

科技部補助專題研究計畫成果報告

(期末報告)

總計畫：社經變遷下的責任政治-從比較觀點看大陸的基層治理
子計畫六：原生性制度的永續治理-以大陸山西四社五村及雲南哈
尼族水治理為例

計畫類別：個別型計畫 整合型計畫

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計畫主持人：湯京平

共同主持人：

計畫參與人員：牛銘實、于有慧、涂萍蘭、史雅各

本計畫除繳交成果報告外，另含下列出國報告，共1份：

- 執行國際合作與移地研究心得報告
- 出席國際學術會議心得報告

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中華民國 103 年 9 月 30 日

總計畫：社經變遷下的責任政治—從比較觀點看大陸的基層治理

壹、 研究目的

本研究的目標在於探究大陸經歷快速變遷卻能維持穩定發展的謎題。本研究試圖以基層治理為焦點，提出解釋性命題，探究可能的解答。

以中國大陸作為研究標的，最迷人而且最具挑戰性之處，在於其一直處於迅速變遷的狀態。經濟高度成長，帶動社會快速變遷，為因應隨之產生的問題，許多治理的制度也即時地推出、實驗與推廣。而大陸另一個迷人之處，在於其高度複雜性。十多億眾多且族裔複雜的人口組成，所產生的利益衝突與協調的問題，加上遼闊而多樣的幅員產生區域性的差異，導致解決問題的方案無法一體適用。然而，自改革開放以來，其經濟穩定成長，社會雖經歷貧富差距擴大以及衝突加劇，但整體而言，仍能維持相當平穩的發展。快速變化、高度複雜，卻又穩定發展等現象的獨特組合，讓中國成為社會科學研究的寶庫，提供源源不絕的題材以供探測，既驗證也創造理論。

本研究建立在一個基本假設之上：要能夠在複雜且迅速變遷的狀態下維持穩定運作與持續發展，必須仰賴一個穩定的基層治理體系。所謂基層治理，乃指與被治者有高頻率互動的治理體系。除了因為較小的地域範圍導致這種到密切治理互動可能發生，近年網路的發展，也讓廣大的網路使用者（所謂的「鄉民」）能以比較特別的形式直接參與治理體系的運作（Rogers, 2004）。高度發展的經濟仰賴私部門的強烈營利動機並允許其發揮源源不絕的創意，俾在激烈競爭的全球市場上找到生存與發展的利基。對應著市場機制的迅速興起與私部門的活力，治理者面對的挑戰一方面來自於制度建立以降低交易成本的強烈需求，另一方面則在於處理市場誘因機制被引進後不同社會運作邏輯所造成的各種問題。兩者都需要迅速回應情勢變化以滿足被治者的不斷變動的需求，而強調治理者與被治者互動的基層治理，所扮演的角色因此格外重要。

上述要求治理體系必須回應被治者動態需求的概念，在西方則以「課責」（accountability）一詞來表達。近年這個概念，大抵上都透過從民主代表性與正當性等概念來理解，透過選舉、公民參與、分權制衡等具體運作機制與權力關係的設定來達成（Ferejohn, 1999）。然而，大陸從各種指標看來，至少到目前為止，都難被認定其具備民主制衡的有效機制，因此其基層治理體系如何回應被治者的需求，在快速變遷中維持穩定的發展，不啻是一個十分令人好奇的問題。如果大陸有效的基層治理是維持穩定而快速發

展的重要因素，則理解這個民主成色不足的基層治理體系如何能夠有效運作，能夠回應被治者的需求，並透過改革與調適以維持其治理的正當性，兼有理論與實務上的重要性。在理論層面，中國的基層治理提供一個機會探究「民主」與有效治理之間的關係。有效的治理當然不必然需要以民主形式執行，但近年來民主已然成為一個被西方社會普遍認同的價值，被內化為成功治理的重要判準。以中國大陸為研究標的，則比較能夠暫時拋開這個假設，把民主機制視為獨立變項，檢視其對於基層治理成果的影響。如果治理成果被簡單地定義為「有效滿足被治者對於特定事項的需求」，則其主要判準就是（1）回應性

（responsiveness）：能否回應對於被治者的需求，（2）效率（efficiency）：能否以較低的成本達成任務。其他基於民主原則而來的指標，如公民參與、程序正義等，則可以暫時不予考量。

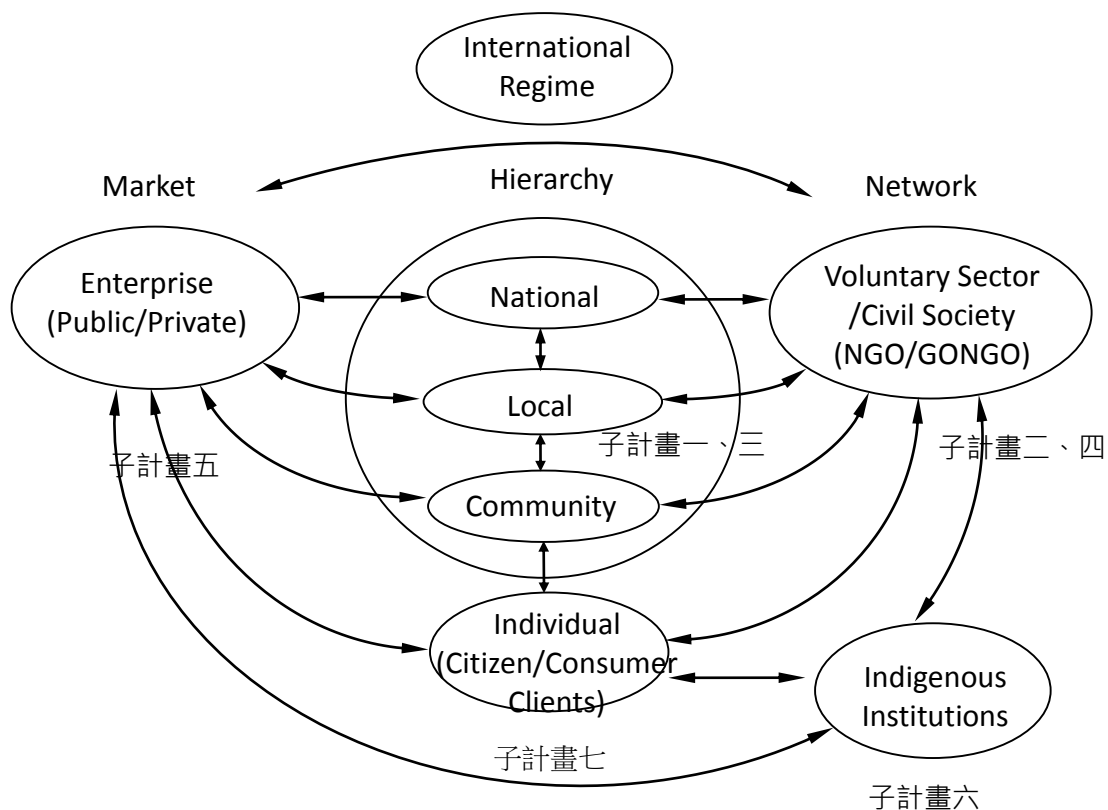
西方在理解基層治理體系的運作時，民主機制早已是不可或缺的元素。市民社會透過民主機制（主要包括政黨競爭與公職選舉）來控制國家機器，讓治理者有充分的動機回應基層民眾的需求，肩負起政治責任。然而，同樣的理解架構，卻難以應用到大陸的基層治理：少了競爭的政黨，少了西方概念下的有意義的選舉，也少了自由的媒體以及調查與匯集民意的機制，甚至也缺乏嚴格定義下依法而治的精神，這個概念地圖就顯得支離破碎，讓人驚覺西方世界對於非民主體制治理體系的認識，基本上留下太多空白。這個空白必須被適當地填補上替代民主的其他機制，才能增加學界對於有效治理的認識，也才能藉由釐清民主機制與治理表現的真實關係，以深化民主治理的理論。

在實務方面的重要性，則是顯而易見的。中國挾著十三億人口以及龐大的土地與資源，在全球化的時代，全世界都將受到中國基層治理的影響。其穩定的經濟成長與蓬勃發展的市場將是一股穩定世界經濟的重要力量；有效的能源與資源利用將減緩資源迅速耗竭的危機；其污染排放的有效控制與全球暖化等環境問題的解決息息相關。面對快速變遷的現況，大陸在基層治理制度改革上的諸多嘗試，也將成為其他發展中國家重要的重要借鏡。

貳、 整合方式

為了嘗試勾勒中國治理機制的風貌與互動情形，本研究以西方討論治理文獻中常見的治理行動者為觀察的起點，一方面描繪不同治理部門（公部門、私部門、第三部門）主要治理參與者的角色，另一方面則釐清不同部門間協力與制衡等治理行

