Civil Society with Chinese Characteristics?
An Examination of China’s Urban Homeowners’ Committees and Movements

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Despite heavy regulation and penetration by the party-state, China’s homeowners’ organizations show potential as sources of civil society, democratic development, and effective neighborhood governance.

The homeowners’ committee (yezhu weiyuanhui) and the homeowners’ “rights-defense” (weiquan) movement in recent years have received increasing attention from scholars and policy makers alike. Some scholars see these homeowners’ organizations as exemplifying the development of China’s civil society. The government did not anticipate the emergence of homeowners’ committees in China’s urban neighborhoods. The “community construction” policy initiated in the early 2000s has always focused on the revitalization of residents’ committees (also called neighborhood committees), the basic quasi-administrative units in urban grassroots governance. The official discourse on grassroots democracy has been defined in terms of the election of the residents’ committees. Even so, the government supports the development of homeowners’ committees. Since the mid-1990s, both central and local governments have issued a body of laws and regulations to restrict, but also to define, the role and functions of homeowners’ committees in urban communities and neighborhoods.

The extent to which homeowners’ committees and the homeowners’ movement can be considered a phenomenon of civil society, the kind of environment in which they operate, their democratic potential or lack thereof, and the kind of challenges they face—these are the questions discussed in this article. I begin with a theoretical overview of the relationship between civil society and democratization in formerly communist countries and in
China, then shift to a discussion of homeowners’ committees—their history, issues, functions, and activities. Last, I assess the development of homeowners’ organizations.

**Civil Society, Democracy, Democratization**

The literature on democratization uses a vibrant civil society as a key variable explaining the success or failure of a democratic transition from authoritarian rule. Without a strong civil society, an authoritarian elite may not consider it necessary to introduce a liberalization program that can lead to democratization. Furthermore, citizens’ capacity for and actions promoting self-organization in a vibrant civil society are the foundation on which successful democratic transition and consolidation are based.\(^2\) Scholars studying the democratic transitions in Eastern Europe, especially, have cited the role of civil society in democratization. For example, Marcia Weigle and Jim Butterfield use a four-stage theoretical framework (defensive, emergent, mobilizational, and institutional) to explain the role of civil society in democratization. The “defensive” posture of private individuals and independent groups in guarding their autonomy leads to “emergent” groups that seek limited goals in a public sphere sanctioned by a reformist party elite. The third, “mobilizational” stage occurs when independent groups or movements are able to offer alternative forms of political participation and governance, which then is completed by the final, “institutional” stage in which social autonomy is guaranteed by laws and state-society relations are regulated through free elections.\(^3\) In another study, Yanqi Tong distinguishes two types of civil society: the noncritical realm and the critical realm. The noncritical realm does not overtly challenge or aim to influence a state’s decisions and power and may not pose a direct threat to authoritarian rule. The critical realm is political and directly challenges authoritarian rule. While a critical political society is far less likely to be tolerated, some authoritarian governments may encourage the development of a noncritical civil society to help perform certain functions and services. The expanded social and economic autonomy fostered by a noncritical civil society may not directly lead to a critical political society, but it does provide the necessary material support and political space and create a favorable environment for the emergence of a critical political society. Often the emergence of noncritical and critical realms marks stages of political evolution toward ultimate democratization. Much depends on the critical realm’s ability to evolve out of the noncritical realm and to sustain itself, as well as the critical realm’s willingness to work with reformist elements within the government to chart a course toward liberalization and democratization.\(^4\)

This brief literature review provides the basic theoretical underpinnings for a discussion of the democratic potential of civil society. Civil society serves as a training ground for citizens to learn and practice political skills (organizing, getting elected, making deals, lobbying) that are necessary in a democratic system. It represents another channel of interest articulation; hence it reinforces the democratic accountability and responsibility of a political system. It is an arena in which citizens can discuss, debate, and deliberate public issues, creating a critical citizenry that is open to democratic norms and ideals. Most important, civil society monitors and checks the growth of state power while jealously guarding social and individual autonomy. As a buffer zone between individuals and the state, it protects individuals from illegitimate intrusion while limiting the concentration of political power in the hands of the state.

If we look at the application of “civil society” as a concept specific to China, we see a substantial growth in interest immediately after the 1989 Tiananmen students’ movement. Many scholars interpreted the students’ confrontation with party leaders as a struggle between civil society and the authoritarian party-state.\(^5\) More recent scholarship, however, paints a more complex picture of civil society development in China—one in which the state plays a critical role in forming, guiding, regulating, and restraining civil society development. Michael Frolic refers to a “state-led civil society” in China, by which he means the “social organizations and quasi-administrative units created by the state to help it manage a complex and rapidly expanding economy and changing society.”\(^6\) Suzanne Ogden points out that many interest associations in China perform a “dual role,” representing the interests of their members while regulating them to conform to the state’s policies.\(^7\) Rebecca Moore argues that the Chinese government, although increasingly reliant on social organizations to provide social services, is at the same time wary of their politically disruptive potential and thus attempts to extend “its own tentacles into the ‘nongovernmental’ sector in an effort to reassert its control.”\(^8\) Yiyi Lu, in contrast, suggests that the dependency of nongovernmental organizations (NGOs) on official sponsorship in China results in a civil society more oriented toward “service delivery” than “interest advocacy.”\(^9\)

Some scholars also note the pattern of depoliticization of civil society in China. Jean-Philippe Béja, for
example, laments the loss of “combative civil society” in China. Instead of a combative civil society, we find NGOs that seek to solve technical problems rather than political ones. In this way, the party-state has co-opted the discourses on “governance” and “civil society” and turned politics into administration. Anthony Spires proposes “contingent symbiosis” as a term to describe the phenomenon in which civil society organizations refrain from making democratic claims and supporting grievances against the state so that they can survive and work within an authoritarian setting, while the party-state tolerates and even relies on the activities and services provided by these organizations.

