

## INTRODUCTION

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# **Chinese Associations, Civil Society, and State Corporatism: Disputed Terrain**

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China has witnessed a veritable explosion in the number of associations at both national and local levels. These range from charities to scientific associations, trade and business associations, cultural groups, professional societies, youth groups, environmental associations, women's advocacy groups—the types that have emerged are too lengthy to list in full. The most recent available official data shows that as of 2007 China contained 354,000 officially registered associations,<sup>1</sup> along with very large numbers of unregistered ones. By comparison, under Mao or even during the early years of Deng Xiaoping's rule, few associations existed beyond the so-called mass organizations that are officially extensions of the Party-state, such as the Communist Youth League, the All-China Women's Federation, and the All-China Federation of Trade Unions. Repeatedly, the government has referred to the new associations as “bridges” between the state and each of China's social and economic constituencies.

Are they bridges, and if so, what types of functions might they fulfill, and for whose interests? In what regard do they stand between

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<sup>1</sup> Xinhua She (New China News Agency), November 27, 2007.

the state and society? Are they largely tools of the state, or are they more often open to the input and influence of their memberships? Might the large number and variety of associations today suggest any significant changes in the broader political and social landscape of China? Does their rapid expansion during the past two decades entail a progressive erosion in the dominance of the Party-state? To what extent does the sphere occupied by associations constitute a contested space, in which state and society essentially vie for influence? Is it possible that the rapid growth in associations helps underpin China's potential future democratization? In short, does the surge of new associations signify the development of a vibrant civil society in China?

### **Civil Society vs. State Corporatism**

Discussions on the overall influence of non-state organizations these days often get broached in terms of civil society. But civil society, as we will see below, can be counterpoised to 'corporatism', an alternative way of envisioning the role played by associations *vis-à-vis* the state and society. This book contains a debate between these two contrasting frameworks.

If we are to determine whether or not China is developing a civil society, we first need to clarify what is meant by the term. In the past decade and a half, the phrase 'civil society' has been taken up by the Western mass media and has begun to enter the lexicon of our politicians, but in this very process it has taken on an increasingly loose meaning. Even so, most uses of the term today still impart a common core meaning: the capacity of an organized society to create a zone that stands apart from the state and that serves potentially as a bulwark against expansions of state power. The term often carries the implication that establishing and maintaining a democracy depends upon the strength of civil society.

Within academic circles, though, that common core meaning is given quite different spins by different authors. This depends in part upon an author's politics, and in part upon diverse intellectual traditions. One important influence has been Hegel, the great 19<sup>th</sup> century German philosopher, who looked back to the autonomous guilds and city governments of late medieval Europe and saw a tradition of political society that needed to be reconciled with the modern state so as to protect the freedom of the individual. In doing so, Hegel at times intimated that the market economy provides such a

buffer.<sup>2</sup> Neo-liberal writers who have recently drawn from the Hegelian tradition have tended to emphasize this particular strand in Hegel and have essentially conflated civil society and the market economy. For this minority, the term ‘civil society’ has frequently been bandied about when defending market capitalism against state regulation and taxation.<sup>3</sup>

A second current definition of civil society, also a minority usage, essentially equates civil society with the components of liberal democracy. The several papers of this nature that I have read over the past decade have seemed to me tautological: civil society is seen as essential for democratization by the authors, who then list whatever they personally feel is essential for democratization, implicitly label this list ‘civil society’, and then conclude that civil society is indeed crucial for democratization.

The third and most prevalent conceptualization of civil society focuses on the role played by autonomous organizations—religious institutions, trade unions, the media, and above all, voluntary associations—in creating the space occupied by civil society. The intellectual roots of this conception of civil society lie, in particular, in the writings of Antonio Gramsci, the early communist Italian thinker, and Alexis de Tocqueville, whose writings on early American democratic society have of course become one of the abiding influences in American political science. Like the other two conceptions of civil society, this third use can be said to have a political bias, in that its adherents imply that a more open society is inherently preferable, but at least this is a political preference that is

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<sup>2</sup> See, e.g., Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, Mass.: MIT Press, 1992) and John Ehrenberg, *Civil Society: The Critical History of an Idea* (New York: New York University Press, 1999).

