Chapter 6

"Autonomous," "Ambiguous" or "Amphibious": The Cross-Colonization of State and Civil Society Organizations in Vietnam[82]

Introduction

Civil society has received a great deal of attention by social scientists in the last 20 years, particularly since it has been credited with important roles in the fall of Eastern European authoritarian regimes.[83] During the 1990s, the international development community embraced civil society as a panacea for failing projects and a failed philosophy of development, with huge players such as the UN and the World Bank in the vanguard. But more recently, a growing discontent with civil society theory is evident among scholars: discontent with the ideas and underlying

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[82] This chapter is based on my conference paper for *Straddling State and Society: Challenges and Insights from Ambiguous Associations*, presented at the University of Iowa, November 10-12, 2005. This paper will be published in a forthcoming edited volume.

[83] The truth of these claims is debated. Some scholars believe the fall of the communist regimes in Eastern Europe came about more from internal inconsistencies and contradictions within those regimes than from external social pressure. Whatever the case, the great rise in interest in the idea of civil society is, in part, due to its association with those events.

assumptions about what constitutes civil society, what structures are or should be considered parts of it, and what role(s) it should play in society and politics.

Interestingly, this discontent, manifesting itself in attempts to rework the idea and to extend the theory, is most evident in scholarship of non-Western societies, particularly in Asia and in the Third World. For many scholars of non-Western countries – not to mention non-Western scholars, -- the Western liberal foundations of civil society theory are less attractive and are less likely borne out by empirical observation, than might be the case in Europe or the US.

Two different types of moves are used in this literature to extend the usefulness of civil society in non-Western contexts. The first approach is to avoid categorizing organizations as "part of" or "not part of" civil society. Instead, some scholars are attempting to define particular roles and relationships that constitute a behavioral realm of civil society, thus bypassing tricky questions of structure or legal affiliation that often seem not to apply to non-Western (particularly Third World) contexts.

The second approach – which can be seen as an extension and a consequence of the first – is to look at the state-society inter-relationships that produce civil-society outcomes, and thereby avoid definitions of civil society that rely on "autonomy" from the state, or on characterizations such as "voluntary groups," and "independent associations." In this way a broader range of organizations, including those with closer ties to the state, can be considered in civil society studies. This approach inherently

accepts the "messiness" of the world, and the difficulty in drawing hard and fast boundaries, particularly between "state" and "society." Dogmatically insisting on civil society organizations' complete autonomy from the state, for instance, leaves out a range of groups, organizations, and institutions that are formed by, and/or are closely associated with, the state but still undertake civil-society-like functions.

In this chapter I suggest that the practical way to proceed is to use both of these approaches together. By moving beyond definitions based on organizational forms and examining activities rather than structural models, we can include a broader range of organizations that are doing civil society work. In non-Western contexts, this frequently entails the inclusion of organizations that have clear ties to the state, or are even established by the state, and yet link to the broader society at the same time.

The remainder of this chapter is in two sections. The first examines how scholars concerned with civil society are attempting to re-focus the theory on functions and actions rather than on structural models of society. This dissertation is itself an attempt to add to this literature. The second section of this paper recounts some of the empirical findings from my research on local NGOs in Vietnam. I use three examples from this research that show how Vietnamese NGOs are colonized by the state, which is in turn colonized by the personnel and ideas from these organizations. Though autonomy can be an important factor in state-civil society relations, it need not be the only mechanism through which civil society has voice, as these examples demonstrate.

Autonomy and the Work of Civil Society

A re-conceptualization of civil society as a range of actions and inter-relationships is gaining favor among scholars around the world as they run up against the limits of the more common structural models. Many scholars are struggling to re-theorize the concept of civil society to better describe the reality they see in their empirical work. Civil society need not, in all cases, be the exclusive domain of organizations completely autonomous from the state. In many cases, in many places, the picture is more complicated. As Uphoff and Krishna (2004) write,

> Civil society *functions* - articulating citizens' interests and demands, defending their rights and meeting their needs - can be performed by a variety of institutions and organisations, not all of which are or need to be detached from the government (abstract).

They take this proposition further, decrying the "zero sum" calculation set up by classic civil society theory, that is the idea that to the extent that an organization is connected to the state it is that much less autonomous, and therefore that much less a part of a true civil society. Instead, they argue that a strong civil society

> can be better conceived … when CS is understood not as an entity—what it is or what it might be—but rather in terms of what can be accomplished through some *combination* of institutional channels with historical and cultural supports on behalf of society's members (p. 374, emphasis added).

