward not only the general public but also (and more importantly) relevant party-state officials, to initiate legal improvements and hence change existing social policies. Legal improvements were the best-case scenario, but not a necessary outcome; it was possible that through raising awareness and encouraging legal improvements, more people became aware of problems relating to gender equality and turned to the Center to obtain help for related problems (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). Moreover, third parties considered the Center and its members to be experts in the field and hence possible partners for relevant activities – including, potentially, government activities (interview # 1, Peking, 04.01.2012, interview # 5, Peking, 22.09.2011, interview # 8, Peking, 27.12.2011).

Figure 6.4 illustrates this circular advocacy process. It depicts the ideal interaction of the Center's activities; in reality, though, some activities could be skipped while others were expanded. In the following sections, I will discuss the stages of the advocacy process in detail.

Figure 6.5: Circular advocacy process of the Center



Note: Figure 6.4, elaborated by the author, was based on secondary data as well as primary data obtained during field research trips in 2011 and 2012.

6.4.2.1. *Counseling and public interest litigation*

The Center offered pro bono legal representation relating to infringements of women's rights and interests in four areas: personal rights,³²⁹ marriage and family,³³⁰ the workplace,³³¹ and land rights for peasants.³³² The cases it took on had to be representative of discriminating or infringing structures in one of these four areas and, as mentioned, theoretically had to be approved by the Center's lawyer panel. Beside representing such cases, a major share of the lawyers' daily workload consisted of free legal counseling:

Because I am a lawyer of the Center, the work I mainly conduct includes these few aspects, the first one is counseling.³³³

³²⁹ “人身。”

³³⁰ “婚姻家庭。”

³³¹ “劳动。”

³³² “农村土地。”

³³³ “因为我是中心里的一个律师，所以我在这儿做的主要工作，包括这么几块，第一个是中心的咨询。”

Interview # 7, Peking, 20.09.2011

Every day we arrange two [lawyers] who are on duty for the hotline, who receive the phone calls of [potential] litigants,³³⁴ then there are also those litigants who are coming to the office for an interview, and then there is counseling by webpage and through mail.³³⁵

Interview # 5, Peking, 22.09.2011

Legal counseling was provided nationwide and, theoretically, for both genders; however, men seldom approached the Center³³⁶ and the Center's lawyers only represented female clients. The rationale for this was that women were more disadvantaged by established gender institutions than men, and hence needed more support (records observation period # 1, Peking, 19.09.2011 – 13.01.2012):

Our phone counseling, including our mail counseling is available throughout mainland China, people from 31 provinces can call us. Our legal counseling is in fact also not only limited to women; men can also enquire with us, men with whatever problem can also call us.³³⁷

Interview # 5, Peking, 22.09.2011

Initially, the Center's legal staff only provided legal counseling via post and in person, but in 1999 it started to offer digital counseling (The Center for Women's Law Studies & Legal Service of Peking University 2000).³³⁸ In 2000, the phone hotline accounted for 79,3% of legal counseling, in-person enquiries for 16,3%, postal enquires for 4,4% and email inquiries

³³⁴ The informant used here the nomination litigant (当事人). This is not the best nomination. During this part of the interview it became evident that he was actually referring to all those calling and visiting the Center to receive advice; however, they were not necessarily opening a legal case.

³³⁵ “每天安排两部值班热线，接待那个当事人的电话咨询，然后还有当事人的来访，这属于面谈，(....). 还有包括一些网络、邮箱的咨询。”

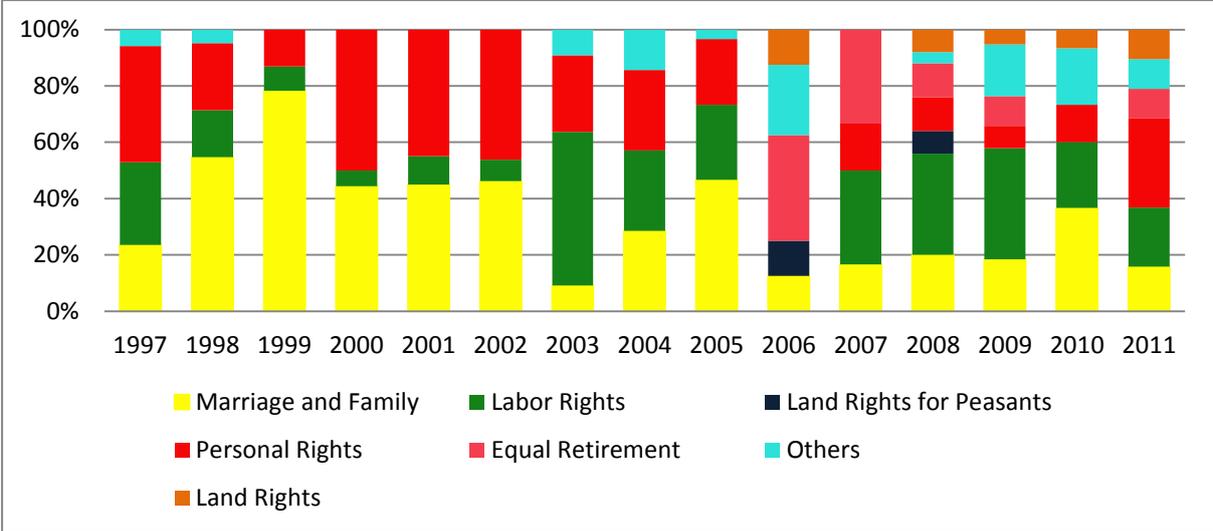
³³⁶ No exact numbers were reported for men inquiring with the Center.

³³⁷ “我们的电话咨询，包括我们的邮件咨询，是面对整个中国的大陆系统，31个省市自治区的省份的当事人都可以打。我们的邮件咨询，包括我们的咨询其实不仅仅限于女性，男性也可以，男性你有什么问题也可以电话咨询。”

³³⁸ At this time, “digital legal counseling” referred to counseling via e-mail. The exact time at which the Center set up its real-time online counseling tool could not be clarified, but according to informants was sometime in the early 2000s.

for just 0,1% (The Center for Women's Law Studies & Legal Service of Peking University 2000). At that time, women accounted for 92.3% of people approaching the Center for help, and men for only 7.7 % (The Center for Women's Law Studies & Legal Service of Peking University 2000). By 2011, the way in which enquiries were made had fundamentally changed; more than 70% were made digitally, including through the Center’s website as well as email³³⁹ (interview # 5, Peking, 22.09.2011). According to one informant, the Center received approximately 2000 enquiries per year, with insignificant numbers of men seeking advice (interview LQ, Peking 2011).

Figure 6.6: Cases represented by category in percentage over time



Note: The author composed Figure 6.5 on the basis of data provided by informants from the Center. The compilation of all represented cases for the year 2012 was incomplete and therefore excluded. Figure 6.5 should be understood as reflecting a trend, not as being 100% accurate. The head of administration reported that pre-2002 data were incomplete, particularly because they were not stored electronically (records observation period # 1, Peking, 19.09.2011 – 13.01.2012); however, she confirmed that the Figure illustrates the overall trend of represented cases rather well. Moreover, she reported that not all lawyers conscientiously reported their cases back to administration; as such, even after 2002, some cases were missing. The category of “Others” included cases such as sexual harassment, rape, financial disputes, and others. Land Rights for Peasants only entered the list of represented cases in 2008. There were no data available for the time prior to 1997.

³³⁹ Besides writing emails, people could use an instant messaging service provided by the Webpage to get in touch with the Center’s lawyers.

The highest number of represented cases was in the late 1990s, particularly in the category of “marriage and family.” In accordance with changes in the Center’s tactical approach to public interest litigation after 2002, the number of represented cases declined, particularly between 2002 and 2004. Nonetheless, the late 1990s and early 2000s witnessed a sharp decrease. This was directly related to the previously discussed bottleneck in the Center’s resources and the complete change in the Center’s legal staff. Between mid-2005 and 2007, as well as after 2010, the number of represented cases also declined noticeably, which correlates with the deterioration of the institutional context discussed in chapters 4 and 5. This might indicate that changes in the contextual institutional arrangements directly impacted on the Center’s ability to provide legal aid.

Table 6.1: Represented cases in the category “marriage and family” over time

Year	% of all cases
1997	24%
1998	55%
1999	78%
2000	44%
2001	45%
2002	46%
2003	1%
2004	28%
2005	46%

In accordance with the legal situation, DV was not listed as a separate category; rather, DV cases were handled in court, predominantly as internal family quarrels. The Center’s leadership therefore included them in its category of “marriage and family” cases. Only in 2013 was the first divorce granted on grounds of DV, thereby changing this legal practice.

Initially, the category “family and marriage” accounted for the biggest share of all represented cases. After 2002, however, the category declined in significance in comparison to others, such as labor rights and interests of women, which gained considerable importance.

Note: Table 6.1. was designed by the author and bases on data provided by informants from the Center.

Last year, in 2010, we conducted a statistical evaluation of all represented cases, marriage and family cases accounted for 12%, in fact DV cases accounted for 64% of all represented cases among the marriage and family cases.³⁴⁰

Interview # 5, Peking, 22.09.2011³⁴¹

DV cases became the most significant within the category of “marriage and family.” However, while DV cases continued to represent a significant share of this category, the overall percentage of marriage and family cases that the Center represented declined. However, this does not necessarily imply that the (legal) problems in this area decreased, or that society no longer perceived it as a problem; given the ways in which cases were selected for representation (see previous section), it could merely indicate that the preferences of the Center’s director, lawyer, and funders had changed. Indeed, the increasing social and policy support for tackling DV suggests that DV not only remained an issue but also awareness of it had increased. Therefore, the decrease in DV cases likely related to a change in the preferences of the director, lawyers, and donors.

The counseling and cases provided the Center’s members with insight into structural problems regarding the protection of women’s rights and interests, and the enhancement of gender equality; as such, they functioned as basis for gender research projects and awareness-raising activities.

6.4.2.2. Gender research projects

As mentioned, the Center’s members undertook gender research projects connected to the structural (legal) problems it discovered in its legal cases and legal counseling – or simply due to a preference among funders or the director (interview # 8, Peking, 27.12.2011).³⁴²

One of the first steps in this process was to contact responsible party-state agencies and, if possible, secure their support for the project (Wang 2009f). This is part of the cooperative networking approach that characterized the Center’s advocacy, as I will discuss in more

³⁴⁰ “但是去年，2010年，我们做了一个统计，在所有的官司当中，婚姻家庭案件占12%，其实我们代理的家庭暴力案件在整个婚姻家庭的官司当中，比例高达64%，这是我们中心的一个统计。”

³⁴¹ These numbers directly contradict those in Table 6.1. This could be because the statistics held by the administration were incomplete, as indicated in footnote 103. However, although the numbers might differ, the trend remains the same.

³⁴² Informants from the Center did not provide a summary of all the gender research projects it had conducted.

detail below. While informants unfortunately did not provide further information on the Center's research projects, some of these projects led to well-known publications, discussed shortly.

6.4.2.3. Awareness-raising activities

The Center's awareness-raising activities were various and included research conferences, educational seminars and workshops, legal recommendations, and publications about or authored by the Center. This wide portfolio of activities and available mobilization channels were a major outcome of the Center's member's continuous and diligent efforts:

Currently I can mobilize the media, I can mobilize experts to participate in a conference, (...) this is a mobilization process. (...) Before, it could be that I could only use one mobilization channel, but currently I have 10 or 12 ways to go, (...) this is also an outcome of a several-decades lasting process, this is also our progress.³⁴³

Interview # 1, Peking, 04.01.2012

Research conferences

The Center's research conferences, which predominantly related to its legal work, aimed to raise awareness of underlying structural problems, mobilize support from experts and officials, and draft legal recommendations. The Center's members conducted two categories of research conferences, the first of which related to problems in the protecting women's rights and interest and enhancing gender equality in general.

Figure 6.7: Research Conference on Women Worker's Labor Rights Protection, December 4, 2011



³⁴³ "那么现在我可以动员媒体，动员专家开研讨会，(...), 那就是一个动员的一个过程. (...). 那么以前我可能只有一个方法，但是现在我有十个方法，或者有二十个方法，那么这些也是在十几年的过程中，我们的这种进步。”

Note: The conference was organized by the Center's WW project and supported by the CLD Consultants (Beijing) Co. Ltd. and George Washington University Law School. The schedule and participation list can be found in the Appendix. The photograph in Figure 6.6 was taken by the Center's administrative staff and provided to the author for research purposes.

In preparation of such conferences the Center's staff attempted to hold a small expert forum, to which representatives of relevant ministries, SOs, and experts in the field were invited. This small group would draft preliminary legal recommendations for the legal issue at hand, which then served as a basis for discussion during the actual conference. A central goal of the conferences was to draft a legal recommendation that all participants supported, which would be sent to relevant ministries to advocate legal improvements for the underlying structural legal problem (Wang 2009f, p. 110). Ideally, therefore, party-state officials already supported the draft recommendations. By applying this cooperative approach of including as many resourceful actors in the advocacy process as possible, the Center's staff tried to increase its chances of successful legal changes (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). In some cases, the Center's staff also invited opponents of either the legal proposals or the Center in general. The underlying rationale was that the other participants, who predominantly supported the Center and its proposed issues, could help to mobilize the particular person and win their support (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). According to Center informants, however, opposing actors rarely participated in these events (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

The second category of the Center's research conferences was based on the cases it represented and legal problems detected therein. These conferences – which were comparatively small; only a few legal experts were invited – discussed specific cases and the structural problems that had occurred while handling them. They aimed to formulate legal recommendations, which were then sent to the People's Courts and related ministries, to raise awareness of these problems and suggest practical solutions (Wang 2009f, p. 110). In this sense, the first category of conferences provided theoretical and practical support, while the second focused on providing practical assistance to the officials who dealt with the issue.

Educational seminars, workshops, and community experiments

The main goal of educational seminars, workshops, and community experiments was to raise awareness within society and to equip party-state officials who dealt with relevant problems, such as those in direct contact with DV victims and perpetrators, with the necessary knowledge and skills to deal with them in an adequate and gender-sensitive manner. The major difference between these initiatives and research conferences was that no immediate legal changes were envisioned in the former, which were much more practical in nature. Beneficiaries of such activities including domestic workers; domestic companies; ACWF branches; civil affairs, economic, and labor departments; the media; and ordinary citizens, among others (Wang 2009f, p. 111). The selection of participants depended on the issue at hand and the Center's aforementioned networks; the location and conduct of the events also depended on the latter.

One central problem was that one-off participation in such an activity would not necessarily change the participant's mindset or underlying informal institutions. Rather, those actors would have to participate repeatedly in such events, which had to be targeted at all layers of society (interview # 1, Peking, 04.01.2012):

Honestly, I think this [awareness-raising] is a process; you cannot expect them to participate once or twice and then change their initial mindset, but I think you can impact them. Because among them are a few policy makers, therefore, the impact is rather latent and not so much obvious.³⁴⁴

Interview # 9, Peking, 08.12.2011

Initially, awareness-raising seminars for the general public were conducted on a regular basis, at least in one Peking neighborhood community close to the Center's location (interview # 5, Peking, 22.09.2011). In 2011, these seminars ceased to exist due to the Center's deteriorated situation and associated shortage of resources.

³⁴⁴ "真的, 我觉得这是一个过程, 你不能期望他参加一次两次就能改变他原来的观念, 但我觉得会对他产生影响.因为他们当中的有一些人他是政策的制定者, (...) 所以你对他的这种观念我觉得是潜在的, 不是很明显的."

