

Society in the State: China's Nondemocratic Political Pluralization

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In the 1990s, there was an attempt to graft onto China the civil society framework that emerged from the various “soft” revolutions in Eastern Europe that began in 1989. There were a number of good reasons for attempting to do so. First, if enough significant parallels could be identified, we would be able to leverage our understanding of these phenomena and make robust cross-sectional generalizations, even predictions. Second, from a normative standpoint, it certainly seemed that the political outcomes tended to be better for the societies than was life under state socialism. Finally, the 1989 crackdown in Beijing and elsewhere in China caused a number of China watchers to rethink their assessments of the People’s Republic and left them struggling to find an explanation for what had happened.

Although some excellent scholarship emerged at that time², what distinguished it from less successful attempts was the former’s willingness to incur criticism over their “Chinese exceptionalist” approaches because they simply did not see the robust similarities between China and Eastern Europe that so many others had wanted to see. In China during the early half of the 1990s, state and CCP intrusion onto non-state institutions, associations, and practices continued apace and the lines where state left off and where society began (and vice versa) remained impossibly murky. This was not simply a function of China’s coercive infrastructure. It was also because of the basic dynamics of governance in China. Except perhaps between 1973 and 1977, there was never a time in

¹ I would like to thank Stanley Rosen and Peter Gries for including me in this volume. This chapter draws from my recent research on hydropower policy in Yunnan and Sichuan (although individual interviews from this research are not cited) and industrial concentration in Wenzhou, Zhejiang, with additional interviews in Beijing. I would like to thank Sebastian Heilmann, Lianjiang Li, Dorothy Solinger Patricia Thornton, and William Lowry for comments on earlier versions. All errors are my own. Interview are indicated by code: the first two digits indicate the year, the middle letters indicate the location (Beijing is “BJ,” and Wenzhou is “WZ”), and the last two digits indicate the overall interview sequence for a given locale (with A, B, C, etc. indicating the number – if more than one – interviews with a given source).

² Dorothy Solinger, *Contesting Citizenship in Urban China: Peasant Migrants, the State, and the Logic of the Market*, Berkeley, CA: University of California Press, 1999; and Elizabeth J. Perry and Mark Selden, eds., *Chinese Society: Change, Conflict, and Resistance*, New York and London: Routledge, 2000.

China where Janos Kadar’s famous remark that “those who are not against us are with us” truly fit: the Chinese state was always sufficiently activist to require and receive more than passive acceptance from its citizenry.

Nevertheless, even as the Eastern European model fell by the wayside, the desire for political freedom evinced by the students and citizenry in 1989 was difficult to simply discard as an anomaly: there continued to be dynamics in society that were not consistent with the goals of the state. And it was difficult to capture these with the existing political frameworks that focused predominantly on the state. Indeed, as China entered its “third decade” of reform, this is truer now than it has ever been.

Contentious Politics

Recent literature on democratization in China tends to focus on elite-driven change, either from the top or through grassroots efforts in line with the Organic Law.³ But this stressing of democratization in China has contributed to a blind spot which obscures the political liberalization that is taking place right in front of our eyes in real time, specifically, the evolution of a more pluralistic policy process outlined above and described below.

Other recent scholarship focuses on the fact that while state capacity has eroded to the extent that organized protest is increasingly becoming a political reality in China, the state’s coercive power remains strong enough to resist the demands of many of these protests, rendering the latter more symbolic than substantive.

Figure 1. Number of Protests in China, 1993-2005

Year	Number of Protests
1993	8,700
1994	10,000
1995	11,500
1996	12,500
1997	15,000
1998	24,500
1999	32,500

³ On future democratization scenarios, see Bruce Gilley, *China's Democratic Future: How It Will Happen and Where It Will Lead*, New York: Columbia University Press, 2004. On local elections, see Melanie F. Manion, “The Electoral Connection in the Chinese Countryside,” *American Political Science Review* 90 4 1996: 736-748; and M. Kent Jennings, “Political Pluralization in the Chinese Countryside,” *American Political Science Review* 91 2 1997: 361-372.

2000	40,000
2001	N/A
2002	50,400
2003	58,000
2004	74,000
2005	87,000

The State Security Bureau has released widely cited figures of 58,000 protests in 2003, 74,000 in 2004, and 87,000 in 2005,⁴ which represent a dramatic upward trajectory since 1993. There has been debate over the significance of these numbers. Some argue that these figures are relatively small when you look at China's overall population or that only a few of these are large-scale organized protests as we might imagine them in the West, and that a large percentage of them are small and insignificant.⁵ Others argue that urban workers have been similarly ineffective as they hindered by the fragmentation of the workforce, the poor prospects for workers disenfranchised by reform, the strong deterrent measures for potential protest leaders, and the strategic dismantling of the state-owned enterprise sector to minimize social instability (or, rather, to isolate into smaller groups those laid-off workers who would be most likely to lead a protest).⁶

Certainly, there has been no shortage of discrete events which have captured the attention of the Chinese public and the world.