<sup>3</sup> As just one set of examples among many, the website of the Cato Institute, an important neo-liberal think tank in the United States, contains 2,390 separate citations to “civil society”. The first several dozen of these all refer to civil society as the antithesis of taxation and government regulation. For example, the text of a 1993 speech by the president of the Cato Institute contains passages such as, “In a civil society, people provide for their retirement by saving real money” rather than rely on a government social security system. The Cato Institute has published three books with Civil Society in the titles, and all three, according to the Cato Institute’s publicity descriptions, inveigh against the welfare system and “Nanny state”.

very broadly held. A great advantage of this third conceptualization of civil society, with its more narrow focus on the intermediary sphere between state and society occupied by autonomous organizations, is that it does not presuppose democracy, nor *laissez-faire* capitalism. It leaves the possibility that civil society can exist under a persistent dictatorship, and also the possibility of a vigorous civil society alongside a welfare state and highly regulated economy.

Although for centuries major thinkers have periodically delved into the theme of what we today call civil society, academic interest had very much declined among social scientists during the middle half of the 20<sup>th</sup> century and the term itself was only infrequently used. It is so widely employed today that it may surprise readers to realize that its modern revival originated among dissident intellectuals in Eastern Europe in the 1970s and 1980s,<sup>4</sup> who were conceptualizing a means to seek space within Communist Party political systems to develop personal and group freedoms. In doing so they largely adopted the Gramsci/Tocqueville conception of civil society as a public space created by associational life. But by the late 1980s a minority of the East European writers were borrowing also from Hegel in order to promote the theme that development of a market economy (and implicitly capitalism) was necessary as a bulwark against Communist Party domination.

In the 1970s and 1980s, some of the Western scholars who specialized in Eastern Europe had become directly engaged in dialogues with their East European counterparts and in particular the dissident intellectuals. Through these Western scholars' own writings

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<sup>4</sup> As one of the major books on theories of civil society notes, "The roots of the contemporary interest in civil society lie in the 1980s contention of some Eastern European intellectuals that the accelerating crisis of communism was 'the revolt of civil society against the state'". John Ehrenberg, *Civil Society: The Critical History of an Idea*, op. cit., p. 173. A second book on civil-society theory similarly observes, "The early modern concept of civil society was revived first and foremost in the struggles of the democratic oppositions in Eastern Europe against authoritarian socialist party-states" (Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory*, op. cit., p. 15). In like vein, John Keane declares, "Phase two of the contemporary revival of interest in civil society and the state [Editor's note: phase one, Keane says, occurred only among Japanese Marxists influenced by Gramsci] began during the 1970s in the central-eastern half of Europe." John Keane, *Civil Society: Old Images, New Visions* (Stanford: Stanford University Press, 1998), p. 19.

and through their translations of East European essayists, the civil-society discourse began to percolate into Western Europe and America.<sup>5</sup> Among the first to become aware of the East European currents were Western specialists on China, who had always shared relatively close professional relations with the Western specialists on European Communism. By the 1980s, with dramatic demands for reform emanating from Solidarity in Poland and the Democracy Wall activists in China, and with the rise of Deng and subsequently Gorbachev in Russia, events in China and the East European regimes seemed to be developing along parallel paths, and comparative discussions about the potential for civil society were taken up among these two groups of colleagues.<sup>6</sup>

The interest among Western China specialists about the potential for civil society was heightened when the Tiananmen protests erupted