These seminars, workshops, and community experiments were held for 30–50 people, resembled lectures, and were held over one to two days (interview # 10, Peking, 07.09.2012). They were also conducted on special occasions, such as the Legal Publicity Day³⁴⁵ on December 4, which was referred to internally as popularization of the law³⁴⁶ and aimed to disseminate knowledge on citizens' legal rights and the rule of law. They were often implemented in cooperation with official local organizations, such as neighborhood committees; in this sense, they were often referred to as community projects. Other law firms regularly supported the Center during such events, again dependent on its networks.

Through the popularization of the law, just like on December 4th, the Legal Publicity Day, stationed in the communities and the neighborhoods we popularize the law, this is especially important, we provide them [Chinese citizens] with free-of-charge legal counseling (...) several law firms let two or three representatives participate, each one has their own stand, (...) face to face, they are first presenting their case and then the lawyers tell them how they have to handle their case, this is an event for the popularization of the law.³⁴⁷

Interview # 5, Peking, 22.09.2011

Figure 6.8: Educational workshop conducted by the Center



Note: The photograph in Figure 6.7 was downloaded from the Center's webpage (<http://www.woman-legalaid.org.cn/>). On the left-hand side are the lawyers, and on the right-hand side are Chinese citizens directing their inquiries toward the legal experts.

These events supplemented those held for legal experts and party-state officials. Thereby, both the general public and party-state officials were exposed to the Center's awareness-

³⁴⁵ “法制宣传日。”

³⁴⁶ “普法。”

³⁴⁷ “要通过普法，像我们 12 月 4 号的法制宣传日，进驻社区、街道做普法工作，这个特别重要，给他们提供免费的法律咨询，(...)，几个律师事务所派两三个代表，每个人做一个台，(...)，直接面对面，他首先陈述案情，律师告诉这个案子应该怎么办，这样子的一个普法宣传。”

raising campaigns. It must be kept in mind that these offers were strongly influenced by the previously discussed deterioration in the Center's (human) resources; without sufficient staff, as was the case after 2010, how were the Center's members supposed to conduct this wide range of advocating activities? Moreover, as indicated earlier, a central question remained: How could lawyers who conformed to traditional, informal gender institutions convey a gender-equal perception of the law without reproducing these institutions at events?

Legal Recommendations

Legal recommendations were a constructive way to improve the legal situation for women and close the gap between the Chinese Communist Party's proclaimed vision of gender equality and reality, in which gender-unequal practices persisted and reappeared (Wang 2012b). The recommendations were not only criticizing the status quo but also providing concrete and constructive suggestions on how to overcome particular problems related to protecting women's rights and interests and gender equality. Legal recommendations were made several times each year (interview # 9, Peking, 08.12.2011), but the institutional context affected their potential impact:

Because if they [party-state actors] are catching up, for instance, if the party-state is currently seeking legal recommendations from the public, then you might have a chance. But if they have this year no such working plan, then you should also not recommend something.³⁴⁸

Interview # 9, Peking, 08.12.2011

This clearly indicates that the impact of legal recommendations was closely related to the political context of the day. The above informant emphasized the importance of the party-state's working plan for the acceptance of legal recommendations. However, it stands to reason that the party-state was also less responsive to such recommendations in times of deteriorating conditions for (bottom-up) SOs in general, and/or SOs in a particular field. In

³⁴⁸ “因为如果赶上比如说这个国家正在征求公众对立法的建议，那你就有机会呀。那如果他今年没有这样的工作计划，那你建议了也没用。” “国家” is here translated as “party-state” in the sense of party-state *actors*, since she clearly did not refer to the nation as such.

this regard, it seems likely that recommendations the Center issued during such times were not as effective as those issued during more conducive contexts.³⁴⁹

If the recommendations were a result of research conferences, they were subject to several stages of discussions. Theoretically, as mentioned, a small forum of legal experts drafted legal recommendations prior to the conference, which were then discussed during the conference. Subsequently, the Center's staff incorporated changes agreed during the conference and sent the revised version to the forum of legal experts, asking for their feedback and approval (interview # 8, Peking, 27.12.2011). Based on this feedback, the Center's staff further amend the recommendations, before finally sending them to relevant party-state agencies. In this sense, the drafting of legal recommendations followed a cooperative networking approach and included as many supporters as possible, as discussed in more detail in section 6.4.2.4.

In general, the Center's members tried to mobilize party-state actors and agencies as signatories of its recommendations, before submitting them to party-state agencies, to increase their possible impact. For instance, the signatories of the legal recommendation based on the DV case of Dong Shanshan's death³⁵⁰ were the Beijing Second Intermediate People's Court and five legal experts, including two members of the Center (Beijing Second Intermediary People's Court (*Beijingshi dier zhongji renmin fayuan*) 2010).³⁵¹ The Center's legal recommendations focused on one clearly defined legal problem, often inspired by one particular case, and were as detailed as possible.

The Center published legal recommendations on a broad variety of problems relating to protecting women's rights and interests and gender equality. Most of its recommendations included a passage calling for improving the gender consciousness of the judicial personnel, who members of the Center understood to be crucial due to their legal expertise. The main argument here was that gender equality was anchored in the People's Republic of China's constitution; as such, improving the gender awareness of relevant party-state actors was

³⁴⁹ Besides the earlier evaluation of the Center's staff, it is difficult to provide tangible proof of this. The testimony of a relevant policy cadre would have been necessary to do so, which was not possible, as discussed in the methods chapter.

³⁵⁰ Details of the Dong Shanshan case were discussed in Chapter 4, section 4.3.3.

³⁵¹ The full text of the particular legal recommendation can be found in the Appendix.

crucial (*Beijing Second Intermediary People's Court (Beijingshi dier zhongji renmin fayuan)* 2010).

Publications

One important way in which members of the Center raised awareness of its objectives was through media reports by and about the organization and its work. This strategy included publishing represented legal cases with the potential to generate strong social mobilization and outrage (interview # 7, Peking, 20.09.2011), often called *lighthouse cases*. Although (as discussed earlier) a priori evaluation of these publications' outreach was impossible, they could directly benefit the particular case. For instance, when the courts refused to accept an appeal regarding Dong Shanshan's case (interview # 13, Peking, 26.12.2011), the Center's members used its networks to contact the journalist Wu Xiaojie, who then published Dong Shanshan's tragic case and the court's refusal to accept the appeal (Wu Xiaojie 2010). Following the publication of Wu Xiaojie's article, more and more journalists interviewed Dong Shanshan's parents and published stories, and eventually the court accepted a further appeal:

[T]hey [the Center's leadership] let Wu Xiaojie interview me, to see if it [the court's refusal to accept the appeal] would turn around (...) the number of people from diverse platforms who interviewed me increased [afterwards], in the end, it attracted the attention of the high court, the middle court, and even the central leadership. (...) He [the judge responsible] contacted them [the Center's leadership] and told them you can sue again.³⁵²

Interview # 13, Peking, 26.12.2011

The Center also published its research and other work in the form of books, pamphlets, research reports, and press releases. For instance, the Center had altogether published 11 books throughout its existence until the end of 2012 (Yang and Guo 2001; Funü Falü Yanjiu yu Fuwu Zhongxin 2001b, 2001c; Zhu 2000; Guo et al. 2003; Dai 2002; Guo and Li 2009; Li and Zhang 2010; Funü Falü Yanjiu yu Fuwu Zhongxin 2001a; Li and Wang 2006; Ye 2003).

³⁵² “就让吴小杰来采访我，看有是否有转机，(...) 那个各台那种来访的人就多了，完了以后，引起了高院，中院、甚至中央领导的注意。 (...) 他联系他们说你们可以再起诉 (...)。”

Moreover, the Center's members used its growing network, especially with media representatives, to achieve cover stories of not only the case itself but also the organization and its work in general. As the Center's director put it, this in itself was an important outcome of the Center's efforts over the years.

6.4.2.4. A cooperative networking approach

Overall, the Center's advocacy took the form of a cooperative networking approach. It was only possible to guarantee, for instance, the physical security and legal protection of DV victims by cooperating with important and relevant actors, including judges, the police, community leaders, and bottom-up SOs; cooperation and networking with these central actors became hence cornerstones of the Center's activities. The institutionalization of network groups into a council, an expert group and the Center's network members was one way to by which this approach was implemented. Another was for instance the inclusion of these relevant actors in conferences and to mobilize them as supporters of issued legal recommendations, as discussed in section 6.4.2.3. or to jointly conduct neighborhood workshops or projects.

Moreover, this cooperative networking approach was also a reaction to the Center's environment. Since the mid-1990s, women's organizations have adopted flexible and/or informal organizational forms such as social networks, hotlines, or mailing lists, and have incorporated the new networking and communication possibilities enabled by the technological revolution into their work (Suda 2011, p. 123). With this networking approach, women's organizations (and later gender organizations) tried to deal with China's insecure political and financial situation. Women's (and later gender) bottom-up SOs started to relate to many different party-state actors, groups, and organizations during this time. They were involved in a "cognitive praxis" of creating social change; a collective process of producing new forms of knowledge and practice (Hsiung et al. 2001, p. 7).

This cooperative networking approach indicates that these forms of organizing focused on producing social change through networking and/or coalition building, not only within a single issue but also (and increasingly) across diverse issues – and especially with party-state actors. Hence, this approach was in itself a fundamental building block of an emerging women's movement, especially since many of the emerging networks (such as the ADVN or Women's Rights Protection Public Interest Lawyer Network) remained stable alliances for

rather long periods of time. As illustrated previously, the Center's members maintained this cooperative network approach with not only other SOs but also government officials, agencies, and transmission belt organizations such as the ACWF. The Center's members cooperated with all of these partners to conduct workshops or seminars, or provided them with expertise in the form of legal recommendations or expert knowledge on conferences. As such, the Center followed a non-confrontational approach vis-à-vis the party-state and tried to incorporate the party-state into its advocacy.

6.5. The Center's gender regime

A gender regime is an arrangement of gender institutions that manifests in certain patterns (Connell 2009, p. 74), which allows for its characterization (e.g. as patriarchal). Such regimes manifest within the borders of certain institutions (such as families, laws, and ethnic minority groups) or organizations (such as SOs) (Connell 2009, p. 74). However, contextual gender arrangements are likely to spill over into social organizing (Acker 1990, 1998), as discussed in Chapter 2. As such, although the Center's gender regime is a distinct manifestation, it possibly also shows characteristics of the contextual gender arrangements. Moreover, these arrangements can reproduce gender division and inequalities, even against the best intentions of some organizational members (Acker 1998).

Guiding research questions for assessing the Center's gender regime were: How did the gender arrangements manifest within the Center? How did these arrangements impact on the organization and its working culture, resources, and advocacy?

6.5.1. Spilling over: The reproduction of contextual gender institutions

The Center's gender regime did not manifest in a vacuum; external contextual gender arrangements not only spilled over into but also significantly shaped the Center's gender regime.

One decisive way in which this occurred was through third parties and their gender perceptions. This became most obvious regarding the persistent taboo of publicizing instances of DV outside of the family. As illustrated in section 6.4, the Center publicized its cases to raise awareness of the underlying problems therein. However, not all clients supported this approach, and often did not grant the Center permission to publicize their cases (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). This problem occurred regarding all gender-specific discrimination, whether in the workplace or within the

area of marriage and family (interview # 22, Peking, 20.12.2011). However, this problem appeared to be more severe for DV. Some victims not only refused to grant the Center permission to publicize their case but also refused to inform their friends and family about their experience of DV (interview # 18, Peking, 02.11.2011). The inclusion of family and friends as a support system was, however, a precondition for the Center's lawyers to represent a case in the first place (interview # 7, Peking, 20.09.2011):

Lawyer X: [W]hat you are doing [not telling your family] is actually wrong. After experiencing your husband's domestic violence, you should have told your parents (...) about this situation, they are your most powerful spiritual pillar, including all supporting aspects, just because you fear to lose face you cannot not tell them, this concept that your parents would lose face is not right.

Plaintiff: I don't want my parents to know; my parents, right, they are retired cadres.³⁵³

Interview # 18, Peking, 02.11.2011

The plaintiff did not explicate further why being a retired cadre was a problem regarding telling her parents about her experience of DV. It stands to reason that she wanted to be a good, filial daughter and not cause any trouble. Her parents were obviously part of an older generation and probably held traditional gender perceptions, such as that DV is a private matter and should not be openly communicated. Thereby, the plaintiff herself reproduced the social taboo of not publicizing DV, even though her refusal to inform her family and/or friends fundamentally impacted on her living situation. She left her apartment to escape

³⁵³ “男: xx, 你这么做其实是不对的。你遭受你丈夫的家庭暴力之后, 你要把这个事原原本本地跟你的父母包括娘家这边的亲戚说的, 他们是你最有力的精神支柱, 包括各方面的支柱, 你这个不能因为怕丢脸, 自己不说, 觉得给父母丢脸, 这观念是不对的。” xx: 不是, 我不想叫家里知道, 我父母吧, 也都是离休干部, 他那个。”

further violence from her husband and, since nobody knew about her situation, she started to live in her car (interview # 18, Peking, 02.11.2011).³⁵⁴

The underlying problem here was the deeply rooted importance of an intact family; a public statement that DV occurred within that family would damage that perception. This social taboo was often referred to as “don’t wash your dirty linen in public.”³⁵⁵

Because Chinese people’s concept of the family is deeply rooted, especially once you are divorced, other people will look at you with strange eyes, Chinese people are very concerned about this. If I tell you, you know that I divorced my wife. You know, this is a matter normal Chinese people will not mention.³⁵⁶

Interview # 4, Peking, 27.12.2011

“Not to tell others is an awareness problem on two levels, the first one regards the level of the victim, just like [the plaintiff mentioned above who lived in her car], what she just told us, this is the first; the second one regards the situation while she was beaten by her husband and she did not think about divorcing him, everybody thinks this is scandalous, until today she has not told her parents, she has not talked to any siblings within her family, this is the influence of her own traditional concepts, this is not a good situation, “don’t wash your dirty linen in public” (...) it is the problem of losing face (...) from the perspective of a perpetrator, he argues with regard to wife

³⁵⁴ According to her statement, she had provided the majority of funding for the apartment of her and her husband. Unfortunately, following traditional gender perceptions she had refused to insist on being included in the apartment’s title. It was therefore hardly possible to prove her main ownership of the property. In an unrecorded follow-up meeting about eight months later, she reported that she was still living in her car, with little hope of gaining a financial compensation for the shared property. Moreover, by then she had left her job to avoid further violence from her husband (who waited for her outside her workplace) and was running out of money. She still refused to tell her parents but was considering telling her sister about her situation so as to live with her for a while. When asked about this, her lawyer was convinced that it was only lip service; that she was not able to change her gender perception, and hence would not tell her sister, even if this meant she would eventually have to live on the street. Interestingly, the lawyer did not think it was his responsibility to support her to inform her sister. The lawyer confirmed her fears that there was little hope of winning her DV case in court, since they could provide little proof (following the legal guidelines) for the violence her husband had committed.

³⁵⁵ *Jiachou bu ke waiyang* (家丑不可外扬).