The form of civil society that is taking shape in China therefore can be said to have two aspects: a tendency among civil society groups not to confront the political authorities; and the close monitoring of such groups by the state and party organizations. The institutional environment and legal framework in which civil society organizations operate are also highly restrictive. For example, an NGO cannot register without official sponsorship, and failure to register causes it to be labeled an “illegal organization” subject to government suppression. There is, however, constant and ongoing tension between social organizations’ attempts to maintain and enlarge their autonomy from the party-state and the party-state’s efforts to control, penetrate, and lead the social organizations. In most cases, China’s homeowners’ committees, too, exemplify this tension between the state and civil society.

**The Homeowners’ Committees and Homeowners’ Movement**

The emergence of homeowners’ committees in Chinese cities can be traced back to the housing policy reform and the subsequent emergence of a private housing market in China. Before the housing reform of the late 1980s, the work unit (danwei) was the main provider of housing (primarily apartments) to employees. The main focus of the housing policy reform initially aimed to remove the heavy financial and administrative burden for work units by privatizing this public housing through subsidies. More recently, the housing reform has tried to create a vibrant, commercialized property market by encouraging real property developers to develop new residential areas and to undertake urban redevelopment projects.

Today, it is estimated that at least 40 percent of urban residents are homeowners. Those who acquired their property through privatization of work unit property and thanks to government subsidies generally belong to the low and lower-middle income brackets, whereas those who purchased property on the market are generally in the middle and upper-middle income brackets. The latter group tends to be more active in protecting and advancing its rights and interests as homeowners. According to the nationwide census conducted in 2000, 45.2 percent of urban residents owned homes. Of those, 65.15 percent had bought property from their work unit; 20.38 percent purchased it on the market; and 14.47 percent acquired it through government-subsidized “economy housing.” In an interesting twist, the most recent census, conducted in 2010, removed the questions on property ownership.

Before the housing reform, the logistics departments of work units or the housing bureaus of local governments maintained their properties. Since the housing reform, property management companies have operated in most neighborhoods. Although property management companies exist primarily to maintain and repair shared properties and public facilities, they also perform certain key functions that make residents highly dependent on them. Most property management companies provide public security, trash collection, sanitation services, and parking management. Many of them also take responsibility for public utilities (supplying running water, electricity, gas, and heat). Thus, if a property development company were to abruptly terminate its services in a neighborhood, the residents’ lives could become extremely difficult. They would have no running water, heat, or electricity. No one would come to collect the trash and provide a security patrol. In addition, in many newly developed residential areas that do not yet have residents’ committees, property management companies also assume many of the committee’s functions—such as assisting the local government with crime watch, household registration, health and sanitation inspections, and even political propaganda and mobilization. In short, the property management company can be quite powerful relative to ordinary resident-homeowners.

**The Urban Homeowners’ Rights-Defense Movement**

“Rights-defense” (weiquan) movements have been proliferating in China in recent years. Ostensibly they deal with nonpolitical, “functional” issues, but their efforts sometimes have significant implications for the political system. By appealing to Chinese laws and the Constitution when they challenge local governments, they make it more difficult for the authorities to label them anti-regime
movements. These rights “activists do not challenge the legitimacy of the state but, on the contrary, take it [at] its word and ask for the enforcement of the law to check the abuses by officials.”17 In fact, sometimes higher authorities do sympathize and agree with a case made by rights activists.18 These movements, therefore, can be “regime supportive” and “rights upholding” at the same time. Even so, the government will crack down on rights-defense movements if it perceives them to be politically destabilizing.19

The homeowners’ “rights-defense” movement thus belongs to the larger group of such movements; it is a “rights-based collective action on the part of citizens armed with an awareness of the gulf between what they are legally entitled to and what they are getting in practice.”20 There are, however, certain differences between the homeowners’ movement and other rights-defense movements. First, in comparison to the “rights-defense” movements among workers and peasant groups, which can easily escalate into violent mass incidents, homeowners’ resistance is generally “reasonable, acceptable, modest, [and] persistent.”21 Although this does not mean that homeowners’ resistance is always peaceful and rational, in general the homeowners’ movement is moderate and operates within the boundaries of the law.22

Second, “the principal motor driving homeowner organization is not government policy at either the central or local levels but rather the ways in which homeowners feel their rights are being abused by the developers and property management companies.”23 This is different from other rights-defense movements in which local governments are the principal villains. Although local governments always have suspicious ties with developers and property management companies, local governments generally are not a direct target of homeowners’ resistance. Sometimes homeowners view the local authority as a neutral force that will support their just demands. Even so, local governments can become a target, especially if its decisions are seen as having violated homeowners’ rights and interests.

The third difference has to do with socioeconomic status. Overwhelmingly, rights-defense movements involve workers, peasants, and migrant workers—those described as “vulnerable groups” (ruoshi qunti) in Chinese society. Homeowners are hardly “vulnerable” people. Most of them command sufficient wealth to acquire a piece of urban property, have professional jobs and stable incomes, and are well connected in business and government. They would be included in the category of “middle-class,” however unclear that term may be in reference to Chinese socioeconomic stratification. But even though homeowners are people who are the exact opposite of “vulnerable,” they, too, feel that their legitimate rights have been ignored and violated by other parties and that they have no choice but to take collective action to seek redress.

So, what issues do these comparatively well-off members of society face? The major issues in the homeowners’ rights-defense movement typically involve at least one of the following:

1. an unfair contract forced on property buyers by developers;
2. the refusal of property developers to hand over the use of public facilities and equipment to homeowners, instead illegally renting these facilities for their own profit;
3. the failure of property developers to provide deeds (fangchanzheng) to the homeowners, without which ownership of the property is incomplete;
4. changes in a neighborhood’s development plan (such as replacing a promised garden or playground with a supermarket or a factory from which the developer can profit);
5. high property management fees imposed on homeowners, combined with poor service;
6. loss of or damage to private property (typically automobiles) attributed to inadequate security services provided by the property management company;
7. disagreements over certain extra fees and assessments imposed by the property management company;
8. the occupation and use of certain shared property and public facilities by the property management company for profiteering;
9. homeowners’ inability to change their property management company or the refusal by the property management company to transfer its services to another company;
10. the failure of local housing and property authorities to settle homeowners’ complaints in a fair and neutral manner;
11. the failure to establish a homeowners’ committee;
12. conflicts between the homeowners’ committee and homeowners, especially when homeowners allege abuses and corruption by the committee; and
13. in more recent years, the adverse environmental and social impact of certain decisions made by city and district governments.24

**Laws on and Legal Status of the Homeowners’ Committee**

The main but not the only organization through which homeowners can protect their rights is the homeowners’
committee. In March 1994, the Ministry of Construction (reorganized in 2008 as the Ministry of Housing and Urban–Rural Development) promulgated “Management Measures for New Urban Residential Neighborhoods,” the first regulation of its kind to spell out the rights and obligations of both property management companies and homeowners. This is the first official document authorizing the establishment of a homeowners’ organization, then called the “neighborhood management committee” (xiaoqu guanli weiyuanhui).