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<sup>5</sup> E.g., Adam Michnic, “The New Evolutionism”, *Survey* (Summer/Autumn 1976), which suggested developing civil society through organizing voluntary associations; Andrew Arato, “Civil Society against the State: Poland 1980-1981”, *Telos*, No. 47 (Spring 1981), pp. 23-47; Arato, “Empire vs. Civil Society: Poland 1981-1982”, *Telos*, No. 50 (Winter 1981-82), pp. 19-48; Vaclav Havel, *Open Letters* (New York: Knopf, 1991), pp. 125-214; Maria Markus, “Constitution and Functioning of a Civil Society in Poland”, in Robert F. Miller (ed.), *Poland in the Eighties: Social Revolution against ‘Real Socialism’* (Canberra: Department of Political Science, Australian National University, 1984); S. Frederick Starr, “Soviet Union: A Civil Society”, *Foreign Affairs* (Spring 1988), pp. 26-41; Zbigniew Pelczynski, “Solidarity and the Rebirth of Civil Society”, in John Keane, *Civil Society and the State* (London: Verso, 1988); Vladimir Tismaneanu, “Nascent Civil Society in the German Democratic Republic”, *Problems of Communism*, Vol. 38, Nos. 2-3 (1989); Gail Lapidus, “State and Society: Toward the Emergence of Civil Society in the Soviet Union”, in Seweryn Bialer (ed.), *Politics, Society, and Nationality inside Gorbachev’s Russia* (Boulder: Westview Press, 1989), pp. 121-49; Janina Frentzel-Zagorska, “Civil Society in Poland and Hungary”, *Soviet Studies*, Vol. 42, No. 4 (1990), pp. 759-77; Zbigniew Rau (ed.), *The Reemergence of Civil Society in Eastern Europe and the Soviet Union* (Boulder: Westview Press, 1991); Robert F. Miller (ed.), *The Developments of Civil Society in Communist Systems* (Sydney: Allen & Unwin, 1992).

<sup>6</sup> I participated in one such discussion group in Australia whose comparative findings culminated in Robert F. Miller (ed.), *The Development of Civil Society in Communist Systems* (op. cit.). The first published article that I know of that specifically referred to a potential civil society in China was an excellent empirical study by Mayfair Yang published in mid-1989. Mayfair Mei-hui Yang, “Between State and Society: The Construction of Corporateness in a Chinese Socialist Factory”, *The Australian Journal of Chinese Affairs*, No. 22 (July 1989), esp. the section starting on p. 35.

in mid-1989. It was noted that the students at Tiananmen demanded not multi-party democracy but rather the state's recognition of their own autonomous associations.<sup>7</sup> After the protests were crushed, some China specialists began taking a special interest in any potential autonomous activity in China, as a glimmer of hope at a time of post-Tiananmen repression. This interest was associated with hopes for eventual democratization, and was sometimes framed implicitly as a means by which Chinese society might undermine and overturn a brittle repressive state. While the concept of civil society is more encompassing than just associations, autonomous associations lie at the heart of the Gramsci/Tocqueville portraits of civil-society activity; and all of the China specialists who took an interest in civil society were of this persuasion. The question began to be asked in the early 1990s: did the emergence of associations in China herald the rise of civil society? Several academics began fieldwork studies of Chinese associations. Most notable among these early researchers was a collaborative group comprising Gordon White, Jude Howell, and

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<sup>7</sup> The students almost always named their new groups *Autonomous Student Associations* (in Chinese, literally Student Self-ruling [xìzìhǎ] Associations), the intellectuals almost invariably named theirs *Autonomous Associations of Intellectuals*, and the workers organized *Autonomous Workers Leagues*. With these titles, they were explicitly making a point—essentially, a demand for civil society. What the populace demanded was an organized ‘space’ that would not be controlled by the authorities; and that would provide people with a bit of leverage *vis-à-vis* the authorities. Of interest, too, within the space of the two months of protests, as China's urban residents groped toward a new political consciousness, new words and phrases quickly arose to fill gaps in the vocabulary of Party-ruled China. In particular, *shimin*, cityfolk, took on the meaning of *civilian*, as the populace's own new way of describing themselves. They were demanding the right to be viewed not as ‘masses’ (*qunzhong*), as in the orthodox Communist vocabulary, a word that had been used under Mao to denote their compliant role as the Party's mass base, and they were demanding that they be seen as more than ‘citizens’ (*gongmin*), a word that connoted that they had patriotic obligations toward the state (in Chinese, ‘citizens’ serve in the army as a duty, ‘citizens’ pay taxes, ‘citizens’ are loyal). In contrast, within the course of just a few weeks at the height of the Tiananmen protests in May 1989, the word *shimin*, civilian, was on everyone's lips as meaning a collectivity of people with rights unto themselves, people who were asserting an identity not conferred upon them by the state. It may be no coincidence that Chinese social theorists now translate the term ‘civil society’ as *shimin shehui*, using the same word *civilian*.

Shang Xiaoyuan, who produced the excellent book *In Search of Civil Society* based on fieldwork in China between 1991 and 1993.<sup>8</sup>

By the mid-1990s a debate was developing between those who believed that Chinese associations should be studied in terms of civil society and those whose investigations instead led them to believe that almost all associational life in China was state corporatist in nature.