動中之關係，本研究最終或能一窺大陸基層治理的全貌。誠如圖一所示，基層常見的治理行動者包括：



圖一：基層治理的伙伴關係

表一：研究團隊成員與主題

計畫項目	主持人	服務機構/系所	職稱	計畫名稱
總計畫	湯京平 牛銘實	政治大學/政治系 杜克大學/政治系	教授 教授	社經變遷下的責任政治：從比較觀點看大陸的基層治理
子計畫一	陳陸輝 游清鑫	政治大學/ 選舉研究中心	研究員 研究員	選舉與大陸基層治理
子計畫二	俞振華 蔡佳泓	政治大學/ 選舉研究中心	助研究員 副研究員	評估中國媒體自由化程度與政府回應：三個城市的報紙內容分析
子計畫三	蘇偉業	政治大學/ 公共行政學系	副教授	中國基層治理的創新-績效管理

子計畫四	王瑞琦	政治大學/ 國關中心	研究員	原生制度與非政府組織的互動：以湖北省建始縣、永濟縣綜合農協為例
子計畫五	王嘉州	義守大學/ 行政管理系	副教授	大陸基層涉外治理：對台交流分析
子計畫六	湯京平 牛銘實 于有慧	政治大學/政治系 杜克大學/政治系 政治大學/國關中心	教授 教授 助理研究員	原生性制度的永續治理
子計畫七	劉嘉薇	台北大學/行政與 政策學系	助理教授	中國網路治理與基層民主

(1) 公部門的執政黨與政府組織，除了包括西方的民選官員及常任文官，在中國當然也包括執行黨意志的黨部組織與外圍組織（如共青團），這類行動者依賴的治理機制是國家賦予的合法武力及權威，或稱為階層機制（hierarchical mechanism），具體的觀察對象則包含最基層的村委會或居委會等準政府機關的治理功能，也可以包括縣市及鄉鎮政府或街道辦公室等上一級機構。這些機構堪稱政府的神經末梢，除了有西方常見政策執行鞭長莫及的問題，近年引進選舉機制的改革，也已經引發全世界的關注。這些政府單位，尤其在鄉下地區，承襲了以前人民公社的功能，對於私領域的介入（如宅基地的劃分等），往往超乎外人想像。

(2) 私部門的企業治理，包括大型私人企業(如富士康動輒數十萬人)的在地治理，大型國有企業在地方與基層政府單位的協同治理，乃至於具備某些公共成分的鄉鎮企業等，對於地方的公共事務，往往有相當大的決策權。隨著經濟快速發展，尋租機會遽增，這些私部門漸漸與公部門聯手，在西方強調公私協力增效與企業型政府的風潮下，許多實驗性的作法被地方政府非常具有彈性與創意地實驗，迅速累積許多有趣的研究素材。這部門原則上以志願性的市場交易為主要的治理機制。

(3) 第三部門的民間組織，近年也開始擺脫附庸的形象，開始扮演積極的治理角色。這部分的治理參與者基本上也相當複雜，除了有比較接近西方概念的自發性的志願組織，也包括政府機構由上而下指導民眾組成的輔助性治理單位，也有具官方色彩但

以非營利機構形式存在的政府外圍組織，如 GONGO。這些組織在西方的概念中往往是社會力展現的具體形式，但中國具備統合主義精神的地方治理體系中，這些組織的自主性則受到相當的質疑。但近年出現一些案例，如鄉下的農民協會，或都會中的工會，都成功地利用網絡機制執行某些治理功能。此外，媒體俗稱第四權，具有公民社會組織的身份與功能。大陸雖然仍有嚴格的媒體控制，但近年開放競爭的結果，也導致媒體有自由化的趨勢，與政府管制的力量，形成值得注意的張力。

(4) 原生性的治理制度，雖然常遭人忽略，但近年因諾貝爾獎得主歐玲 (Elinor Ostrom) 積極提倡，也漸受關注。大陸有許多資源管理的制度，行之多年，經歷辛亥革命、對日抗戰、共產黨的土地改革、文化大革命，到近年的改革開放，至今仍極具韌性地運作，仍仰賴其對於珍貴的在地資源進行有效管理。這些原生性的制度無可避免地要和其他新引進的制度互動，為何能夠長久維繫，而不被摧毀，更是神奇。這部分治理工作所仰賴的機制也是以網絡為主。

(5) 虛擬的治理在這個時代扮演重要角色，即便在遭受嚴密監控的政治體制內，網路上「鄉民」的影響力仍不容小覷。關於大陸當局如何控制網路訊息的傳遞與可能影響，至今已累積相當多中英文的文獻，但對於近年興起以比較嘲諷的形式對特定事件發表評論、表達不滿，甚至跳進真實世界，動員群眾運動，以及當局為何願意給予正面的回應，卻仍欠缺質量俱佳的研究，無法具體描繪鄉民如何可能從虛擬的世界取得實質的影響力，如何改變治理行動的運作機制。

上述以行動者為分析單元的治理研究，雖然面面俱到，整體性不錯，但只在概念上提供分析的便利性，在實證上，不同的治理行動者必然在複合的制度下，與其他行動者互動，因此本計畫能否在知識創新上有所貢獻，實在於各子計畫之間的互動。在研究設計方面，本計畫包括發散與收斂兩個階段。在前兩年的發散階段，各子計畫主持人將先針對自己有興趣的治理行動者進行實證資料的蒐集，共同的研究問題是治理者如何透過特定機制維持與被治者相對穩定的關係，達到治理的目的。經過一年半廣伸觸角的田野調查，能針對比較特定的個案提供相對完整的訊息，第二年的後半年將以研討會的方式，讓子計畫主持人分享田野資料，透過跨案例的比較與理解，跳出行動者的視野，以比較宏觀的角度找尋治理機制間協力運作或相互抗衡的具體實例，俾於第三年透過子計畫主持人間高密度的交流，共同勾勒大陸基層治理的風貌。這種透過集群合作而達成的視角轉換，相信對於學術創新，有相當值得期待的助益。

參、成果

本計畫的核心目標之一，在於擴大中國研究的能量，因此有許多成員，是在不同專業學科中的佼佼者，但對大陸研究並沒有太多的經驗。因此，本計畫希望透過許多共同活動，讓參與計畫的同仁能夠儘快速度過磨合期，解決進入田野的困境。這些共同的活動，有些比較正式，是發表論文的場合，有些比較以心得交換為主的工作坊。

一、研討會與工作坊：

1. 成果分享工作坊

本團隊於 2011 年 12 月 3 日舉辦田野調查成果分享工作坊，計有湯京平、蘇偉業、俞振華、王嘉州與包淳亮、陳陸輝（陳奕伶代表）、王瑞琦等團隊發表田野調查的初步成果。其中部分將在多倫多的 AAS 進一步發表，其他將透過年底的成果發表會，提出具體的研究成果，以促成團隊成員之間成果分享與出版上的合作。此外還有舒耕德教授蒞臨指導。



2. 加拿大多倫多舉辦的美國亞洲研究年會(American Association for Asian Studies)

本團隊 2013 年 3 月組團至多倫多表研究成果。參與者包括湯京平的 Sustainable Resource

Governance by Indigenous Institutions: The Case of Water Management in Four-Community-Five-Village in Shangxi, China，以及蘇偉業的 Civic Engagement in Performance Evaluation of the Public Sector in China: Building Horizontal Accountability for Enhancing Vertical Accountability。

3. 重建中國基層政治工作坊：

本團隊參與 2013 年 7 月由上海復旦大學主辦的「重建中國基層政治」工作坊，集合復旦、交大、上海大學一群長期研究大陸社區治理的年輕伙伴，檢視近年興起的民間力量，在大陸基層形成新的治理力量，如何和既有的政治體制互動。



4. 政大兩岸四地研討會：

本計畫在 2013 年 5 月舉辦了一個「本於人性的參與和治理」研討會，廣邀大陸三十多名學者及本團隊成員參與。「人」的價值，在台灣社會運動風起雲湧的年代，已嵌進其政治與行政的改革之中，因此如何處理治理人和被治理者之間的互動，在兩岸四地之間，算是制度發展比較完整的體系。如何將草根力量導入治理工作，化解市民不服從的相關危機，台灣一直累積相關經驗，整體而言也有比較穩健的表現，所以成為大陸渴望取經的對象。

