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The Consumer Citizen in Contemporary China

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Abstract

This paper examines the concept of the 'consumer citizen' in contemporary China, focussing on growing rights consciousness. It demonstrates how rights consciousness in the area of consumer rights is being promoted and facilitated *by* the state, essentially in the interests of its reform agenda. It also shows how individuals are developing and asserting their consumer rights within government-created structures, as well as within the expanding social space in China. The major theme is that, in the area of consumerism, people are asserting rights not *vis a vis* the state, which is the focus of much of the debate about the nascent growth of civil society in China, but *vis a vis* the market, with the endorsement and encouragement *of* the state.

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Introduction¹

On 12 September 2000, a ceremony was held to mark the completion of the second phase of the reconstruction of Wangfujing, Beijing's best-known shopping street. It had cost 340 million *yuan* and involved the demolition of more than 300 buildings to make way for a widened road, landscaping and the shiny glass-fronted edifices of the turn of the century. The local authorities' objective was to enable Wangfujing to reclaim its position as Beijing's major shopping area, a reputation that had been undermined by new developments in areas including Xidan and Qianmen.

The new Wangfujing, like its revamped Nanjing Road counterpart in Shanghai, is a visual symbol of what has become known as China's 'consumer revolution' (Li 1998, Chao and Myers 1998, Wu 1998, Davis, ed. 2000). The general ethos is that of the total consumer experience, blending – like consumerism in much of urban Asia – modernity, globalisation and repackaged tradition (Pinches, ed. 1999; Chua, ed. 2000). As an official of the Wangfujing Development Office expressed it: 'We wish to give people an image that Wangfujing is not simply a centre for shopping, but a place to buy, eat and play' (*China Daily*, 7 September 2000). The Sun Dong An Plaza has seven fashionable floors of Chinese and Western stores and boutiques, a colourful ground floor children's playground allowing parents to shop undisturbed, and Starbucks and a 'traditional Beijing street' in the basement. The One World Department Store, facing the Crowne Plaza Hotel across the once narrow Goldfish Lane (now described as an avenue of hotels and restaurants), features the products of global consumerism. The famous Donglaishun Restaurant, relocated to Wangfujing, mixes with KFC, Dunkin' Donuts and the Banpo Beer Hut. In the grounds of the restored Wangfujing Roman Catholic Church (formerly better known as the Eastern Cathedral), crowds look across Wangfujing to watch the latest brave souls being flung forty metres or more into the air from the controversial bungee jump towers outside the Lisheng Sports Shopping Centre.

Amidst the glitzy neon-lit advertisements for Coca-Cola, Nestlé, Haier and L'Oréal (with film celebrity Gong Li as the new 'elegant Chinese' face of L'Oréal), a plainer sign features a female official against a modern skyline and the statement: 'Protect consumer rights according to law' (*yifa baohu*

¹ I would like to thank Chen Chuqing for research assistance with this project, and for sharing with me her first-hand knowledge of the Chinese legal system. I would also like to thank participants in the conference *Political Practice in Modern China*, held at the University of Cambridge on 25-27 June 2002, for their comments on an earlier version of this paper.

xiaofeizhe quanyi). The sign's rather dated design might appear somewhat out of sync with its twenty-first century commercial environment but it reflects a second, parallel aspect of China's consumer revolution: the notion – in the eyes of both the government and the population – of the consumer as a citizen with rights to be protected.

This paper examines the concept of the 'consumer citizen' in contemporary China, focussing on growing 'rights consciousness' which, as Minxin Pei and Stanley Lubman have commented, has risen considerably in the post-Mao era (Pei 2000: 35-37; Lubman 1999: 36-37). The paper demonstrates how rights consciousness in the area of consumer rights is being promoted and facilitated *by* the state, essentially in the interests of its reform agenda. It also shows how individuals are developing and asserting their consumer rights consciousness within government-created structures, as well as within the expanding 'social space' that has resulted from marketisation and the growth of consumerism (Davis 1995; Davis, ed. 2000).