³⁵⁶ “因为中国人对于家庭的观念还是很深的，尤其是，一旦离婚了以后，别人会用异样的眼光看你，这是中国人很在意的一点。如果我告诉你说，你知道吗，我跟妻子离婚了。你知道这是一般中国人不会提起的一个事情。”

beating that “three days without a beating and the house will lose all of its roof tiles,”³⁵⁷ [he thinks] “this is my own family, what does it concern you?”³⁵⁸

Lawyer X during interview # 5, Peking, 22.09.2011

Although an increasingly well-known social phenomenon, DV remained socially taboo in large parts of Chinese society; this affected the Center’s advocacy, since the taboo also affected many plaintiffs. Thereby, the Center’s advocacy was hindered by not only lawyers being unable to publicize their cases but also plaintiffs refusing to inform family and friends of their situation. Some plaintiffs partially feared being blamed and bearing the brunt of severe social sanctions from their family and friends. However, according to informants from the Center, plaintiffs without a strong support network were more likely to drop the case before a verdict was reached (interview # 7, Peking, 20.09.2011). This harmed the Center’s advocacy, since the cases then had to be withdrawn from court. The Center therefore established a rule: A support network consisting of families and friends was a precondition for a case to be handled. During the course of gender discrimination cases, and in particular DV cases, third parties often blamed plaintiffs for the violence and pressured them to drop the case, including the police, members of neighborhood committees, or even judges – and, in some cases, even their own family and friends (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). The psychological and spiritual support of friends and family members was thus crucial to ensure the plaintiff’s commitment to the lawsuit (interview # 7, Peking, 20.09.2011). Hence, traditional gender institutions, such as the social taboo against publicizing DV, directly and negatively impacted on the Center’s advocacy.

It was not only plaintiffs through whom the contextual gender arrangements entered the Center but also the organization’s staff. As illustrated in section 6.3., some lawyers lacked a well-elaborated gender consciousness, and therefore partially reproduced traditional

³⁵⁷ The lawyer refers here to the common Chinese proverb, “女人三天不打上房揭瓦” (*Nüren santian buda shangfang jiewa*). It justifies husbands’ DV towards wives as necessary to maintain an orderly household and avoid disobedience.

³⁵⁸ “意识的问题就不用说了，分成两个层次，第一个是当事人层面的，比如像她这样的，刚才她自己陈述了，第一次第二次被她丈夫打的时候，并没想到离婚，都认为这个东西是家丑，到现在都没跟她父母说，没跟她家里的所有的兄弟姐妹说，这就是她自己的传统的观念的影响，这不是什么好事，家丑不可外扬，(...)，好事没人传，坏事传千里，是丢面子的事，(...)，从施暴者的角度来说，他认为打老婆算什么啊，三天不打上房揭瓦，这是我自己的家事，你管得着吗？”

informal gender institutions – most notably those associated with the *nei-wai* binary. Lawyers with these views identifies as lawyers first and foremost and gender experts second – if at all. This negatively affected not only the Center’s gender regime but also its advocacy for better legal protection against DV in multiple ways. For instance, as discussed in section 6.3. potential plaintiffs might have re-experienced traditional gender institutions due to their lawyer’s paternalistic (for example) behaviors. This behavior was rooted in both the legal personnel’s lack of gender awareness and the Center’s lack of educational programs to improve this awareness, as discussed earlier. This is problematic insofar as legal personnel thereby reproduced the institutions that their litigation was trying to abolish, or at least improve. This contradiction was more obvious in some legal cases than others; it could lead to plaintiffs doubting the legitimacy of their claims, and even dropping out of the case altogether (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). As such, lawyers’ lack of gender consciousness directly harmed the Center’s advocacy.

Moreover, in some cases the lawyers were committed to the case but did not seem to care much about difficult gender dynamics. In the aforementioned DV case, the lawyer only learned during the interview between the plaintiff and me that she had not informed her family and/or friends about her DV situation – even though he had handled the case for more than six months (interview # 18, Peking, 02.11.2011, interview # 19, Peking 12.11.2011). This is striking, since the inclusion of a support network was a precondition for the Center’s lawyers to represent the case (interview # 5, Peking, 22.09.2011, interview # 7, Peking, 20.09.2011). Support networks supposedly lowered plaintiffs’ dropout rates; in this case, the lawyer accepted that his client might drop out of the case due to her lack of social support, and did not seem sufficiently interested in (or lacked a sufficient gender consciousness to) support(ing) his plaintiff to manage the difficult process of breaking social gender taboos. This also relates back to the lack of gender education programs for the Center’s staff. Such programs might have equipped lawyers with the necessary knowledge and tools to better deal with such situations, and might also have exerted (peer) pressure in the case of non-compliance with established rules, such as the lawyer’s way of dealing with his client’s refusal to inform her family and friends.

This lack of a well-elaborated gender consciousness among some legal staff also affected the Center’s advocacy with regard to its awareness-raising activities, especially the educational

seminars, workshops, and conferences that the legal staff conducted. As mentioned previously, members of other gender advocacy organizations repeatedly criticized some of the Center's legal staff for their lack of gender consciousness (interview # 10, Peking, 07.09.2012), particularly when they actually reproduced informal traditional gender institutions. In this regard, contextual gender arrangements spilled into the organization through the mindset of employees, who were socialized in precisely this context – and who shaped gender arrangements themselves, by conducting awareness-raising activities on gender issues for third parties. How could legal staff convey the necessity of changing established informal gender institutions, if they themselves partially reproduced them? It was therefore most curious to learn that the Center's leadership refused to outsource the implementation of such events to experts in the field (interview # 9, Peking, 08.12.2011), despite this being a well-established practice of the ADVN, another gender advocacy SO lobbying for better legal protection against DV.

These traditional gender institutions were also problematic for awareness-raising activities because, as mentioned earlier, the participants were “carriers” whose mindsets were not changed by a one-off event (interview # 9, Peking, 08.12.2011). To change a mindset, repeated participation that supports slow and incremental changes is necessary; as such, it was crucial to ensure participants – especially party-state officials – signed up for another awareness-raising activity. Networks were therefore crucially important for the Center in order to ensure participation (first time as well as repeated) of important actors in order to be able to achieve effective gender advocacy.

Interestingly, not only the contextual gender arrangements but also international actors impacted on the Center's gender regime. The transformation of the Center's organizational identity into a “gender” identity seems to have been incentivized by international actors. As discussed in section 6.1., this change in organizational identity was a by-product of the professionalization process accompanying the Center's post-2002 capacity-enhancement program. The “gender and legal rights advocacy” identity that emerged emphasized the enhancement of gender equality as its main objective. It also raised the expectations of third parties and potential new staff regarding the organization's own gender regime, which was expected to be characterized by gender equality (records observation period # 1, Peking, 19.09.2011 – 13.01.2012). However, this identity was not entirely reflected in the

organization's identity or gender regime, as discussed in the next section. The extent to which Winrock and the FF incentivized this identity change, and how much of it emerged out of the inner-organizational logic of the Center itself, is hard to calculate. It stands to reason, though, that international actors' engagement was decisive regarding this change; it was an outcome of the professionalization process, and some informants argued that there was considerable more money available for gender rights than women's rights (records observation period # 1, Peking, 19.09.2011 – 13.01.2012).

6.5.2. The Center's gender regime: between continuing ambiguities and advancing gender equality

To identify what gender regime manifested within the Center, the discussions from section 6.1. on organizational identity and 6.3.2. on organizational culture must also be considered. Despite the Center's official presentation as a gender and advocacy organization, this chapter has shown that it had two distinct organizational identities: a legal rights advocacy organization and a gender advocacy organization. These two identities manifested in the Qianqian Law Firm and the WW project respectively (and separately), and both were associated with informal gender institutions.

The WW project and the Qianqian Law Firm were characterized by two different gender regimes. The WW project followed an all-inclusive, gender-equal approach. This manifested in the code of conduct among its members and with third parties; regardless of whom WW project staff communicated with, they always treated them as an equal. If they detected gender-unequal treatment, they cautiously tried to meet it with gender-equal treatment. For instance, one lunchtime when the housekeeper left the table to make space for a late-arriving lawyer, they sat and talked with her. Both members of staff also tried to incorporate volunteers who could not speak Chinese into lunchtime conversations.

In the Qianqian Law Firm, gender equality played an important role as an area in which legal work was conducted. Gender institutions associated with gender equality were thought not crucial in the guidance of all human interaction or as a general leitmotiv. Rather, the lawyers' interactions and statements created an ambiguous situation in which traditional informal gender institution existed alongside a gender-equal institution. This became especially evident in the participant observation. It was particularly apparent that the code of conduct between lawyers and the administrative and project staff, as well between lawyers and

(potential) plaintiffs, was often characterized by hierarchies, traditional gender institutions (such as those associated with the *nei-wai* binary), and in some cases even discriminating tendencies. As such, the law firm reflected the ambiguous contextual gender arrangements. As mentioned, the Center lacked introductory seminars for new staff, and further qualification options for existing staff, regarding gender equality, gender-sensitive behavior, or enhancing gender equality; this probably supported the persistence of the contextual gender arrangements in the law firm. Interestingly, though, the WW project employees were obviously able to establish a different gender regime. The main reason for this was their personal commitment. In 2010, two employees remained in the project, both of whom were highly committed to the Center and its gender objectives. However, one of them became so frustrated with the gender regime of the entire organization, and the few non-material incentives (such as further qualification options), that she transferred to another gender advocacy organization after 2012.

These different gender regimes impacted the entire organization tremendously, especially after the disaffiliation in 2010, when resources became even scarcer. This shortage affected the WW project much more severely than the law firm. Both had to limit their HR, but the WW project to a far greater extent. The law firm's gender regime therefore became much more pervasive within the entire organization, simply because far more people followed the social guidelines associated with that gender regime. This suggests that the initial existence of two gender regimes, and the later dominance of one that conformed to the contextual gender regime rather than with a gender-equal one, provided more difficulties than resources for the Center and its advocacy.

6.6. Conclusions

In this concluding section, I would like to return to a question raised in the introduction: What were the strengths and weaknesses of the Center? In addressing this question, I want to better understand how the organization was able to survive and remain relatively effective³⁵⁹, despite the closing opportunity structure. Rather than repeating all of this chapter's findings, I therefore want to emphasize just a few of its insights.

³⁵⁹ Effective is understood here as able to reach its goals. In terms of the issue of a better legal protection against DV, the Center was effective, since legislation was implemented in 2016. However, this was not the Center's success alone, but an outcome of the advocacy of several ADV-actors, among them also the ADVN.

The Center was divided regarding its organizational identity, fracturing into a gender advocacy and a legal rights advocacy organization. This fracture was a challenge and associated with some difficulties, such as a decreasing cohesion among its staff. Moreover, along the ruptured lines of the organizational identity, two gender regimes manifested in the Center: one mirroring the ambiguous contextual gender regime and preserving traditional gender institutions, and the other characterized by gender-equal institutions. The former arrangement became pervasive after the disaffiliation in 2010; but even before that, it provided more difficulties than resources for the Center's advocacy for better legal protection against DV.

One of the central concerns of this research is to assess whether the ambiguous contextual gender arrangements provided specific difficulties for a bottom-up SO advocating for gender equality. It has become increasingly obvious that this is the case. The contextual gender arrangements spilled over into the organizational process and affected the Center tremendously. This implies that an organization interested in effectively transforming gender arrangements must be aware of this problem and invest in adequate educational seminars and workshops to incentivize compliant behavior. Otherwise, the organization runs the risk of appearing to be advocating gender equality, while in reality reproducing traditional gender institutions. However, these investments require resources and the leadership's awareness of the problem.

This significantly intersects with the Center's location in another difficult context: authoritarian China. Its navigation of a doubly adverse context, consisting of authoritarian and ambiguous gender arrangements, placed a lot of demands on the organizational leadership. The organizational analysis has shown that the Center's members managed some aspects of these difficulties better than others. For example, it successfully established networks with party-state officials to overcome difficulties associated with the authoritarian arrangement, but it lacked a solid and sustainable HR base, a cohesive organizational culture, and a gender regime that reflected its objectives rather than its context. Still, one should keep in mind that the Center was able to advocate for better legal protection against DV – even though the opportunity structure increasingly closed.

One reason for the Center's internal difficulties, therefore, might simply have been that it had numerous problems to overcome (gender regime, HR, organizational culture) and

limited resources to do so (financial basis, HR). Although the Center had at least one long-term financial supporter to assuage these difficulties, the funding situation for bottom-up SOs remained precarious and could not provide enough leeway to sustainably solve inner-organizational issues. However, the political pressure exerted against some of the Center's members was huge, and although the Center employed excellent lawyers they remained insufficiently educated in gender issues, making it difficult to overcome the Center's existing problems. It seems that the Center's limited resources were sufficient to ensure its survival through difficult conditions and pursuit of its main objectives, but insufficient to solve its inner-organizational problems.

All the Center's inner-organizational categories were assessed for whether they functioned as an additional resource, enabling the Center to navigate its difficult contextual terrain. In most cases, it seems that the analyzed inner-organizational categories provided additional difficulties rather than resources or solutions. However, the balancing act expected of the organization's leadership was impossible to achieve: navigating a difficult national context, winning foreign funding, and fulfilling international standards for NGOs – while also remaining a genuinely Chinese organization, not appearing to be too oriented to the West, and within all this remaining true to the organization's original objectives, which clearly deviate from employees' own socialization. Against the myriad difficulties of its context, then, the Center was relatively effective.

7. Findings: Effective advocacy for better legal protection against domestic violence?

This project has focused on the following question: How was the organization initially known as the Center for Women’s Law Studies and Legal Services at Peking University (hereafter “the Center”) able to advocate effectively for better legal protection against domestic violence (DV) within a context fraught with difficult political and gender arrangements? To address this question, a twofold analytical approach was implemented that recognized both contextual institutional arrangements and inner-organizational aspects, both of which were decisive for the manifestation of the organization’s advocacy. Accordingly, I first assessed the context – the configuration of the international and national political and gender arrangements for bottom-up social organizations (SOs) advocating for better legal protection against DV – and subsequently the Center’s members’ subjective perceptions of these configurations. I then turned to the selected case study and its advocacy for better legal protection against DV, and conducted an in-depth organizational analysis along five dimensions: the Center’s positioning within the context; its structure and organization; its members, their interaction, and their networks; its advocacy; and its internal gender regime.

In this conclusion, I will contextualize the findings within both broader scientific debates and recent developments in bottom-up social organizing and advocacy for gender rights in China. Based on these conclusions, I will outline research questions and areas that future projects should consider. Accordingly, the chapter is organized as follows.

Section 7.1 delineates the findings from chapters 4–6, as well as those of other studies on bottom-up legal rights advocacy SOs, and identifies future research options. Hence, the section addresses the questions posed in section 1.8. regarding inquiries into the four analytical dimensions: the Center’s positioning within the context; its structure and organization; its members, their interaction and their networks; and its advocacy. Furthermore, the section addresses all three main hypotheses outlined in section 2.3.4.

Section 7.2 focuses explicitly on the Center’s contextual and internal gender arrangements and their implications for gender rights advocacy. Thereby it addresses the hypothesis introduced in section 2.3.4. in which I argued that the specific contextual institutional arrangement regulating gender relation remains coined by practices in which men dominate women (patriarchy) and provide distinct obstacles for the Center and its advocacy. Here, I

discuss the gender dimension separately, because it vividly illustrates the importance of recognizing gender as an analytical category for collective social action – irrespective of whether social actors’ objectives directly relate to gender issues. This section illustrates the important contribution of this project’s innovative approach to academic and practical debates on bottom-up social organizing in the People’s Republic of China (PRC). It pinpoints that, without careful analysis of the gender arrangements governing the field under consideration, it is next to impossible to precisely assess the actual contextual arrangements of the bottom-up SO under study.