The meaning of corporatism will be discussed in greater detail in subsequent chapters. Suffice it to note here that in corporatism, the state recognizes one and only one association as representing a given constituency. In short, both civil society and corporatism focus on associations and other institutions that stand between the state and society—but whereas civil society perceives this through the prism of society and its capacity to develop autonomous associations, which help to sustain a ‘public sphere’ that can help delimit and place a constraint on state power, corporatism in contrast examines, from the state’s perspective, a situation where the government for its own purposes develops a special relationship with selected associations. Under one variant of corporatism—state corporatism—the state dominates the associations and sometimes even plays a major role in establishing them. The state’s grip on the associations can potentially make them vehicles for squeezing out any capacity for a civil society to operate effectively, independent of the state.

### **A Debate among Chapters**

Based on intensive empirical research, the contributors to this book examine different types of associational activity in China. In doing so, they attempt, among other things, to divine whether civil society or alternatively state corporatism better describes China’s circumstances. A debate, at times implicit and at times explicit, threads through the book, as different contributors take up the civil society and/or state corporatist themes and arrive at diverse conclusions.

China has been in the throes of rapid change, and thus some of the authors also examine how the roles played by associations change over time. Have associations that began life as state corporatist

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<sup>8</sup> Gordon White, Jude Howell, and Shang Xiaoyuan, *In Search of Civil Society* (Oxford: Clarendon Press, 1996); also see Gordon White, “Prospects for Civil Society in China: A Case Study of Xiaoshan City”, *The Australian Journal of Chinese Affairs*, No. 29 (January 1993), pp. 63-87.

creations gravitated toward greater autonomy—or possibly *vice versa*? Do new types of associations emerge over time, and do they carve out new types of functions that were previously forbidden? Do they or do they not help to shape a public space for themselves apart from, and in contrast to, the state?

For a few chapters, the editor has sought out scholars who published findings in the 1990s and has asked them to re-research the same topic and to reshape their findings on the basis of what has occurred during the past half decade or decade. In one case—my own chapter on business associations—renewed research discovered that practices of the 1990s have been stood on their head by more recent developments, due to unexpected reversals in government policy as it maneuvers to stay in command of change. Some of the other chapters examine entirely new types of organizations that have sprung up since the late 1990s. They explore whether these new types of associations are reshaping the boundaries of public activity and discourse and, in effect, expanding the boundaries of civil society. These contributions include Benjamin L. Read’s chapter on self-organized urban homeowner associations, Samantha Keech-Marx’s chapter on new women’s rights associations, and Xin Zhang and Richard Baum’s chapter on a local rural development agency in a poor county.

Chapter One, by Andrew Watson, provides an overview of the wide gamut of associations that have emerged in China during the current “reform era”. Watson explicitly views most of them as contributing to civil society. He maps out a spectrum of categories of associations, from those that are most under the influence of the state to those that are the least, and he provides interesting illustrations of each type of association. He notes that “a transitional state will generate a transitional civil society”, and he examines the “contested space” occupied by some of the associations. On the whole, though, Watson is optimistic that Chinese associations will open the way to a vigorous civil society in future. He sees “the potential for a generational process of civil society development, whereby engagement in the accepted dimensions of associational life generates the habits, practices, and values that contribute to the growth of civil society as a whole”.

In contrast, Chapter Two, by Anita Chan and myself, views most of China’s associations as state corporatist. We argue that to openly exist, an association is required to be sponsored by an organ of the Party-state and must be registered by the government, and that most of

China's major associations were in fact founded by the state and today remain firmly under the control of a state or Party agency. In short, they are state corporatist. But at the same time, we chart the shifts that have occurred over the past two decades in the operations of some associations, and the openings during the past decade for some small local organizations to obtain a measure of autonomy. In Chapter Three, Anita Chan focuses on one of the old 'mass organizations', the national trade-union federation, and shows that even here, sections of this state corporatist organization have been maneuvering within these confines to serve the federation's constituency of employees—with possibilities that members' influence over grassroots union branches will increase in future.