Fforde and Porter (1994) start from a position that the so-called boundary between state and society is difficult to define and almost impossible to delineate empirically. In fact, based on their research in Vietnam, they maintain that

> …the elusiveness of the boundary is a clue to the nature of the phenomenon. In this view, the distinction between the state and civil society is not best understood as a boundary between and around or *external* to two distinct entities (p. 5).

From there they talk about "zones of conflict" within which social issues are contested and worked out. These "zones" may be between civil society and state, or just as likely between competing interests with the state itself. They continue:

> It follows from this approach that … [civil society] must also be seen as capable of emerging from an area of social activity that is *within* the adapted institutions of the [state] - cooperatives, state organisations, mass organisations, [state-owned] factories and so forth (p. 6, emphasis in original).

Fforde and Porter envision civil society-like activities – in fact civil society itself – as being articulated *within* as well as *in opposition to* the state. This is a slightly different take than Uphoff and Krishna's which says civil society actions are undertaken by both state and autonomous institutions. Fforde and Porter maintain that the very distinction between state and civil society (particularly in Vietnam) is hard to determine.

Looking at civil society issues in China and writing in reaction to the claim that civil society was responsible for the fall of communism in Eastern Europe, Ding

(1994) describes what he calls "institutional amphibiousness." This is a condition where, as he puts it, "state-society relations are highly interpenetrated and interwoven" (p. 318). Speaking of the situation in China, he states that "one can find many entities that were neither strictly 'state' nor 'societal.'" Institutional amphibiousness is characterized by a blurring of the boundaries between institutions, usually through personnel occupying posts in multiple institutions. These blurred boundaries lead to ambiguity in the institution's purposes. A given non-state agency's boundary with the state becomes indeterminate, and its mission may be hard to disassociate from state policy. One way this comes about is in the common practice of the communist party (in many countries, including China and Vietnam) enforcing social control by placing its personnel within every institution, including those nominally independent. Paradoxically, says Ding, the result is a "*mutual* infiltration." This is somewhat surprising since "a researcher is more prepared to see the state's penetration into society than the simultaneous penetration of state structures by social groups" (p. 313-314, emphasis added).

Wischermann comes to very similar conclusions. His work is based in part on Uphoff and Krishna's work, and more so on the theorization of the German research project called "Civil Society from the Perspective of Historical Social Sciences" at the Social Science Research Center Berlin (WZB).[84] It is also informed by his own extensive empirical research on Vietnamese civic organizations, undertaken in 1999-

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[84] The Researchers at WZB have published almost exclusively in German. I rely upon Wischermann's descriptions of their work.

2000 in conjunction with a team of researchers from the Vietnam National Institute of Social Sciences. In their empirical work, Wischermann and his Vietnamese colleagues eschewed the concept of civil society altogether given the sensitivity of the topic, especially for the Vietnamese researchers on the team. They also decided that an approach based on the untangling of organizations' competing claims of relative autonomy from the state would not be fruitful. In fact, in the end, they decided that autonomy was not an important distinction. Instead they cast their net wide in their study, including institutions from many different sectors, organized in various ways, calling all "civic organizations" (Wischermann and Vinh, 2003). This was not a mere side-stepping of the issue. Rather it anticipated the concept that Wischerman articulates in his later work, i.e., that in Vietnam as in other contexts, researchers must "stick with the empirical facts and scrutinize each and every civic organization carefully, as to whether or not they might be contributing to 'civil-society building'" (Wischermann, 2005, p. 209). Indeed, it is in this later work, where he discusses civil society directly, Wischermann advocates for "a view of civil society based on the logic of action instead of a conception based on the logic of domains" (Wischermann, 2005, p. 212).

Heng (2004) takes a similar position, stating that "there is no point pretending that the separation of [civil society and the state] is always clear." For all that has been written about the autonomy factor, Heng sees that "its contribution to civil society remains qualified and tentative" (p. 146). Some civil society activities proceed not

only in spite of a lack of autonomy, he maintains, but precisely *because* of the lack of

autonomy. In fact, quoting Rigby (1992), Heng argues that "a robust civil society must

reach beyond being autonomous of the state to 'substantially colonize the (political

order) and remake it in its (civil society's) own image'" (p.146). Heng's own research

into the Vietnamese media "suggests that civil society in Vietnam may emerge or is

emerging from within the state itself." Informed by Ding's argument, he maintains

that actors in the ambiguous realm of amphibious organizations are in a position to

"exploit the insider's connections or familiarity with the system in order to challenge

the system… [This] form of activism to challenge the state agenda is actually

sustained by connections with the state or identification with state goals" (emphasis

added).