- In 2007, the story of Chongqing's "nail house" (*dingzi hu*) achieved the status of legend. Wu Ping, a homeowner in Chongqing refused to give up rights of return on her property when she was offered what she considered insufficient compensation from developers who wanted to build a luxury apartment complex. Wu and her husband held out for three years until their house, perched on a lone column of land surrounded by the excavation site, was finally demolished in April 2007. Wu's "nail-like" tenacity transformed her into a folk hero.

⁴ Joseph Kahn, "Pace and Scope of Protest in China Accelerated in '05," *The New York Times*, January 20, 2006.

⁵ Pierre F. Landry and Tong Yanqi, "Disputing the Authoritarian State in China," paper presented at the annual meeting of the American Political Science Association, Washington, D.C., September 1, 2005.

⁶ Cai Yongshun, *State and Laid-Off Workers in Reform China: The Silence and Collective Action of the Retrenched*, London: Routledge, 2005; Ching Kwan Lee, "From the Specter of Mao to the Spirit of the Law: Labor Insurgency in China," *Theory and Society* 31 (2 April 2002): 189-228; William Hurst and Kevin J. O'Brien, "China's Contentious Pensioners," *China Quarterly* 170 (June 2002): 345-360; and Hurst, "Understanding Contentious Collective Action by Chinese Laid-Off Workers: The Importance of Regional Political Economy," *Studies in Comparative International Development* 39 (2) Summer 2004: 94-120.

- In Wanzhou, also in Chongqing, on October 18, 2004, a full-scale riot involving tens of thousands of citizens erupted when a man named Hu Quanzong beat up porter Yu Jikui for allegedly bumping into him and his wife (and muddying her pant leg) as they were walking down the street. Hu claimed (falsely) that he was a high official (he is, in fact, a fruit vendor) and exhorted the crowd to “knock off” Yu, adding that he would pay 20,000 RMB to have it done. The protests emerged less because of the altercation itself – which is a fairly common occurrence in China – but rather because this *faux* cadre’s words rang true: officials were largely above and beyond the law.⁷
- In Weng’an County, on June 28, 2008, thousands protested what they deemed local authorities’ investigation the alleged rape and murder of a sixteen-year-old girl after she was last seen walking off with two men with ties to the Public Security Bureau.⁸

Still others have focused on the process of the protests themselves and how protesters can come away with something, even if they lose. In their work on “rightful resistance,” O’Brien and Li conceptualize it as “a form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.” Specifically, rightful resistance “entails the innovative use of laws, policies, and other officially promoted values to defy disloyal political and economic elites.”⁹

Yet, the limitations of these actions are all-too-readily apparent. A 2004 survey by CASS sociologist Yu Jianrong found that even though petitions to the central government had risen by 46 percent from 2002 to 2003, “only two-hundredths of 1 percent of those who used the system said it worked.”¹⁰

⁷ Ibid.

⁸ Jim Yardley, “Chinese Riot over Handling of Girl’s Killing,” *The New York Times*, June 30, 2008.

⁹ Kevin J. O’Brien and Lianjiang Li, *Rightful Resistance in Rural China*, New York, NY: Cambridge University Press, 2006, p. 2.

¹⁰ Joseph Kahn, “China’s ‘Haves’ Stir the ‘Have Nots’ to Violence,” *The New York Times*, December 31, 2004.

My argument – while perfectly consistent with O’Brien and Li – rather focuses on different processes occurring in tandem but largely independent of the more grassroots processes they document. In the cases I present here, opponents to state policy are not simply content with *resisting* policies that affect them directly; they also seek to *change* the substance of broader policies. Second, a related point, their principal targets are not merely those local officials whose corruption and other malfeasance run counter to legal and other norms. Rather, their focus is on entering in and working within the policy process to meet their principal policy-related goals.

While certainly lacking the drama of the protests listed above, a quieter but more systematic and wider-ranging developments have also been taking shape whereby the Chinese policy making process has become increasingly pluralized. Under this pluralization, otherwise marginalized officials, non-governmental organizations, and activists of all stripes have managed to push their way into the policy making process and even help shape policy outcomes. They have succeeded in part because they have understood and accepted the general rules of the game of policymaking under the rubric of “fragmented authoritarianism.”¹¹

“Fragmented Authoritarianism 2.0”

There are few well-informed China watchers who would argue with the statement that China has become less authoritarian over the past two decades. There are several reasons for this. First, the institutions that arose during the pre-reform era have adapted to the issues facing China today only imperfectly. The problems these bureaucracies face are arguably more fast-moving and complex than had been the case under Mao. The 1998 government downsizing, as well as the proliferation of leadership small groups and the diluting of the concept of *xitong* all attest to this. The state has responded by delegating responsibilities to economic, social, and other types of actors (whether NGOs, *shiye danwei*, or other non-state or quasi-state hybrids) under the rubric of “small state large society” (*xiao zhengfu da shehui*). Second, there seems to be a gradual recognition by state actors that as information becomes more accessible to China as a whole, there are experts who use such information in a way that is useful to these state actors (who themselves do not possess these same skills) and are thus sought out by the latter. Finally, there is a reinforcing effect whereby success breeds more success: once policy en-

trepreneurs are allowed to participate and their efforts contribute to an outcome they deem successful without drawing prohibitive sanctions.