Section 7.3 then contextualizes the research findings more broadly, discussing their implications for bottom-up gender advocacy SOs under the Xi Jinping regime and paying particular attention to the constitutional changes the 13th National People’s Congress (NPC) implemented in 2018.³⁶⁰ This section also emphasizes developments since the mid-2000s in institutional arrangements regulating gender equality and bottom-up social organizing, which Xi’s reign has consolidated and anchored. One central argument here is that, during Xi Jinping’s leadership (2012–present), control over bottom-up social rights advocacy has drastically tightened and a drastic conservative backlash against previous, more progressive gender arrangements has taken place. However, it is important to note that these developments have not been abrupt; it is possible to trace their roots back to reactions against national political and economic restructuring, progressive national gender regimes, and international democratic transitions in the mid-2000s. As such, they have to be understood as a continuation rather than an invention. This finding is crucial for further academic debates and evaluations of Xi Jinping’s rule in the current PRC.

Finally, section 7.4. resumes the thread of Chapter 4 on the limitations of the subjective opportunity structure framework, the applied analytical concept, and proposes further research based on the theoretical findings of this project. As such, this section provides critical reflections on the analytical framework. Concluding, I suggest a research approach that could help to overcome the limitations detected.

³⁶⁰ For a short discussion on key decisions during the 13th NPC meeting in 2018, please cf. Buckley 2018 (accessed 07.05.2018).

7.1. Not so different: External and internal challenges for institutional change advocated by bottom-up social organizing

It is commonly agreed that institutional context is decisive for bottom-up social organizing because it defines the rules of the game (North 1990; Hildebrandt 2013). Nonetheless, social actors are not passive; rather, as this project has clearly shown (cf. Chapter 6 in particular), they try to change established rules and institutional arrangements (Scott 2013, p. 77).

Relating to the overarching research questions were three hypotheses, of which two directly relate to the just made statements. I argued that the institutional arrangement rooted in the authoritarian regime and regulating bottom-up social organizing provided distinct obstacles for the Center and its activities. And I argued further that the specific contextual institutional arrangement regulating gender relation remains coined by practices in which men dominate women (patriarchy) and provide distinct obstacles for the Center and its advocacy. There is not a simple yes or no answer to these hypotheses. The comparative analysis of institutional arrangements for bottom-up social organizing relating to DV and gender relations on the one hand, and the Center's members' perceptions of these arrangements on the other, gleaned some interesting findings. Despite positive perceptions of the contextual institutional arrangements (subjective opportunity structure), opportunities to circumvent institutional developments that ultimately climaxed in a closing of the opportunity structure did not arise; the Center still lost its affiliation in 2010, and was eventually forced to shut down in 2016. What is more, the Center's members' positive perception of the institutional arrangements meant they were unprepared and utterly surprised when they lost their affiliation in 2010. This also indicates that the Center's members (positive) perception of the context provided difficulties for organizing; instead of actively counteracting the closing of the opportunity structure, they thought the overall context was fine.

What does this tell us with regard to the above outlined hypotheses? Since 1995, the institutional arrangements regulating DV had become increasingly conducive to improvements. Nonetheless, this generally supportive environment could not balance out disabling elements stemming from international and national political and contextual gender arrangements. This indicates a hierarchical dimension to the opportunity structure; one in which, as this analysis has shown, the dimension regulating bottom-up SOs' advocacy for legal rights dominated the dimension regulating their advocacy for better legal protection

against DV. As a result, the determining factor of the multidimensional opportunity structure was a tightening of control over the arrangement that regulated bottom-up legal rights advocacy – despite other dimensions remaining rather conducive. This hierarchy implies that gender issues take a back seat to legal rights in terms of political relevance, at least during the period of analysis (1995–2012). It also implies that any issue coupled with legal rights advocacy becomes a sensitive political topic. This finding is essential to inform the planning of future projects investigating bottom-up social organizing relating to legal rights advocacy. In this sense the first hypothesis is clearly valid, but what about the second hypothesis? Where there distinct obstacles for the Center and its advocacy rooted in the specific institutional gender arrangements?

The different developmental trajectories regulating gender relations in general and a better legal protection against DV in particular are remarkable. And especially the diminution of space in the institutional arrangement governing gender equality in general can be understood as an additional difficulty for the Center and its advocacy. This begs the question: How much more effective might advocacy for better legal protection against DV have been if the institutional arrangements regulating gender relations more broadly had been similarly conducive? It also prompts the argument that advocacy for gender-specific improvements should be accompanied by broader advocacy to improve gender relations in general. This might support the need for collective social actors to advocate for gender issues beyond their issue-specific (e.g. DV) engagement. Even if SOs consider their issue-specific campaign to be officially “solved” (e.g. securing better legal protection against DV), broader social mobilization might protect them from the repercussions – such as forced shutdowns or increasing political pressure – that prominent gender rights advocacy organizations, such as the Anti-Domestic Violence Network (ADVN) and the Center, have experienced.

Far from being unique to the Center, these context-specific challenges are a common characteristic of bottom-up social organizing in China (Hildebrandt 2013; Teets 2014). Most organizations try to find a balance between openly opposing the party-state and being incorporated into its structures (Yang and Alpermann 2014; Schwartz and Shieh 2009a; Shieh 2009). Irrespective of their approach, the political context remains decisive, as the case study of the Center has vividly shown; this context influenced every aspect of the Center, from its organizational identity and internal structure to its human resources (HR) base,

financial endowment, and gender regime. What is more the distinct impacts of the different institutions arrangements regulating on legal rights advocacy, bottom-up social organizing in general, gender equality in general and DV in particular apply most likely to all bottom-up social organizations relating to legal rights advocacy in general or gender rights advocacy in particular. This seems valid since, as discussed previously, previous studies on bottom-up social organizing indicate similar findings.

Irrespective of the difficulties the context obviously provided for the Center, the organization was nonetheless able to successfully induce institutional change. Therefore I argued in a third hypothesis that it was precisely the inner-organizational aspects of the Center which enabled the bottom-up SO to effectively advocate for a better legal protection against DV. The discussion in Chapter 6 has shown vividly that there is no straight forward answer to this hypothesis. Rather the impact of the inner-organizational aspects varies. Some inner-organizational aspects, such as networks were highly supportive to the Center and its advocacy while others, such as its HR provided even more difficulties.

The Center's networks were particularly essential; they remained the ultimate strategy to solve the Center's various problems – including its registration status and restrictions on its planned advocacy (such as a court's refusal to accept a legal appeal, or limited finances) – and an important resource for establishing its activities. The Center's leadership adopted a cooperative networking approach of trying to include resourceful actors (most notably, party-state officials) in its organization and activities – including, where possible, as institutionalized members. This approach seems to have been effective; it enabled the Center's members to solve externally imposed development problems and ensured its advocacy activities were supported by party-state officials, who acted as amplifiers. As such, to the extent that it was possible for a bottom-up gender rights advocacy organization, the Center was well embedded in the political system. However, even a well-established cooperative networking approach that included important party-state officials could not eliminate the restrictions inherent to an authoritarian political context, as evident in the Center's loss of registration in 2010 and forced shutdown in 2016. Still, without such an elaborate network of resourceful actors, the Center would likely have been shut down far sooner. Regarding networks, inner-organizational aspects were detrimental to advocate effectively within the difficult context. Again, this choice of strategy was not unique to the

Center but was (and still is) adopted by various bottom-up SOs, such as the aforementioned ADVN.

The reality differed from the distinct positive perception underlying the hypothesis on the supportive function of inner-organizational aspects. In addition to the various challenges arising from the political context, the Center faced many internal difficulties as well. As such, inner-organizational aspects provided often more problems than resources to overcome difficulties rooted in the context. Many of these difficulties are quite common among non-profit organizations in China, including financial issues, a lack of expert talent, and HR bases characterized by predominantly young staff members (aged 20 to mid-30s) with limited work experience, no established professional networks, and high turnover rates (Cao 2017). All of these specifics applied to the Center's HR base as well. This specific HR situation required newly employed young staff of the Center to develop their expertise and networks first and contribute to the quality of the Center's advocacy second. In many cases, the Center's external problems interlocked with its internal problems, although the former remained more pervasive – including significant political pressure on lawyers and their families (which affected the Center's HR base) and a lack of material incentives due to scarce funding (a problem rooted in national regulations that limited foreign funding for, and tightly controlled, bottom-up SOs), which limited career prospects. Interestingly, male staff members in particular connected the lack of material incentives to their gender, arguing that when they began to consider starting a family they would probably leave the organization to earn more money. These gender-specific implications of the organization's developmental problems were quite remarkable – not only because they shaped the Center's HR base but also because men identified them. This finding – that gender-specific implications in bottom-up SOs affect men more than women – is a crucial one, and should be incorporated into critical reflections on practices in bottom-up social organizing. None of the women interviewed explicitly related their gender to the Center's organizational processes or inner-organizational setup. Given that this research also identified a reproduction of traditional gender arrangements within the Center, it is legitimate to ask whether the absence of such references is a result of staff members' lack of reflection on the connections between gender and HR or a reluctance to openly discuss these connections. It seems unlikely that there would be no connection between (female) gender and inner-organizational arrangements, such as female legal staff predominantly being found in part-time positions.

This indicates that further comparative research on female and male staff members' perceptions of inner-organizational arrangements might provide interesting insights into the functioning of bottom-up SOs in China.

Limited financial resources were a constant problem; lack of funds prevented the development of sustainable and independent organizational structures and precluded the Center's ability to provide its staff with adequate material and immaterial incentives. Interestingly, despite this being a general problem for bottom-up SOs in China, the Center's director described its situation as better off than most of its peer organizations. Although this was indeed the case, the Center's financial situation remained a limiting factor for organizational development. Its financial situation deteriorated even further after 2010, when the demands of independent registration and accompanying problems (such as debates around how to receive funding as a business entity, and the requirement for business entities to pay taxes) exacerbated its existing problems.

Moreover, throughout its entire development, the Center depended on foreign financial support to remain operational. This necessitated a careful balancing act: on the one hand, to receive any funding at all the Center's leadership had to design its programs according to Western donors' funding trends and guidelines; on the other, it had to ensure it did not appear to have been infiltrated by Western actors. The analysis in Chapter 6 clearly illustrated that the Center's financial dependency on Western donors heavily influenced its official organizational identity as a gender and legal rights advocacy organization; its formal implementation of organizational structures, such as democracy, transparency, and accountability; the transformation of its tactical approach to public interest litigation; and the selection of issues that the lawyers' panel supported, such as women's land rights. The underlying Western influence, which was clear despite the Center's members' efforts, might have contributed to Chinese party-state actors' critical perception of the Center as infiltrated by Western actors.

Due to the potential problems associated with foreign funding, Chinese bottom-up SOs welcome financial support from the party-state – and the party-state has grown increasingly willing to procure social services from them (Yang et al. 2015a). Nonetheless, party-state funding is inadequate to provide for all the requisite social services. Perhaps more importantly, funding is only available if SOs align themselves with government policies (Yang

et al. 2015a). The Center's leadership did this – but it also challenged the party-state to improve existing legislation, and publicly pointed out deficiencies in its promised implementation of gender equality. In combination with the development trajectory of the Center's members' relationship with the party-state, it seems likely that this contributed to the party-state's critical stance toward the organization, and that this was why the Center did not receive noteworthy financial support.

Moreover, the development of gender arrangements in general (see Chapter 4) illustrates that gender activism came under close scrutiny around the mid-2000s, and gender politics even experienced a conservative backlash. In this context, an organization advocating for progress toward gender equality might have been perceived as (at best) of little political relevance or (at worst) an unwelcome reminder of party-state deficiencies. Either way, these factors potentially precluded party-state actors from allocating significant financial support to the Center.

Deficiencies in organizational cohesiveness presented another difficulty for the Center and its advocacy. As became apparent in Chapter 6, the Center was characterized by at least two organizational identities: a legal rights advocacy organization and a gender rights advocacy organization. Each organizational identity was associated with different normative emphases, contributing to the rupture in the Center's internal cohesiveness. Furthermore, some of the legal staff members' interactions were diametrically opposed to the Center's goal of enhancing gender equality. This impacted on not only the organization's code of conduct but also the way in which it conducted its advocacy, in turn influencing gender relations within its workshops and seminars, interactions with external experts at conferences, and treatment of clients. Interestingly, the expertise within the Center's formal outputs – such as drafted legal recommendations, published books, and court documents – was evident, and (unlike the legal staff) never criticized for reproducing traditional gender arrangements. Moreover, other experts in the field perceived the behavior of some of the Center's lawyers as discriminatory and ill-informed, thereby negatively affecting the organization's standing among its peer SOs (particularly gender rights advocacy organizations). This supports the finding that the rupture within the Center's identity was also reflected in a divide between its formal and informal gender institutions: Formally, the organization appeared to be a progressive actor pushing for legal enhancements of gender equality, but its informal

institutions – manifesting in staff members’ interactions and behavior toward third parties – showed that the legal staff in particular often followed normative guidelines associated with traditional perceptions of gender relations, in which male superiority partially remained.

This is an essential finding. It calls for a reflection of gender practices within not only bottom-up gender advocacy organizations but also SOs in general. Furthermore, it reflects gender practices that disadvantage and harm women, which are widespread in the Chinese charity sector – as reflected in the “#MeToo”³⁶¹ revelations (which manifested in China first as “#Woyeshi”³⁶² and later as “#MiTu”³⁶³), most recently at the beginning of 2018. In July 2018 Lei Chuang,³⁶⁴ a well-known figure within the Chinese non-profit sector, was accused of sexual harassment – six months after publicly making suggestions for how to prevent sexual harassment in the wake of the #MeToo campaign spreading to Chinese universities (Yue, Broadbent 7/24/2018). This clearly shows that bottom-up organizations advocating for the rights of disadvantaged groups are in urgent need of support to tackle unequal gender relations – with all their harmful, disadvantaging, and excluding implications – within their own organizations. One way to achieve this would be for these organizations’ supporters to donate funds for the organizations’ staff to participate in educational workshops, which should be monitored by independent experts (similarly to the procedure discussed in detail in section 7.2).

Formally, the Center had a well-elaborated governance structure, differentiating it from the weak governance structures that commonly characterize social organizing in China (Shieh 2016; Cao 2017). However, in practice the Center’s director was paramount, making her leadership practice a crucial factor for the organization’s development and advocacy. This can be understood as both a weakness and a strength of the organization. The director’s paramount position clearly weakened the official governance structures; she often

³⁶¹ The “#MeToo” debate reached China when Luo Xixi, a student at Beihang University in Peking, reported in an open letter that she was sexually assaulted by her former professor. “#WoYeShi” (我也是), the Chinese nomination of the movement originating in Western countries, quickly reached more than 4 million followers on social media, making sexual misconduct in the workplace, educational facilities and even the non-profit sector a hot topic (Reisinger 2018; Ankenbrand 2018). As a result #WoYeshi was blocked on Weibo. Activists circumvented the blockage by using “#RiceBunny” (*MiTu*, 米兔) (Reisinger 2018; Cahill, Liu 5/3/2018).

³⁶² #我也是.

³⁶³ #米兔.

³⁶⁴ Lei Chuang (雷闯), a hepatitis B (HBV) carrier, founded the Yiyou Charity Center (*Yiyou Gongyi*, 亿友公益) to counter discrimination against HBV carriers like himself in society and in the workplace. Since 2009, him and his organization have received many accolades for defending the welfare of the disadvantaged (Yue, Broadbent 7/24/2018).

sidestepped designated decision-making structures, thus creating deficiencies in the organization's transparency, democratic setup, and accountability. However, as mentioned, the Center's networks were indispensable resources for navigating its difficult external context (see chapters 4–6), and the director was crucial to this approach. Since most staff members were rather young and lacked previous work experience, they did not have any professional networks. The director, on the other hand, had them in abundance; she was centrally embedded in the Center's networking structure and a crucial resource for establishing its cooperative network approach. However, the dependency of the Center's networks on the director weakened the sustainability of the organization – a situation exacerbated by the director's lack of support for junior staff members to develop their own networks – because the Center was unable to function without her.