Despite the promulgation of the “Management Measures,” conflicts involving violations of homeowners’ rights and interests persisted, even intensified, as more commercial developments and urban renewal projects were undertaken in Chinese cities and the regulatory regime remained weak. Corruption and misbehavior among developers were widespread. This prompted the government to revise and update the regulatory framework of property management. The “Management Measures” were superseded by the 2003 Regulations on Property Management (wuye guanli tiaoli). The government reportedly took four years to finalize the 2003 document. While drafting it, the Ministry of Construction claimed to have incorporated more than half of four thousand suggestions made by the public. It also claimed that the Regulations would be a powerful document protecting homeowners’ rights.25 After the enactment of the 2007 Property Law, the Regulations were also updated to synchronize with the stipulations protecting private property rights in the Property Law. The 2007 Property Law and the Regulations together are the two highest laws governing property management and homeowners’ organizations.

Unlike most NGOs in China, a homeowners’ committee does not have to register with the Ministry of Civil Affairs to obtain legal status. Instead, its legal existence is confirmed when it files a record (bei’ an) with the local housing or property authorities. Like most private-initiated NGOs in China, however, the procedure for establishing a homeowners’ committee is quite difficult. Each neighborhood is allowed only one homeowners’ committee. Homeowners in a neighborhood can demand the convening of the first homeowners’ assembly, which elects the first-term officers of the homeowners’ committee from among its members, when the surface footage of homeowners’ property reaches 50 percent of the development plan. Some provincial governments will grant homeowners’ requests to establish a homeowners’ committee one or two years after the first unit was sold or occupied, regardless of the total footage owned by the homeowners. But not all local governments permit this alternative. One problem, then, is that the total development project of a neighborhood can be divided into several phases, sometimes lasting more than ten years. In that case, the local government can easily turn down requests to establish a homeowners’ committee by stating that not enough units have been sold or occupied (or even built!). Thus, the early occupants in a newly developed neighborhood tend to be disadvantaged.

Before an assembly can be convened and a committee elected, a preparation committee must be formed. The preparation committee generally includes officials from the local housing and property authorities and the street office, officers of the residents’ committee, delegates of the property developer (or the property management company attached to the developer), homeowners’ representatives, and sometimes public security officers. Lack of cooperation from any of these people can easily frustrate homeowners set on forming a preparation committee. The developer often has a lot of say regarding the composition of the preparation committee. As a result, homeowners’ representatives tend to have received special discounts or favors from the developer or its property management company.26

Moreover, the voting rights of homeowners (unless otherwise stated, tenants are disenfranchised) are not based on “one person, one vote” or even “one household, one vote” but on the calculation of the surface footage of the purchased unit. For example, the vote of a person who owns 200 square meters carries twice the weight of that of someone who owns 100 square meters.27 The developer then claims ownership rights to the surface areas of unsold units. It is through this technique that a developer in Beijing has been able to thwart the establishment of a homeowners’ committee within its development project for more than fourteen years.28

As Table 1 shows, in most Chinese cities (except Shanghai and Nanjing), only 20–30 percent of qualified neighborhoods have been successful in establishing homeowners’ committees. Many property developers and property management companies resist the establishment of homeowners’ committees. These companies are often (but not always) backed by local housing and property authorities (some of the property officials sit on the boards of the industry associations of these companies).

The procedures for establishing a homeowners’ committee therefore provide ample opportunities for a property management company to buy off some of the committee’s officers. Other common complaints from homeowners include incompetence, alleged abuses of power, vote rigging, and corruption (e.g., misuse of homeowner-
ers’ funds) by committee members. In these situations, homeowners’ committees become targets of homeowners’ resistance.²⁹

The legal status of the homeowners’ committee is also somewhat ambiguous, which complicates its efforts to protect homeowners’ rights, especially in the courts. Under Chinese civil litigation law, only a “litigation subject” can sue. A litigation subject may be a physical person, a corporate entity, a registered (dengji) social organization, or “other organizations” (qita zuzhi). As mentioned before, the homeowners’ committee does not register (dengji) as a “social organization.” In the absence of “social organization” status, many courts have thrown out lawsuits brought by homeowners’ committees. Some provincial regulations have made it easier for homeowners’ committees to become litigation subjects, but so far these are the exceptions. The inability of the homeowners’ committee to pursue legal action remains one of the most contentious issues in the homeowners’ rights-defense movement.

Residents’ Committees, Homeowners’ Committees, and Property Management Companies

If homeowners have so much difficulty protecting their rights through the homeowners’ committee, can they do so through the residents’ committee, another organization intended to protect their interests (as residents rather than as homeowners)? The role of the residents’ committee in property management, however, is awkward. Residents’ committees generally (but not always) refrain from advocating homeowners’ concerns and issues. These are seen as frictions resulting from two parties in a private transaction (homeowners as consumers and property management company and developer as providers), for which the residents’ committee has no formal responsibility.

In effect, considerable overlapping of functions and responsibilities occurs among the residents’ committee, the homeowners’ committee, and the property management company. The community construction policy calls for increased residents’ committee involvement in promoting community health, environment, culture, safety, and so on, which overlaps to some degree with what a property management company does. The relationship between property management companies and residents’ committees is not without tension.³⁰ It is not uncommon for a residents’ committee and a property management company each to field a team of safety patrols or perform similar tasks in street and building cleaning—and to collect the same sort of fees from residents for these tasks. The residents/homeowners are thus “taxed” twice for the same service. In a sense, both bodies claim to be the “boss” in a neighborhood. In some newly developed neighborhoods, however, the residents’ committee is marginalized (or not yet established) and even practically subordinate to the property management company.³¹ The developer and property management company generally supply office space to the residents’ committee in these neighborhoods, so it comes as no surprise that the committee feels beholden to the company and tends to side with it against homeowners in disputes.

