

Zimmer, Annette

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Katja Levy & Knut Benjamin Pissler: Charity with Chinese Characteristics

Chinese Charitable Foundations Between the Party-State and Society (Elgar Studies in Law and Society), Edward Elgar Publishing, Cheltenham/Northampton, 2020, pp. 294, bibliography, index, \$140 (hardcover), ISBN: 978 1 78811 506 3

Annette Zimmer¹

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There are few examples of ideal co-authorship. The co-authored book by Katja Levy and Knut Pissler on Chinese foundations represents one of these. Katja Levy, political scientist and sinologist by training, studied and worked for many years in China. Currently, she is serving as a senior researcher at the China Institute of Manchester University, UK. Knut Pissler looks also back upon a training as sinologist and legal scholar. Currently, he holds a double appointment as professor at the Department for Comparative Law at Göttingen University and as head of the Department of Comparative Chinese and Korean Civil Law at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany. The chapters of their volume are based on the the results of in-depth empirical research in China in accordance with the social science tradition and with an interpretation of the legal embeddedness of Chinese foundations and nonprofits that draws on the background of and experience in comparative legal studies. Organized in four major chapters, of which each might stand alone, the volume provides an overview of: (Part I) the state of the art and summary of current debates on the changing spaces for civil society, (Part II) the evolution and history of philanthropy in China, (Part III) the current Chinese legal stipulations and the political environment of nonprofits, and (Part IV) of the functions and governance of foundations and the sector at large in the country. The reason why researching China's foundations

and its nonprofit sector form a combined legal and social science perspective is at least twofold: First, throughout the world, legal regulations are a difficult topic, a terrain of research that is of pivotal importance for the day-to-day operations of the organizations, however, at the same time extremely difficult to communicate to an audience not familiar with legal issues. Second, foundations constitute a distinct facet of the non-profit sector. The legal and regulatory environment, under which foundations operate in a particular country, reflects to a large extent the overall embeddedness of the country's nonprofit sector. In other words: Foundations constitute a good starting point for a comprehensive analysis of not only country-specific traditions of philanthropy but also for an overall understanding of the sector and its societal role and its political functions in a respective country which in this case is China. It might be worth mentioning that in the early 1970s, research on the nonprofit sector started with an in-depth study on the role and function of foundations under the leadership of the famous "Filer Commission" in the United States.¹ Following this tradition, the volume by Levy and Pissler provides the reader with an encompassing and differentiated picture of both the current boom and the changing spaces for nonprofit organizations in China. Accordingly, a key purpose of the book is to enhance our understanding of how philanthropy and nonprofits work in an authoritarian, non-democratic context where private engagement for public purposes is strictly regulated and legally controlled and simultaneously applauded and put to work, albeit under the guidance of the Chinese government and the tutelage of the Communist Party of China (CPC). For a western

Book Review Editor: Marc Jegers.

✉ Annette Zimmer
zimmean@uni-muenster.de

¹ Institute for Political Science, Münster University, Münster, Germany

¹ Commission on Private Philanthropy and Public Needs. Giving in America: Toward a Stronger Voluntary Sector. Commission on Private Philanthropy and Public Needs: 1975.

reader, this specific arrangement—that translates into “Charity with Chinese Characteristics”—is difficult to understand, because in the liberal tradition, philanthropic entrepreneurship is linked to notions of self-governance, individualism and anti-government. However, this is not the case in China, where philanthropy and nonprofit, working hand in hand with the State, look back upon a long tradition, as the authors convincingly outline in Part II of the volume. Therefore, the current boom of foundations and the growth of the sector in China is not a new development but instead a revival and renaissance of long-standing traditions, which was thoroughly suppressed under the rigid regime of Mao Zedong. In the meantime, this has changed significantly. The Chinese government and particularly the CPS are in favor of a flourishing nonprofit sector. However, foundations and the sector at large are not allowed to operate in a legally secured government-free space. On the contrary, the authors uncover a highly complex regulatory system, which builds on various layers and mechanism of control and in which legal stipulations, government policies and party presence work hand in hand. How foundations and nonprofit organizations are thoroughly integrated into the state and party apparatus is explained in detail in Part III of the volume. The sector, foundations included, enjoy the freedom of action and engagement for the public good, however, to become a legal entity—registration—is difficult and requires by law a double recognition by two different legal entities. Also fundraising is not linked to tax-laws in China, instead it is bound to government enactment and hence part of an organization’s legal status. Similar to other countries, the Chinese government constitutes a prime funder of nonprofit activities. Building on the legacy of history, partnership-programs with private and public foundations are nowadays a well-established mode of governance in China, particularly in the welfare domain. And finally, the CPC also sits at the table, since a party-unit has to be established as soon as two or three members or employees of a foundation or nonprofit organization are officially affiliated with the CPC. However, the ambiguity between control and enhancement that characterizes the overall situation of foundations and nonprofits in China is also in place as regards the role and function of these primary-level party units. They are not exclusively earmarked as instruments of control, instead they are also designed as vehicles for the further distribution of the CPC’s horizon of ideas and as mechanisms for recruiting new party members. As regards

the CPS’s influence on the sector and on foundations in particular, it is a Gramscian version of control that aims at achieving ideological and normative “hegemony”. Apart from the “Chinese Characteristics”, the roles and functions of foundations and nonprofit organizations in China are very similar to their counterparts in the West. As the authors convincingly laid out in Part IV, also in China foundations are the breeding ground for social innovations; they contribute to pluralism and the re-distribution of private wealth; similar to the West, the Chinese government at any administrative level tends to consult foundations and nonprofits as experts in specific fields with the goal of improving policy making; and finally, the sector and particular foundations provide the terrain for self-realization and the enhancement of societal prestige of donors (p. 258). All in all, the volume by Levy and Pissler definitely enriches our knowledge of how public and private are intertwined in China, and how philanthropy and nonprofits are systematically used to achieve both an improvement of governance and simultaneously an intensification of CPC hegemony. The authors successfully manage to unveil the often referred to “Chinese Characteristics” that might be translated into a combined notion of Foucault’s approach of governmentality and the Gramscian concept of hegemony. There is not much to criticize, perhaps the authors might have been more careful as regards repetitions, also because a well worked-out index facilitates to go through the book and to find certain issues and topics easily.

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