In the area of consumerism, therefore, people are basically asserting rights not *vis a vis* the state, which is the focus of much of the debate about the nascent growth of civil society in China,² but *vis a vis* the market, with the endorsement and encouragement *of* the state. As Chamberlain (1998: 81) points out in one of his critiques of the civil society debate, one needs to examine not two but three 'force-fields: state, society and market'.³ Relations both between and within these force-fields constitute a complex set of interactions and alliances. In the case of consumer rights, the market is the major target, just as it has increasingly become for workers and trade unions, in an environment where 'individual members of society can turn for protection *to ... the state*'⁴ (Chamberlain 1994: 117; also Chamberlain 1998:80).

The State: Creating the Consumer Citizen

The concept of the Chinese citizen, with the rights and obligations attached to citizenship, has been the subject of considerable attention in China during the post-Mao era. Official discourse has shifted from people's collective identity as 'the masses' or 'the people', or individually as 'comrades'

² For an overview of the debate, see Ding 1998.

³ While Chamberlain is referring particularly to social associations (*shehui tuanti*), of which the China Consumers' Association is one example, he also stresses the importance of 'individual autonomy' in relations with the state and the market.

⁴ The italics are mine.

contributing to that collective identity, to 'citizens' with individual rights as well as obligations. In 1995 the Government published the *Chinese Citizens' Handbook* and the concept of 'good citizenship' has been a frequent topic of public discourse (Keane 2001, Anagost 1997: 75-97).

As both Western and Chinese scholars have pointed out, however, the official Chinese concept of rights continues to be different from what it is in the West, reflecting a consistent historical pattern (Nathan 1985, Li and Wu 1999, Keane 2001). First, rights are bestowed by the state rather than being a matter of birth (natural) rights. Chinese sociologists Li Buyun and Wu Yuzhang argue that this is also how citizens see their rights:

For most Chinese, the rights of citizens are given by the government, and a citizen is part of the state: citizens perform their duties and, in return, government gives them their rights (Li and Wu 1999: 165).

A 1993 survey undertaken by Chinese legal scholars appeared to endorse this view. Four times as many people thought that even the right to the 'security of life' was granted by the state and government rather than being given at birth (Xia, ed. 1995: 46). Second, the official Chinese concept of rights is limited compared with the West, not extending to the 'political citizen'. The emphasis on 'social citizenship' rather than 'political citizenship' again has historical antecedents (1985), with its latest manifestation linked to the post-Mao government's economic priorities. As Keane (2001: 1) states, citizens' rights occur 'primarily as socio-economic benefits of China's reform agenda'.

The rule of law has been an important part of that reform agenda, and major legislation has included the Civil Law (1987), the Administrative Litigation Law (1990), the Labour Law (1995), and the Criminal Law (1979, amended 1997) (Lubman 1999 *passim*). The population has regarded consumer rights as one of China's most important legal issues, as illustrated in a 1997 survey conducted by the Lingdian Market Research Company in ten major cities.⁵ In response to the question as to which laws they thought were the most important, respondents listed the Consumer Rights Law (29 per cent) ahead of the Labour Law (25.1 per cent) and the Criminal Law (19.1 per cent) (Diyishou 1997).

⁵ The Lingdian (Horizons) Market Research Company is China's largest independent social research organization. It has based a number of its comprehensive surveys on ten cities: Beijing, Shanghai, Guangzhou, Nanning, Chengdu, Wuhan, Xian, Jinan, Shenyang and Xiamen.

This result reflected the dominant ethos of the post-Mao era: a burgeoning consumer society, the development of the individual's identity as a consumer, and the desire to protect that identity in the face of threats from shoddy products and faulty services. While these problems are hardly unique, they are particularly characteristic of developing countries where quality control measures lag behind increased production and where consumer satisfaction is not considered a high priority by manufacturers and service providers (Thorelli 1988: 532; Wood 1994: 104). Characteristic problems, which China has shared, are sub-standard products and services, a lack of product safety (including unsafe appliances and adulterated food and alcohol), product deception (fraudulent and imitation goods and brands), and false or misleading information in advertising and packaging.⁶

The dominant grievances have shifted over the past two decades in line with rising incomes and changing consumer behaviour: refrigerators and washing machines in the mid-eighties; microwaves, air-conditioners and VCRs in the 1990s, and mobile phones, on-line sales, apartments and private cars in the new century. Complaints about services, including the much-beleaguered China Telecom (as well as provincial telephone companies), have been more consistent, though they have also moved with the times; home decoration firms and travel agents are two of the most recent categories. Foreign products, which have usually had a high quality reputation, have not been immune, with accusations of second-rate goods being 'dumped' on the Chinese market (*Zhongguo xiaofeizhe bao*, 21 September 1994).⁷ Over the past year, faulty Mercedes cars, Mitsubishi four-wheel drives, and Toshiba computers have all come in for criticism.