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**Table 1**

<table>
<thead>
<tr>
<th>City</th>
<th>Neighborhoods</th>
<th>Homeowners’ committees</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beijing</td>
<td>3,077</td>
<td>360</td>
<td>11.7</td>
</tr>
<tr>
<td>Guangzhou</td>
<td>about 4,000</td>
<td>580</td>
<td>15.0</td>
</tr>
<tr>
<td>Shenzhen</td>
<td>2,003</td>
<td>721</td>
<td>36.0</td>
</tr>
<tr>
<td>Zhengzhou</td>
<td>1,237</td>
<td>102</td>
<td>8.2</td>
</tr>
<tr>
<td>Shanghai</td>
<td>8,661</td>
<td>6,786</td>
<td>78.3</td>
</tr>
<tr>
<td>Haikou</td>
<td>about 600</td>
<td>210</td>
<td>35.0</td>
</tr>
<tr>
<td>Nanjing</td>
<td>1,275</td>
<td>599</td>
<td>47.0</td>
</tr>
<tr>
<td>Chongqing</td>
<td>3,350</td>
<td>1,124</td>
<td>33.6</td>
</tr>
<tr>
<td>Chengdu</td>
<td>2,824</td>
<td>932</td>
<td>33.0</td>
</tr>
<tr>
<td>Changsha</td>
<td>about 800</td>
<td>about 200</td>
<td>25.0</td>
</tr>
<tr>
<td>Wuhan</td>
<td>1,200</td>
<td>about 400</td>
<td>33.3</td>
</tr>
<tr>
<td>Guiyang</td>
<td>571</td>
<td>39</td>
<td>6.8</td>
</tr>
<tr>
<td>Kunming</td>
<td>—</td>
<td>—</td>
<td>15.0</td>
</tr>
</tbody>
</table>

*Note: Unless otherwise noted, the data collected covers the 2004–2008 period.*

Disputes between residents’ and homeowners’ committees also occur often. The principal complaint of the homeowners’ committee is that the residents’ committee is meddling in its internal affairs. The official stance on this problem is that the homeowners’ committee should be subordinate to the residents’ committee. According to article 20 of the Regulations on Property Management, the homeowners’ committee should (1) support the public security bureau and cooperate with the residents’ committee in the area of public security; (2) actively coordinate with the residents’ committee in terms of self-governance; (3) be under the supervision and guidance of the residents’ committee; and (4) inform the residents’ committee regarding the decisions made by the homeowners’ assembly and the homeowners’ committee, as well as consider suggestions made by the residents’ committee regarding these decisions.

The official argument is that no matter how many residents are homeowners, there will still be residents who do not own homes but whose lives are affected by the homeowners’ committee’s decisions. The homeowners’ committee articulates only the interests and concerns of the affluent middle class. Sometimes it ignores the rights and interests of lower-class residents, especially the migrant laborers living as tenants in the neighborhood. In this case, the residents’ committee can become the organization that articulates the interests of poorer residents or migrant groups.

Nevertheless, homeowners generally do not welcome this interference from the semiofficial residents’ committee. They legitimately see this as increased regulation of the homeowners’ committee (on which, more below).

Institutional Innovations and Homeowners’ Self-Governance

Homeowners in China thus face numerous obstacles and problems in defending their rights. Nevertheless, homeowners are also among the more innovative groups in pursuing collective action and defense of their rights. For example, some homeowners are pioneers—active in using Internet forums to discuss their issues, share tactics, connect with one another, influence government actions, and put pressure on their targets. Participants in homeowners’ online forums are among the most engaged online activists, who regularly discuss issues related not only to property management but sometimes to governance as well.32

In an effort to reduce conflict and improve the governance of their neighborhoods, homeowners have at times also introduced institutional innovations in self-governance. Here I present three cases. These cases were first reported in the mainstream Chinese media—which include Xiandai wuye (Modern Property Management), the premier magazine on this subject; Shequ (Community), a magazine on community construction published by the Ministry of Civil Affairs; and Zhongguo xinwen zhouchan (China Newsweek), a major Chinese current affairs magazine.

Shangdi Xili Homeowners’ Representatives’ Assembly, Beijing

Shangdi Xili is an affluent neighborhood in Beijing.33 In 2004–2005, the homeowners of this neighborhood successfully established their homeowners’ committee. What made this neighborhood unique was that it also set up a homeowners’ representatives’ assembly (yezhu daibiao dahui) to monitor and act as a check on the homeowners’ committee. The representatives’ assembly was originally established as the standing committee of the homeowners’ assembly and empowered to make important decisions when the homeowners’ assembly was not in session. Later, the homeowners’ assembly was abolished and replaced by the homeowners’ representatives’ assembly.

The original assembly had twenty-seven representatives; today it has expanded to between forty and fifty. All of them are elected (some are also officers of the neighborhood residents’ committee). The representatives cannot serve concurrently as members of two other institutions: the homeowners’ committee and the homeowners’ oversight council (yezhu jianshihui). In two years of existence, the representatives’ assembly met eight times, issued six public announcements, and made important decisions, such as agreeing to a new service contract with a property management company, approving a parking plan, drafting rules for the use of the homeowners’ collective fund, and hiring administrative staff. In short, this is a fully empowered institution, authorized to make important decisions.

In addition, homeowners can contact their representatives directly with concerns or opinions. Once informed, the representatives then draft and table bills at meetings of the representatives’ assembly. The homeowners’ committee then carries out bills that pass. The representatives’ assembly can temporarily suspend any member of the homeowners’ committee found guilty of corruption. It also frequently receives and examines the work report of the homeowners’ committee.

Finally, the oversight council has three members and its primary responsibility is to ensure that all homeown-
ers, homeowners’ representatives, and homeowners’ committee members are observing the homeowners’ covenant and other relevant rules and regulations.