Yet the basic political structure has not changed. The “fragmented authoritarianism” (FA) framework, first proposed in 1988, has remained the most durable heuristic through which to study Chinese politics. It asserts that policy made at the center becomes increasingly malleable to the parochial organizational and political goals of various vertical agencies and spatial regions charged with enforcing that policy. Outcomes are shaped by the incorporation of interests of the implementation agencies into the policy itself. In short, FA explains the policy process as being governed by incremental change via bureaucratic bargaining.

What *has* changed is that some key actors previously barred from engaging in political and policy processes are now allowed – sometimes grudgingly tolerated, sometimes enthusiastically welcomed – to participate. This chapter suggests that previously-excluded members of the policymaking process in China, officials only peripherally connected to the policy in question, the media, non-governmental organizations, and individual activists have successfully entered the political process precisely by adopting the strategies necessary to work within the structural and procedural constraints of the FA framework. The point of entry is the fragmentation and agency slack that results from institutions unable to adapt sufficiently to rapid socioeconomic change, aggressive lobbying of interest groups, or the changing expectations of the citizenry. These spaces are fertile ground for policy change; that is, if the right set of elements is in place.

Policy Entrepreneurs

The most important of these elements are the “policy entrepreneurs.” John Kingdon defines policy entrepreneurs as “advocates for proposals or for the prominence of an idea” and describes their defining characteristic as “their willingness to invest their resources – time, energy, reputation, and sometimes money – in the hope of a future return . . . [including] in the form of policies of which they approve.”¹² A fragmented political system allows policy entrepreneurs a key resource necessary to compete in such a way within the policy process, specifically, the existence of the “spaces” necessary for

¹¹ Kenneth Lieberthal and Michel Oksenberg, *Policy Making in China: Leaders, Structures, and Processes*, Princeton, NJ: Princeton University Press, 1988, p. 4.

¹² John W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2nd ed., New York, NY: Harper-Collins, 1995, pp. 122-123.

them to exist without being snuffed out by the coercive apparatus of the state. In fragmented political systems, territorial, jurisdictional, and other political cleavages provide comparatively fertile ground for various contending state interests to push their agendas and to arrive at compromises that better reflect their own parochial or institutional goals, which is exactly the method employed by the policy entrepreneurs in China. In other words, the political dynamics captured in the FA framework provide policy entrepreneurs with a road map, a playbook by which they can pursue their policy goals. They adopt the strategies that traditional institutions have used for decades to pursue their agendas and institutional mandates.

There are three new types of policy entrepreneurs in China that figure prominently in the analysis to follow: disgruntled or disenfranchised officials, the media, and nongovernmental organizations.

The first are officials within Chinese government agencies opposed to a given policy, often because of official organizational mandates. These units are able to voice their opposition in part because their policy portfolios give them a degree of political cover. Conversely, by refraining from pursuing their organizational mandates, these units run the risk of being seen as weak or even irrelevant, a potentially deadly label in the current era of administrative downsizing and bureaucratic fat-cutting. Similarly, they may be officials embedded in weak or non-influential offices who seek to enlarge their jurisdictional mandates through extending them to new policy areas.¹³

A second category of policy entrepreneurs is comprised of journalists and editors in a gradually-evolving, increasingly liberal media environment. Although it is important to avoid overstating the growing parameters of acceptable discourse in China, newspapers, magazines, and television broadcasts have provided a platform for journalists to pursue stories that match their own increasingly progressive interests and agendas. This, in turn, has been reinforced by a Chinese media increasingly required to generate its own budgetary revenue. As a result, it must rely on advertising, which can be attracted only by increased circulation and readership.¹⁴ Towards this end, there has been a dramatic increase in the proportion of tabloid journalism stories that, in addition to racy sex stories, cover government injustice, civil protest, and the like.

¹³ Andrew C. Mertha, *The Politics of Piracy: Intellectual Property in Contemporary China*, Ithaca, NY: Cornell University Press, 2005, chapter 5.

¹⁴ Daniel C. Lynch, *After the Propaganda State: Media, Politics, and "Thought Work" in Reformed China*, Stanford, CA: Stanford University Press, 1999.