These re-theorizations of civil society broaden the discussion of state-society

relations. By re-conceptualizing civil society as a set of actions – by asking questions

about what civil society *does* rather than what it *is* or how it is structured – we make

our inquiries much more nuanced. We begin to look for state-society interactions that

accomplish civil society functions in places where we might not have if we maintained

the more rigid view of looking only at "autonomous organizations." We can look at

the "autonomy" issue as one of the many state-society relationships that are contested

and contingent, rather than something that is determinant. We then see how less-than-

autonomous organizations may influence the state to the benefit of and in the interest

of the citizenry, while at the same time such organizations are forced to operate under

state restrictions; thus civil society and the state participate in a form of "mutual colonization."

Empirical Lessons from Organizations in Vietnam

In the remainder of this chapter I will discuss some of the findings of my research in Vietnam in 2003/4. My fieldwork was based at three Vietnamese NGOs in Ho Chi Minh City, Vietnam, where I simultaneously worked as a volunteer and at the same time conducted participant observation research. Each of these organizations was different in structure as well as in mission. Each represents, in its own way, a different aspect of the Vietnamese NGO scene in Ho Chi Minh City. Each, in its own way, was able to make use of its respective (and relative) lack of autonomy, with all the real constraints that that lack of autonomy implies, as an asset in its work. The "mutual colonization" between such organizations and state agencies opened doors that might have remained closed had they been nominally more "autonomous." In the following sections I will give brief examples from two of my three subject organizations of how this mutual colonization occurs, followed by more extensive examples from the third organization.

Change Through Partnership: Advocates for Women's Labor and Health

Advocates for Women's Labor and Health (AWLH),[85] a small Vietnamese NGO (VNGO) specializing in social justice and health issues for women workers, typifies the mindset of VNGOS *vis-à-vis* the government, i.e., that the state is best approached as a *partner* rather than an opponent. As with other NGOs in Vietnam, AWLH has close links to those governmental agencies with which it partners, and under whose authority its projects are carried out.

Having been created as one outcome of a large international NGO's women's health project, AWLH exemplifies the VNGO model that is most closely based on the INGO structure. Its offices resemble INGO working space, its staff is concerned equally with donor and governmental relations. AWLH's director, Ms. Ni, was originally an employee of the INGO and actively worked on the women's health project from which AWLH emerged. She was involved in AWLH's design and formation, bringing her INGO experience to the new VNGO while maintaining close ties to its mother INGO. Her views on hiring staff, all of whom are required to have English language proficiency, and on developing office procedures closely follows INGO models she is familiar with. When I discussed this with her, she remarked that the standard Vietnamese office model, which tends to be autocratic and closely managed from above, was not conducive to development work. She strongly preferred

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[85] All organization and personal names are pseudonyms. I have used composites and other devices to obscure the identities of my informants.

the Western NGO model of organization and operation, which she perceived as more egalitarian and participatory.

Many of AWLH's projects target the (mostly) young women working in garment manufacturing, working to alleviate the poor working conditions, poor pay, and poor job security they are subject to. I was struck by the difference between AWLH's approach to these issues, which is a quiet, negotiation based advocacy, and the noisy, militant anti-sweatshop protests we see in the US and Europe. But Ms. Ni, made it clear to me that it is not their role to engage in confrontation as a tactic for change. She is not a rebel or a protester. AWLH works for change through negotiation and education, acting always within legal bounds. They are not rabble-rousers who march the streets. They are professionals who engage all parties, including the state and foreign factory owners, on a professional level.[86]

Consequently, AWLH's activities were neither militant nor confrontational in any way. Their projects typically involved frequent meetings with government officials charged with factory oversight, regulation, and labor law, and although Ms. Ni said her government counterparts frequently gave her headaches, she never discussed them in terms of an "opposition" to be subdued or overcome. Rather, they were one of the factors that needed to be balanced in order to achieve beneficial results for all interests. Ms. Ni was firmly behind the workers, but she pictured herself as a facilitator. She did not conceive of herself as part of a "state versus civil society

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[86] I will discuss the issue of "professionalism" in more detail in the following chapter.

dichotomy," but rather as a change agent who must make her voice heard by government officials, quietly but persistently, through negotiation and discussion, through sponsored workshops and educational projects, making very small advances in changing state behavior on behalf of her beneficiaries.