Still, the Center's deficiencies must be considered alongside its difficult external context, which clearly limited its space to maneuver by (for instance) further restricting fundraising, exacerbating the scarcity of available financial endowments, and limiting bottom-up SOs' freedom to do as they see fit. The context thereby heavily influences the development of sustainable organizational structures. Against such a difficult backdrop, it is questionable whether *any* bottom-up SO would be able to overcome its inner-organizational deficiencies. Furthermore, paramount leadership and networks have proved to be important strategies for effective social organizing in China (Li 2011a; Li 2011c); without them, a bottom-up SO might not be able to survive at all, although this again limits the ability of an SO to grow and professionalize. While the analysis has shown that organizations are certainly able to exert *some* influence – and even to induce (incremental) change – such changes are inevitably long term, and some organizations do not have the resources necessary to survive for long enough to witness them. Moreover (and as I will discuss in more detail in section 7.3), despite positive developments in legal improvements against DV, other dimensions of the opportunity structure – both the contextual gender arrangements and the institutional arrangements regulating bottom-up social organizing – tightened, especially from 2006/07 onward. This shows the difficulty of using “soft” measures (i.e. mobilization from *within* the system) to improve the environment for bottom-up social organizing, including not only advocacy based on mobilizing society but also, and more importantly, advocacy based on mobilizing party-state actors.

Nonetheless, the Center was able to contribute to incremental institutional change, most notable in form of formal institutions. The Center's members were able to effectively advocate for better legal protection against DV. This effectiveness was most notably evidenced by the implementation of a specific DV law in 2016. Although this success did not belong to the Center alone (a progressive coalition of social actors contributed to it), the Center's efforts were crucial in its achievement. Not even the forced shutdown in 2016 should mask this issue-specific success. Moreover, as the analysis in section 6.4.2. has vividly illustrated, the Center conducted activities in order to raise awareness on gender equality and DV, among the public and policy elites such as judges, lawyers and police officers. Purpose was to slowly and incrementally change informal gender institutions, e.g. socialized perceptions and behavior by which traditional perceptions on gender relations were perpetuated. The long term goal was evident: raise awareness and hence support the alteration of formal institutions supporting gender equality and a better legal protection against DV. Evidence of success of these activities is difficult to evaluate. The discussion in section 6.4.2. has illustrated that the advocacy was well designed and according to informants successful, most notably in the enactment of the specific DV law. Some informants even argued that the awareness raising to which the Center contributed was the basis from which the new generation of activists, among them the Feminist Five, emerged. I will discuss this in more detail in section 7.2.

One hypothesis concerned explicitly the inner-organizational aspects. I argued that in the fraught context which provided difficulties, it was precisely the inner-organizational aspects which enabled the Center to effectively induce -incremental- institutional change. I argued that this research has shown that there is no simple yes or no answer responding to this argumentation. Rather, I outlined several problems emerging exactly from these inner-organizational aspects, such as HR or its financing, providing additional difficulties for the Center and its advocacy. However, some of these aspects, associated with problems at first glance were actually important factors supporting the Center and its advocacy. For instance, the paramount position of the director meant that she played a crucial role in the Center's networking, enabling the organization to successfully implement its cooperative networking approach – which turned out to be essential for the Center to survive. As such, inner-organizational issues that at first glance appear to be deficiencies may actually be supportive elements for effective mobilization. The problem is, of course, that every inner-

organizational dimension has to be considered in relation to its function for the entire organization. Another example was the paramount leadership of the director in general. I seemed to have supported the Center's existence and enabled the bottom-up SOs to thrive for quite some time. This raises interesting questions which have to be researched: exists a specific Chinese leadership practice enabling bottom-up SOs to be successful? Is it crucial for this leadership to be paramount and applying male networking strategies?

Hence, future research on bottom-up SOs should question how organizational strategies relate to the external context and whether they contribute to achieving the organization's outcome – even if they initially present as internal deficiencies. In the case of the Center, it became evident that the leadership did not consciously implement these strategies, most of which emerged dynamically out of organizational members' experience and the external context. This requires considering path dependencies for development trajectories of not only contextual institutional arrangements but also organizational members' individual careers. As long as an authoritarian context with an underdeveloped rule of law persists, informal institutions and individuals' characteristics will remain detrimental.

Since its inception, one of the primary concerns of this project has been the impact of gender arrangements (both external and internal) on bottom-up SOs' advocacy for better legal protection against DV. It is to this concern that the next section turns.

7.2. Gender arrangements: An underestimated challenge to gender equality advocacy

In Chapter 2 I introduced a hypothesis in which I argued that the specific contextual institutional arrangement regulating gender relation remains coined by practices in which men dominate women (patriarchy) and provide distinct obstacles for the Center and its advocacy. In the previous section I argued already that there is not a straight forward answer to this hypothesis. In this section I specifically turn to the contextual and inner-organizational gender arrangements to draw attention to the implications and problems arising from them for the Center's inner-organizational development and advocacy.

Gender arrangements are a constituting part of society. They are ubiquitous (Connell 2009), permeating the private sphere (Butler 1991) and therefore likely spilling over into organized

social activities. With that in mind, I paid particular attention to both the (external) contextual and (internal) organizational gender arrangements, and their implications for the Center's advocacy for better legal protection against DV. The findings regarding this gender-sensitive approach have crucial implications for future studies on both bottom-up social organizing in general and gender rights advocacy in particular.

Analysis of the contextual gender arrangements, both descriptive and from the organization's perspective, yielded interesting findings. Figure 4.2. showed that these arrangements were quite conducive to improvements in gender equality from 1949 to 1953. Between 1953 and Mao's death in 1976, however, they took a conservative turn and became increasingly restrictive for such improvements. Between Mao's death and the manifestation of negative, gender-specific consequences of the reform and open policies (around the early 1980s), the arrangements were again quite conducive. The 1980s provided quite a few restrictions for improvements of gender arrangements, whereas the 1990s were characterized by quite conducive arrangements. But the new millennium witnessed another trend of increasing restrictiveness regarding gender equality improvements, which persists even today and has led to the well-known harsh treatment of feminist activists.

In Chapter 4, I also analyzed the development of gender arrangements that specifically regulated the context for achieving legal improvements to tackle DV. Figure 4.3. showed how these arrangements oscillated between conduciveness and restrictiveness between 1949 and 2012. Interestingly, analysis of the specific context for DV legal improvements showed it to be increasingly conducive from the reform era onward. The two gender-specific arrangements therefore drifted apart, resulting in a rather ambiguous context that consisted of both conducive and restrictive features. Did the Center's members recognize this ambiguity? Could they use the conducive features to further the Center's objectives? Chapter 5 investigated these questions by analyzing the Center's subjective opportunity structure.

The analysis in Chapter 5 showed that the Center's members did not recognize that the two aforementioned gender arrangements had drifted apart. Nonetheless, the context provided some discursive opportunities, at least in the dimension regulating DV. If the Center's leadership aligned its activities with these discursive opportunities, it could increase its legitimacy. However, the analyses presented in chapters 4 and 5 showed that the conducive

context for legal improvements regarding DV could not balance out the closing opportunity structure in other areas. As such, the gender arrangements governing DV were less influential than those governing bottom-up social organizing and gender equality, which became increasingly restrictive. And as such the contextual gender arrangement provided more difficulties than resources. This has clear implications for future gender-related bottom-up social organizing: even if the issue area (gender) is often referred to as non-sensitive and related improvements are supposedly supported by party-state officials, engagement in the issue area does obviously not necessarily provide additional (discursive) opportunities, such as authoritative text supporting advocacy in the area³⁶⁵. Furthermore, members of the Center did not appear to recognize the backlash against the established gender arrangements – a backlash particularly evident in the 21st century. This raised further questions; for example, was the onset of the backlash against gender equality only noticeable in retrospect or among academics? It would be helpful for additional research to address this question, since its answers have important implications for social activists, their evaluations of potentially difficult contextual gender arrangements, and their understandings of the risks presented by developments in those arrangements.

The analysis in Chapter 6 vividly evidenced that the Center was characterized by two different gender regimes. Interestingly, one of these regimes mirrored the traditional gender relations in the external context. It is not possible to evaluate whether there was a gender backlash within the Center's internal gender regime, as there was externally; however, it seems likely that this was indeed the case. This also raises further questions: If an internal organizational gender regime reflects that of the external context, does a gender backlash also manifest internally? And if so, would this not obscure the objectives of a gender rights advocacy approach entirely?

Moreover, contextual gender arrangements intersected with those that regulated bottom-up social organizing, most notably the gender arrangements held and transmitted by party-state officials. These officials can function as supervisors of bottom-up social organizing and are both carriers and multipliers of gender arrangements. Effectively, this means that officials had to be convinced and mobilized on two fronts: regarding the legitimacy of

³⁶⁵ To further elaborate this finding, a comparative case study design would be useful – one that compares a bottom-up gender rights advocacy SO with a bottom-up SO concerned with advocacy for another issue.

bottom-up social organizing, and regarding improvements in gender equality. This implies that mobilizing party-state officials to support gender issues was time-consuming and difficult – particularly given the finding that the (conductive) arrangements regulating better legal protection against DV were not as important as those (restrictive) arrangements regulating gender equality and bottom-up social organizing. Difficulties in both sets of arrangements meant the Center faced a difficult context for achieving its objectives.

In Chapter 6, I analyzed the gender arrangements within the Center itself. Interestingly, the analysis found not one but two gender regimes therein: one associated with gender equality and one reproducing the ambiguity of external gender arrangements. After 2010 in particular, more staff members conformed to the latter gender regime than the former, with obvious implications for the Center and its advocacy. While the existence of two regimes weakened the Center’s cohesiveness in general, the ambiguous gender regime specifically hindered its objective of furthering gender equality through advocacy. As mentioned, legal staff members were carriers of traditional gender institutions (most notably those associated with the *nei-wai* binary), and therefore could not help but reproduce these institutions – sometimes despite their best efforts. This influenced the outcomes of their advocacy, was recognized by peer gender rights advocacy organizations, and led to criticisms of the Center. Still, the practice continued. This finding mirrors current revelations in the “#MeToo” (or “#MiTu”) campaigns regarding the Chinese charity sector, initiated by the aforementioned allegations against Lei Chuang. Even bottom-up rights advocacy SOs that specifically target gender inequalities do not necessarily reflect equal gender practices internally; rather, their staff often remain carriers of traditional gender institutions. This is detrimental and opposed to such organizations’ main objectives: enhancing equality for all, and gender equality in particular. By perpetuating the harmful, excluding, and discriminating practices associated with traditional gender institutions, these organizations not only counteract their own objectives but also rob themselves of legitimacy. But how can this problem be solved?

The constant scarcity of resources presented a significant obstacle to solving problems arising from these gender regimes. In terms of organizational sustainability, it would have been useful for the Center’s leadership to incorporate training programs into its structure (perhaps linked to its incentive program for new staff), as well as to conduct regular gender training sessions for long-term employees. But how could the Center’s leadership finance

these programs given its dependence on program finance, which did not officially allow reallocation of funds? Moreover, it seems unlikely that an organization struggling to survive could spare any resources for quality-enhancement measures. This became a vicious circle: The Center's leadership needed to develop sustainable structures and improve its organizational qualities to survive and to justify its existence, but it struggled to remain operational due to harsh regulations on its existence, operations, and foreign funding (its main remaining source of income). How can any organization manage this balancing act? It is clear that SOs require more flexible funding – in particular, renewable funds allocated to organizational development.

The analysis also showed that, even if an organization's entire aim is improving gender equality, its members may need to overcome their own internalized ideas about gender, which might remain shaped by the very contextual arrangements they seek to improve. And as the current developments in course of the #MeToo debate have revealed it is a problem common bottom-up SOs in China. Indeed, not all staff members were aware of their own reproduction of traditional gender arrangements. This situation was further complicated by the director and her paramount position within the Center. Although she was clearly committed to the organization's objective of enhancing gender equality, she refrained from incentivizing behaviors conducive to this objective among her staff, for whom receiving gender awareness training from external experts would have been helpful. Unfortunately, the Center's leadership did not enthusiastically support such training – and even prevented peer organizations from providing it, under the pretext of insufficient financial compensation for lost working hours. This raised further questions: How can an organization be motivated to tackle its own internal deficiencies? Are financial incentives the only viable option?

The Center required expert staff in two realms: legal and gender. Recruiting talent is rather difficult for Chinese SOs due to their insufficient material and immaterial resources, as this and other studies (e.g. Cao 2017) have shown. Against this background, recruiting experts in two areas seemed doubly difficult and required a lot of staff members, and training these in both legal and gender realms would have necessitated a huge investment in education. Moreover, gender as an analytical tool only entered the Chinese discourse in the mid-1990s,

and took time to become a fundamental building block of higher education. Accordingly, it was hardly possible to recruit experts from both fields, simply because they rarely existed.³⁶⁶

But criticizing the Center alone is not enough. The organization and its members worked incredibly hard to advocate for gender equality and urgently needed more flexible support – not “support” that dictated what they should do and how, but training workshops enabling them to reflect on their own working practices and raising their awareness of best practices among other organizations in comparable contexts and/or with similar internal deficiencies. One way of improving these internal deficiencies would be a twofold support package incorporating both long-term funds for organizational development (rather than project funding) and a long-term organizational trainer, who could be incorporated into the organization but externally funded and independent. Such a trainer could be selected by a diverse panel of SO experts; be committed to the organization and its development, rather than to funders; be tasked with improving organizational processes; and, if necessary, provide longer-term expertise.

Another crucial finding was that gender plays a huge role in both external/contextual and internal/organizational processes. Even if an organization is dedicated to enhancing gender equality, it can easily internalize established (informal) gender institutions, and therefore end up reproducing them. What does this tell us? Gender is an important analytical category in the analysis of social phenomena far beyond only social actors who explicitly deal with gender issues. *All* social phenomena are gendered phenomena; this should be recognized by routinely incorporating gender as a central category in analyses of social phenomena. That said, as this project has clearly shown, simply including gender as one overarching analytical category is insufficient, as it may hide the actual development tendencies of gender arrangements; for instance, the conservative backlash against gender politics in general despite the arrangements regulating better legal protection against DV becoming increasingly supportive. Only by explicitly looking at the different dimensions (gender politics in general, and specific gender-relevant areas such as DV in particular) of both external and internal (organizational) gender arrangements was it possible to comprehensively detect development tendencies of these arrangements and outline their implications. This is an

³⁶⁶ Positive examples, such as the famous Chen Mingxia, remained the exception until a few years ago; having gained practical working experience, Chen Mingxia invested in further education on gender issues during her later career (interview # 17, Peking, 22.08.2012).

urgent call to include gender as an analytical category in all social analyses – but not as one overarching analytical category; instead, research must recognize that gender is broad and must be opened up to detect the nuanced development tendencies within this categories, such as its complex relations, and its intersections with other dimensions of life.

Turning back to the hypothesis reintroduced at the beginning of the section. I argued in Chapter 2 that the specific contextual institutional arrangement regulating gender relation remains coined by practices in which men dominate women (patriarchy) and provide distinct obstacles for the Center and its advocacy. It is clear that gender arrangements provide additional difficulties for Chinese SOs advocating for improvements in gender equality. The research findings regarding difficulties arising from the context were not hugely surprising. However, more pervasive problems arose from the organization’s internal gender regimes, which existed largely without critical reflection and were sometimes diametrically opposed to its objectives. Based on these findings, further research on gendered processes in Chinese SOs seems advisable to investigate questions such as: Are Chinese SOs equal employers? Do Chinese SOs incentivizes gender-equal treatment among their employees? Do they provide relevant training sessions? And if not, how can we assist Chinese SOs to improve in these areas – especially given their external context, in which party-state actors routinely view foreign support as a potential gateway for foreign infiltration?