One particularly important node of the media's power is the close relationship it shares with many Chinese non-governmental organizations (NGOs). One thing that accounts for the successes of NGOs in Chinese politics is that a large percentage of their officers and staff members were trained as journalists or editors, giving them especially close access to the media. NGOs are a critical set of actors that define the contours of policy entrepreneurship in China. There are anywhere from 300,000 to 2 million NGOs in China today. Of course, such NGOs can range from the grassroots good governance advocates deep in the countryside to the lobbying associations identified by Scott Kennedy, as well as local trade associations that emerge largely independent from – indeed, often in contention with – government policy. What characterizes all of these NGOs is that they are different from those helping to bring about regime change in the Soviet Union and Eastern Europe because they must work *within* the Leninist party state and must avoid even the appearance of threatening the structural status quo if they wish to survive let alone effect policy change.¹⁵

Issue Frames

Policy entrepreneurs interpret events using existing ideas in a new way, often with the goal of convincing potential supporters. This can be done by “articulating” how an issue is described. Entrepreneurs link up and assemble events in order to establish a natural and persuasive narrative, offering a fresh, alternative perspective on the issue in question.¹⁶ Entrepreneurs pick symbols that can be packaged in such a way that they offer an alternative perspective by which to understand and appreciate events, objects, and situations.¹⁷ Policy entrepreneurs also “amplify” the issue by identifying its core components and bundling them into an engaging narrative, which they can shop around to potential supporters. Such narratives contain deliberate references to historical antecedents, metaphors and analogies, and images.¹⁸

¹⁵ Michael Büsgen, “NGOs and the Search for Chinese Civil Society: Environmental Non-Governmental Organizations in the Nujiang Campaign,” master’s thesis, Institute for Social Studies, Graduate School of Development Studies, The Hague, Netherlands, 2005, pp. 2-3.

¹⁶ John A. Noakes and Hank Johnson, “Frames of Protest: A Road Map to a Perspective,” in Johnson and Noakes, eds., *Frames of Protest: Social Movements and the Framing Perspective*, Lanham, MD: Rowman and Littlefield, p. 8.

¹⁷ Ibid. See also William A. Gamson, “Political Discourse and Collective Action,” *International Journal of Social Movements, Conflict, and Change* 1 (1988): 219-244.

¹⁸ Hanspeter Kriesi and Dominique Wistler, “The Impact of Social Movements on Political Institutions: A Comparison of the Introduction of Direct Legislation in Switzerland and the United

Berinsky and Kinder articulate the notion of framing as: “complicated event sequences [organized]...in a manner that conforms to the structure of a good story.” How an issue is framed, they argue, helps explain why some events are better remembered than others.¹⁹ Social movement scholars have taken this step further and have argued that issue framing not only aids in the recollection of events, but can even act to actually mobilize citizens to engage actively in the political process.²⁰

The concept of framing is important because it suggests a number of dimensions not captured in the current literature on policy making in China. First, it shows a degree of heft within the Chinese media in its ability to report critically on issues that would have been unthinkable a decade or more ago. It also shows a sophistication of the media to provide its consumers with stories on events that are couched in terms that obviate Beijing’s monopoly on how to spin them. Third, it also shows the effects of NGOs in China, many of their leaders are current or former journalists or editors, in spearheading this media assault. Fourth, it also demonstrates the intimate contact between these media outlets and government leaders in Beijing and in the localities and how this has dramatically affected the policy *making* process, and not simply the *implementation* of policy already agreed upon in Beijing. Finally, it provides the open door necessary to “expand the sphere of political conflict,” in Schattschneider’s classic phrase²¹, by transforming hitherto irrelevant actors not traditionally associated with the policy (but which are now relevant because of the oppositional issue frame cast by the initial policy entrepreneurs) into allies.

In China, “state framing”²² is somewhat indistinguishable from official propaganda. Some types of framing appear to be quite strong – the shift of Falun Gong from a somewhat suspicious homegrown spiritual society to its current conception as a poisonous cult – and is backed up by the state’s coercive apparatus. Similarly, one is likely to find very little deviation from the government “line” on hot-button issues like Taiwan and Tibet. Others, such as “The Three Represents” (*sange daibiao*) have drawn scorn from both citizens and, privately, many officials.

States,” in Marco Giugni, Doug McAdam, and Charles Tilly, eds., *How Social Movements Matter*, Minneapolis, MN: University of Minnesota Press, 2002, pp. 42-65.

¹⁹ Adam J. Berinsky and Donald R. Kinder, “Making Sense of Issues through Media Frames: Understanding the Kosovo Crisis,” *Journal of Politics* 68 (3) August 2006: 640.

²⁰ Noakes and Johnson, “Frames of Protest.”

²¹ E. E. Schattschneider, *The Semisovereign People: A Realist’s View of America*, New York, NY: Holt, Rinehart and Winston, 1967.

²² John A. Noakes, “Official Frames in Social Movement Theory: The FBI, HUAC, and the Communist Threat in Hollywood,” in Johnson and Noakes.