就台灣的觀點而言，大陸的市民社會適逢崛起的浪頭：社會新富階級對於國家的控制擁有更大的抗拒能力，國家面臨財務的困境也更依賴民間力量進行有效治理，因此願意適度鬆開對於市民組織的箝制。如何建立起互信關係，建構一個公私部門功能互補的治理體系，不是簡單的治理項目外包、公共財務槓桿等管理主義機制能夠輕易達到。和全世界的學者一樣，台灣學界好奇此一巨大行政體系的下一步發展。這個研討會希望在華人世界中，思考如何把儒家對於「人」的理念，放進治理的制度設計之中，讓治理不再單純地追求冰冷的指標數字表現，讓爭議得以獲得解決，讓正義公理得以伸張。這理想，一般都在「民主」的框架之下被實踐。但在大陸，民主既為被廣為推崇的理想，又是隱諱的政治禁忌。在台灣進行這類對話，一方面能夠讓與會的港澳以及大陸學者比較沒有禁忌，另一方面，台灣有許多實例，得以透過論文發表以及實地參訪，讓四地學者能夠近距離接觸，眼見為憑。透過這種希望交流活動，不但希望台灣能以學術嚴謹度吸引大陸的學者來台進行移地調查，大陸的學生來台求學，更希望台灣經驗能在學術討論中被更深刻地分析與認識，萃取出有用的元素，讓大陸在未來的改革進程中，或能作為借鏡，或能作為進一步改良的藍圖。



二、出版成果

成員	作品名稱	發表處	出版日期
陳陸輝	寧信地方，不信中央：政治信任的類型及其政治後果（共同作者：陳映男）	社會科學論叢 6:1，頁 16-57	2012.04
	誰是明日之星？中共中央候補委員的政治潛力分析（共同作者：陳德昇、陳奕伶）	中國大陸研究 55:1，頁 1-21	2012.03
蘇偉業	“Civic Engagement in the Performance Evaluation of the Public Sector in China: Building Horizontal Accountability to Enhance Vertical Accountability,”	Public Management Review, Vol.16, No.3 pp.341-357	2014.03
王嘉州	中央集權体制への傾倒か:第 18 回共産党大会後の中国における中央と地方の關係	問題と研究，vol. 42 no. 2，pp. 109-138	2013.06
	“Political Interest Distribution and Provincial Response Strategies: Central-Local Relations in China after the 17 th National Congress of the CPC”	China-- An International Journal，vol. 11, no. 1, pp. 21-39,	2013.04
	來臺就學對陸生政治態度之影響—開放式問卷調查法之分析	中共研究，Vol.47, no. 1 pp.70-87	2013.01
	臺灣各縣市兩岸交流對象分析	全球政治評論 40，頁 165-188	2012.10
	制度紅利與效用評估：中國大陸各省對臺交流偏好程度分析	遠景基金會季刊 13:4，頁 125-164	2012.10
	赴陸交流對臺灣學生統一意願之影響（共同作者：李侑潔）	社會科學論叢 6:2，頁 2-34	2012.10
	來臺陸生統一態度變遷初探—政治社會化途徑與定群追蹤法之分析	臺灣民主季刊 9:3，頁 85-118	2012.09
	強幹弱枝或外重內輕：中共「十八大」中央與地方關係展望	徐斯勤、陳德昇編，中共「十八大」政治繼承：持續、變遷與挑戰，台北：印刻	2012.07
	強幹弱枝或外重內輕？從中共「十七大」展望「十八大」後的央地關係	東亞研究 43:1，頁 1-37	2012.01
	來臺陸生的政治態度與臺灣主權接受程度	臺灣政治學刊 15:2，頁 67-113	2011.12

于有慧	列寧式黨國體制與中國貪腐問題的發展	中國大陸研究 56:1，頁 127-147	2013.03
	後農業稅時代中國農村村幹部角色變化與地方治理	中國大陸研究 55:3，頁 35-55	2012.09
劉嘉薇	中國大陸居民委員會與村民委員會選舉動員模式之比較：上海市與福建省個案（共同作者：賴競民）	東亞研究 45:1，頁 1-44	2014.01
	16 個開發中國家電信私有化的政治分析：以黨派、政府與國際因素為中心（共同作者：羅彥傑、葉長城）	社會科學論叢 5:2，頁 84-133	2011.10
牛銘實	豆選（共同作者米有彥）	人民大學出版社	2014
牛銘實	中國歷代鄉規民約	中國社會出版社	2014
湯京平	社區發展、公民社會與生態政治—以恆春半島灰面鷲的參與式保育為例（共同作者張元嘉）	王振寰等編，兩岸社會發展的挑戰與轉型，台北：五南	2014
湯京平	環境變遷與治理	王振寰等編，中國大陸暨兩岸關係研究，台北：巨流	2011

子計畫六：原生性制度的永續治理—以大陸山西四社五村及雲南

哈尼族水治理為例

壹、前言與研究目的

本計畫有理論上與實務上的目的。在理論方面，本研究探討原生性制度如何能在政經制度快速變遷的環境中穩定的運作，維持既有政權的治理可課責性。既有的治理文獻，過於強調公共政策制訂者以侵入性的作為進行干預，以改變市場失靈的情形。此類政策作為常造成利益分配現狀的改變，打破制度的既有均衡狀態，無可避免地也會衝擊治理體系的穩定運作。在諾貝爾經濟學獎得主歐玲（Elinor Ostrom）多年的倡導下，許多學者開始注意到，散佈在世界各角落的草根治理制度，其實也具有顯著的治理功能，促進在地資源的永續運用（Tang, 1992; Agrawal and Gibson, 1999; Gibson, McKean, and Ostrom, 2000; Berkes and Folke, 1998）。而這類制度往往有久遠的歷史根源，與在地的自然生態以及風俗文化緊密地結合，正當性十足，執行成本甚低，效果也常常能夠相當理想。然而，以往的制度論比較強調「變化」，如 path dependent 或 punctuated equilibrium（Aoki, 2001）等概念，都把焦點放在制度「變」的方式與促成因素。但反過來想，制度為何能夠維持恆常，其實也有值得探討之處。治理特定標的的制度，必須鑲嵌（nested）在一整套不同層級的制度群（a constellation of institutions, Crawford and Ostrom, 1995）之中，一方面依賴其他制度的搭配，另一方面也成為其他制度的運作基礎。因此，其他制度的變化，理應對特定制度的運作與維繫，產生一定程度的影響。如果有些制度的韌性特別強，就值得深入檢視，哪些結構或情境方面的因素，讓該制度能夠永續運作，發揮功能。同時，若這類這類制度能夠以志願的方式被長久維繫，其必然能維持高度的治理可課責性。

在實務方面，本研究選取的個案都與水資源的治理有關，緊扣這個危機感日益迫切的議題。中國的人均雨水分配量僅達世界平均值的四分之一，且降雨的時間與空間都不均勻，近年則因地球暖化，三江源地區積雪消融，雪水供應量大減；外加江河上游森林過度

砍伐導致雨水涵養能力大幅削弱，旱潦加劇，「治水」的時代意義早已不僅僅是防洪——其實黃河已經半個世紀不曾潰堤，但近年卻多次斷流（Turner and Otsuka, 2006）。大陸當局到目前為止的思維，仍秉持人定勝天的精神，意圖透過供給面的大型水利工程，包括水庫的興建、南水北運等，滿足用水需求，降低自然狀態變化對其社會的衝擊（Xie, 2009）。然而，這些工程往往必須付出相當龐大的生態與社會成本，因此西方世界開始思考是否能在需求面的制度下手，改變用水的行為及水資源的利用效率，如追蹤「水足跡」、利用指導性的政策改變耗水的產業結構、乃至於透過水權制度的興革以提倡節水行為，並更有效率地分配有限水源。水資源管理在需求面的制度，往往需要因地制宜，和當地的自然環境與水資源供應情形、經濟活動特性，乃至於歷史文化等傳統等在地因素結合。如何鼓勵在地水資源使用者利用既有的網絡進行有效管理，一直是歐玲及其門徒積極提倡的治理模式。而大陸存在不少令人驚艷的在地制度，經長期運作而深植人心，歷久不衰。整理這些治理制度、探討其時代意義，並發揮其治理的卓越效果，應是因應大陸水資源危機的重要策略。

貳、文獻探討

既有文獻談論治理制度時都過於重視正式制度的效果，而忽略許多原生性的非正式制度。這些制度經過長久的演化，往往已經內化成為重要的道德規範，運作起來既穩定又不耗費管理成本，對於水資源這種「排他性」甚高、不易執行產權規範的共享性資源而言，管理成效尤其可觀。如能善加利用，應可強化整體治理的表現。

治理表現的概念比較模糊。一般可能從效率或公平等面向進行評估。然而，在許多約定俗成的治理體系，被治者可能廣泛地接受某種不平等的產權安排，而不覺得既存的差序性權利配置是個需要解決問題，同時也可能願意用某種程度的效率代價換取制度的穩定運作。因此，要定義治理表現，有操作上的困難。本研究在此以「可課責性」

（accountability）的概念，作為替代的被解釋項。一方面，一旦某治理體系具備相當的可課責性，將有利於其追求被治者所重視的包括公平及效率等其他價值，另一方面，如果把