This project has longer-term implications for social actors’ gender advocacy. The analyses presented in chapters 4 and 5 showed that the institutional context for gender rights advocacy deteriorated after 2006/07. While some recent assessments (e.g. by Freedom House and Amnesty International³⁶⁷) link this deterioration with the beginning of Xi Jinping’s reign, this project understands it as a continuation of trajectories that already existed.

³⁶⁷ The complete Freedom House report on the status of freedom in China can be accessed at: <https://freedomhouse.org/report/freedom-world/2018/china> (accessed 17.05.2018). The Amnesty International report can be accessed at: <https://www.amnesty.org/en/press-releases/2015/07/china-list-of-lawyers-and-activists-targeted/> (accessed 17.05.2018). A more recent Amnesty report acts as a reminder of the ongoing crackdown on human rights lawyers and calls for its end. This report can be accessed at: <https://www.amnesty.org/en/latest/news/2017/07/china-end-ruthless-crackdown-human-rights-lawyers-activists/> (accessed 17.05.2018).

7.3. Connecting the case study to current developments in state-society relations: Gender rights advocacy under Xi Jinping

Current discussions of bottom-up social organizing and gender activism are characterized by rather discouraging assessments. Observers have argued that, under the current administration of President Xi Jinping, the associational realm has come under a great deal of pressure (Shieh 2017, p. 1). In 2018, Freedom House gave China the lowest possible ranking for political rights and the second-lowest for civil liberties.³⁶⁸ In 2015 and 2016 a number of new laws, measures, and guidelines were passed that will have far-ranging effects on the legal environment for social organizing in China (Shieh 2017, p. 3). These initiatives were part of President Xi Jinping's push to strengthen the "rule of law" and a general trend toward greater regulation of the associational realm (Shieh 2017, p. 3). For instance, registration requirements for primarily service-oriented SOs were loosened under new regulations in most of China's provinces and municipalities, though passage of national legislation still lagged behind (Cook 2015, p. 28).

Nonetheless, important laws and regulations with a direct effect on social organizing have been passed or are being revised (Shieh 2017, p. 3). Among these were the Charity Law,³⁶⁹ which the NPC passed in March 2016, and the Management of Overseas Non-Governmental Organization [NGO] Activities in Mainland China Law (hereafter "Overseas NGO Law"),³⁷⁰ which the NPC Standing Committee passed a month later. Both laws were anticipated and heatedly discussed prior to their implementation. The Charity Law is supposed to provide a more enabling environment for charitable organizations (Shieh 2017, p. 3), while the Overseas NGO Law is the first comprehensive law regulating the activities of all overseas NGOs in China. Some scholars agree that the purpose of the latter was not restrictive but rather an attempt to transform state–society relations so the party-state could gain as many

³⁶⁸ The complete Freedom House report on the status of freedom in China can be accessed at: <https://freedomhouse.org/report/freedom-world/2018/china> (accessed 17.05.2018).

³⁶⁹ 慈善法, *Cishanfa*. Frequently asked questions on the law, and their answers, can be found at: <http://www.icnl.org/research/Philanthropy/FAQ%20-%20Charity%20Law%20final.pdf> (accessed 17.05.2018). For a more detailed discussion of the Charity Law and its implications for social organizing, please cf. e.g. Snape 4/20/2017; The Center for Charity Law, China Philanthropy Research Institute, Beijing Normal University 3/28/2016.

³⁷⁰ 境外非政府組織境內活動管理法, *jingwai feizhengfu zuzhi jingnei guanli fa*. Frequently asked questions on the law, and their answers, can be found at: <http://www.icnl.org/research/Philanthropy/FAQ%20-%20Overseas%20NGO%20Law%20final.pdf> (accessed 17.05.2018). For a more detailed discussion of the China Overseas NGO Law and its implications for social organizing, please cf. e.g. Feng 2017; Shi-Kupfer and Lang 2017; Jia 3/6/2017.

benefits as possible from social organizing, while also establishing more transparency and accountability of implementing authorities, particularly the Ministry of Public Security (Shieh 1/31/2017; Hsu and Teets 2016). Nonetheless, and despite its positive intentions, some scholars still see the Overseas NGO Law as a mechanism of state control rather than protection and facilitation of foreign NGOs (Feng 2017, p. 103).

This critical description of the Overseas NGO Law reflects the current trend in state–society relations, which remain dominated by state repression and tightening control. Although some activists affiliated with formal NGOs have noted a mild decline in official intimidation as security forces turned their attention to informal activist networks, which were viewed as more politically threatening (Cook 2015, p. 28), the general trend is rather discouraging. On the eve of International Women’s Day 2015, five female gender activists, known as “the Feminist Five,” were arrested and detained under the pretext of “picking quarrels and provoking trouble” (Mohanty 2016). Their crime was the distribution of anti-sexual harassment stickers on public transport (Kehoe 2017). Following their arrest, the government conducted a sustained large-scale crackdown on rights-defense lawyers (Shieh 2017, p.5); Amnesty International estimates that nearly 245 lawyers were called in for questioning, detained, or restricted in their movements.³⁷¹

In early 2016, the political environment for social organizing in China remained tense – characterized by continuing campaigns against human rights lawyers, labor activists, and bottom-up SOs – and in January 2016 the Center was forced to shut down. Some suggest that one reason for the closure was the Center’s foreign funding (Cao 2016a; Shieh 1/30/2016; Yu 2016). This project, though, has argued that the deterioration of the Center’s political standing was a slow process – one that had been ongoing since the Center was founded, and that merely reached its final act in 2016. While I fully agree that foreign funding contributed to the forced shutdown, the in-depth analysis of the Center and its work (see Chapter 6) evidenced that foreign funding was not the *only* factor contributing to its deteriorating relationship with the party-state. Other contributory factors included the Center’s potential to mobilize huge parts of society by representing landmark cases, its

³⁷¹ The Amnesty International report can be accessed at: <https://www.amnesty.org/en/press-releases/2015/07/china-list-of-lawyers-and-activists-targeted/> (accessed 17.05.2018). A more recent Amnesty report acts as a reminder of the ongoing crackdown on human rights lawyers and calls for its end. This report can be accessed at: <https://www.amnesty.org/en/latest/news/2017/07/china-end-ruthless-crackdown-human-rights-lawyers-activists/> (accessed 17.05.2018).

elaborate network with prominent international actors, and other international developments (most notably the color revolutions).

What does this tell us about the contemporary position of bottom-up social organizing, particularly bottom-up SOs' (human) rights advocacy? Frankly, these assessments do not allow for much optimism; the aforementioned reports suggest that rights activism is coming under increasing pressure, while the infrastructure for its repression is continuously perfected. Moreover, social organizing in general remains tightly controlled, and party-state actors continue to perceive foreign funding as a potential threat to party-state stability. While I agree fully with these reports' assessments of *consequences*, I do not agree with their analysis of *causes*. Suggestions that these developments were initiated by Xi Jinping or under his reign are rather misleading, as evidenced in chapters 4 and 5; the opportunity structure for bottom-up social organizing and legal rights activism actually started closing far earlier (in the 1990s and mid-2000s, respectively).

I do not argue here that the party-state's intention is to repress all forms of social organizing; indeed, in Chapter 4 I showed that the party-state increasingly welcomed, and even supported, service-oriented SOs. However, as early as the 1990s, independent foreign-funded activism – especially legal rights activism and activism with the potential of mobilizing huge parts of society – was unwelcome and therefore repressed using either harsh measures (such as shutdowns) or soft ones (such as regulatory means, e.g. tax evasion charges, threats, and intimidation). As such, the party-state's intention of better controlling the growing associational realm, steering it toward party-state-approved functions and away from functions with the potential of destabilizing social harmony, has been an integral part of state–society relations since the 1990s and is not an invention of Xi Jinping.

The reason current developments are often perceived to be so drastic is because they are extremely comprehensive and perfected. The analyses in chapters 4 and 5 clearly showed that party-state institutions were always interested in enforcing regulations onto the associational realm that best served the party-state's purposes. While party-state officials lacked experience and expertise to effectively regulate this realm in the 1980s and 1990s, they were nonetheless committed to it, experimenting and inviting experts (e.g. Karla

Simon)³⁷² from diverse regions for this purpose. As such, the current closing of the opportunity structure for bottom-up social organizing (especially legal rights activism) is not a sudden development but rather a continuation of an established development path, which the party-state has fine-tuned and perfected through experimentation over time.

But it is not only bottom-up social organizing in general, and legal rights activism in particular, which are facing difficulties due to the external institutional context; studies on gender activism under President Xi Jinping are equally disheartening. Some scholars argue that the Chinese women's movement is facing an unprecedented backlash at various levels (Wang 2017, p. 8). Some argue that this backlash relates directly to President Xi Jinping's family values and associated perceptions of gender relations (Wang 2017, pp. 8; Han 2017; Hird 2017; Cao 2016a). President Xi has transmitted clear messages about family values in several speeches, which have been infused with conservative views on women's role in the family, including that women are responsible for respecting the elderly and educating their children to become useful to the country (Wang 2017, p. 8; Hird 2017). This perception of gender relations has even been supported by party-state officials; in her speech on International Women's Day 2015, Shen Yueyue, President of the All-China Women's Federation, indicated that a huge proportion of (mostly male) party-state elites shared these views (Wang 2017, p. 8). The state media has also perpetuated Xi's traditional views on gender relations, anchoring them broadly in social discourses (Wang 2017, p. 8) and even celebrating President Xi's manliness and upholding of the male-dominated family as the basic foundation of a strong and stable state (Hong Fincher 2018b).

The emphasis on women's roles as mothers, wives, and daughters is a backlash against the idea, prevalent in the socialist era, that "women hold up half the sky" (Wang 2017, p. 8). The Politburo Standing Committee (China's most powerful political body) remains largely a "boys' club" (Kehoe 2017); as such, and given that most male elites neither care about gender issues nor pay any attention to feminism or gender studies (Wang 2017, p. 8), it is likely that the re-emergence of traditional gender values will continue. Scholars also argue that, in response to the economic slowdown, Chinese propaganda under Xi's leadership has revived sexist elements of Confucianism, especially in its propagation of the notion that a traditional

³⁷² Karla Simon was an expert on non-profit law and charitable organizations. Since 2003, her research had focused on China. For more detailed information, please cf. <https://www.istr.org/news/news.asp?id=359451> (accessed 28.05.2018).

family (based on a marriage between a man and a virtuous, obedient woman) is the foundation of a stable government (Hong Fincher 2018b). This is not a new strategy; the previous Communist leadership also employed it during times of economic slowdown or restructuring, such as during the post-Mao reforms, when women were asked to retire early to the house³⁷³ or were simply laid off,³⁷⁴ bought out,³⁷⁵ or placed on extended maternity leave (Liu 2007, pp. 87–105). All of this supports the argument that Chinese authoritarianism has patriarchal underpinnings, which is increasingly recognized in academic debates (Hong Fincher 2018b).

I fully agree with the assessment that all of the aforementioned factors contributed to the current crackdown on gender and feminist activism, which is characterized by a closing of the opportunity structure for both gender and feminist activism. However, this project has provided ample evidence that this closing started way before Xi assumed office; indeed, the re-emergence of traditional gender relations was noticeable as early as the beginning of the new millennium, as described in detail in Chapter 4. As with bottom-up social organizing and legal rights advocacy, then, the closing of the opportunity structure for gender and feminist activism was not a result of Xi Jinping's presidency – again, it signified a continuation of developments that began far earlier. These developments reached their current peak under Xi, when gender and feminist activism were no longer presumed “safe” (Wasserstrom and Cunningham 2018), instead becoming an increasingly sensitive area of social activism.

A number of factors contributed to this transformation of gender and feminist activism from a non-sensitive to a sensitive issue. The patriarchal underpinnings of Chinese authoritarianism are certainly one factor – particularly the re-emphasis of traditional gender perceptions in times of political or economic hardship, such as the current economic slowdown or the political power transition in 2012. But it is not only the party-state that is relevant here; significant changes in society also contributed to this transformation and, eventually, to the closing of the opportunity structure. The analyses in chapters 5 and 6

³⁷³内退, *neitui*. These debates are known as the debate on *Women should return home*. For more details please cf. (Zhang 2005, p. 386).

³⁷⁴下岗, *xiagang*.

³⁷⁵买断工龄, *maiduan gongling*. This was also the case during the third-longest (and most influential) debate on *Women should return home*, which took place in the 1980s and 1990s (Zhang 2005, p. 386).

comprehensively evidenced that gender awareness in society markedly increased from the 1990s until the present as a direct result of SOs' (including the Center's) advocacy; as a result, large parts of society – including party-state officials (albeit to a lesser extent) – were critical of gender discrimination and/or unequal gender practices. As such, huge swathes of society were already potentially mobilized for gender issues from the 1990s on, and would likely have supported gender and/or feminist activists' public demands for improvements. Party-state elites sometimes perceive these public demands as destabilizing to Chinese society and therefore as a threat.

Another factor contributing to the transformation of gender and feminist activism into a sensitive topic was that social activism itself changed, in terms of not only the activists and their organizations but also their tactical repertoire. The case study selected for this research was characteristic of bottom-up SOs that conducted gender activism at the beginning of the opening-up era; it was spearheaded by resourceful leaders who had well-established networks with (among others) party-state elites, and was a professional organization that employed experts to conduct (predominantly) advocacy activities – such as making legal recommendations, organizing conferences for experts and party-state elites, and delivering educational workshops to the public. All of these activities contributed to the aforementioned increase in society's gender awareness.

In so doing, such organizations also contributed to the emergence of a new generation of gender and feminist activists, who applied more provocative tactics and used new infrastructures enabled by technological advancements – such as the social media site Weibo³⁷⁶ (as in the case of *Nüquan Zhisheng*³⁷⁷) – which enabled them to quickly mobilize huge parts of society, as discussed in Chapter 4. Growing up with increased gender awareness and promises of gender equality and civil rights, these activists' civic awareness

³⁷⁶ Weibo is best characterized as the Chinese version of Twitter.