What is far more interesting is the *unofficial* framing that has emerged and how it has shaped the policy processes in the past several years. Of course, there is some scholarship on the role of framing in the political process in China, but it tends to focus almost exclusively on the mass protests of 1989²³, a set of events that is largely unique and unlikely to be replicated while the current regime remains in power. As such, it is not particularly helpful in allowing us to generalize beyond that single, special case.

The International Political Economy of Cigarette Lighters

I have made this argument elsewhere with regard to the issue of China's hydro-power policy.²⁴ In this chapter, I extend this to the policy area of international trade. In doing so, I am making the following claim: this political pluralization is not simply an outcome of the interaction of domestic and international factors; it can also explain China's foreign policy behavior. In other words, these processes cannot be conceptually limited to domestic structures and processes, but to international ones as well, as the case that follows makes clear.

Lighters are a fairly recent luxury in China. Until the early 1990s, most smokers used matches. Wenzhou began producing lighters in the late 1980s. Based on the experience in Japan a generation or so earlier, the Wenzhou lighter industry began working on medium-quality lighters, including windproof ones. In the early days, household businesses would emerge in which there was intense specialization in various component parts of the lighters, much like the extensive supply chain we see in Japan.

In 1991, Huang Fajing established the Rifeng Corporation. Far from cornering the market, Huang faced an environment of intense competition. In 1993, there were 2,000 lighter manufacturers (assembling from parts made by parts local companies) and lighter components in Wenzhou. These companies were largely family operations run out of peoples' homes. The family patriarch was usually the boss, and the employees included brothers, sisters, and cousins. The average size of these operations was between 4 and 5 people (the shift from cottage industries to factories began in earnest in 1994, around which time technical expertise also began to take off). Because of the inevitable problems of quality control that arose from such an environment of unbridled competi-

²³ Zuo Jiping and Robert D. Benford, "Mobilization Processes and the 1989 Chinese Democracy Movement," *Sociological Quarterly* 36: 131-156.

²⁴ Andrew C. Mertha, *China's Water Warriors: Citizen Action and Policy Change*, Ithaca, NY: Cornell University Press, 2008.

tion, The Wenzhou government established an office to test and inspect each factory, and if the factory and its products were not up to threshold, they were denied a license. This brought the number of lighter and lighter-parts factories down to around 300.

At the end of 1992, the Wenzhou Lighter Industry Association (WLIA) was established. This association was able to rein in the collective action problem so that quality grew and Wenzhou could begin developing its own designs for lighters. In addition, the WLIA began a program to protect industry from unfair competition in which each industry association member was compelled sign an affidavit to defer to association rulings when applying for product design rights (i.e., de facto patents). These designs are then evaluated and published in local newspapers for comment. If nobody opposes the new design within a five-day window, the “patent” is granted. As a result, there is an IPR/Patent mechanism *completely within the industry association*. If there is found to be cases of infringement, the association handles it.²⁵ The WLIA was one of the first associations to do this, but it is now increasingly a common feature of industry associations.

However, in 1994, international developments stretched the WLIA’s abilities to the breaking point. The United States was instituting a standard that required lighters valued at two US dollars or less to adopt child resistant properties. This took the Wenzhou lighter industry, which was still in its infancy, completely by surprise. As a result of the passage of this law, export volume in Wenzhou dropped 70 percent *in one month*. Huang resolved that he would not be caught off guard by such exogenous shocks again.²⁶

His vigilance was tested in 2001. Huang was advised by ELIAS (European Lighter Importers Association) President Klaus Troeber, in April that the European Union was planning on establishing a child safety standard. Although this came as a shock to the Chinese manufacturers, these developments had already been going on within the EU for several years. In 1998, four years after the adoption of the regulations in the US, the European Commission issued a mandate (in reality, a request) to the European Standardization Organization (CEN) to develop a European standard for lighters covering child resistance requirements, which were to take into account the US standards. The Chinese saw no meaningful difference in the language between the two sets of regulations except that the proposed EU standards had substituted a two Euro threshold in-

²⁵ Of course, this has not been without controversy, as the local government offices charged with protecting IPR have cried foul that these industry associations are moving into their turf.

²⁶ Interview 06WZO6, December 11, 2006.

stead of the two-dollar threshold in the US regulations. On Troeber's advice, Huang put the WLIA's opposition to the proposed CR standards on the record.²⁷

These proposed standards were part of the EU-China negotiations over China's WTO accession package.²⁸ In October, Huang drafted a document for the State Quality Examination Supervision and Quarantine General Bureau, its Wenzhou counterpart and to other relevant municipal units, outlining the views of WLIA and sought to provide the context on how Chinese industries would be negatively affected. Everywhere the response was the same: we appreciate your predicament, but lighter manufacturing is simply not a strategically important part of the economy.