In a sense, the institutional design in this neighborhood homeowners’ organization resembles the three-way separation of power common in democratic systems. The representatives’ assembly acts as a legislature, the homeowners’ committee fulfills executive responsibilities, and the oversight council performs certain judicial functions. As Chinese scholars who have investigated this neighborhood point out, however, the most important contribution of this institutional innovation is the replacement of the homeowners’ assembly with the representatives’ assembly. The representatives’ assembly solves a persistent problem in many neighborhoods: the need to involve all homeowners in the assembly, as required by the Regulations on Property Management and other regulations. The representatives’ assembly substitutes its own “representative democracy” for the “direct democracy” of a homeowners’ assembly. The homeowners’ assemblies are persistently plagued by such problems as low attendance, ineffective and inefficient meetings, irregular procedures, and dominance by the property management companies or their allies among the homeowners. In contrast, by delegating powers to a select group, the homeowners’ representatives can hold much more efficient meetings with more attentive participants and livelier and more meaningful debates, while also providing more effective oversight of the homeowners’ committee. Shangxidili has become a model that homeowners from other neighborhoods in Beijing seek to imitate.

Yueliangwan Pianqu People’s Congress Deputy Work Station, Shenzhen

The People’s Congress Deputy Work Station (renda daibiao gongzuozhan, hereafter Work Station) is located in Yueliangwan Pianqu, a big community comprising twelve neighborhoods in Nanshan district in Shenzhen. In 2001, the district government approved a project to locate a waste incinerator/power generator near Yueliangwan Pianqu. The homeowners in the area quickly joined together in a campaign to force the district government to overturn this decision.

Facing a tense situation, a street party official contacted the people’s congress deputies in the area and asked them to speak to the homeowners. As a result, the homeowners and the district and city governments were able to resolve the matter amicably. The successful conclusion of this episode convinced the government and homeowners that they needed a liaison that could link the residents and the people’s congress deputies. From the government’s perspective, such a mechanism ensures that its disputes with citizens will first be channeled through a proper and established mechanism of conflict resolution. This mechanism also assures residents that their voices and concerns will be properly reflected in government decision making. In 2002, with official blessing, a homeowner-activist established the work station. Directors of the homeowners’ committees in Yueliangwan Pianqu all became liaison officers at the work station.

The work station holds a monthly meeting between the people’s congress deputies and the residents. It has the power to refer public issues and problems to relevant government authorities and to check on the authorities’ progress in handling these issues. The work station also sets up consultations on important issues among homeowners, party and government officials, the media, and scholars. Each liaison officer is individually responsible for collecting the opinions and concerns of homeowners in his or her neighborhood. The officer then packages these opinions and concerns and reports them to the people’s congress deputies.

The work station is reported to be very effective. It has been able to solve more than fifty public issues involving transportation, environmental pollution, and public security in the twelve neighborhoods of Yueliangwan Pianqu. Since the establishment of the work station, open confrontations have been visibly absent.

Pinge Community Service Center Limited Company, Beijing

Pinge is a relatively small neighborhood in Beijing, with only 148 households. The homeowners’ committee in this neighborhood was formed after its property management company, citing unsustainable business operations, suddenly withdrew and terminated its service. The homeowners found themselves in a quite desperate situation, without such services as trash collection and security guards. They turned to Shao Litang, a homeowner himself, who had prior experience negotiating with developers. Shao proved to be a capable leader. Under his guidance, the homeowners’ committee was set up within a short period of time. The first decision facing the committee was whether to rehire the previous property management company (probably at a higher rate), hire a new one, or let the homeowners themselves administer the property. A survey of the homeowners revealed that a majority of them preferred the last option.
The homeowners then decided to create the Pinge Community Service Center Limited Company, which they own and operate as a group. The company is registered with the commercial bureau of Beijing. According to the company manager, all 148 homeowners became shareholders in the company, the homeowners’ committee acts as the company’s board of directors, and the manager (Shao) answers to the homeowners’ committee. He describes the principle behind the model of homeowners’ self-governance in Pinge as voluntary, self-administered, and self-disciplined. The homeowners’ committee itself answers to the entire homeowners’ assembly, which doubles as the shareholders’ general meeting.

Since the homeowners own the company, everyone has an incentive to keep its finances healthy. The new company hired one-third fewer staff members than the previous company. Many homeowners volunteered to help the company and pay their property fees on time. Any interested homeowner may examine the company’s books. Prudent cost management allows the company to generate an annual profit of RMB50,000. One-third of these returns go to pay bonuses to the company’s employees, one-third into the homeowners’ collective fund, and one-third on payments of the next year’s property fees.

Discussion

These cases of institutional innovation are remarkable in that they were all creative responses initiated by private individuals to deal with difficult situations, without the direction or involvement of government officials. To use Benjamin Read’s typology, the cases of Shangdi Xili and Pinge could be considered “fully empowered” homeowners’ organizations, with genuine representative authority, internal democracy, and external autonomy.36 The Yue-liangwan Pianqu Work Station is also remarkable, for it is a private citizens’ initiative to engage with the relevant government authorities in a cooperative manner to solve problems and disputes. The result is at least as effective as more confrontational tactics.

In terms of the capacity for social self-organization, the largely self-started homeowners’ rights-defense movement, the emergence of the homeowners’ committees, and the institutional innovations in homeowners’ self-governance can be read as signs of a developing civil society. We may question whether these cases can be generalized to other, similar cases or whether they stand out as exceptions. Of course, many homeowners’ committees are defunct or corrupt, and not all homeowners’ battles end in victory for the homeowners. My main point, however, is that these institutional innovations from grassroots civil society are important not because they represent general patterns or trends, but because they serve as examples or models for other communities to emulate or for the authorities to notice and study. Shangdi Xili’s reforms have prompted the government to consider revising the regulations on homeowners’ organizations to empower representatives’ assemblies in other neighborhoods. Shao, the leader in Pinge, alludes to the famous household responsibility system, which was introduced (illegally) as an experiment in a small village under collectivization before being promoted nationwide. Such grassroots reforms highlight the innovative energies among Chinese citizens in an increasingly pluralistic Chinese society and point to the genuine development of a Chinese civil society.