³⁷⁷ 女权之声。 *Nüquan Zhisheng* can be translated as "Feminist Voices." A well-known feminist organization located in Beijing, it was founded in 2009 and has operated on Weibo since 2010 (Tatlow 2017). In 2017, it was shut down for 30 days under the pretext that its posts violated national laws and regulations (Tatlow 2017). Observers argue that the shutdown was more likely connected to a post that reported on a women's strike planned in the United States on March 8 (Tatlow 2017). It was shut down again on the day after International Women's Day 2018, along with its Wechat channel, under the pretext that the organization posted "sensitive and illegal information" (Wong 3/9/2018). In 2017, before it was shut down, the Weibo channel had 180 000 followers and was essential in mobilizing society for gender and feminist issues.

motivates them to make more provocative demands and hold the party-state to account for its promises:

I think they [activists practicing performance art advocacy] have a civic awareness (...) if they have a civic awareness they dare to go out in the street and conduct activities.³⁷⁸

Interview # 21, Peking, 11.08.2011

Among these provocative tactics is the aforementioned performance art advocacy. Although such advocacy is framed as supportive of the Chinese Communist Party, the activists consciously use publicly disruptive tactics to gain media attention and thereby reach a different target audience: the public (Wang 2012a; Bräuer 2015; Wei 2014). The tactics directly aim to stir up the public and mobilize its support, either through media reports of the event or dissemination of scheduled activities and important information, and their disruptive nature can easily be perceived as aiming to destabilize Chinese society. The technological revolution provided suitable tools for this new form of activism, with Weibo in particular becoming a crucial mobilization aid:

[I]n reality Weibo is a dissemination tool, its dissemination speed is very quick and it is a crucial dissemination platform for us.³⁷⁹

Interview # 14, Peking, 20.08.2012

Although these activists seemed to have a different mindset and use different tactics, they remained closely connected to the activism of established professional organizations. For instance, the Bleeding Bride activism (Di Chen 2012; Yu 2012), which utilized performance art advocacy to demand better legal protection against DV, heavily relied on the mobilizing

³⁷⁸ „就我觉得，他们都有一份公民的意识，(...) 公民意识就是会，敢走出来做一些事情 (...)。”

³⁷⁹ „但实际上其实微博传播是 (...) 虽然他速度很快，而且微博是我们很重要的一个发声的渠...平台 (...)。” The recent increased censorship affected Weibo as well, and clearly limited its innovative mobilization effect. However, as the “#MeToo”/“#MiTu” has shown, it remained crucial for social mobilization, since an effective control of content would probably require a complete shutdown of Weibo.

structure of professional Beijing anti-DV organizations; these organizations either initiated or championed their actions and formed dynamic but stable coalitions to organize them (Bräuer 2015). As such, this new generation of gender and feminist activists and their use of new tactics emerged neither from thin air nor solely from changes initiated under Xi Jinping; rather, they emerged from gender-related activism that bottom-up SOs had already established.

While the closing of the opportunity structure for improvements in gender equality, as well as the transformation of gender and feminist topics into sensitive issues, did worsen dramatically under Xi Jinping, these were also continuing developments that had been evident since the early years of the 21st century. As with developments in the institutional arrangements that governed bottom-up social organizing, the institutional arrangements regarding gender relations continually deteriorated, and – as with earlier periods – political and economic difficulties during Xi Jinping’s reign led to a re-emphasis of traditional gender arrangements. However, gender activism had changed; it was now equipped with a mobilization infrastructure that could quickly mobilize huge swathes of society, and was well connected to not only party-state elites but also peer organizations and international actors. This huge social outreach and mobilization potential meant that gender and feminist activism had become an uncontrollable risk, thus transforming it into a sensitive political issue. Activists were aware of the potential risks they were facing; as early as 2012 (i.e. before President Xi rose to power), some of the activists who later became known as the “Feminist Five” stated:

We always say it is an activity organized by volunteers, because it can bring along threats for the organizations. (...) The reporters are always very keen to know with what organization we are coming, but if we would give them a name, the organization could experience diverse risks. (...) In Beijing we can discuss, organize, and conduct almost any activity, but if the police finds out about it, if too many people know that we work this way, they [the authorities] can easily find a reason and shut us [the organizations] down.³⁸⁰

³⁸⁰ „就会说这是志愿者个人的活动,因为这样会给组织带来风险(...)因为每次就是记者会很希望说,你是哪一个组织组织的,是谁组织的,谁组织,组织你们来的,但是如果这个时候有一个组织的名字的话会给这个组织带来一些风险。(...) 因为比如说像我们一般在北京做什么活动我们都会在这里进行商量、策划

The above informant clearly indicates that activists knew their changed tactical repertoire increased their risk of becoming the targets of politically motivated repression. The aforementioned drastic measures taken against the Feminist Five in 2015 were unprecedented, but not entirely unexpected, considering the trajectory of developments since the beginning of the new millennium.

What does all of this tell us? It is clear that, at first, gender and feminist activism were only considered “sensitive” if they were coupled with legal rights activism, aimed at nationwide mobilization, and/or connected to unwelcome foreign donors. This situation has obviously changed; gender and feminist activism have become increasingly sensitive and therefore face increasing political pressure and repression. The above discussion argued that various factors contributed to this transformation, including changes in society’s gender awareness; the creation and utilization of a well-established infrastructure for quick social mobilization; individual activists teaming up with professional national and international organizations; dawning economic slowdown; and political power transition. Hence, the patriarchal underpinnings of the authoritarian regime, the re-emphasis of traditional gender arrangements, and the harsh treatment of gender activism were not invented by Xi Jinping or his administration. Rather, and as this study has repeatedly outlined, the re-traditionalization of gender arrangements and closing of space for enhancing gender equality started in the mid-2000s, and were a direct result of various factors.

The drastic deterioration of gender and feminist activism in China in recent years urges us to pay close attention to future developments. It also raises interesting questions: Can the Chinese Communist regime only survive if it upholds its patriarchal underpinnings? How does increasing political pressure change gender and feminist activism in China, as well as feminism in China more generally? Further research should address these questions and focus on the far-ranging effects of these recent changes.

、筹备这个活动，但是如果万一有一天警察知道就是...就是很多人知道我们这样工作的话，就是他可能很容易就找理由把你这儿给关了。”

7.4. Limitations of the opportunity structure framework and possible solutions

This research project has provided unexpected but interesting insights into limitations of the opportunity structure framework. In Chapter 2, I argued that a major criticism of the framework is that it is underspecified, too broad, and all-consuming (Goodwin et al. 1999). To overcome this problem, I followed Hildebrandt's suggestion (2013), disaggregating the opportunity structure into three dimensions and separately assessing the specific configurations of each for bottom-up social organizing and for gender relations. It became evident that such disaggregation was tremendously helpful to pick up on nuanced differences in the development of specific institutional arrangements, and hence to obtain a more complete picture of the situation in which the Center operated.

In the future, however, it would be helpful to take this disaggregation even further. I analyzed the institutional framework, disaggregated into national and international political aspects that regulated bottom-up social organizing on the one hand and legal protection against DV on the other. The separate analysis of the gender arrangements showed that each of these was characterized by quite different development trajectories. Without disaggregating these into two distinct sections, it is doubtful whether it would have been possible to detect these trajectories; for instance, it probably would not have been possible to understand why the Center's members evaluated its opportunity structure as positive, despite large parts of that structure having increasingly closed down. Although the positive developmental trajectory of the arrangement regulating legal protection against DV was only one facet of the opportunity structure, it was nonetheless an essential one. Furthermore, this study has clearly shown that the institutional arrangement governing legal rights advocacy became increasingly restrictive far before the institutional arrangement regulating bottom-up social organizing in general. It was thereby possible to better understand why the Center faced so many problems as early as the mid-1990s.

Future studies on bottom-up social organizing should disaggregate institutional arrangements even further than carried out in this project; not only should the gender dimension be opened up and the specific issue areas analyzed separately, but it seems advisable that institutional arrangements for bottom-up social organizing should be opened up as well. Bottom-up social organizing is comprised of various social activities, such as state-financed social services or legal rights activism, and the situation of these different

social activities is quite different – as this study has shown. Through further disaggregation of the opportunity structure, it becomes possible to assess whether deterioration therein is located within bottom-up social organizing in general or within one specific issue area (gender) or category of activities (legal rights advocacy).

Although I delineated three dimensions of the opportunity structure, the actual analysis recognized the international dimension only insofar as it related to bottom-up social organizing and gender. This does not imply that international aspects were less influential; on the contrary, chapters 4 and 5 showed how crucial they were, especially to the deterioration of the Center's context. However, it became evident that international developments or regulations impacted on national institutional arrangements only in their relation to specific issue areas, such as bottom-up social organizing or gender-specific aspects, such as DV. Therefore, international developments or regulations impacted on national institutional arrangements not in themselves but only in relation to these specific national issue areas.

Another problem relating to the opportunity structure framework is harder to overcome. I not only disaggregated the opportunity structure into issue-specific areas but also assessed it both descriptively and subjectively, the latter assessment being from the perspective of the organization. While this differentiated approach provided important insights, as I will argue further below, it also provided difficult challenges. Which regulations and official statements are part of the particular institutional arrangements regulating bottom-up social organizing or better legal protection against DV? The perception of the opportunity structure is a lesser problem, since informants presented what was important to them. However, the descriptive analysis might miss certain phenomena, and hence not be entirely comprehensive. Still, even if one regulation or authoritative document was missing, the analysis presented here reflects the overall trend. I therefore argue that, while this problem inevitably exists, it is acceptable.

Following findings from previous studies, I understood the opportunity structure to be subjective (Scott 2013, p. 160). These previous studies argued that the perception of an opportunity structure as supportive, even if the descriptions of the institutional arrangements appear quite restrictive, can open up space for actors (Shriver and Adams 2013; Kurzman 1996; Eitan Y. et al. 2006; Meyer 2004). However, this study has shown that

this argument is not necessarily valid. Chapter 5 showed that the subjective opportunity structure for the Center between 2000 and 2010 was perceived to be sufficiently conducive for it to continue its work – and even to set up new projects. This was despite the analysis of developments in the institutional arrangements (presented in Chapter 4), which showed that the arrangement regulating bottom-up social organizing and gender relations became increasingly restrictive. And despite the Center’s members’ evaluation of the opportunity structure as moderately positive, or at least supportive enough for it to remain operational, it still lost its affiliation in 2010. This relates directly to China’s authoritarian structures and insufficient rule of law. The legal position of (bottom-up) SOs remains debatable, and it is possible to shut them down, detain unwelcome activists, and pressure and blackmail organizations and their employees. These features of the Chinese political system affect the assumption that a positive perception of an opportunity structure necessarily opens up space for the actors. Although one could argue that its positive evaluation motivated the Center’s leadership to expand its services, and hence might have functioned as an opportunity, it was clearly not a sustainable development given that the Center still lost its affiliation.

This requires further research into when and how subjective perceptions of opportunity structures genuinely can create possibilities, even in authoritarian regime conditions. Or is this conceptual assumption not applicable in authoritarian regimes? It would be interesting to study at least two successful bottom-up SOs located in the same authoritarian context (e.g. China) but operating in different issue areas (e.g. gender and environmental issues), to compare their perceptions of the institutional arrangements, and to analyze how these perceptions affect their development and activities. These two cases studies could then be compared to two further cases: organizations working on the same issue areas as the previous two cases, but this time in a non-authoritarian context.

Moreover, as argued earlier, gender is a highly influential aspect. It would therefore be important to question what role gender – particularly the patriarchal underpinnings of authoritarian regimes – plays in subjective perceptions of an opportunity structure. This would tremendously improve our understanding of both the available space for Chinese SOs and their potential to be effective.

8. Appendix

8.1. Table of cited interviews

All together 55 interviews were taken. Eventually no all interviews were cited in this project or directly referred to. The following list includes all interviews which were explicitly included in this text. The transcripts were handed to the supervisors on a separate USB-devised.

Number, location and date of the interview:	Function of the interviewee:
Interview # 1, Peking, 04.01.2012	Founder and director of the Center for Women’s Law Studies and Legal Services at Peking University, until forced shut down in 2016.
Interview # 2, Peking, 16.08.2012	Director of the Women’s Watch project and deputy director of the Center for Women’s Law Studies and Legal Services at Peking University, both functions until 2010, unrecorded interview.
Interview # 3, Peking, 08.11.2011	Head of litigation department and lawyer of the Center for Women’s Law Studies and Legal Services at Peking University since 2005, both functions until 2010, interview # 1 of 2.
Interview # 4, Peking, 27.12.2011	Head of litigation department and lawyer of the Center for Women’s Law Studies and Legal Services at Peking University since 2005, both functions until 2010, interview # 2 of 2.
Interview # 5, Peking, 22.09.2011	Head of research department and lawyer of the Center for Women’s Law Studies and Legal Services at Peking University, until forced shut-down in 2016.

Interview # 6, Peking, 19.09.2011	Lawyer of the Center for Women's Law Studies and Legal Services at Peking University since 2004, until forced shut-down in 2016, interview # 1 of 2.
Interview # 7, Peking, 20.09.2011	Lawyer of the Center for Women's Law Studies and Legal Services at Peking University since 2004, until forced shut-down in 2016, interview # 2 of 2.
Interview # 8, Peking, 27.12.2011	Director of the Women's Watch Project, after 2010, project staff of the Center for Women's Law Studies and Legal Services at Peking University (1997-2005) and of the Women's Watch project (2005-10).
Interview # 9, Peking, 08.12.2011	Project staff Women's Watch Project (2009-12), interview # 1 of 2.
Interview # 10, Peking, 07.09.2012	Project staff Women's Watch Project (2009-12), thereafter project staff of the Anti-Domestic Violence Network, interview # 2 of 2, unrecorded interview.
Interview # 11, Peking 7.-9.12.2011	Head of Administration until forced shut down 2016, unrecorded interview.
Interview # 12, Peking, 30.11.2012	DV plaintiff, mother DV death case victim Dong Shanshan, interview # 1 of 2.
Interview # 13, Peking, 26.12.2011	DV plaintiff, mother DV death case victim Dong Shanshan, interview # 2 of 2.
Interview # 14, Peking, 20.08.2012	Resort manager of Feminist Voices (女权之声, nūquan zhisheng).

Interview # 15, Peking, 31.07.2012	Founder and director of the Women's Psychological Counseling Center.
Interview # 16, Peking 09.08.2012	Social work professor at the China Women's University and volunteer expert who conducted workshops for the Anti-Domestic Violence Network on issues relating to gender equality.
Interview # 17, Peking, 22.08.2012	Former law professor, member of the China Academy of Social Sciences (CASS) and founding member of the Anti-Domestic Violence Network.
Interview # 18, Peking, 02.11.2011	DV plaintiff, represented by the Center for Women's Law Studies and Legal Services at Peking University, interview # 1 of 2.
Interview # 19, Peking 12.11.2011	DV plaintiff, represented by the Center for Women's Law Studies and Legal Services at Peking University, interview # 2 of 2.
Interview # 20, Peking, 26.09.2012	Resort Manager China at the Ford Foundation, not transcribed English interview.
Interview # 21, Peking, 11.08.2011	Gender performance art activists, later member of the Feminist Five.
Interview # 22, Peking, 20.12.2011	Plaintiff of a case relating to gender discrimination in the workplace represented by the for Women's Law Studies and Legal Services at Peking University.
Interview # 23, Peking, 02.09.2012	Retired cadre of the All-China Women's Federation (ACWF), formerly responsible for community projects on the prevention of DV.

8.2. Dimensions of the interview guide

Dimension of the interview guide	Anticipated insight
<i>The Center and its context:</i>	
<i>Opportunity structure (gender, political, international dimension)</i>	Assessment of the relevant institutions from the perspective of the actors, formal and informal, assessment of the particular arrangement and the opportunity structure emerging from (possible) intersections of all three arrangements;
<i>Organizational identity and registration status</i>	Official identity of the Center, self-perception of the organizational identity, advantages and problems arising from the identity;
<i>The Center's structure and organization:</i>	
<i>Organization</i>	Description of the organization in general, size, age, general development, general evaluation of the organization and its outcome;
<i>Governance, decision-making processes, management, leadership, and material resources of the Center</i>	Governing organs, organizational structures, evaluation of the resource base, problems and advantages deriving from it, differences between formal structures and day-to-day practices and problems arising from it;
<i>The Center's members, their interaction and networks:</i>	
<i>Organizational culture</i>	Formal organizational culture, culture as perceived by the informant, advantages of the manifesting culture, problems of the manifesting culture;
<i>Self-conception of the informant</i>	Background, motivation own role, personal implications of commitment to the Center,

<p><i>Human resources in general</i></p> <p><i>Networks</i></p>	<p>income;</p> <p>Evaluation of the resource base, problems and advantages deriving from it;</p> <p>Networks of the informant and of the organization, evaluation and categorization of networks, problems and advantages of the networks;</p>
<p><i>The Center's advocacy</i></p>	<p>Conducted activities and underlying tactics, tactical innovations and tactical framing, problems and advantages attached to the particular tactical approach;</p> <p>Participation in policy decision-making processes, function as legal recommender, function as consultant and trainer for DV aspects, impact on public awareness of DV, assessment of de-facto distribution of DV;</p>
<p><i>The Center's gender regime</i></p>	<p>Gender regime within the Center and its impact on the Center's organization and structure, membership base and interaction; impact of the gender regime on the Center's advocacy, differences and similarities to the Chinese gender order;</p>

8.3. Participant observation

Observation period # 1, Peking, 19.09.2011 – 13.01.2012:

Participant observation was conducted on a daily basis, during office hours in the location of the Center. It was interrupted for scheduled interviews. No participant observation was conducted between 30.09.-10.10.2011 and 23.12.2011-02.2012.