Huang was a bit more successful with the media. At the same time as he was appealing for support from the government, Huang sent out press releases for a conference that he was sponsoring at the Wenzhou International Hotel. He personally invited WLIA members, local and national media outlets, and officials (such as Wenzhou Jucheng District Chief Li Zhongsu) but as private citizens to a conference on December 21, 2001. The meeting was entitled the "Wenzhou Study Meeting of Common Interests to Resist the Proposed EU CR Law (*Wenzhou yanjiu tongren dizhi Oumeng CR fa'an yantao-hui*)." By bankrolling the event himself, he was able to go beyond official government talking points. The media duly reported on it and thus elevated the issue onto the media wires and into cyberspace.

In the months that followed, Huang Fajing wrote a number of reports and Op-Ed pieces in various Chinese media sources, which found wide distribution. Some of his reports also made onto the secret government news sources, the *neibu cankao ziliao*. Indeed, when asked about this issue during the annual Bo'an Forum, then Premier Zhu Rongji stated that he was already aware it.²⁹

At the same time, a happy coincidence of shared interests was being forged. The Fair Trade Bureau (*jinchukou gongping maoyi ju*) of the Ministry of Commerce (MOF-COM) was established in November 2001, immediately after China's accession to the WTO. The charge of the FTB is to remedy trade barriers, including specifically responding and initiating anti-dumping procedures (there is a "trade barriers division,"

²⁷ WLIA members that signed the statement included the following lighter and smoking paraphernalia companies: Wenzhou Nanhu, Wenzhou Baofa, Wenzhou Yaorui, Wenzhou Shengtai, Wenzhou Zhengda, Wenzhou Lucheng, Wenzhou Rifeng, Wenzhou Dongda, Zhejiang Lisheng, Wenzhou Hongda, Wenzhou Hongri, Wenzhou Tehao, Wenzhou Wangjia, Wenzhou Weili, Wenzhou Dachuan, Wenzhou Ritan, and Wenzhou Taishan corporation (internal document provided by Rifeng Lighter Corporation).

²⁸ Interview 06WZO6, December 11, 2006.

²⁹ Interview 07WZO4, August 8, 2007.

maoyi bilei diaocha chu [although “trade” has since been dropped from the title to expand its scope to include investment] which handles foreign trade barriers, as distinct from “foreign allegations of Chinese trade barriers”). The latter are handled by various government bureaus, depending on the nature of the actual allegations (most handled somewhere in MOFCOM).

The CR lighter case arrived at the doorstep of the FTB in January 2002. The FTB had not been fully established. Indeed, between November 2001 and January 2002, the FTB was mostly focusing on administrative issues necessary to actually set up the office. Much of these efforts were centered on informing others that the office actually exists (i.e., propaganda). Since the FTB was fishing around for a case to begin to do its work, it embraced the CR issue.³⁰

In addition to direct contact with Huang, this case also came up “through a very strange channel”: vice premier and former trade negotiator Wu Yi was in Wenzhou on a fact-finding trip that took her to several cities in Zhejiang province. While in Wenzhou, she met with the local lighter association, which informed Wu Yi about their situation.

On February 6, ranking national officials led by FTB Director Wang Jiechun came down to Wenzhou to discuss the CR draft law. By this time, local officials were getting the message from Beijing that they should take this seriously: Huang received support from the Wenzhou Municipal Government and from municipal bureaus that not long before had rebuffed Huang’s efforts.³¹

Things on the European side were moving apace. The voluntary standard (EN 13869) was adopted in 2002.³² But this was regarded as suboptimal by many in the EU. This provided an opportunity for the Chinese side to try to influence the decision to move it closer to Beijing’s ideal point. In the Spring of 2002, another delegation led by the deputy director-general of the FTB (and including Huang Fajing) went to Europe to discuss the issue with the EU authorities.³³

³⁰ Interview 06WZ06, December 11, 2006.

³¹ Interview 07BJ02, August 13, 2007.

³² In the EU, lighters are subject to the general safety requirement of the General Product Safety Directive 2001/95/EC (GPSD). However, this Directive does not include specific criteria for lighters (or any other products). In order to assist businesses and national market surveillance authorities, the GPSD allows for the referencing of European standards in the Official Journal of the EU, thereby conferring presumption of conformity with the GPSD for those products complying with such standards. For lighters, the EN ISO 9994 standard is referenced but this standard only includes general safety specifications for lighters and does not set out CR requirements. With the adoption of EN 13869 by CEN in 2002, such CR requirements were in place but the standard was not applied by industry, nor was it enforced by the national authorities (which in the EU have the sole responsibility to undertake market surveillance).

³³ Communication with EU Official, December 9, 2008.