可課責性定義成「讓治理體系的決策者必須適度回應被治者的偏好，否則該體系具備某種機制可以令其去職」(Schedler, 1999)，則此一具備民主性質的「回應性」

(responsiveness) 本身，比較容易維持穩定，不但其本身是值得追求的重要價值，也具備某種因地制宜作不同詮釋的彈性空間。

許多學者曾經試圖在不同的論述情境中定義「可課責性」的概念，許多還嘗試在該字之前冠上其他字來表達其特殊屬性，如垂直或課責 (vertical versus horizontal accountability)、官僚課責 (bureaucratic accountability)、政治課責 (political accountability)，讓其原已紛雜的定義更莫衷一是。如果採理性抉擇的途徑，以代理人理論 (principal-agent theory) 來理解或定義，這概念就相當清楚 (Moe, 1990)。有權利的被治者是委託人，付費 (繳交稅金、勞力等) 讓有能力的代理人進行管理，俾追求委託人的最大利益。然而，由於委託人和代理人的利益往往不一致，而代理人則具有資訊不對稱的優勢，得以犧牲委託人的利益來成就自身的利益。如何透過常態性的監察 (police patrol) 系統或透過臨機性回應 (fire alarm) 機制，探測出代理人背棄委託人利益的情形，並得以撤回委託契約，就是每個治理體系必須面對的課題。

近年的研究發現，許多草根而自發性的原生性制度 (indigenous institutions)，特別容易解決因代理人採取機會主義 (opportunism) 而背棄委託人利益的問題。首先，這些制度多採自發性參與的運作模式，在高密度的社會壓力下，參與治理庶務已成被治者內化的價值，治理的集體行動中，也因社群性誘因 (solidary incentive) 的運作，而比較容易遏阻搭便車的偷懶行為。此外，因為治理的標的與自身利益高度相關，因此日常治理運作中會遇到利益衝突，因此協商的性質很強。為了降低協商成本，以互惠性的交換取得長期的合作關係，成為相當合理的策略。同時，參與性治理過程中，代理人不容易隱藏資訊，因此資訊不對稱的弊病也容易控制，尤其許多被治者透過參與而執行治理任務，自己就身兼代理人，導致委託人與代理人的界線比較模糊。結合宗教、宗族等社會制度的運作，代理人 (治理者) 常常背負著社會期許，自利的動機也許會和社會責任之類的動機達成某種平衡，降低其背棄被治者的機會。因此，本研究的第一個命題，是原生性制度有助於提升治

理體系的可課責性，並進一步改善治理的整體表現。

然而，原生性制度必須「活著」才能執行治理的任務，但事實上，有太多的原生性制度在現代化的過程中，隨著自然資源被摧毀，如透過西方宗教的傳入，傳統信仰被取代，治理體系的制裁力也隨之消失，導致治理體系的崩解（Tang and Tang, 2010）；在大陸特有的狀況還有共產主義的政治經濟制度也對既有的產權以及政治權力分配制度產生巨大的衝擊。在這些衝擊之下，一方面可能直接改變原生性制度的風貌，迫使這個非正式部門進行重大變革以配合正式部門的運作，甚至可能就此徹底消失，另一方面這些外生因素可能比較間接地改變原生性制度原來影響治理體系可課責性的運作機制，與其產生某種競爭或合作的效果。至於演化的過程會採取哪個路徑，就牽涉到另一個值得探討的問題：原生性組織為何能夠有適應外在環境劇烈變遷的韌性？

針對這個問題，從文化唯物論（cultural materialism）的觀點可以出一個對應的命題：當某種物質在特定的社會能夠產生具有長久而致命的威脅時，該社會的文化會圍繞在解決威脅性問題而發展（Harris, 2001），如開放之前的蘭嶼達悟族人，有半年的時間必須依賴飛魚為食，因此發展出非常特有的飛魚文化。開放之後，飛魚失去獨特的物質地位，該文化也隨之消失。在嚴重缺水的地方，水資源的分配制度應該在眾多非正式制度中具有非常核心的地位。同理，在依賴稻米生產的鄉下地區，灌溉體系的供水配水制度也應具有主宰性的地位。反過來說，當這些物質存續的威脅性消失後，對應的非正式制度，也就不再具有以往的韌性。

參、 研究方法

本研究主要以人類學的方法，進入田野生活一段時間，除了希望瞭解在地詞彙對於制度細節的表達，以瞭解制度的社會意涵，並希望以深入訪談和參與觀察，為本研究主要的論述與因果命題，尋找可信的證據。此間，既有文獻的分析和靜態資料蒐集當然也是可信的論證依據。大陸雖然在政治學方面的訓練還是普遍不足，但在村史方面的記載有些傳統，而人類學及考古學方面累積的資料，還蠻有一些參考價值，因此能夠有些期待。

申請人自 2006 年起，即透過參與觀察上海居委會換屆選舉，累積在大陸田野調查經驗，雖然屬於城市地區的田野調查，較鄉村地區相對容易，也已經能夠充分理解在大陸進行質性研究的操作實務。在大陸進行調查，通常必須先透過關係網絡，取得關鍵人物的支持，然後經過相當時間的相處，培養出某種信任感，才可能挖出一些檯面上官話以外的有用資訊。因此，大陸學界所謂的「駐點」，實有其脈絡意義。透過比較關鍵的引介人從中連繫，就能透過「滾雪球」的方式，將調查範圍逐步擴大。對於外國學者而言，這種程序造成進入門檻過高的問題。克服的辦法則是透過當地的學界引入。許多在地學者本身承接當地政府的計劃，得以「合法」的進入田野進行調查，並可能擁有更多當地的資源和人脈，有利於「調查點」的開發。港澳與外籍學者進入田野，有這些學者陪伴，也算就近監控，可以讓主管當局放心不少。旅美學者牛銘實教授在大陸經營政治學研究方法班以歷五屆，目前已累積數百位學員在大陸各地的大學教書，是極為珍貴的門路，可以有效降低進入田野的成本。其中第二屆學員董江愛教授已在山西大學升為副院長，可以帶領本計畫的研究團隊進入四社五村。另第五屆學員張麗珍教授，任教於雲南民族大學，不但有豐沛的在地人脈與資源，也有充足的少數民族資料。其已承諾協助，對本計畫的開展，預期可有極大的助益。

肆、 討論與結論

本計畫的主要功能是為進入大陸的田野調查奠定基礎。在大陸進行調查研究，門檻相當高，不易取得可信且相對完整的實證資料。同時，調查結果的呈現，也因為原本的知識體系生態以區域研究者為主，比較強調資料本身述說的故事，而不是透過理論來詮釋資料，因此對於原本在其他社會科學領域受學術訓練的入門者而言，作品風格常受到這個領域內既有學者的挑戰，因此從進入田野到真正出版，需要比較長的發展過程。因此，純就論文出版的情形而言，這個計畫的成果比主持人的預期稍微不足。但在建立網絡、發展長期合作關係方面，本計畫的成果非常豐碩。

本計畫原本鎖定兩個案例，山西省洪洞縣的四社五村水治理體系，以及雲南的沅陽梯

田的治理，之後擴張到更多有趣的案例，包括類似沅陽梯田的廣西龍勝梯田，雲南麗江拉市海的農民組織，新疆的坎兒井的灌溉治理體系。這些都是和水有關基層治理機制。此外，大陸基層治理機制正因為第三部門的興起而產生巨大變化。從西方的經驗來看，第三部門常因為市民社會的茁壯，開始挑戰政府和企業的主導權，而開始在日常事務的治理，和前述機構分庭抗禮，並進而變演意義重要的治理者角色。中國雖然自古即有所謂第三領域（既不是官方，也非民間的灰色地帶），執行西方非營利組織的功能，然而，經過極權政治的整肅，這個第三領域的影響可謂消失殆盡。隨著私部門力量復甦，西方概念下的第三部門似乎又有活動空間。但由於市民社會的力量仍十分微弱、法治觀念也十分不足，加上政治的主導力量仍十分明顯，因此這個部門的發展風貌又和西方概念下的第三部門大異其趣。

綜合而言，本計畫的發現可以從以下幾個方面進行討論：

第一，關於水治理的部分，水資源屬於共享資源，在分配的制度上，很容易因為集體行動的邏輯而產生政府失靈的效果。而水資源的分配同時也和近年福利國家主義下的貧困扶助，有密切的關係，此外，水資源保育也往往遇到開發的壓力，而讓水源匱竭以及分配不均的情形更趨嚴重。政府雖然希望透過政策確保有限水源以及的有效利用，但除了財務壓力之外，顯然會面臨共享資源中的使用者的囚徒困境。處理這類困境，最有效的方式，還是把治理權下放給基層的使用者，透過網絡的力量，克服治理體系中搭便車的問題。許多原生性的制度，經過長久粹煉而能持續運作，應該是理想的解決辦法。因此，如何讓這些制度復活，成為有意義的討論。然而，「復活」是個簡化的概念。任何制度都必須建構在更基層的制度基礎之上。從馬克思的智慧可知，經濟體系是政治體系的基礎，而許多治理體系又建構在政治體系之上。當政治與經濟體系遭遇巨變，原生性的治理體系要維持功能，就不是簡單的「復活」能夠做到，而必須加上「演化」與調適。從這個角度來看，四社五村的案例就極具啟發性。科技的限制讓水源的供應量被鎖死，因此所有的制度發展都在這個前提之下，維持千年的穩定。當深井技術傳入，原來水源有限的前提就被打破，再配合新的經濟型態也隨之傳入，提供新的誘因，傳統的制度就面臨嚴峻的挑戰。

