

Understanding China's Social Policies and Practices

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ANNA HIGH, *Non-governmental Orphan Relief in China: Law, Policy, and Practice* (New York: Routledge, 2019), pp 174. Hardcover: \$53.99.

Anna High's prize-winning¹ book on Chinese non-governmental orphan relief is a valuable contribution to understanding the practical implementation of social policy and practices in China, both from the perspective of the complexities of the state and those intended to benefit from state policies. Although *Orphan Relief* focuses primarily on policy implementation and practices in caring for orphaned children, it reaches more widely to changing state policies and laws on non-governmental organizations (NGOs) and child welfare, and how these laws and policies have been implemented in practice, in different regions, and at different times.

Understanding the policies and practices of orphan care in China requires a multidisciplinary perspective. *Orphan Relief* contributes to a broader literature in three areas. The first is the analysis of the history and policy about children's rights and child welfare in China. This literature includes examination of trends in formal and informal care, family-based care, transition to adulthood of children in care, children with disabilities, and professionalization of child welfare services (Shang and Fisher 2014; 2017; Tong 2018; Zhang 2013). The second is the wider policy and political literature about the transition of China from state monopoly to welfare pluralism (Blaxland, Shang, and Fisher 2014; 2015; Qiao and Gao 2015; Zhang 2013). This transition has witnessed changes in the relations between the state and NGOs as the communist government introduces reforms. Wider still is the literature based on empirical evidence about how social policy, policy process, and policy implementation operates in practice across China (Zhou, 2018). These fields of research are complicated by the interactions between central and local government, between state and civil society, and variation by place, time, and resources, as they rapidly change across Chinese policy practices. The historical perspective presented by High, and the period the research covers, significantly contributes to understanding of all three literatures from her in-depth examination of change in China's child welfare system from 2003 to 2017.

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SENSITIVE RESEARCH

Foreign researchers confront significant challenges when conducting fieldwork in China on such politically sensitive subjects as orphans and NGOs. High's research methods are academically rigorous, relying successfully on multiple strategies carefully designed to undertake such work.

Her participatory research, in several phases from 2003 to 2017, is grounded in ethnographic approaches. High volunteered in orphanages as a carer, administrator, and English teacher. Her participation in the daily work and life in orphanages meant that she had opportunities to observe first-hand care practices and management. Importantly for China-based empirical research, this approach also meant she could build *guanxi* (mutual relationships) and trust between herself and her research participants. These relationships and trust are important for deep understanding and to obtain data about the experiences of orphans, workers, and orphanages and how policies are implemented on the ground (Fisher, Shang, and Xie 2016).

High accompanied her relational approach with flexible methods, using responsive, unstructured methods to communicate with participants, such as obtaining consent in ways that reflected meaningful consent processes. This approach reflected High's awareness of the need to adapt methods that were respectful of the sensitivities of the cultural and political environments of the research participants. A common problem for research in China, which she experienced, was the difficulty obtaining consent to interview officials. Wisely, she used formally published documents in her study to supplement this knowledge gap.

Although China's political climate has changed greatly since 2003, when High started her research, her methods remain relevant. While the Chinese political climate continues to change, private lives remain reasonably stable. Ordinary people continue to express their opinions to insiders, people who have generated sufficient *guanxi* to be trusted or at informal occasions (Howell, Shang, and Fisher 2018).

Together, these methods of in-depth interviews and case studies of orphanages provide inside evidence on how China's local welfare systems work. Formal, restrictive laws have frequently been sidelined, with unauthorized welfare providers permitted to play an important but fragmented and underutilized role in providing care for some of China's most vulnerable populations— orphaned and abandoned children. Across the span of High's fieldwork, NGO providers were gradually accepted by Chinese authorities as complementary to the formal system of child welfare services.

UNDERSTANDING CHINA'S SOCIAL POLICIES AND PRACTICES

Orphan Relief opens windows into three important aspects of policy change more generally in China:

Driving Forces: Gaps and Scandals

A central analytical line of *Orphan Relief* reveals the relationship between the state and NGOs that provide childcare services to orphans. Allowing NGOs to provide

service to orphans was a big policy change away from state monopolized services. Non-governmental organizations were formerly regarded as “anti-government organizations” in China. The acceptance of the contribution of NGOs only formally changed after 1995, when the World Conference on Women was held in China and the government redefined the All China Women's Federation as an “NGO” (Shang 2006).