It could be argued that Ms. Ni's methods of operation are in part dictated by the enormous power differential between AWLH and her government counterparts. The potential for institutional attack – the withdrawal of permission to operate, etc., is very real. Perhaps AWLH's methods are also dictated by her need to keep donor money flowing. In Vietnam, the government is quite willing to make its displeasure known to donors who fund projects that are perceived to meddle in internal politics or that create public disorder.

But mostly, I would assert, AWLH's tactics are dictated by Ms. Ni's own working style and view of what is an affective approach to making significant change for her beneficiaries. This is further facilitated by her own and her counterparts' sense of "professionalism," without which any form of communication and dialog might well break down. Although there are no government or Vietnamese Communist Party (VCP) staff employed at AWLH, Ms. Ni and her project workers are in constant contact with state personnel and institutions. By maintaining the lines of communication in a "professional" manner, AWLH is able to lobby for change – sometimes change in policy, but more often merely in the enforcement of existing Vietnamese labor and health laws – on behalf of its beneficiaries. Seemingly restricted

by the Damocles' Sword of state power, Ms. Ni in fact influences state agencies through negotiation and education in order to make her projects work and to influence state behavior toward her beneficiaries.

Colonizing the State: Third World Assistance Collaborative-Vietnam

The second NGO I worked with is the Third World Assistance Collaborative-Vietnam (TWAC). This NGO was founded and is registered very differently than AWLH. TWAC is technically an international NGO started in 1993 by a European group whose mission was to establish a number of local NGOs on each continent in the Third World, all linked and communicating their development experiences together. They were successful in Africa, Latin America, and South Asia, but they ran into intractable legal problems establishing a local NGO – a VNGO – in Vietnam. As a stop-gap measure, The European founders formed an international NGO based in Ho Chi Minh City. After a few short years of nurturing it, the European director decamped to his office in Europe, leaving the Vietnamese staff in charge of fund-raising, personnel, and operations.

TWAC is run by an academic, Dr. Thang, who simultaneously holds a post in one of the national universities. Holding a government position while doing other work is a common tactic among Vietnamese, allowing them the access and contacts afforded by their government job which enhances their potential for success in their second position. This is what Dr. Thang has done, as he told me in an interview. His

university faculty appointment is such that it does not impinge upon his work for TWAC, but his status as a professor and his contacts through the university certainly augment TWAC's work. Dr. Thang has a large Vietnamese staff – about 20 people, none of whom have employment outside TWAC.

TWAC-Vietnam considers itself a local NGO in all but legal status, which it hopes to change in the near future. As all NGOs in Vietnam, local and international, TWAC-Vietnam operates closely with government partners in the implementation of its development projects. One project is indicative: in this project, TWAC-Vietnam worked with private, urban garbage collectors in a particular ward[87] of Ho Chi Minh City. These garbage collectors push their wagons and carts through the alleyways where the state-owned garbage trucks could not go, collecting household garbage and delivering it to a pick-up point to be carried away by the huge state trucks.

These private collectors often ran into conflict with each other, with the households they served, with the state garbage company, and with the local police. Health and safety were major problems for the collectors, and complaints about their carts or their operations were frequent. Seeing these garbage collectors as a marginalized community, TWAC decided that the best way to improve their standard of living, their relations with the state, and their health and safety would be to organize

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[87] A "ward" or "district" (*quận*) is an administrative sub-unit of a city.

them into several labor "syndicates,"[88] registered under the state-controlled

Confederation of Labor, the umbrella organization for labor unions in Vietnam. These

syndicates promote health and safety measures, issue standardized equipment, and

implement common grievance procedures. They also mediate discussion with the state

garbage company and the local ward government officials. And they worked to get

residence status for garbage collectors' families (many of who migrated without

official permission into Ho Chi Minh City from other provinces) so their children

could attend school.

TWAC-Vietnam considered this project a great success, especially in its

effects on what they termed their "*secondary beneficiaries*" – the local government

officials. Through workshops on best practice, training sessions, discussions, and other

means, the TWAC-Vietnam worked to modify government officials' perceptions that

the garbage collectors are rogue elements that need to be controlled into a view that

the collectors were valuable members of the community that need support and a more

benign form of "management." TWAC's approach of working for state change though

a form of partnership with government officials is by far the most common way that

such change is attempted by Vietnamese NGOs. Organizing the garbage workers

within a state-dominated labor union (rather than as independent, autonomous, and

ultimately confrontational organizations) required state officials to engage in ongoing,

close collaborative work with the garbage workers. In effect, TWAC moved the

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[88] The term "syndicate" is the English translation of a Vietnamese legal term for a form of labor organization that is not a full-fledged labor union.

garbage collectors from a position outside the state's bounds to one within its purview. This simultaneously put the garbage collectors under the direct control of the Federation of Labor and provided them with rights *vis-à-vis* the heretofore capricious local authorities. In effect, by joining the new labor syndicates, the garbage collectors colonized state space.