第二，在基層治理對於發展的影響方面，資本主義扶強抑弱的本質，在全球化的推波助瀾之下，讓社會不正義的問題，在發展的過程中，往往如影隨形地產生困擾。許多原生性的制度，強調長期的和諧關係，若能融合當代資本主義的元素，創造一個兼容物質、社群以及理想等多元誘因的治理體系，似乎是剝削式資本主義經濟的替代方案。搭配近年「解方經濟」的想像，強調社區合作以及小規模的社會企業的發展，原生性制度的重生似乎是近年「另類發展」思維的具體實踐方案。

第三，關於市民社會的發展。原生性組織要發揮治理的功效，往往必須依賴社會的自主性，以及社會資源的自由流動。代表社會動能與潛力的第三部門，如何在多年前極權主義的肅清，以及當前威權主義的猜疑之下，找到和政治菁英與經濟權貴的相處之道，因此是非常重要的而有趣的議題。為了填補政府與市場治理上的空缺，同時能夠兼顧控制社會的需求，大陸很長一段時間以假的非政府組織，政府支持成立的非政府組織（GONGO），來執行西方非政府組織的功能。雖然有過一段相安無事的探戈，但隨著這些具有官方身份與特權的非政府組織紛紛產生醜聞，終於在近年產生嚴重的信任危機。在此危機中，充滿理想性的壹基金遂找到難得的政治機會，在制度上取得重大突破——取得向社會大眾募款的權利——即所謂的公募權。壹基金的興起，代表大陸第三部門部門的發展，進入一個分水嶺，企業家開始思考在公部門以外的場域，建立新的灘頭堡，透過社會聲望鞏固自己的權力基礎。廣大的市民，也希望找到新的信託者，來滿足自己為善的慾望。此間最重要的保證人，就是在媒體享有高度知名度的名流，如壹基金的李連杰。這個名流向捐款的大眾保證商人會信守承諾，商人則利用名流的名氣與民眾捐款所匯集的龐大資金，形塑自己的公益形象以及社會地位。捐款大眾獲得行善滿足，名流與企業家賺得名聲與相應的權力，接受捐款的受益人則獲得實質利益，政府則因為社會問題獲得解決而穩定政權，基本上是一個多贏的賽局。然而，為何經過多年，大陸開放公募的政策仍然非常保守？研究顯示，威權體制的政權通常相當缺乏自信，深怕執政的正當性，會因為替代者出現而受到斷傷。回應的方式，除了透過公募權的控制來降低衝擊的幅度，另外就是和已經茁壯的單位結盟，確保其名利上的成果能與執政菁英共享。

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附錄一

Building a Political Foundation for Social Self-Governance in Rural China

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Building a Political Foundation for Social Self-Governance in Rural China

Abstract

As pointed out by Bill Gates, pulling 600 million people out of poverty in China is an astonishing achievement. This achievement has been largely attributed to such public policies as the provision of infrastructure, urbanization (such as an Urban-rural Integration Policy), or the industrialization of inland rural places. Not enough attention, however, has been paid to the role played by “society” in poverty alleviation and other tasks of public governance. Given the general impression that the society in China is still under the strict control of the state, many civil groups have had a substantial contribution in maintaining a sustainable appropriation of local resources, coordinating conflicts, and distributing knowledge for rural development. As the budget deficit becomes as eminent in China as in the western world, the roles of the private and nonprofit sectors tend to be critical for rural development in the years to come. This paper examines the promise and challenges of social self-governance based on the cases in the Lashihai area of Yunnan. This research points out the fundamental conditions for social institutions to become effective governing partners and the way to gain political endorsements in the post-totalitarian era.

Keywords: public-private synergy, collective action, political empowerment

Introduction

Can the Chinese society reassume self-governance responsibility in the post-socialist era? More than three decades have passed since the Chinese Communist regime relaxed its grip on society by embracing capitalism in 1979. In addition to gaining liberty in the economic domain, individuals in this country have also obtained more rights of various sorts, ranging from property ownership to the selection of leaders in communities or work units. Greater financial ability further provides more freedom in making their daily decisions. Given the fundamental changes in institutions at different levels, there should also be changes in the quality of the society. The concern of this paper is how such changes in society might impact its participation in public governance.

Some prominent features of this transformed society are noticeable regarding how it might participate in governance. Put briefly, the society is secularized from dogmatic political doctrines and is more altruistic, but the potential associated with the above two features is still challenged by a conservative political system. The first and most fundamental one is the secularization of individuals and related social norms against propaganda advocated by the state. Through repeated political campaigns and education, and a reward mechanism operated by the state, the whole of society in the totalitarian era was saturated with ideological rhetoric, mixing Marx-Leninist doctrine with patriotism (loyalty to the nation and its legitimate agents, the Communist Party and its political leaders) requesting that individuals sacrifice themselves for the collective. Individuals were either socialized to prioritize the collective interests over their own, or at least needed to hide their real incentives in public.

As capitalist institutions based on the rational choice assumption were introduced after 1979 and collective ownership collapsed, individuals needed to be selfish to fare well. A

new set of norms was formed to encourage Individuals to stand on their own feet, including safeguarding their rights. When individuals believed that their rights were infringed, especially in the economic and health domains, they tended to take action against the policy decisions. In other words, society has been clamoring for more autonomy from the state.

Second, there has been a rise in philanthropy or public-interest advocacy given the trend toward secularization and the antagonism of the state toward civil organizations. Partly because of the long-cultivated tradition for the intellectuals to assume social responsibility, partly because of the improved economic conditions that enable citizens to pursue non-material satisfaction, and partly also because of the improvement in social relations following the Cultural Revolution, more altruism could be observed in recent years. Such good intentions and engagement on the part of the citizens, business entrepreneurs, and nonprofit activists are supposed to be critical in solving the challenges of modern governance, especially in maintaining sustainable development and basic social welfare in a resource-deficit world with a rapidly-aging population.

Third, either in fighting for the individual's rights or in pursuing collective interests based on altruism, individuals need to organize collective actions that are still politically taboo by touching the sensitive nerve of the ruling party. Given the fact that society has been atomized by the ruling elites through the destruction of essentially every social institution, such organizing could be quite difficult without the strong support of social networks. As the stern rein was gradually loosened following the economic reform, networking activities gradually resumed to meet the natural needs of the citizens. Nevertheless, long after the reform such networks have still not been very helpful in organizing collective actions for public governance.

The revival of the long depressed and thus withered civil society indeed points to

optimistic prospects regarding the development of public governance. Nevertheless, institutional obstacles have proved overwhelming in the context of a newly-unleashed dictatorship in which the interests of the ruling elites might not be moving in the same direction as such trends. A critical step for this prospect to be realized is to construct a political foundation for social institutions to consolidate with and for a wider range of actors to interact with formal governing mechanisms, administrative authorities, and political leaders. For social organizations to perform meaningful governing functions, there must be a capacity-building and empowerment process. Since the power has long been monopolized by the ruling party, this process has tended to be quite contentious and catalytic. Why would the public authorities be willing to share their power?

Collaborative Governance in an Authoritarian Regime

The vast literature on collaborative governance or public-private partnership has made these popular concepts close to a cliché. It is intuitive that adding up non-governmental efforts might improve governmental performance (Osborne, 2000). Accumulated studies have indicated that only under certain conditions can such additional input from the non-governmental sector result in a synergic consequence (Evans, 1997; Ostrom, 1996; Hammami, Ruhashyankiko, and Yehoue, 2006). There is not sufficient discussion on the authoritarian scenarios in which the power relationship between the state and society is seriously imbalanced. Without a proper institutional structure, the additional efforts might be offset by political obstacles, while extra resources become the targets of corruption (Koppenjan and Enserinkistration Review, 2009). Therefore, how such a partnership could be initiated and carried out successfully in a hostile environment is worthy of a full exploration. From this perspective, China under authoritarian rule during a period of many

social governance experiments becomes an ideal target for observation.

The stunning development of marketization made it possible for the Chinese Community Party to invite the private sector to provide public goods or services in the form of businesses. In the late 1980s, the western world was fascinated with the ideas and practices of New Public Management that encouraged the privatization of public enterprises and the slimming down of public agencies by contracting out public services to the private sector (Saint-Martin, 2004; Pollitt and Bouckaert, 2011). It was about this time when China started to send its professionals abroad to acquire know-how as to how to integrate the country into the world economy, and acquire the skills for managing the economic reforms. Since the idea of New Managerialism imposed no threat on the regime, it was introduced to China and was wholeheartedly embraced, experimented with and innovated in different corners of the country (Worthley and Tsao, 1999).