On March 21, 2003, an official body was established that indicated that for the first time, the government was officially involved in the discrete EU CR issue. This body eventually became known as the *Zhongguo zhengfu lianhe daibiaotuan*. This group embarked on a tour of six EU countries, including Germany, Italy, Belgium, Spain, France, and Portugal. The group included four people from government (i.e., the FTB) and three from industry, including Huang Fajing. The business people paid for themselves and the government people paid for *themselves*, even though, as Huang Fajing himself noted, “we [the industry people] paid for the banquets and incidentals”). The Chinese were able to evince that the Europeans began to appreciate the Chinese position and to appreciate the Chinese points of view. These efforts were reported in the European media, including the local Chinese media in Europe. In China the impact was even greater. “Almost everybody in China” was aware of what was going on, according to Huang, who added, “if the people know, so does the government.”³⁴

In 2004, 2005, and 2006, Beijing sent an ever-growing set of delegations to the EU, which visited an increasing number of countries. These delegations included representatives from the FTB, Wenzhou and Ningbo lighter businesses, European importers of Chinese lighters, representatives from the Wenzhou government, and, of course, Huang Fajing. Over time, the two sides became increasingly sympathetic to the concerns of the other side. Bringing the situation full circle, in late 2006, the Ministry of Commerce sponsored a panel discussion in Wenzhou on lighter child safety standards, with Huang as one of the organizers.³⁵

The European Commission was still trying to ameliorate what it saw as an imperfect situation,³⁶ ultimately proposing that Member States to adopt a specific Commission Decision (not a Directive) under article 13 of the GPSD, to ban non-CR lighters as well as novelty lighters.³⁷ Although the language of the standard includes the two Euro

³⁴ Interview 07WZ04, August 8, 2007.

³⁵ “Ministry of Commerce Takes the Lead in Convening in Wenzhou a Conference on the European Child Safety Standards for Lighters,” Huainan Intellectual Property Office website, <http://zscq.hn.gov.cn/popbase.asp?id=676> (accessed December 22, 2008).

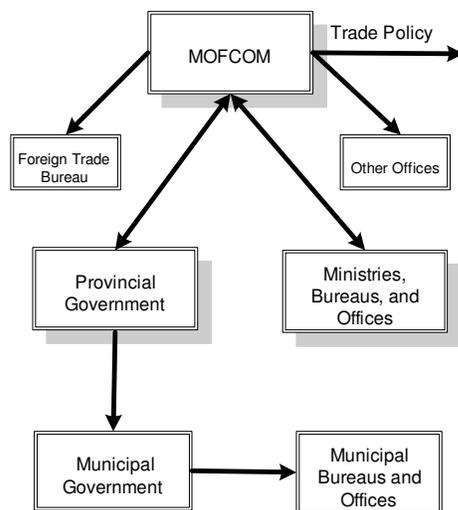
³⁶ A 2002 study on the effectiveness of the initial 1994 US legislation reported a 60 percent reduction in fires, injuries and deaths caused by children under five, due to the enforcement of CR requirements for lighters alone. An average of one hundred lives had been saved in the US every year since 1995 due to the introduction of CR requirements.

³⁷ This Decision (2006/502/EC) is a temporary Decision valid for periods of only 1 year and has to be renewed yearly. These temporary Decisions are still in place and the Commission has given a second mandate to CEN to revise EN 13869, with the aim to publish its reference in the Official Journal and subsequently stop extending the Decisions, which are not intended as a permanent measure. The revision of EN 13869 aims amongst other to bring the definition of lighters covered by its scope in line with that of the Decision.

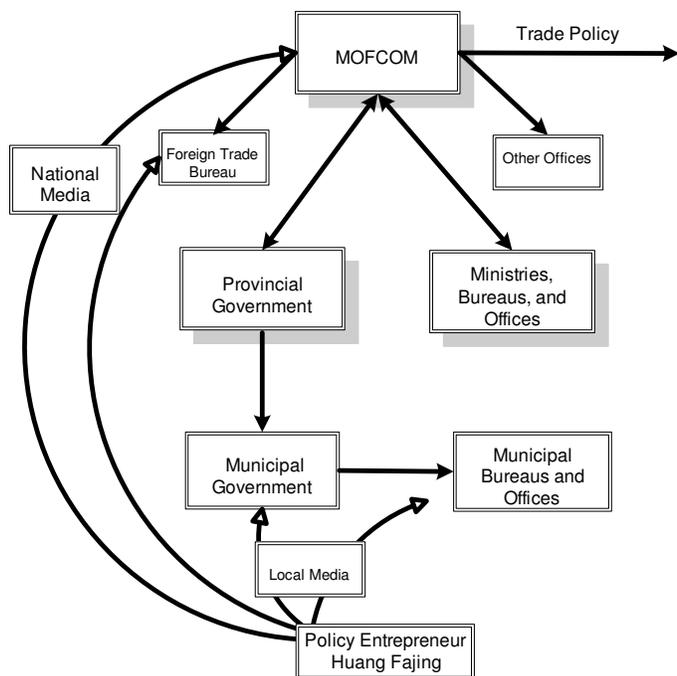
threshold, the Decision includes technical parameters to distinguish between lighters in or outside the scope of the Decision because EU member states felt that lighter safety should not be linked to the cost of a product. In essence, the two Euro standard was rendered toothless. This was seen as a significant victory by the Chinese side because they saw that their concerns had been incorporated into the Decision.³⁸