Observation period # 2, Peking, 02.07.-28.09.2012:

Participant observation was conducted on a daily basis during July 2012. During August and September, the Center was visited regularly for scheduled follow- up interviews or special events, such as official meetings of the lawyer's panel. Thereby, it was possible to conduct interviews with outside experts and other bottom-up social organizations.

8.4. Schedule and participation list of the research conference on Women Worker's Labor Rights Protection, December 4, 2011

Provided by the Center.

女职工劳动权益保障研讨会			日程
时间: 2011年12月4日(周日)			
地点: 北京西藏大厦A座3B会议室			
主办: 北京众泽妇女法律咨询服务中心·妇女观察			
上午议题: 《〈女职工劳动保护规定〉修改调研报告》分享、讨论及修改建议			
时间	内容及发言人	主持人	
09: 00-09: 15	开幕式: 1、郭建梅女士: 众泽妇女法律中心主任 2、杨大...: 中国人民大学教授、众泽妇女法律中心理事、专家组成员 3、张乐伦女士: 中律原咨询(北京)有限公司	叶静漪女士: 北京大学法学院教授, 众泽妇女法律中心理事、专家组成员	
09: 15-09: 45	《〈女职工劳动保护规定〉修改调研报告》分享 (刘伯红女士: 全国妇联妇女研究所研究员、众泽妇女法律中心专家组成员)		
09: 45-12: 00	讨论、提出修改建议		
下午议题: 《退休年龄问题研究报告》分享、讨论及政策建议			
时间	内容及发言人	主持人	
13: 30-14: 00	《退休年龄问题研究报告》分享 (刘伯红女士: 全国妇联妇女研究所研究员、众泽妇女法律中心专家组成员)	雷明光 生: 中央民族大学法学院教授、众泽妇女法律中心专家组成员	
14: 00-17: 00	讨论、提出修改建议、会议小节		
17: 30-20: 00	晚餐		

参会名单

参会专家、实务工作者:

- 吕鸿雁^{Jan} 国家人力资源和社会保障部法规司处长 | : *
- 俞文兰 中国疾病预防控制中心职业卫生与中毒控制所培训部主任 * mit Lu Rahoy
zusammen Benannt
entworfen.
- 黄龙 全国总工会法律部部长
- 钱晓斐 全国总工会女工部权益二处处长 ?
- 刘伯红 全国妇联妇女研究所研究员 *
- 蒋永萍 全国妇联妇女研究中心政策研究室主任、研究员
-
- 杨大文 中国人民大学法学院教授、众泽妇女法律中心理事 ^{qual ist sein Hintergrund?}
- 叶静漪 北京大学法学院教授、众泽妇女法律中心理事; ^{Erothungssache} *
- 林燕玲 中国劳动关系学院教授
- 刘明辉 中华女子学院法律系教授 *
- 荣维毅 中国妇女研究会理事
- 郑尚元 清华大学法学院教授
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- 张松凌 农家女文化发展中心“打工妹之家”项目总监 * : Organisation
- 熊婧 妇女传媒监测网络、《女声》编辑
- 韩红梅 一元公社发起人
- 杨占青 北京益仁平中心总协调人 * Organisation/vertreter: # yirenping center!
- 汤梅 北京益仁平中心
- 王海永 小小鸟打工热线维权律师
- 彭秋萍 打工之友—你身边的朋友

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 徐维华 千千律师事务所公益律师网络成员
 张 帅 千千律师事务所公益律师网络成员
 吕孝权 北京众泽妇女法律咨询服务中心研究部主任、千千律师事务所
 张伟伟 北京众泽妇女法律咨询服务中心诉讼部主任、千千律师事务所
 林丽霞 北京众泽妇女法律咨询服务中心·妇女观察秘书长

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 金 勇 中国妇女报
 陈虹伟 法制日报
 高 原 法制周末
 林阿珍 新京报
 王 瑜 工人日报
 王亦君 中国青年报
 公晓虹 中国劳动保障报
 叶晓楠 人民日报海外版
 王晓东 北京青年报
 武 新 北京晨报
 李宁远 网易女性频道
 研 一 搜狐微博外联部编辑
 尚军瑞 搜狐微博外联部编辑

速记：

吴 琼 概念速记公司

会务支持：

苏黄菊 北京众泽妇女法律咨询服务中心行政&财务主管
 郭雪洋 北京众泽妇女法律咨询服务中心行政助理

8.5. Legal recommendation basing on the DV death case of Dong Shanshan

Provided by the Center.

董珊珊家暴致死案专家法律意见

2010年5月，董珊珊的母亲张秀芬来到北京众泽妇女法律咨询服务中心（原北京大学法学院妇女法律研究与服务中心）暨北京市千千律师事务所，寻求法律援助。张秀芬称，董珊珊与王光宇于2008年12月15日登记结婚，婚后王光宇经常对董珊珊实施家庭暴力，董珊珊不堪忍受暴力，于2009年4月8日起诉离婚，此举激怒了王光宇，王光宇带一帮人于2009年6月17日将董珊珊从丰台表哥张军为其租的房子里抓走，带至河北反复实施殴打，2009年8月11日凌晨董珊珊逃回奶奶家，并于当日上午报警，遗憾的是，董珊珊没有来得及留下笔录便医治无效死亡。中心在审查了有关证据材料后，认为本案属于重大典型的家庭暴力案件，遂决定为董珊珊父母提供法律援助，作为刑事诉讼被害人一方的诉讼代理人参加诉讼。鉴于公安机关第一次侦查结论涉嫌的罪名是故意伤害罪，而检察机关退补后将罪名改为虐待罪，并以虐待罪公诉至人民法院。中心认为本案存在定性上的争议，遂决定召开法律专家研讨会，形成专家意见，提交合议庭参考。

在研讨会召开前夕，2010年7月2日，北京市朝阳区人民法院以（2010）朝刑初字第1231号刑事附带民事判决书，以虐待罪判处王光宇有期徒刑6年零6个月，附带民事赔偿人民币811470.12元。一审判决认定：2009年3月至8月期间，被告人王光宇因家庭矛盾，先后在位于本区的京通苑小区3号楼2单元201室等处，多次对其妻董珊珊（殁年26岁）进行殴打。……经法医检验，董珊珊符合被他人打伤后继发感染，致多脏器功能衰竭死亡。

2010年7月7日，研讨会在中心召开，北京大学刑法学专家郭自力教授、中国政法大学刑事诉讼法专家洪道德教授、中华女子学院刑事诉讼法专家张荣丽教授、中国人民大学婚姻法专家杨大文教授、北京大学婚姻法专家马忆南教授参加了本次研讨会。北京市妇联派出权益部的同志列席了会议。法制日报、法治周末、法制晚报、中国妇女报等多家媒体也派记者列席了研讨会，会后不久，各家媒体相继就本案做了报道。

与会专家认真阅读了一审判决书、讯问笔录、起诉意见书、起诉书、医院的诊断记录、法医鉴定报告、被害人母亲张秀芬的陈述、被害人家书、被告人发出的手机短信。在此基础上，经过充分讨论，形成如下法律意见：

一、一审判决认定事实不清、定性有误，本案被告人构成虐待罪、故意伤害罪、非法拘禁罪，应数罪并罚。

（一）证据认定方面：

根据被害人母亲张秀芬的陈述，导致董珊珊被殴打致死的直接原因，是董珊珊2009年4月8日提出离婚，王光宇不同意，董珊珊坚持离婚，王光宇被激怒，对董珊珊实施报复。

张秀芬手中有王光宇发出的多条手机短信，以及董珊珊生前留下的家书，这些证据也可以证明，王光宇殴打董珊珊致死的主观动机是出于对董珊珊提出离婚的报复。据张秀芬陈述，这些证据在庭审前无论是检察院还是一审法院均不接受，张秀芬只好打算当庭提交给法官，由于一审法院临时剥夺了张秀芬参加庭审的机会，这些证据便被排除在本案之外了。

在2009年8月11日董珊珊逃回家后，张秀芬听董珊珊说，董珊珊被王光宇抓到河北期间，有多人看守，不能出门，王光宇对其反复殴打，边打边狠狠地骂：“我让你离婚，我打死你！”。张秀芬的证言可以间接证明，王光宇同时涉嫌故意伤害罪和非法拘禁罪，本案还可能漏掉多名同案犯。

证人张军系董珊珊的表哥，他帮董珊珊租房，正是为了逃避王光宇的纠缠殴打，并且被告人王光宇是通过威胁张军才将董珊珊骗回租房并带人抓走的，张军见证了整个过程，张军的证言既可以证明被告人犯罪动机是对被害人提出离婚的报复，又可以证明抓走董珊珊的不止王光宇一个人。

王光宇的讯问笔录中也提到了离婚的事，并且在第一次讯问笔录中提到将被害人带至河北苟各庄15天，并在这期间反复殴打被害人。这15天里发生了什么事？不排除非法拘禁和故意伤害的嫌疑，需要补充侦查。

以上证据及证人证言，一旦查证属实，可以证明离婚是暴力升级的直接诱因，也意味着从被害人提出离婚这一刻起，被告人的犯罪故意也从虐待升级到了故意伤害。

综上所述，本案事实尚未查清，不排除漏罪漏人的可能。

（二）法律适用方面

1、从犯罪事实上来看，伤害的程度已经明显超出了虐待罪的严重程度，由虐待的故意转化为伤害的故意。

医院的诊断证明书显示：全身多发外伤。腹膜后巨大血肿，右肾受压变形萎缩性改变，头面部多发挫伤，右耳耳甲血性囊肿，双眼部挫伤淤血，四肢多发挫伤淤血，多发肋骨骨折，腰椎 1-4 双侧横突骨折，胸腔积液、肺挫裂伤、多脏器功能衰竭、贫血；肺部感染，多脏器功能衰竭。侵袭真菌感染”法医鉴定结论是：董珊珊符合被他人打伤后继发感染，致多脏器功能衰竭死亡。

判决书中医生杜鹃的证言明确表示，“其中威胁她生命的是肺挫裂伤，腹膜后血肿”。

由此我们可以看出，本案的伤害行为已经不是长期渐进的打骂，殴打的很多部位都是肾脏、肺部等身体关键部位，造成的伤害也都是致命伤。

在虐待的过程中，如果有针对性地对身体关键部位进行致命伤害的话，表明被告人已经主观上已经由摧残、折磨被害人的故意转化为欲致使被害人死亡或者伤残的故意。那么，这样的殴打虐待行为也相应转化为故意杀人或者伤害行为。

在本案中，根据讯问笔录，被告人至少 4 次供述“打得最严重的一次是 2009 年 8 月 5 日左右那次，”并且具体描述了殴打的手段和过程、殴打所针对的身体部分以及殴打的强度，表明被告人的行为已经明显超出了逐渐折磨、摧残被害人身心的虐待范围，存在伤害的故意，行为由虐待升级为故意伤害。

2、从刑法法理上来看，家庭成员之间致人重伤死亡不应一律定虐待罪，而应具体分析犯罪构成，当暴力升级后，存在明显的伤害、杀人故意，应处故意伤害罪、故意杀人罪。

一审法院在本案定性上存在一个认识误区：凡属家庭成员之间致人重伤死亡的，均应定虐待罪。法律并没有在虐待罪中明确说明，虐待过程中，致人重伤死亡的，是否同时构成其他犯罪，立法的不明确也加重了法律适用的误区。然而，这并不是立法本意。倘若是立法本意，则欲谋害一个人而逃避重刑，很简单，设法娶她为妻，先是虐待一阵子，然后杀死，最长不过七年有期徒刑。这意味着法律纵容家庭成员之间的伤害和杀害，使得婚姻家庭成为犯罪分子逃避刑罚的避难所、公民将丧失基本的安全感。

刑法学的基本原理告诉我们，判断罪与非罪、此罪与彼罪的方法在于分析犯罪构成。根据被告人供述及多名证人的证言，王光宇成立虐待罪没有问题。问题在于当董珊珊不堪忍受王光宇的虐待，提出并坚持离婚后，王光宇被激怒了，不惜一切手段，到处寻找董珊珊，并采取欺骗、殴打、威胁等手段，通过张军将董珊珊骗回出租房，带一帮人将董珊珊抓走，在河北某地集中实施了暴力殴打行为。董珊珊身上的伤证明了伤害手段的恶劣、狠毒。很显然，导致被害人死亡的直接原因，不是被告人的长期虐待，而是集中暴力殴打，其主观方面是对妻子提出离婚的报复。

由于虐待和故意伤害的行为独立存在、犯罪故意也有明显的分水岭，被告人还涉嫌非法拘禁罪，其行为实际构成多个犯罪，我们认为应当数罪并罚。

三、本案诉讼程序违法，依法应撤销原判，发回重审。

被害人母亲张秀芬与父亲董金刚同为附带民事诉讼原告人，只有被害人母亲一人委托了诉讼代理人，董金刚没有委托代理人，一审法院没有通知董金刚到庭参加诉讼，剥夺了当事人基本的诉讼权利，根据《中华人民共和国刑事诉讼法》第一百九十一条的规定，应当撤销原判，发回重审。

另外，尽管张秀芬委托了诉讼代理人，但一审法院将当事人张秀芬列为证人，不让她参加庭审，仍然违反刑事诉讼法的规定，由于张秀芬知道本案的大量事实，且手中还有证据打算当庭提交给法庭，一审法院不让她出庭，便实际影响了本案证据的采纳和定性的准确。

如果二审法院决定本案发回重审，建议朝阳区检察院对案件进行补充侦查，在查清事实后，由于可能判处无期徒刑和死刑，依法应由中院管辖。

四、家庭暴力刑事案件需要司法人员具备社会性别视角。

男女平等是我国宪法规定的基本国策，司法机关在反家庭暴力社会支持系统中扮演着非常重要的角色，肩负着打击犯罪、维护妇女权益、促进社会和谐稳定的光荣使命。然而从本案的刑事诉讼程序中，我们看不到司法机关应有的社会性别视角，仅仅因为发生在婚姻家庭内部，这样一个严重损害妇女人身权益的案件被定为虐待罪，机械适用法律乃至曲解立法本意，其恶果只能是放纵犯罪、助长家庭暴力的升级、危害广大妇女的生命健康权。

办好本案，对于提高司法人员和普通公众的社会性别意识具有很好的教育意义，对于维护宪法和法律的尊严，树立司法公正为民的形象也是有利的。

鉴于本案实体及程序上存在的若干问题，我们依据有关刑事诉讼证据的规定，向合议庭提出以上专家意见，供合议庭参考。

此致

北京市第二中级人民法院

与会专家：郭自力、洪道德、张荣丽

杨大文、马忆南

2010年7月22日

8.6. Transcripts of the cited interviews

On USB-stick.

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