Kenneth W. Foster examines business and trade associations in a provincial city in the following chapter. From his fieldwork experiences, he concludes that these associations (as well as many of the city's professional associations) should be viewed as extensions of the local state's administrative apparatus rather than as participants in a state–society dialogue. In arriving at this conclusion, he implicitly rejects the possibility that the associations can play any role in developing civil society. At first blush, Foster's findings might appear to favor the state corporatist framework, but he also, as readers of his chapter will discover, explicitly rejects the notion that these are corporatist associations. One of the most interesting aspects of the chapter is his exposition of how such an association fits into a cluster of organizations within the umbrella of a local government bureau. Accordingly, as he notes, his chapter sheds light “not only on the nature of local business associations, but also on how the local bureaucracy functions”. And what he finds is that it does not function particularly well in this respect. The government organs that create and sponsor associations normally do not wish to cede any power or responsibilities to them, which greatly limits their relevance and usefulness even to their sponsors.

Chapter Five, of which I am the author, similarly focuses on business associations. Over a time-span of a dozen years, I examine the operations in a large city of the three associations that have been established for owners of large, middle-sized, and small businesses, and I explore the extent to which these have variously functioned in a corporatist fashion. The government has held very different views of petty business owners as against the owners of large businesses, and

its perspective on each of these groups has changed over time in unexpected ways. The chapter shows the dramatic shifts that consequently have occurred in the operations of the three associations—and the government's renewed determination to maintain a corporatist grip on constituencies that it holds concerns about.

Scott Kennedy, in Chapter Six, examines the business associations for several manufacturing industries, and arrives at a different set of conclusions. Kennedy focuses in particular on the unsuccessful efforts by these associations to form price-setting cartels in the late 1990s. He finds that during this period the associations generally were not able to control their members effectively, but at the same time were sometimes influenced by the proactive interest articulation of their memberships. He also finds that the localized manner in which jurisdictional controls were applied over these associations does not fit well with a state corporatist model. Kennedy concludes that “The mixed success of associations in coordinating their members’ activities suggests that no one label—civil society, corporatism, or any other—adequately reflects the nature of government-business relations in China. ... The existence of rival norms and interests in China and different levels of influence over public policy ensures the continuation of a complex struggle to define China’s economic system and the role of associations in it.”

Until the mid to late 1990s, practically the only associations that were able to have at least a modicum of in-put by members were those whose clientele were intellectuals, businesspeople, or professionals. Since then, at the margins, and sometimes not formally registering as associations, small local groups have begun operating on behalf of the poor or aggrieved: on behalf of legal support for migrant workers, in support of rural poverty alleviation, against abuses of women, or in protection of the environment and against the dispossession of communities in order to build dams. Some of these associations obtain the forbearance or support of local governments and are able to register. Some others are able to attach themselves to formally recognized associations and operate in their shadows. Some register as companies or as research institutes. For instance, a support group for gay men in Chengdu, Sichuan, which publishes a quarterly magazine and runs a 24-hour telephone hotline, is registered as a

company, not as an NGO.<sup>9</sup> Some other associations are less willing to bring themselves to the possible attention of authorities, accordingly do not register themselves in any capacity, and quietly operate below the radar of government surveillance.

To a large extent, how these associations are able to operate depends upon the nature of their functions. The government's "Guideline for the Development of Charities, 2006-2010" stresses the positive role that purely charitable associations can play in augmenting China's welfare system. They are seen as harmless, especially if they operate in coordination with the local government. But at the same time, associations that push agendas are perceived warily by officials, and are often suppressed. Even here, differences in the government's tolerance can be perceived. For instance, environmental associations were among the first relatively autonomous groups to arise in the 1990s, and some of them have retained an active existence even when they have lobbied to block dam-building programs favored by important sections of the government. Yet some other environmental groups are persecuted by local and regional authorities when they seem to threaten the government's economic or political interests. Generally, national and local officials have been intolerant of oppositional stances by most associations, which either are kept on a leash or, if they persist in operating autonomously, periodically get put out of operation.