Homeowners’ Committees, Civil Society, and Democratic Development

Homeowners’ committees are interest-based organizations. They exist to articulate the private interests of homeowners. In this sense, China is experiencing the “post-totalitarian” stage of communist authoritarianism, in which increased social activity in the arena of “low politics” is tolerated as long as the Party’s dominance of the state and “high politics” is unchallenged, similar to the communist regimes in Eastern Europe before their collapse at the end of the 1980s.37 Homeowners’ committees seem to fit the bill of organizations that focus on “low politics” and assume the role of noncritical civil society, to use the terminology of Yanqi Tong.

Like other members of the middle class in China, homeowners may be less interested in democratization than in securing their private space.38 Homeowners’ demands rarely touch on issues of how government institutions should be structured, how social interests are aggregated, or how power is distributed. Most of the time, they focus on their immediate neighborhood, concentrating on particular issues of the moment—including the well-known and well-reported case of the PX Plant in Xiamen, in which residents, most of them homeowners, took a collective “walk” to protest the government’s permission to build a chemical plant near residential neighborhoods and forced the government to withdraw the permit. Such incidents certainly indicate the growing lobbying power of homeowners and the increasing political pluralization of policy making in China.39
Even so, homeowners do sometimes discuss the nature of property ownership, corruption of local government, the rule of law, environmental protection, and their own democratic participation. A minority has begun to see its actions as part of a larger movement demanding more citizens’ participation in politics. There are tentative signs that some homeowners’ activities have spilled over from “low politics” to “high politics” or from the noncritical to the critical realm. As Benjamin Read, a knowledgeable observer of homeowners’ organizations, opines, “it constitute a new model for private associations in [China] as well as an attractive laboratory for activists who have ambitions for far-reaching political change.”44

One of the most important indications of this change is the emergence of so-called “independent candidates” in local people’s congress elections since 2003. Many of these candidates have active experience as homeowners’ committee officers.45 They clearly saw the necessity of becoming more directly political to better protect their interests.46 By offering themselves as alternatives to party-sanctioned candidates, independent candidates knew that they were making a not-so-subtle challenge to the long-established norms of fixed elections under communism. Local people’s congress elections have, as a result, become more competitive, challenging, and meaningful. There were less than a hundred “independent candidates” in the 2003 election in China. The number exploded in the recent rounds of people’s congress elections, prompting John F. Thornton, the chairman of the board of the Brookings Institution, to talk about “prospects for democracy” in China.47 At the same time, the government has moved to restrict the activities of “independent candidates,” fearing that they might grow into a democratic movement challenging the Party’s candidates. Hence one can interpret this development as confirming the observations made by Weigle and Butterfield when they argue that “groups which had narrowly defined claims during the defensive period [now] widened their scope . . . [and] became more stridently political in demanding increased scope for independent activity and input into policymaking processes.”44

We can also observe that homeowners’ committees serve a useful role as a “democratic training ground.” Elections of homeowners’ committees are becoming as important as residents’ committee elections in China’s grassroots democratic development. Compared with residents’ reactions to electoral abuses in residents’ committee elections, homeowners react much more forcefully.45 Despite the lack of institutionalization, many homeowners take seriously the elections of their homeowners’ committees. Electoral participation thus has the effect of socializing the participants in the process of procedural democracy.

While the above discussion points to the democratic potential of homeowners’ committees, we should also note certain factors that undercut such potential, principally the authorities’ ability to regulate and penetrate these groups. As Deborah Davis has observed, “the homeowner revolution has unleashed social and economic forces whose autonomy the [Party] has not anticipated and against which they are now imposing new constraints.”46 Stricter government regulations and penetration of the homeowners’ committees does not mean that they are inevitably becoming less capable of protecting homeowners’ rights. In fact, there are cases in which the involvements of party or government officials are indispensable to the successful defense of homeowners’ rights and to better neighborhood governance. But such regulations and involvement also mean that the potential of homeowners’ committees to become a powerful force acting as a “social buffer” against party-state encroachment is limited.

Control and Regulations
Increasingly, local governments are trying to control and regulate homeowners’ committees. In Shenzhen, a city that has one of the most active homeowners’ movements in China, the city government in 2005 issued a new regulation/instructional guidance (“Rules of Conduct for the Homeowners’ Assembly and the Homeowners’ Committee”) that places the homeowners’ committees under the supervision and guidance of the residents’ committees and the street offices.47 The regulation also gives local property and housing authorities the power to dissolve any homeowners’ committee that is found to be in violation of the “Rules.” It also strongly suggests that a joint meeting on property management be institutionalized, purportedly for better coordination. Participants in the meetings include the residents’ committee, the street office, local housing and property authorities, the district party committee on politics and law, community work stations, public security bureaus, the property management company, and the homeowners’ committee. The presence of many more actors significantly dilutes homeowners’ influence. Many homeowners in Shenzhen expressed concerns that this new regulation will diminish the autonomy of the homeowners’ committee and strongly opposed it.48

After issuing these regulations, the city’s complaints bureau received fewer petitions regarding property management. The number of such cases fell by 30 percent
from 2004 to 2005, and by 21 percent from 2005 to 2006. There were no more collective visits to the complaints bureau, an improvement attributed to the new rules. More involvement by the street office and the residents’ committee may actually promote better coordination among different organizations and better solutions to neighborhood conflicts. But this phenomenon could also be interpreted as the successful taming of the homeowners’ movement.

Regulations similar to those in Shenzhen have also been decreed in other cities: Jinan (2007), Zhengzhou (2007), and Beijing (2009). Benjamin Read argues that these local regulations and “implementation measures” tend to restrict and diminish homeowners’ rights stipulated in the more general provisions contained in national documents. Not all such provisions are meant to restrict homeowners’ rights and autonomy, however. For example, the Beijing regulations remove one of the common restrictions on homeowners running for a post on the homeowners’ committee: the failure to pay property fees. Greater control through regulation of homeowners’ committees by local government therefore can be seen as a double-edged sword: the regulations dilute societal autonomy, but in some instances they also lead to better governance.

**Restrictions on Organizing an Association of Homeowners’ Committees**

There is also a deliberate policy to keep homeowners’ organizations from becoming large. Homeowners’ committees are small, localized, fragmented, and grassroots-based. Generally speaking, there is no coherence, coordination, or organization among homeowners’ committees in the rights-defense movement. Each committee struggles on its own. Other homeowners’ committees can only offer moral support, share experience and legal knowledge, and recommend certain tactics or a good lawyer.