Neither of these two examples of VNGO operations typify what we, as Western scholars, would expect from civil society. Civil society theory can easily explain, for instance, anti-sweatshop protests or street demonstrations by disaffected garbage collectors. Collaborative work with government agencies while being subjected to restrictive regulations on registration and operations appears to us, at first glance, as the action of collaborators rather than of a resistance movement. This is hardly the shape that civil society is expected to take under classic Western theory. And yet, in Vietnam, this form of civil society behavior has proven very effective in small but meaningful ways. Mutual colonization, even when the power balance is massively skewed in the state's favor, is a tactic that Vietnamese NGOs are finding successful in making social and political changes for their beneficiaries.

Mutual Colonization: Ho Chi Minh City Children and Youth Services

The third NGO I worked with, and the one which I will explore in more depth, is the Ho Chi Minh City Children and Youth Services (CYS). Described by its executive director as a "quasi-autonomous-NGO" or QANGO (and sometimes

described by international observers as a "Government Organized NGO" or GONGO), CYS inhabits that nether world between "state agency" and "non-government organization." Detractors and skeptics often use CYS as a typical example to prove that Vietnamese NGOs are not "real" NGOs. On the other hand, CYS's projects and funding are more typical of the NGO world than of Vietnamese state agencies. Even more than AWLH and TWAC, CYS is a straddler, an amphibious organization. In this section I will describe the structures that allow CYS to function effectively in this role, and which typify the condition of mutual colonization that many Vietnamese organizations find themselves in.

CYS was started in 1992 by two people, an overseas Vietnamese and a "patriotic intellectual,"[89] who saw the problem of homeless children growing after the advent of the *đổi mới* reforms in the late 1980s. In order to achieve their vision of a specialized agency outside of the state, the founders turned to Ho Chi Minh City officials for help and patronage. Crucial to their success would be getting influential members of the ruling elite, both Communist Party members and non-members, to share their vision. The founders built CYS on an organizational structure based on a high-ranking "Management Board" made up of approximately 25-35 members that had day-jobs as city officials, were retired cadre from high-level posts, or were

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[89] Personal communication, 2004. "Patriotic intellectual" was a term used to describe and categorize academics, writers, and other intellectuals who had lived under the Saigon regime during the American War who did not, nevertheless, support the government of the Republic of Vietnam. The person in question was active in anti-war causes in Saigon during the war, but was never a supporter of the National Liberation Front or the Hanoi regime. After the end of the war, when the communist regime came to power, such writers, scholars, teachers, etc., were allowed somewhat more freedom than pro-Saigon intellectuals, but were nonetheless monitored carefully.

influential business people. Under the Management Board is the "Standing Committee," tasked with overseeing the operations and finances of the organization. It is also made up of politically influential people, many of whom had distinguished history in opposition to the Saigon regime or in support of the Revolutionary cause during the American War. For example, at the time of my fieldwork, members of the Standing Committee included a former leader of the anti-war student movement in Saigon in the 1960s who later became the director of the foremost Ho Chi Minh City government children's agency, and a former envoy to the Geneva Convention in 1954 that ended the Vietnam-France War. It was chaired by a well-known, pediatrician, the retired director of the City Health Department.

The fact that the two founding personalities were able to garner so much powerful support points to a couple of things: First of all, the problem of homeless children was becoming severe in the early 1990s. Police programs to round up homeless children and remove them from the city's core were often only temporarily successful, and resulted in outcries from international NGOs, aid agencies, and human rights organizations. However, the increasing numbers and aggressiveness of children beggers, pimps, and hawkers on the streets of downtown Ho Chi Minh City created tensions with local shop keepers and foreign tourists, and made life for the children increasingly dangerous. A new set of solutions was necessary, and the state – in both its national and local incarnations – was not providing them.

Secondly, the founders of CYS met with success in large part because of their personal credentials. Both had opposed the US-backed regimes during the American War in Vietnam, though neither was a direct supporter of the revolutionary side. Since the end of the American War, both of the founders had repeatedly worked on what were perceived by officials to be non-political social issues, and so established a strong reputation for humanitarian goodwill. Local officials knew and trusted them, allowing them to make such a proposal, as bold as it was in the early 1990s in Ho Chi Minh City.