The overall governing structure in China consists of a very strong state (including the administrative system and state-owned enterprises) as well as a very active business sector participating in the form of “governing conglomerates” to earn handsome profits through governing activities (Nee and Matthews, 1996). Such a structure, if compared with western countries, indicates a top-down exercise of power in which the winners are picked through the political process and the rents from the policies tend to be allocated to the stakeholders with a great influence over the power holders. Many disadvantageous groups at the grassroots level might not be able to benefit from the big-brush policies from the top under the “state-corporatism” in which the peak associations representing sectoral interests are chosen by the state (Oi, 1992; Unger and Chan, 1994). To be stable, a political system should allow the grassroots stakeholders, especially the unfortunate, to initiate their own policy agenda or organize themselves to cope with their own problems at the grassroots level. Through these bottom-up mechanisms, the governing system may be better equipped

to cover the population in a more encompassing and fairer manner.

Self-rule is nothing new in the long history of the Chinese. The evidence suggests that there were many functioning social organizations, such as religious organizations, clans and voluntary charities, providing social security in different aspects, forms and localities (Niou, 2014). There were also underground, extralegal professional associations, such as the Canal-transportation Gang (漕幫), engaged in governing specific public affairs. In vast remote areas which were hard for the official rein to reach, social order was maintained by self-governing institutions. According to Huang (1993), there was a third realm between society and the state in which quasi-offices had long been in charge of sub-county-level administrations in tax collection, judicial mediation, water control, famine relief or local defense. Such agencies and institutions for self-governance, however, were mostly destroyed when the Chinese Communists set up their totalitarian regime in 1949.

From that time on, social mobilization became a privilege of the ruling party, mostly for political campaigns to consolidate faith in ideology, crush political opponents, and exhaust the energy of the society. Brutal sanctions were deployed, and in the meantime rewards were systematically given through nomenclatural arrangements. One of the most notorious campaigns, the Cultural Revolution, eradicated western as well as traditional religions, destroyed the trust among individuals, and ruined such traditional moral codes as honesty, altruism, or a respect for nature. Without the above ethos that can support many social institutions, society essentially vanished in this heavily populated country.

When the ruling elites eventually realized the importance of social governing capacity, they confronted the challenges of rebuild the conditions to bring the society back. One set of conditions concerned the generation and maintenance of collective actions at the grassroots level. Collective actions are horizontal governing mechanisms that can substitute

hierarchy in many instances. The literature in this regard abounds. In addition to favorable physical attributes (such as the geographical distribution of members and available resources), such social conditions as community attributes (including homogeneity of the population and the stock of social capital) and informal rules applicable to the maintenance of accountability to collaborative partners and their stakeholders are also the focus of discussion (Thomas and Perry, 2006).

Another set of conditions has to do with the acquisition of external resources, including a vision for the future, knowhow, and finance by the self-governing entity. Some important inputs, such as labor and local knowledge, can be gathered internally through collective action. Many others, however, need to be acquired from external supporters. The most important item is probably a new understanding of the broad, structural, or global situation that provides local folks with a new vision for the future (Minkoff, 2002; DiMaggio and Anheier, 1990). It is relatively hard to have a macro comprehension of the new trends of development, niches of such kinds of development for local communities with specific assets, and the knowhow to access such niches. In some instances, local communities might be too poor to afford the costs of infrastructure. External financial support is therefore critical for local collective actions to be sustained. From this point of view, voluntary associations, either domestic or foreign, may play an essential role in providing these missing elements (Zald and McCarthy, 1987; Baun and Oliver, 1991).

A third set of conditions concerns political opportunities for the self-governing entities to acquire autonomy (Tarrow, 1994; Hasenfeld and Gidron, 2005). By definition, self-governance implies some inconsistency between the prevailing rules and the newly-formed, parochial rules that could solve local problems. On many occasions the latter might impose extra burdens on the ruled so that the self-governance entities need explicit authorization from the government. In other cases, the latter might be obviously in conflict with the

former and thus self-governance requires that exceptional permission be obtained from the government. In either case, there would be a need for empowerment that demands a favorable local political dynamic.

It is too naïve, however, to assume that the political leaders would definitely offer a helping hand. Even though the government is supposed to assume the duty of solving collective problems and thus self-governance organizations can be considered to be giving the favors, the government might still be very antagonistic against such initiatives. One possible reason is that every bureaucratic system dislikes exceptions because they increase administrative costs. Exceptions create privileges and too many privileges demolish rules. Another reason has to do with setting priorities. A bureaucratic system tends to have a set of priorities for administrative attention, the distribution of labor and financial resources, and performance evaluation. This priority is usually set in a top-down manner, either from top echelon officers of the bureau or from higher levels of government (Kung and Chen, 2011). To enforce the will of the top leaders throughout the system there will be a clear set of criteria that evaluates the performance of the bureaucrats accordingly. Self-governance initiatives from the bottom tend to disturb the order. Unless there is a reflective mechanism that promises that the preference from the bottom can be incorporated into the priority of the bureaucratic system, these factors would be considered “exogenous” and would not be integrated into the evaluation system.

In addition to conflicts over priorities, antagonism against bottom-up initiatives is also caused by an unwillingness to share power. The officers at all levels of government enjoy a prestigious status mainly because of the power they enjoy, including the discretionary power of approval or denial, allocations of limited resources, and sequences on the priority list for bureaucratic engagement. Such authority also facilitates under-the-table exchanges between the officers and stakeholders and bring extra-legal benefits to the officers. An

extra-governmental agenda with alternative financial resources would not only seriously impair the sense of authority that has long been monopolized by the public officers, but would also generate new sources of legitimacy that might confront those who had originally been indoctrinated.

Such a new source of legitimacy generated by the collective actions of the ruled could create a long-term aftermath for an authoritarian regime. Acknowledging the rightfulness of the grassroots initiatives and accommodating bureaucratic decisions accordingly would impair the credibility of political leaders in terms of their ability to control the fate of the society, thereby undermining the foundation of their leadership. Compromise would also encourage more civil participation that the relatively obsolete political system might not be able to manage. In cases where external support is involved, these concerns would swell to make negotiations with the government even more complicated.

Under what conditions would the public authority share its authority with the grassroots organizations? The successful cases of grassroots initiatives in Lashihai (拉市海, literally Lashi Lake) in Yunnan (雲南) province, are examined to explore the challenges facing the social groups in pursuing self-governance, the reasons why the public officials withhold their power, and the possibility of overcoming the political obstacles. These cases are typical in rural China in most respects. One disturbing feature of these cases is, however, that the grassroots actors are a minority people group, the Naxi (納西). It is true that the authority could have been more tolerant of the innovation efforts of the minorities. Nevertheless, they are not the first successful cases. Since similar institutions were well installed in many non-minority places, such quality should not cause problems to our analysis. The empirical data were collected through several field trips conducted by the authors and assistants, while one of the authors was born and grew up in that area and thus was able to arrange interviews with key initiators and government officers through personal networks.

Participatory Watershed Management in Lashihai

Xihucun (西湖村) is one of eighty natural settlements around the lake referred to as Lashihai,¹ a huge plateau wetland caused by glacial movement and a valuable habitat for migrating wild birds. As Lijiang (麗江), a nearby city, enjoyed a tourism boom and demanded a more stable supply of water two decades ago, this wetland was embanked to become a reservoir that changed the ecology and associated social practices in that area. Since this lake had a venting hole on the northwestern corner, the level of water could be kept stable in the rainy season. In the dry season, the water would retreat essentially and the residents, who numbered about ten thousand, were therefore able to conduct agricultural activities on the lakebed. Before the rainy season arrived again, the harvest could be gathered and the land would be returned to the lake to hold the water. Such a seasonal cycle actually enabled the poor farmers in that area to make ends meet for a very long time over the course of history.

The huge reservoir project, however, broke such a harmonious relationship between the local communities and the natural environment. In 1998, the government built a high bank to prevent the water from venting, and a pipe to transport water (about 10 million m³ per year) to the center of the nearby city of Lijiang. Subsequently, about 70 percent of the local township was inundated with water. The farmers lost a big chunk of their original farmland. Since the water never retreated again, they could no longer borrow the land from the lake.