Attempts to form an Association of Homeowners’ Committees (yezhu weiyuanhui lianhehui) to unite the homeowners’ committees within an administrative area have been consistently thwarted. The lack of an official government sponsor (required by Chinese law for the registration of a social organization) is the principal reason for these associations’ inability to register. Although housing and property authorities are obvious candidates for the role of official sponsor, many authorities refuse to serve in this capacity. Fearing that the homeowners’ organizational power and influence will grow, the local authorities tend to resist the formation of these associations.

**The Party’s Cooptation and Penetration**

Another factor is the cooptation and penetration of homeowners’ committees by the Party. Scholars have long noted the tendency of Leninist-type parties to “forestall any organization not sponsored by the regime. Everyone who shows any potentiality of initiative and leadership, political or otherwise, is brought into its ranks.” Shanghai is the prime example of this tactic. As shown in Table 1, far more homeowners’ committees have been established in Shanghai than in other cities. This accomplishment is offset by the integration of the homeowners’ committees into the community party-building policy, specifically under a program called “property-management party building” (wuye guanli dangjian). Below I describe several elements of this party-building program in a Shanghai community.

Party members are encouraged to run in elections for homeowners’ committees and to establish party cells within the committees. If a homeowners’ committee does not have enough members for a cell, the community party organization will send a liaison officer to work with the committee. The community party organization also directs the formation of a party cell in the property management company. If both the director of the committee and the head of the property management company are party members, both are included in the leadership of the neighborhood party branch. In addition, joint meetings of the homeowners’ committee, the property management company, and the party organization are held regularly to coordinate and resolve neighborhood issues.

Local property and housing authorities also employ the “dual leadership” mechanism. Horizontally, a party committee in a local housing and property authority comes under the leadership of the district party committee, while vertically it also answers to a higher-level party committee within the same bureaucratic hierarchy. This setup ensures greater coordination between property management and party building. Assessments of the performance of community party leaders now include their work in the area of “property-management party building.” This “property-management party building” aims to create a “holy trinity” of the homeowners’ committee, the property management company, and the party organization through the extensive network of party members in the neighborhoods.

Some district authorities in Shanghai have also stated that party members must fill the leadership positions on the homeowners’ committee. One local party commit-
tee report stated that 80 percent of the officers on homeowners’ committees were party members. The Party’s penetration of a nongovernmental organization is reminiscent of its efforts to insert itself into every social sector and organization in the past. The Party justifies its penetration and cooptation of homeowners’ committees by arguing that it strengthens the committee and improves neighborhood administration. In a 2006 consultation between Shanghai municipal people’s congress deputies and representatives of residents’ and homeowners’ committees, some homeowners’ committee directors felt that conflict-ridden or badly managed neighborhoods tended to be places in which the party organization was particularly weak.

That the party-state wants to regulate and penetrate a sector of civil society should come as no surprise to any student of communist politics. Such penetration and regulation in effect contribute not only to the disappearance of autonomy but also to the increased ineffectiveness of social organizations. Ultimately they fail, strengthening civil society’s resolve to resist party-state encroachment. In the case of the Chinese homeowners’ committees, however, party-state regulation and encroachment have not necessarily decreased effectiveness despite the loss of autonomy. This result suggests that civil society in China may be more amenable to the dictates of the party-state.

Conclusion

China’s reforms have led to an increasing “decentralization and pluralization of power bases” in Chinese society. The development in this decentralized context of a more complex society has led to its segmentation into more specialized organizations being set up to deal with their specific needs and interests. Social organizations have been ideally situated to step into the breach, leading inevitably to their gaining influence and independence, but thus far it has not led to a widespread demand for regime change. In fact, in many places, it has helped the regime maintain social stability. Increasingly, the party-state, preoccupied with broad issues of economic development and reform, needs civil society organizations to cope with the wide variety of issues at the grassroots level.

The development of the homeowners’ rights-defense movement and homeowners’ committees signifies emerging capabilities for self-organization among members of the more affluent Chinese strata and their willingness to engage in collective actions, including protests and lobbying. There are signs that homeowners’ movements are not just a phenomenon of noncritical civil society, as some rights-conscious homeowners are beginning to use political channels to articulate their interests. This development is something the party-state did not expect. It has tried to limit the power and influence of this movement by regulating homeowners’ organizations, limiting their growth, and coopting them through party penetration. Still, the party-state has not suppressed the movement and, to a certain extent, has even encouraged it. Here we have another episode in the complex picture of citizens’ interaction with the party-state in China.

Notes

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7. Suzanne Ogden, Inklings of Democracy in China (Cambridge, MA: Harvard University Asia Center, 2002), 266.


15. See Li Qian, “Di liuci renkou bucha busheji fangwu chanquan” (The Sixth Census Will Not Query Property Ownership), Shanghai jinrong bao (Shanghai Financial Daily) (October 29, 2010).

16. Today, there are at least twenty thousand property management companies operating in Chinese cities. About 70 percent of these companies are privatized logistics departments of work units or privatized housing bureaus of local governments. These companies primarily service homeowners who purchased their property from their work units or through government subsidies. These companies generally maintain close ties to the local government or the work units to which they were formerly attached. In the commercial property market, however, property management companies are generally established by property developers in the form of “after-sale services” (around 20 percent of all property management companies). Generally speaking, these companies tend to act as an agency of the developers and side with the developers in their disputes with homeowners. Finally, about 10 percent of the property management companies are independently established by private entrepreneurs or with foreign investment. The service provided by this type of company tends to be the best and the most professional but is also the most expensive. See Xu Jiansu and Wang Yan, “Xiaoque yezhu weiquan de xianggu wenti” (Discussion of Issues Related to Rights-Defense Among Neighborhood Homeowners), Hebei jingmao daxue xuebao (Journal of Hebei University of Economics and Trade) 7, no. 1 (2007): 35.