Based on the patronage provided by the officials-drafted-as-board members, CYS was established in 1992 by city government decree. This is an unusual manner for establishing a VNGO, as most are registered through laws that govern research associations or, for those established later, on legal instruments governing social funds However, CYS's establishment predates nearly every other VNGO in the country,[90] and was ground-breaking. Its early establishment is a clear indicator of the political clout embodied in its Management Board.

Thus permeated with state actors – indeed, founded upon the power embodied in the positions that those actors hold – CYS attempts to conduct its daily activities much like any other VNGO that has fewer or less significant governmental ties. In the realm of funding, in particular, CYS is mostly "on its own." The only governmental financial support I found was rent for its main office building, an aging villa well

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[90] CYS officials proudly claim that their organization was the *first* NGO founded in Vietnam.

outside the main downtown districts of Ho Chi Minh City (donated by the city government), and the land on which CYS constructed one of its project offices in the outskirts of the city (donated by the precinct government). Staff salaries, computer equipment, travel expenses and all project operations came from a combination of donor grants and large fundraising events held by CYS every year.

Similarly, project design and operations had little direct input or interference from state agencies. However, as with every NGO in Vietnam, local and international, CYS was required to work through local government partners. For CYS, these government partnerships have both limiting and enabling aspects. Certainly the requirement to conform with and operate under the guidelines of national policy constrains the scope of CYS's work. At the same time, their status and connections within the city government make it relatively easy to obtain permissions for operations.

CYS's projects are geared mostly toward helping homeless children. These projects exhibit an interesting mix of standard charity and cutting edge urban NGO "development" work. On the charity side, CYS operates several children's shelters in Ho Chi Minh City in buildings that they have purchased with donor money or which were donated for the purpose by wealthy local benefactors. Typically the CYS shelters house children from 5 years old up to 15 years old, and usually only for a limited time (about 3 months). In many or most cases, homeless children arrive in Ho Chi Minh City from rural villages because of extreme poverty at home. Children who end up in

shelters are encouraged to return to their homes, and often family counseling is arranged to ease the children's return.

More cutting edge work includes a drop-in services program for homeless children that provides job counseling, family reunification support, referrals to vocational training (for older children), public health and HIV-AIDS information, and mentoring. There is also a photography course that encourages homeless children to document their lives through pictures. Some of the children's photographs are sold at an annual CYS fundraising event. These forms of assistance to homeless children, with their emphasis on the social and psychological needs of the children as much as their physical needs (and the need of the state to control them), were unheard of in Vietnam just a few years ago. Exposure through international donors has allowed CYS staff to investigate and adapt methods being used in successful projects around the world.

Another example of innovation is CYS's child trafficking project. This project is centered on a half-way house that assists young girls who were trafficked into sexual servitude in next-door Cambodia and who later escaped their captors. Amazingly, the program relies on an international agreement between Vietnam and Cambodia – designed in part and lobbied for by CYS – that allows these undocumented Vietnamese girls to be repatriated across the border by the Cambodian and Vietnamese border police. Upon taking custody of an escaped girl, the Vietnamese border police calls in CYS to take charge her. CYS then places her in the

half-way house, where she can receive basic education and vocational training.[91] The

remarkable thing about this project is that a local non-state (or "quasi-state")

organization was successful in affecting *international relations* between Vietnam and

Cambodia on behalf of its constituency. CYS's unique structure and history, with its

close ties to powerful state actors, made this possible.

My own interpretation of the many and varied CYS-government relations in all

aspects of CYS project activities is that they were much less fraught with tension and

much less problematic than I had seen with most other NGOs, either local or

international. My interviews with the CYS executive director revealed the expected

high level of oversight by various state agencies (at the city level), but CYS took this

oversight as a taken-for-granted aspect of their work, tedious but not onerous. It was a

price to be paid (willingly, for the most part) for continuing operations and a continued

relationship of trust, ultimately allowing CYS its accustomed level of operational

autonomy.

This oversight typically took the form of reporting requirements, which, of

course, embodied operational discipline imposed by the overseeing city government

agencies. For example, regular financial reports were required from the Department of

Finance, while operational reports were required by the Ho Chi Minh City Committee

for the Protection of Families and Children (whose director is on CYS's Standing

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[91] The goal is for their eventual re-integration into their families and communities, but the fact that many of the parents have taken money from traffickers, who often react violently when a girl escapes, makes their ultimate resettlement very difficult for CYS.