A minimal level of compensation did not help the villagers to overcome their predicament. To survive, the villagers were forced to extend their farming activities to the

¹ The lake constitutes a unique watershed in which 20 rivers or streams converge to supply water.

hillside. Their activities there, however, further caused environmental catastrophes. The deforestation and associated mudslides threatened the capacity of the reservoir. All kinds of chemicals, including pesticides, herbicides and fertilizers were used and drained into the water, causing ecological destruction. To compensate for their loss from abandoning their agricultural activities, the villagers then turned to collect natural resources in the lake area, mainly wild birds and fish, either for food or to sell. These activities further hurt the rising eco-tourism in that region. A predictable consequence was the tragedy of the commons—a rapid depletion of the targeted resources. The poverty issue was exacerbated, farming on the hillside and fishing on the lake intensified, and a vicious cycle was created.

The government seemed to be aware of the problem. To protect the water body as well as the ecology, a wetland protection zone was established, a set of regulations was announced, and some bird-protection plans were deployed. These efforts failed, however, mainly because the officers were facing struggles over the vital interests from the residents. Xihucun, which was located on the northern shore of the lake, was a typical case suffering from such a vicious cycle. The loss-loss scenario was eventually able to be changed when a non-profit organization, the Green Watershed, got involved. This Kunming-based NGO was organized by Dr. Yu Xiaogang who was a famous protester in the anti-dam movement in Yunnan in the 1990s. When he first met Aliushu (阿六叔, literally “sixth uncle”) for his dissertation research in that tiny village in the early 1990s, he was informed of the predicament of residents surrounding the lake area. After a thorough investigation, he convinced the villagers that they should organize a self-salvation movement to change their fate.

The opportunity came when Dr. Yu met the representative of Oxfom Hong Kong (香港樂施會), an international non-profit organization that launched the “China Development

Fund” to initiate a number of poverty alleviation and environmental protection programs.² The self-management proposal for the Lashihai area caught the organization’s attention and obtained its approval for financial aid. A township-based watershed management committee entitled the “Lashihai Watershed Management Committee” was formally organized in 2000. Under this committee, each village organized its own working group to carry out the detailed programs proposed jointly by representatives of villagers, foreign specialists, and project managers. While many programs had great achievements, two were especially prominent.

1. Xihu Mini-watershed Management

Since Aliushu was the contact person who invited external assistance to resolve the local predicament, he also became the person expected to initiate small-scale collective actions in his village for demonstration purposes. The first, and the most urgent, program initiated in 2003 was to solve the survival problem while in the meantime controlling the threats of mudslides. Previously, 120 households in Xihucun had turned nearby natural forest land into potato fields to make a living. Potatoes were traditional produce that local residents had been familiar with, yet it had very low market value and high environmental costs once cultivated on the hillside. Farmers needed to spend money and energy again and again to recover from mudslides after the rainy season, which made them even poorer. They then became even more desperate, and expanded their farms even more aggressively at the cost of the natural forests, in turn triggering more serious landslides later on.

A solution was proposed by external experts to break the cycle. Through the promotional efforts of the management committee, the villagers started to turn the potato fields into orchards and thus to restore the soil conservation function of the planted fields.

² The person in charge of Oxfom Hong Kong is now the son-in-law of Dr. Yu.

A mixed plantation was also developed to promise a stable income without sacrificing the environment. They learned to grow such high-value fruits as snow peaches, apples or pears that were expected to earn higher profits several years later. Before these fruits could actually be harvested, the farmers also learned to plant Chinese yam (山藥, *dioscorea opposita*) to replace potatoes for short-term income. Both demanded new skills and capital for saplings and equipment. In addition to external experts, they successfully engaged technicians in the Agricultural Technologies Station (農科站) to acquire new skills. For the capital, the farmers gained financial assistance from a microcredit fund set up by Hong Kong Oxfam. As expected, the trees grew up to grasp the soil and reduced the mudslides substantially. Consequently, the income of the residents quadrupled within only a few years. This successful model was soon extended to other villages surrounding the lake.

Many other sub-projects were also deployed to pursue sustainable development within this watershed. For example, villagers received funding to build biogas tanks for several purposes. First, collecting household ordure in a sealed tank would generate biogas for cooking and thus reduce the need to cut down trees for firewood. Second, the ordure could be collected to avoid it being discharged in the lake. While the former helped conserve the water, the latter prevented the water from being polluted. Another mini-project consisted of a series of makeup education programs targeting local women. They were taught to speak Mandarin and to do simple mathematics so that they could do business with the tourists rushing into this area from mainstream society.

2. Fishery Association

Another essential task for watershed management was to manage local natural resources (especially fisheries) that were on the verge of exhaustion. Competition in fishing activities and the use of illegal fishing gear intensified in the 1990s. In addition to the need to catch

more fish to compensate for the loss of farming land, the slack regulatory enforcement was also a critical reason. The establishment of the Lashihai Wetland Reserve and its dedicated agency, the Reserve Agency (管理所), at the provincial level in 1998 ironically seemed to destroy the local managerial mechanism. It deprived the local police officers who had both local knowledge and the respect of villagers. In the past, the police had been allowed to charge a boat owner 180 RMB per year. The high administrative fee was effective in controlling the number of boats on the lake. The fee also offset the costs borne by the police in patrolling and cracking down on the illegal fishing gear.³ As the managing authority was forced to be transferred to the Reserve Agency, the long-term practice was suspended while the new model failed to effectively take its place. Anarchy ensued.

Faced with the impending extinction of the fishery resources, the Watershed Management Committee further organized another self-saving collective action to cope with the crisis. A local association, the Lashi Township Wetland Fishery Association for Economic and Technological Cooperation (拉市鄉濕地漁業經濟技術合作協會, hereafter the Fishery Association) was set up in 2002 to go through administrative procedures in filing complaints to the city leaders and related public authorities. Although the government eventually responded by appropriating a reasonable amount of budget for cracking down on the illegal fishing gear, there was still no feasible action plan or a sufficient number of staff to carry out this mission. The Reserve Agency eventually found a convenient way to get out of trouble: by authorizing those who were complaining to resolve the problem, but withholding the subsidy from higher levels of government.

The Fishery Association was therefore “authorized” to clean up illegal fishing gear in the lake. Without legal power as in the case of the government agencies, the leaders, Aliushu and his associates, could only carry out the troublesome task in a very soft manner. They

³ The illegal fishing gear usually referred to fishing nets with too small a mesh size.

began by persuading close relatives to set an example by withdrawing their illegal gear from the lake. Although some friends and relatives responded positively, most of the villagers were reluctant to do so mainly because they were in a prisoner's dilemma game. Unless they could be sure that all other illegal fishing gear would be effectively cracked down upon so that they could benefit from the restoration of the fish population in the future, the best strategy for them was to free-ride by retaining their gear. In doing so, they would be promised a better catch as the number of competitors was reduced. In addition, the gear cost a fortune and it was thus a hard decision for the owner to give it up.⁴ Consequently, a gridlock persisted.

To break through the gridlock, the Fishery Association proposed a compensation scheme to reduce the losses borne by the illegal gear owners if they cooperated by turning in the equipment. Unfortunately, such an initiative was opposed by the chiefs of the villages because they believed that such compensation would encourage law-breaking behavior. Without either forceful means or incentive-based alternatives, the illegal gear kept threatening the ecology of the lake in the years that followed.

The Fishery Association did not make any progress until Aliushu found a way to get on the government's nerves through the existing political system. He decided to take part in the election for representatives in the Municipal People's Congress. In general, such office had long been considered to be an honorary position. Nevertheless, whenever the Congress was in session, the government tended to be more receptive to the opinions of the representatives because they might give the officers a hard time due to their open criticism. It became a window of opportunity for the civil groups to reach a compromise with the authorities.

⁴ A set of fishing nets cost about 1,000 RMB, roughly equal to the monthly income of a household.

Several reasons might explain such a seemingly dramatic turn. First, from the time of the engagement of the Green Watershed and Oxfam Hong Kong, the achievements of Xihucun attracted nationwide attention. For the sake of setting an example, creating propaganda for tourism, and probably giving credit to local cadres, Aliushu was nominated by the party. Secondly, he received a large number of votes not only because his efforts improved the well-being of local residents, but also because he fought for the compensation scheme for the illegal fishing gear owners. Third, his leading collective actions in that region demonstrated his charisma and enabled him to acquire a credible reputation. Sitting in the People's Congress, he had a chance to re-initiate the rejected proposal at a higher level within the political arena, namely, the city government, and received an endorsement there. Such official status together with a favorable attitude from the higher level of government (the city), Aliushu eventually managed to realize his idea in 2007.

After this turning point, the Fishery Association consistently patrolled the lakeshore to ensure that order was maintained on the lake. Such voluntary efforts were also echoed by the governments at different levels. Official policy later promoted tourism by protecting the wild birds and thus implemented a fishing ban between October and March to prevent possible disturbances to the birds. As the fish stocks returned, a new business emphasizing “natural fish” (literally 生態魚, in contrast to the “aqua-farmed fish”) flourished together with the rise in tourism and the benefits of conservation were widely shared by the villagers, the collective governing action showed its prominence and potential in rural areas.