High shows that policy changes in child welfare services responded to gaps and scandals, a reactive approach that is key to understanding child welfare and other policy change in China. Economic reforms and the opening up of China to the world started at the end of the 1970s, when China faced serious economic and political crises. Similarly, policy gaps and scandals drove policy change in orphan care from the 1990s onward.

High observes that China shifted from a welfare statist to welfare pluralist society. Until the 1990s, China's state child welfare institutions had experienced financial difficulties, a shortage of human resources, and increasing numbers of children taken into care. Under these pressures, the quality of care for orphans dropped dramatically and the mortality rate of children taken into care was very high (more than 50 percent nationwide) (Human Rights Watch 1996). This shocking statistic, reported in the BBC documentary *The Dying Rooms*, put the Chinese government under huge pressure to improve welfare provision to orphaned children. Given the lack of necessary state resources and knowledge, the government had to accept NGOs' involvement in caring and supporting orphaned children (Shang and Wu 2003; Shang, Wu, and Wu 2005; Shang 2006).

One Eye Closed

Orphan Relief shows that most NGOs in High's research did not meet the requirements of formal government regulations. They failed to obtain a legal registration to care for orphans. Ambiguity in the legal landscape fostered a “one eye closed” attitude by local governments that allowed unregistered NGOs to care for orphans for many years. Giving foster homes and orphanages the benefit of “one eye closed” meant that local authorities could themselves benefit from the flow of services and employment opportunities into their communities. Local governments did not need to take on the expenditure or responsibility of providing welfare to orphans directly or supporting and funding private care providers. This legitimacy-trumps-legality approach was widely considered to be mutually beneficial. While they varied greatly in size and scope, the childcare organizations existed until recently in a legal gray zone and were generally not formally authorized or supervised by the state while they remained unregistered. Orphans also benefited. They obtained better services and more resources from NGO providers, especially international NGOs, which were able to bring new ideas and resources for better care and child development.

This flexible implementation of policy and practices is common to governance in China. The policies made by the central government cannot be implemented without flexibility at the local level. China is a big country, with huge differentiation in resources and capacity among regions. In the case of child welfare provision, the flexibility of policy implementation benefited NGOs, orphans, and local governments. Private orphanages and foster homes were able to take advantage of a flexible and ambiguous

regulatory landscape to carve out space for their work and to care for children who needed their services and support.

The Limits of Ambiguity

Nevertheless, *Orphan Relief* also demonstrates in fine detail the limits of a one eye closed approach to policy implementation. High observed this in her fieldwork and elaborates it in detail in the book.

Consider the risk of unsupervised services for children. The informal approach to local oversight of civil society created space and flexibility for unregistered organizations to care for children in need. Such care arrangements were tolerated by local officials and in some cases were encouraged and informally supported—but, unsurprisingly, only for as long as nothing went wrong. However, childcare is a field that requires close supervision and monitoring to avoid risks of harm to children. The author recorded the turning point event, when in 2013 a tragic fire in an informal foster home in Lankao county, Henan province, led to the deaths of seven orphans.

Moreover, informal arrangements can be stopped at any time if national policy trends are redirected. When the government changed its attitude from “one eye closed” to “two eyes open,” many NGOs faced legal problems or were forced to stop caring for the orphans. High argues that the transition from one eye closed to two eyes open might signal that the state is taking its responsibility more seriously—by regulating NGO activity, requiring state orphanages to keep closer supervision over the children they are formally responsible for as state wards, and setting and enforcing meaningful standards of care. Yet, more state regulation may mean China’s child welfare system reform is headed in another direction. High concludes that the shift to welfare pluralism and privatization that had been gradually and informally occurring even before the Lankao fire became more urgent and expressly sanctioned. By the time of her final fieldwork in mid-2017, the situation of China’s private orphaned children welfare providers had dramatically changed from the time her important research had begun a decade earlier.