19. Some rights activists do not see their rights-defense movements as purely asserting the rights guaranteed in Chinese law, knowing full well that authoritarian state and party leaders are not bound by laws that they have formulated. In such cases, rights-defense movements can morph into regime-defying dissident movements, as happened in the Soviet Union in the 1960s and the 1970s. See Weigle and Butterfield, “Civil Society in Reforming Communist Regimes,” 8.


22. There have been incidents of physical violence in the homeowners’ rights-defense movement. See Zhou Yan, “Zai kongzhi yezhu zhijian fei changde shang yu yezhu goutong” (Property Management Companies Should interact with Homeowners Through the Internet), Shequ, no. 7 (2006): 23; and Zhu Dahui, “Yezhu yu duonan” (How Difficult to be a homeowner) and “huange wuye gongsi bufang changshi yixia zai wangluo” (Managers of Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2007): 23; and Cai Yongshun, “China’s Moderate Middle Class,” 785.


26. See Cai Yongshun, “China’s Moderate Middle Class,” 785.

27. For homeowners’ online forums, see Hu Weiha, “Xiaoque yezhu luntan de zuoyong yu jianjie” (The Functions and Contributions of Neighborhood Homeowners’ Forums), Xiandai yezhu (Modern Property Management), no. 2 (2006): 30–31; Wu Gongsun, “Yuyu gongsu bufang changshi yixia zai wangluo yu yezhu goutong” (Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2007): 23; and Zhu Dahui, “Yezhu yu duonan” (How Difficult to be a homeowner) and “huange wuye gongsi bufang changshi yixia zai wangluo yu yezhu goutong” (Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2006): 24–25.


29. See Cai Yongshun, “China’s Moderate Middle Class,” 785.

30. For homeowners’ online forums, see Hu Weiha, “Xiaoque yezhu luntan de zuoyong yu jianjie” (The Functions and Contributions of Neighborhood Homeowners’ Forums), Xiandai yezhu (Modern Property Management), no. 2 (2006): 30–31; Wu Gongsun, “Yuyu gongsu bufang changshi yixia zai wangluo yu yezhu goutong” (Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2007): 23; and Zhu Dahui, “Yezhu yu duonan” (How Difficult to be a homeowner) and “huange wuye gongsi bufang changshi yixia zai wangluo yu yezhu goutong” (Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2006): 24–25.

31. For homeowners’ online forums, see Hu Weiha, “Xiaoque yezhu luntan de zuoyong yu jianjie” (The Functions and Contributions of Neighborhood Homeowners’ Forums), Xiandai yezhu (Modern Property Management), no. 2 (2006): 30–31; Wu Gongsun, “Yuyu gongsu bufang changshi yixia zai wangluo yu yezhu goutong” (Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2007): 23; and Zhu Dahui, “Yezhu yu duonan” (How Difficult to be a homeowner) and “huange wuye gongsi bufang changshi yixia zai wangluo yu yezhu goutong” (Property Management Companies Should Interact with Homeowners Through the Internet), Shequ, no. 7 (2006): 24–25.

32. Based on Wei Jian and Meng Qian, “Bei yezhu daibiao dahui” (Member of Homeowners’ Right to vote in elections for the boards of directors of their residential community associations is similarly qualified by the size of the owned property. See Robert Jay Dilger, Neighborhood Politics: Residential Community Associations in American Governance (New York: New York University Press, 1992), 34–35.


44. Weigle and Butterfield, “Civil Society in Reforming Communist Regimes,” 12.


51. Homeowners’ committees are required to apply for bei’an but not to register (dengji), but if these committees are to join together as an association of homeowners’ committees, then the association has to register as a social organization.

52. See the press reports on the failures to form such an association in the cities of Chongqing, Guangzhou, Xiamen, Chengdu, and Beijing: Wang Xiaoxia, “Yezhu weiyuanhui xiehui hei nanchan” (Why the Association of Homeowners’ Committee Failed to Form), *Zhongguo jingji shibao* (China Economic Times) (September 20, 2006); Li Chunwei, “Chongqing yezhu weiyuanhui xiehui ganjia choubai” (The Awkward Preparation of the “Association of Homeowners’ Committees”), *21shiji jingji baoda* (Twenty-First-Century Economic Tribune) (May 14, 2007); and Zhang Zhaoguo, “Jianli xiehui: Yeweihui de youyibao quanli zhizheng” (Establishing the Association: Another Battle for Rights of the Homeowners’ Committees), *Renmin jiyuannuo* (People’s Court Daily) (January 26, 2007). Shenyang remains the only city to have formed an association of homeowners’ committees at the community level. See Zhao Xupu, “Chengli yezhu weiyuanhui xiehui de jidian sikao” (Several Points About the Establishment of an Association of Homeowners’ Committees), *Xiandai yeye-xinyezhu*, no. 5 (2007): 60–61.


56. See Zhou Meiyun and Yan Rui, “Cong Shanghai Xiqu Huading xiaoqu yezhu weiyuanhui xuanju kan yezhu zhihui xianzhu yu qianjing” (The Present Situation and Prospects of Homeowners’ Self-Governance from the Perspective of a Homeowner’s Committee Election in Huading Neighborhood, West District of Shanghai), in *Chengshi shequ yezhu weiyuanhui fazhan yanjiu* (Shanghai: 252. See also the policy directive circulated by the Pudong New District government: “Pudong xinqu guanyu jiaqiang dai yezhu weiyuanhui gongzu zuhao he guanli de ruogan guiding” (Some Measures to Strengthen Work Guidance and Management of the Homeowners’ Committee in Pudong New District), *Pudong kaifa* (Pudong Development), no. 8 (2001): 57–58, in which article 4 of the directive states that party members are to play a major role on the homeowners’ committees.

57. Zhonggong Shanghai shiwei zuzhibu (Shanghai Party Committee Organizational Department), *Zhimin tiaozhan: Shanghai jingji dangjian shijian changxin chengguo* (Facing Challenges: Results of Innovation in the Practice of Grassroots Party Building in Shanghai) (Shanghai: Shanghai Jiaotong daxue chubanshe, 2001), 81.


59. In this regard, Chinese civil society could be considered an example of the view that civil society can become a means of social control by an authoritarian government. See Quintan Wiktorowicz, “Civil Society with Chinese Characteristics?" *Comparative Politics* 33, no. 1 (2000): 43–61.


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