Constructing an Institutional Foundation for Grassroots Initiatives

From a macro perspective, an increasing number of cases regarding the active

participation of nonprofit organizations in grassroots governance indicates a gradual revival of the “third realm” (Huang, 1993) that once prevailed in pre-communist China.⁵ From a micro perspective, however, such progress has been quite puzzling if we consider individuals to be rational actors such that neither collective actions by villagers nor empowerment by the ruling elites could be easy to achieve. How such progress has been made is therefore still subject to clarification. This case provides some thoughts on the conditions for the emerging civil society to be able to participate in public governance by overcoming the concerns of the power elites and the inertia of the bureaucrats in the lower echelons of the ruling hierarchy.

The case indicates that both the demand and supply side factors should be met if the civil groups are to play a meaningful role in solving public policy problems. The literature has abounded with discussions on the determinants of successful collective actions on the supply side. This study explores what has happened on the demand side. In addition to a perceived need for actions to solve the specific problems faced by villagers, a critical factor in a less democratic context is the perceived urgency of the response actions by the ruling elites. In a political system without an effective mechanism to ensure the accountability of public officers, how to trigger the attention of the public authority has become a fundamental issue. Lily Tsai has pointed out the possibility of solidarity groups in holding local officials accountable for the provision of public goods (2007). It is widely recognized, however, that such informal mechanisms vary in different localities and might not be universally applicable in terms of ensuring accountability. According to the bureaucratic structure in China, only lower level bureaucrats reside locally and are thus more concerned with maintaining a good reputation in local social networks. Public officials in higher echelons, such as bureau chiefs in a county government, tend to seek career opportunities over a larger

⁵ See Niou (2014) for examples.

geographical area than the primary social networks can reach.

In other words, the further a public official moves upward, the more he or she needs to construct and maintain regional or even nationwide networks that promise further promotion, and the less he will be attached to local connections, which means that he is less likely to share grassroots concerns. For public goods and services with economies of scale that can be managed by village or township governments, local officials might have the incentive and capacity to remain accountable, given that other conditions are controlled.⁶ Since many other issues demand a greater financial capacity and involve a wider range of stakeholders, local officials tend to be more responsive to the interests of superiors who set the criteria of performance and nominate the candidates for promotions.

To break through such structural constraints, one popular strategy is to make the event big enough to become a credible threat to the careers of officials in upper level governments. From this point of view, a quick escalation of violence in many local protests might not be an accidental display of emotional reactions, but a thoughtful tactic to redefine the nature of the issue to attract the attention of upper levels of government. In contrast to the violence that usually exacts a heavy toll, an alternative tactic is issue-linkage. Sometimes a window will open to offer an opportunity for local initiators to square their interests with those of higher level governments. In practice, they need to identify the major concerns of upper level governments, interpret the congruence of their interests, and embed the solution to local problems into the broader scheme that the superior government has endorsed.

As shown in this case, conserving the water for the development of tourism after the success in enlisting the old town of Lijiang as a “World Heritage Site” and the lake itself into

⁶ In cases in which great interests are at stake, such as urban rezoning and land acquisition, pressure from solidarity groups might not be compatible with the pressure coming from above, and thus tends to be less effective in holding local officials accountable to grassroots interests.

the “List of Ramsar Wetlands of International Importance” overwhelmed the city government. By contrast, the welfare of villagers after the lake-embanking projects was largely left to the township governments and their village branches to worry about. Nevertheless, the tasks of either improving economic opportunities or reducing environmental harm (landslides and the destruction of fishery resources) promoted in farmers’ self-salvation initiatives were mainly beyond their capacity. Similarly, once the lake became famous for bird watching, a new agency was set up by a superior government to give a big push. The negative consequences of destroying local rule-enforcing practices at local level of government was left unmanaged.

It is fortunate that local collective actions were successfully mobilized and external resources acquired (mainly from Green Watershed and Oxfam Hong Kong). It is also lucky that these actions did not trigger too many feelings of being threatened on the part of the local public authority probably because the functions being carried out were supposed to be the responsibility of the government. They were not, however, blessed by the political elites at all in the beginning. The greatest hurdle that the initiators encountered, in this case and essentially in many others as well, seemed to be the negotiations against the local officials for empowerment. They needed to gain the discretionary power in using the funds raised by themselves, to hire and promote personnel they believed were appropriate, to enforce the rules for appropriating natural resources internally as well as externally, and to reach agreements with other governing partners in an autonomous manner.

While autonomy is an indispensable condition for effective self-governance, it is quite a luxury in an authoritarian regime in which the ruling elites have very limited self-confidence in the legitimacy that they have. They tend to regard the alternative sources of power from society as threatening. To gain the support of the public authority, there must be a legitimation process. This process includes at least two ingredients. The first part is to offer

a discourse that integrates local initiatives into the agenda that the government has emphasized. It is a process of linking issues to create a “contingent symbiosis” between the state and the social group (Spires, 2011). By interpreting the meaning of local efforts in accordance with the aims that the governments have officially announced to pursue grassroots initiatives might be able to persuade the officials that they can gain credit by endorsing self-organized actions. In this case, although the grassroots programs were pursuing the goal of improving the welfare of local residents, they earned their legitimacy and recognition from the public authority by emphasizing the functions of conserving water resources (by reducing mudslides and pollution) and of protecting the wild birds (by conserving the fishery resources). Both fit the grand picture of developing tourism that promised regional economic growth.

The second ingredient of this process is having an arena to process such legitimation. The mass media is usually preferred in the western world when a policy discourse needs to be deployed, yet it is less accessible by the civil groups when it is controlled by the authority, as is the case in China. The Internet could also serve this purpose, but it is less official, less effective in triggering attention in the public sector, and thus less powerful in promoting legitimacy for specific projects. One ideal alternative demonstrated in this case is the Municipal People’s Congress. It is an official occasion in which public officials need to sit in and listen to the appeals of individual representatives. To avoid any accidental confrontations and embarrassment at that big official event, public officials are usually more willing to compromise. Given these favorable conditions, it becomes an ideal arena to accomplish the discourse of legitimation.

Conclusion: Bring Society Back into a Nondemocratic Regime

It is ideal to have not only private but also nonprofit sectors to participate in public governance. It is also great to promote self-governance by involving civil society that tends to have more of the local knowledge necessary for designing and implementing public policies. A fundamental problem faced when inviting society back into governing business in an authoritarian context, however, is to build up a new state-society relationship to prevent the party state from being deprived of dominance and its sole legitimacy after empowering the society. An authoritarian legacy makes collective action very politically sensitive and negotiating for autonomy from the ruling elites is by nature a difficult task. How this task can be accomplished deserves a more comprehensive understanding.

This successful case points out the conditions for empowerment. This study indicates the need for a legitimation process in the course of collective actions. While many other tricks might also help,⁷ this process is critical for the power elites when regarding local initiatives as their own projects. Through discourse the local initiators of collective actions have a chance to build up links with the power elites, share their interests and concerns, and interpret the meaning of actions in accordance with the official guidelines. Such linkages might not be honored in a democratic political system, but seem to be a necessity for local initiatives when negotiating for autonomy.

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⁷ For example, it is suggested that the party cadres should be invited into the self-governing entity even though they might not be interested in playing any essential roles. The involvement of party cadres facilitates the sharing of information with the ruling class and thus reduces the monitoring costs of the superiors.

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參與式治理和正義的永續性： 比較兩岸原住民發展政策的制度創意*

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偏遠地區的少數民族常常是經濟上的弱勢，需要高力度的經濟發展。但許多處於生態脆弱地區的少數民族，其發展經濟的努力，依賴大規模自然資源的開採，往往導致整體社會龐大的環境代價，因此陷入開發與保育的兩難。近年興起的「異族生態旅遊」(ethno-eco-tourism)，似乎為這個兩難情境，找到兩全其美的辦法。兩岸許多少數民族都透過觀光來追求永續發展，但過程中如何處理利益分配的問題，讓發展的果實能夠族人共享，同時避免在發展的努力中，產生搭便車的集體行動困境，兩岸確有相當不同的作法。共產黨執政的大陸，在廣西龍勝採用了非常資本主義的方式，讓政府投資旅遊公司，協助當地村寨發展經濟。反之，臺灣則讓泰雅族在山裡實施志願的集體主義。兩邊都有相當可觀的成就，相映成趣。本研究檢視政府介入的不同模式，探討公民參與對於資源分配正義的效果與挑戰。

關鍵字：異族觀光、生態旅遊、管理主義、共享資源

壹、前言

許多原住民定居在山巔海濱等環境敏感地區，而面臨發展與保育的兩難。這些原住民堪稱社會與自然的介面，一方面有長期維繫的社會組織以及

*本文曾於中研院「公民意識、社會正義與公民參與」學術研討會(2012年6月)中發表，作者感謝社文萃教授的寶貴意見，以及蘇帶蓉女士在田野資料蒐集上的協助。

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