One cogent example was a national campaign in 2005 to investigate associations that received foreign money or had foreign contacts. Many of the more independent advocacy groups have had difficulty raising sufficient funds and have accepted donations from non-Chinese NGOs, and they were suddenly placed in jeopardy. The government initiated the campaign to counter the possibility of a "color revolution" in China similar to those that had recently overthrown authoritarian governments in Serbia, Ukraine, Georgia, and Kyrgyzstan. One campaign casualty was an anticipated new law on registering associations, which was expected to make it easier to register and which was put off indefinitely. In China, campaigns eventually ebb, and within another year the surviving associations

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<sup>9</sup> Drew Thompson and Xiaoqing Lu, "China's Evolving Civil Society: From Environment to Health", *China Environment Series, No. 8* (Washington, D. C.: Woodrow Wilson International Center, 2006), pp. 34-35.

could breathe more easily—until, at least, the next period of campaign-like tightening up by the government.

While Chapters Two through Six examine associations that the government itself played a strong hand in organizing, the final three chapters examine associations that were more autonomously organized. These latter associations function in the arena of women's abuse; engage in poverty alleviation efforts; and take up the middle-class cause of urban homeowner rights. None of the associations that are examined here has been placed in danger of being closed down, and the chapters help explain how these associations are able to operate effectively within the constraints of the Chinese political system.

In Chapter Seven, Samantha Keech-Marx focuses on three advocacy groups that seek to protect women from domestic violence. She observes how they not only get away with operating in a sensitive area, but are even able effectively to press the government to strengthen laws and help educate China's court system to make judgements against abusive husbands. Keech-Marx shows how they are canny in understanding how to operate. As she notes, rather than pose themselves as independent of the government in a critical or oppositional fashion, they frame their activities and rhetoric in line with the government's own perceptions and rhetoric. Keech-Marx observes that "in contrast to the premises of a civil society framework, Chinese popular organizations such as these do not fit into a strict segregation of state and non-state spheres". She argues that a useful perspective from which to analyze these organizations is provided by the 'social movement' literature, which has explored how the most effective social movements have been able to adopt persuasive frames and rhetoric.

In Chapter Eight, Xin Zhang and Richard Baum examine a rural poverty-alleviation and community-development NGO in a poor inland county. Their findings complement Keech-Marx's, in the sense that the rural NGO never "contest[s] the state's sphere of socio-political domination", and indeed, it has accepted a notional allegiance to one of the county bureaus and concentrates on activities that receive the local state's blessings. Zhang and Baum suggest that this is an intelligent and effective *modus operandi* that does not interfere with the NGO's purposes. Research in other countries has drawn similar conclusions. Esman and Uphoff, in a comparative study of local associations around the world, observe that "most successful local

associations enjoy the support or at least the acquiescence of government and are linked to services or resources that originate in the state".<sup>10</sup> On the issue of whether an NGO such as this expands the boundaries of civil society, Zhang and Baum observe that while the NGO scrupulously does not "seek to promote civil society", nonetheless ultimately "the relatively unfettered social space occupied by volunteer organizations such as [the NGO] serve to nourish the roots of an emergent civil-communitarian society."

In the final chapter, Benjamin L. Read examines the homeowners' associations that have sprung up in the big housing developments that have been constructed for the urban middle and upper-middle classes. As a result of conflicts between residents and the management companies that run these private high-rise apartment-building projects, a large number of entirely autonomous homeowners' committees have arisen. Their members are often well-educated professionals and businesspeople with a high capacity to run effective organizations. In some cases, local government administrators have sided with the management companies and have sought to disband them, but in other cases the local authorities have been willing to countenance their activities. As Read notes, the leaders of such autonomous homeowner committees "have no quarrel with the idea of working closely with the state. Still, within the realm of their own interests and concerns, in matters pertaining to their investment in a home, they evince an enthusiasm for organizing in a democratic and self-initiated fashion." Among all the types of associations that are discussed in this book, these groups appear to come closest to representing, in Read's words, "a real, if tentative, manifestation of civil society".

I have briefly focused on some of the aspects of these nine chapters that are directly relevant to the issues of civil society and corporatism. But the chapters are considerably richer in their depictions and analyses than my few sentences can suggest. The authors also go beyond the state/society and corporatism/civil society frameworks, and shed light on a range of other important issues that relate to the nature of the Chinese government, the attitude sets of several important types of Chinese constituencies, and significant changes underway in Chinese society.

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<sup>10</sup> Milton J. Esman and Norman T. Uphoff, *Local Organizations: Intermediaries in Rural Development* (Ithaca: Cornell University Press, 1984), pp. 267-68.