Assessment

Traditional Foreign Trade Policy



Sino-EU CR Lighter Trade Policy



Policy Entrepreneurship: Huang Fajing

Although a simple Google search easily illustrates Huang Fajing’s talent for self-promotion, it is nevertheless extraordinary that China’s first dispute – the first battle it chose to fight – as a WTO member was driven by the strategic concerns of a local lighter manufacturer in the Wenzhou backwater. Huang Fajing’s role as a policy entrepreneur was absolutely critical to shaping this entire process. He began as an “interested party” and coordinated managed these activities to get key Chinese officials to go to Europe to discuss these issues, particularly from MOFCOM’s Fair Trade Bureau. He has interacted

³⁸ Communication with EU Official, December 9, 2008.

with the EU Health and Consumer Protection Directorate, the EU CEM, EU member health directorates, and EU manufacturers and producers. Huang himself was honored as one of China Central Television's "Men of the Year" in 2003³⁹, and in late 2007 a feature film was released in China documenting Huang's travails, entitled "Brilliance in Europe" (*dianliang Ouzhou*).⁴⁰ Finally, this has also emboldened other Wenzhou-based industries, particularly eyeglass and leather shoes, to get involved in EU anti-dumping cases.

Issue Framing: Recasting "Child Safety" to Appeal to Chinese Nationalism

In addition to exploiting the chance opportunity of an underworked Fair Trade Bureau, Huang's policy entrepreneurship was best illustrated by the way in which he framed the issue. His December 2001 conference title – the Wenzhou Study Meeting of Common Interests to Resist the Proposed EU CR Law – was a clever device that evoked two long-running political themes. First, the use of the verb "resist" (*dizhi*) is particularly resonant of the language of the Korean (or the "Resist America and Aid Korea" [*kang Mei yuan Chao*]) War era. By injecting this phrase, Huang was able to animate this association from his audience. In addition, and perhaps less directly, Huang was able to evoke the national meta-narrative of China's "Century of Humiliation" (*bainian guochi*)⁴¹, inspired by Europe yet again trying to prevent China from benefiting from and thus being able to take its rightful place within, the global free trading system. In sum, Huang was able to reframe the issue from what as a bone-dry technical dispute to another, contemporary chapter of the long history of China being disadvantaged by the West under the heading of "fair trade under WTO rules." At the time, "WTO fever" was running high in China and any story on the WTO seemed to find a media outlet. *This* story, in particular, that is, "the EU is violating its own WTO rules," was irresistible to the media, which made up a large part of the conference participants and dutifully reported on it.

³⁹<http://www.88088.com/wzpp/sjmr/2008/0909/328927.shtml> (accessed December 22, 2008).

⁴⁰ <http://www.mtime.com/movie/76184/plots.html> (accessed December 22, 2008). The movie is based in part on Huang Fajing's story, but there has been some artistic license to incorporate a love story and other fictionalized events.

⁴¹ Peter Hays Gries, *China's New Nationalism: Pride, Politics, and Diplomacy*, Berkeley, CA; University of California Press, 2005.

Conclusion

In this chapter, I have argued that in addition to the many other forms of “contentious politics” taking place in China today, there is another, perhaps ultimately more substantively influential process that is unfolding. This idea of political pluralization within the constraints of the fragmented authoritarianism framework is different from other forms of contentious politics along several dimensions. First, it is not simply concerned with “letting off steam” or “standing on principle,” but is focused on actual substantive policy change. Although not immune to criticism of “cooptation by the state,” such a process is perhaps more akin to the post-1960s social movement conclusion that “to change the system, you have to become part of it,” or at the very least to “work with it.”

Second, unlike other forms of contentious politics in China today, this political liberalization is far less threatening to the status quo of state power in China. This is due in no small part to the conscious decision on the part of policy entrepreneurs to not simply appear nonthreatening, but to actually provide some sort of benefit to its potential allies within the system.

Finally, this means that such a framework is far more amenable to transportability to other policy areas. Unlike the more contentious dialectical model of “protest, crackdown, possibly improve upon the status quo ante (but really focus on ensuring that anger is nipped in the bud as opposed to resolved),” the framework I identify here has the benefit of securing government cooperation. It is therefore far more generalizable to other policy areas, as underscored by the case discussed in this chapter. Although it is important to avoid being Pollyannaish by overextending these findings, we should similarly start looking at political liberalization and pluralization – as opposed to democratization – as the more likely explanation for the explosion of interest articulation within the People’s Republic of China’s continuing authoritarian governance system.