Committee). In addition, since CYS receives funding from international donors, it must report on projects involving foreign development agencies to both the People's Aid Coordinating Committee (PACCOM, the body that manages INGO activities in Vietnam) and the Public Security Police. The executive director told me that all of CYS's work must take place within the national policy guidelines for children's issues set out by the (national) Committee for the Protection of Families and Children. In addition to these reporting requirements, CYS must demonstrate that its staff is qualified in terms of technical skills and professionalism. "We can't work independently. We have to report and we have to ask permission," the executive director said. "Of course we must be managed by them and they support us through their management."[92]

Claiming to be supported through government "management" may seem a bit of a stretch, but the executive director was completely sincere. Even while complying with state-mandated controls – in fact, *because* her organization jumps through all the bureaucratic hoops – she was expressing the fact that she derives an important sense of security and legitimacy from the very agencies that have her organization under surveillance. She has a certain latitude of operation exactly because she is so scrutinized. In an environment of official concern over the activities of VNGOs, her organization is above suspicion.

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[92] Interview, March 2004, Ho Chi Minh City.

From its founding, through its organizational structure, to the oversight of its daily operations, CYS is "colonized" by the local city government. At the same time it experiences this penetrating gaze of a powerful and suspicious state, CYS makes use of the new approaches and best-practices (to say nothing of the concepts and vocabulary) fostered by its international development donors. It can be argued that it was the desire to try such new concepts and models that encouraged many of the city's political elite to support CYS in the first place. It is often the case that government bureaucracies in Vietnam make it extremely difficult for cadres to experiment with new ways of doing things. So by participating in CYS, concerned cadres were, in effect, outsourcing social innovation. New ideas are quickly transmitted, through the members of the Standing Committee and through governmental project partners, into the realm of the state. According to the executive director, projects are specifically designed to support national policies, but they do so through innovative ideas, models, and techniques. This is an entirely self-conscious process on the part of CYS staff. "We support the government with input; we give them models, good ideas, and best practices," the director told me. Government officials from various agencies are encouraged to visit CYS projects to learn about project design and operations. "We support the government through our pilot projects."[93]

This transfer of ideas has, over time, broadened the scope of response by the state to child homelessness beyond the "round-'em-up" tactics so common when CYS

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[93] Interview, March 2004, Ho Chi Minh City.

was founded. Children are still rounded up, and many are living in governmental shelters that still resemble prison camps outside Ho Chi Minh City, but a CYS staffer informed me that changes in police responses to homeless children, including less frequent roundups, and improved conditions in the camps makes the situation "much better than it used to be." Local police have become acquainted with CYS's operations and often call them in to help with particular cases, or consult with them over children's issues. CYS has become an important part of the child welfare landscape in Ho Chi Minh City, in what was once the exclusive province of state agencies.

The case of CYS shows us that a social service-based organization founded outside the state structure, but well within the influence of state cadre, has the ability to both serve its constituency and to affect state behavior toward that constituency. There are several factors that make this form of organization effective in Vietnam:

1. There is a <u>high level of official confidence</u> in the ideas and the motives of the actors involved in the organization. In an authoritarian state such as Vietnam, this factor cannot be minimized. Particularly in southern Vietnam, where history and social attitudes have bred a certain animosity to the Hanoi regime, and where groups that organize outside of the state are viewed with strong suspicion, official trust is vital to the success of any VNGO.

2. The officers in CYS have <u>intimate knowledge of the rules, procedures,</u> <u>bureaucracies and personalities in the local government</u> that have to be navigated in order to get things done. In essence, they constitute a "political knowledge elite" that gives their organization great advantages over other forms of VNGO.

3. CYS officers' networks of contacts within the city government allow for <u>very quick responses to queries and permissions for projects</u>. Bureaucratic delays are the bane of other forms of VNGO.

4. On the other hand, Management Board and Standing Committee ties to the government make them <u>vulnerable to sanctions and punishment</u> for any problems encountered or created by the operations of CYS. This is the flip-side of the high levels of trust these CYS officers enjoy.

5. Even though the threat of sanctions is present, I think it is not a major consideration, since these officers, by training and by inclination, will tend to <u>conform to state policy of their own volition</u>. In other words, mutual colonization entails forms of self-discipline (in the Foucaultian sense) and perhaps self censorship.

6. From the perspective of the state, <u>surveillance</u> of this type of amphibious organization is made much easier by virtue of its staffing.