FUTURE DIRECTIONS OF CHILD WELFARE IN CHINA

Since High completed the research in 2017, child welfare policies in China continue to change, not always in ways likely to benefit children. It is important to understand the macro background changes of the previous and current social policies to predict the future directions of child welfare in China. Two of the macro changes are the population profile and regulation of NGOs. The demographic change is driven by the aging population in China and the number of children, resulting in a drop in the proportion of children in the population. China is facing questions about having to invest more resources in children to achieve a sustainable development of the society and economy. Second, the Chinese government has adopted more restrictive regulations of NGOs. Against the background of these changes, the future of child welfare policies and practices in China could develop in several directions.

Structural Changes to Child Welfare Services

The provision of overall child welfare services is likely to continue to increase in the future, especially in the areas of early childhood care and educational services, services to maltreated and abused children, children with disabilities, and children in disadvantaged situations. Among all services provided to children, long-term institutional alternative care for orphans has declined and will continue to do so. From 2010 to 2020, children in the care of state child welfare institutions reduced from 100,000 in 2010 to 59,000 in 2020 (Ministry of Civil Affairs (China) 2010; 2020). The beneficiaries of child welfare services are expanding, originally from orphaned children to now small groups of disadvantaged children, with the goal of extending to all children in China.

Formalization of Child Welfare Services

In the past, many child welfare services, including long-term alternative care, were provided informally by private non-governmental child welfare institutions. The practice is unlikely to be tolerated in the future. Local governments are increasingly held accountable if any child is found in an unsafe situation. Because of this, local governments are expected to no longer to take the one eye closed attitude toward informal care. Policies already are prohibiting private non-governmental child welfare institutions from providing long-term care for orphans. State-run institutional care is becoming a preferred form of alternative care, back to the policy of the earlier pre-reform decades (Shang and Fisher 2014). Because of this reversal in policy, non-governmental child welfare organizations that provide alternative care for orphans have to change. They have been pressured to stop providing long-term alternative care to orphans. Some of them have turned toward providing other types of child welfare services. The trend is likely to continue.

Along with the development of child welfare and protection systems in China to benefit a wider group of children in need, the demand for other types of child welfare services is increasing. Early changes have been the need for early childhood care and education services, child protection for children at risk of abuse and neglect, child disability services, and support for children in disadvantaged situations. Most of these services need to be provided by workers with professional training. Non-governmental and professional child welfare providers could play significant roles in these new services.

Legalization of Non-governmental Child Welfare Organizations

Regulation to protect the safety of children means that child welfare services cannot be provided by illegal organizations or unregistered organizations. Organizations that are not formalized are difficult to monitor and supervise by the government and public. Because of this, the legalization of non-governmental child welfare organizations is a current and future trend in China. It is difficult for NGOs that are not currently registered to continue to provide child welfare services. Some of them find it difficult to

make the transition to formalization because of the cost, organizational culture, or resistance from local government (Howell, Shang, and Fisher 2018).

Depoliticizing Social Service NGOs

The participation of NGOs is important for providing quality child welfare services, where they follow evidence of good practice. Unfortunately, the legalization of NGOs has been a highly politicized theme in China. The legal status and the roles of NGOs, especially the international NGOs in China, have once again become a politically sensitive topic. Rather than viewing NGOs as part of a pluralistic service system necessary to contribute to the interests of children and society, policymakers are currently wary that NGOs might be a risk to the stability of China and a potential threat to the political control of the Communist Party. These fears echo the pre-reform policies of the 1980s and seem to be at odds with the politically benign children's services, practices, and governance of child welfare NGOs. As *Orphan Relief* demonstrates, child welfare NGOs emerged in the early part of this century in response to urgent service gaps to benefit disadvantaged social groups and children, which the government could not fill. That need for a pluralistic service system remains and will worsen if NGOs are forced to withdraw.

Solving the problem with new approaches to the legalization of non-governmental service organizations has been a focus for the Chinese Ministry of Civil Affairs since 2005. The new approach is to separate service NGOs (that provide services to disadvantaged social groups) from other types of NGOs, especially interest-representative NGOs, in order to depoliticize service-providing NGOs. The separation was called "Regulating According to Categories" (*fen lie gui fan*) and was a successful strategy (Howell, Shang, and Fisher 2018). Many child welfare NGOs obtained legal status through registration in the less restrictive procedures (Xinhua Net 2011). In the interests of child welfare, this policy trend needs to continue in the future as part of China's social policy and opening-up reform.

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