The high levels of trust make surveillance a less pressing issue, and the strong links to government agencies make it easier to watch the organization's activities and intervene quickly and quietly if necessary.

7. Of course, all these factors create an <u>ambivalent (at best) reaction from foreign donors</u>. Their effectiveness (due to their ties to the state) and their ability to innovate make CYS very attractive. However, their ties to the state make them a much less desirable partner to donors seeking an "autonomous" form of civil society organization; CYS suffers from being labeled a "not a 'real' NGO."

Thus, the amphibious nature of CYS provides the organization with the legitimacy, prestige, and access it needs to be effective in its work. It suffers, however, from the fact that it is not perceived to be "autonomous." It is only (as the executive director informed me) a "quasi-NGO." Whether in the future the benefits of this ambiguous status will be more significant than the limitations, only time will tell. Up until now, however, the ability to tap the political resources its connections provide has been of immense benefit to CYS. It is by virtue of its amphibious, mutually colonized/colonizing character that CYS has survived and continues to be successful in both providing services to children and bringing new ideas into the state realm. In the era of the *đổi mới* reforms over the last decade, only one or two other local NGOs in Ho Chi Minh City (or elsewhere in Vietnam) has been able to achieve the same

level of success or scope of operations, and the ones I know of have a similar QANGO structure.

Conclusions

Scholars are undertaking the task of re-working and expanding civil society theory, driven in part by internal weaknesses in the theory and in part by empirical work that existing theory is unable to adequately explain. By looking at state-society relations and socio-political activities without the restrictions imposed by that part of civil society theory that demands "autonomy" for civil society actors, we can see that some of the activities and outcomes predicted by civil society theory – advocacy for political change in favor of citizens' rights and interests, for example – are being undertaken by organizations that are *not* autonomous from the state. This chapter argues that state penetration in these organizations may, indeed, impose limits to civil society action, but it also can act as a conduit for information and ideas to penetrate the state. Neither completely creatures of the state nor completely autonomous, these amphibious organizations inhabit the region of a blurred boundary between state and society. Through them, state and society are mutually colonized, influencing each other through activities and alliances that classical civil society theory does not predict.

The ramifications of this approach for both theory and for research are great. Positing that civil society need not be "autonomous," that it can, in some instances and

in some places, work hand-in-glove with the state, flies in the face of the basic

Hobbsian view of the state as a necessary evil that must be kept at bay by its own

citizenry. This is an ontological questioning of fundamental Western liberal ideas,

implying a normative shift in how the state is conceived. Exploration of this shift is

beyond the scope of this paper, but the re-thinking of current civil society theory

suggests that the time is right for such work to be done.

There is a second ramification of the type of re-conception of civil society I

advocate for in this paper, and that is a methodological one.[94] Several on-going

projects are engaged in measuring or assessing the quantity and quality of civil society

in various places around the world. One example is the extensive project undertaken

by CIVICUS, a self-described "global civil society alliance," to measure civil society

in 53 countries around the world (including Vietnam), using an instrument developed

by Helmut Aheier (2004).[95] I would question the extent to which such comparative

work can have meaning unless it is based on a fairly rigid set of definitions and

preconceptions about what makes up civil society. Are they based on the "civil society

against the state dichotomy" and/ or do they focus on autonomy of organizations as a

basic measurement of "successful" civil society? This kind of study would, without a

doubt, miss the richness and nuance that an alternative approach – based on locally

defined sets of criteria for assessing the extent and effectiveness of civil society –

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[94] I would like to thank Lucy Jarosz for pointing out the need to re-think methodology as we re-think the theory.

[95] See also the CIVICUS website: www.civicus.org (accessed October 27, 2005). As this chapter is being written, a study team led by Irene Norlund is finishing their CIVICUS evaluation of civil society n Vietnam.

would reveal. Research methods, therefore, need to shift from looking specifically for autonomous organizations in a society to looking at who within a society/state constellation is undertaking which civil society activities and who is accomplishing which civil society objectives. I would also argue that such a change in methodology would necessitate that the social actors themselves define which state-society relationships and activities are important, rather than have such normative categories imposed on them by outside researchers.

Implementing these two changes in how we conceive of and how we research civil society is a substantial undertaking. Theoretical and empirical rigor are both crucial to this endeavor. It does not mean that comparative studies are impossible, but it does require that we are careful in deciding what and how to compare. Giving voice to our subjects, and being open to changes in our thoughts and even in our research designs will be hallmarks of this new form of civil society research.