For the government, the presence of sub-standard goods, fake products and poor services has been a continuing threat to its economic reform agenda, including its national and international reputation (and in the case of pirated CDs, computer software and other products, to its international relations). Its attack on the problems has been two-pronged. First it has targeted manufacturers and their products, implementing laws and regulations on product quality and instituting wide-ranging inspection and testing procedures. Second, it has promoted consumer rights in accordance with the official view that 'increasing public awareness of their [consumers'] rights is a powerful force for a cleaner, better market' (*China Daily*, 13 September

⁶ Consumer problems are discussed in detail in Hooper 2000a: 97-103.

⁷ On the reputation of foreign consumer products, see Hooper 2000b.

2001). The importance the Government attaches to this second activity is apparent from the amount of attention devoted to it for almost two decades.

Particular emphasis has been placed on establishing structures for consumers to seek redress for grievances. Consumers' associations existed from the early 1980s, first at local and provincial levels and, with the establishment of the China Consumers' Association (*Zhongguo Xiaofeizhe Xiehui*) in 1984, at the national level. By the mid-1990s there were over 3,000 consumers' associations at provincial and county level, in addition to a reported 45,000 grass-roots organizations (*Zhongguo Xiaofeizhe Xiehui*, ed.1995). Reflecting the manner in which the government links consumer rights to its economic objectives, the Charter of the China Consumers' Association (CCA) states that its purposes are 'to protect consumers' interests, to guide the broad masses in consumption, and to promote the development of the socialist commodity economy' (*Zhongguo Xiaofeizhe Xiehui* 1995: 52-53, translated in King and Gao 1991: 117). Close links with government departments are also a feature of the Charter which states that the CCA

shall keep close contact with the administrative authorities for industry and commerce and the various departments in charge of commodity inspection, standardization, measurements, prices, public health, etc., and shall, at the same time, get their help and support (*ibid.*).

Close government connections and direction place the CCA at the 'corporatist' end of the spectrum in the ongoing academic debate about whether the growth of social associations (*shehui tuanti*) signifies the development of a nascent civil society.⁸ Indeed the Association is officially acknowledged as being 'semi-official [with] positions of responsibility ... held by government officials' (*Beijing Review*, 27-19 July 1990). The CCA's two presidents to date, Li Yanshou (1985-91) and Cao Tiandian (1992-), have both concurrently served as vice-presidents of the State Administration for Industry and Commerce,⁹ while office-holders have usually been officials of provincial or municipal Bureaus of Industry and Commerce. Despite its close government links, the CCA's consumer

⁸ See, in particular, Unger and Chan 1995. For a detailed discussion of the debate, see Ding 1998.

⁹ The State Administration for Industry and Commerce has formal responsibility for the protection of consumer rights, as well as for punishing the marketing of sub-standard and fake products, as part of its overall functions of administering industry and commerce. This has included the drafting of the Consumer Rights Law and the laws listed at the end of this section.

protection role is still the customary one of a consumers' association: seeking recompense for dissatisfied consumers and educating them in their rights, as discussed below. Indeed the experience of several consumer associations in Southeast Asia indicates that, without close government links, consumer rights associations find it difficult to have any real impact (Rachagan 1992: 270-72; Hsieh and Scammon 1993: 74-76).

Formal legislation has supplemented the role and activities of the consumers' associations: both within general laws and in laws specifically designed to protect consumer rights. Thus Article 122 of the Civil Law (effective 1 January 1987) stated: 'If a substandard product causes property damage or physical injury to others, the manufacturer or seller shall bear civil liability according to law' (King and Gao 1991: 137). The national Law for the Protection of Consumers' Rights and Interests came into effect on 1 January 1994, following earlier laws at municipal and provincial levels (first in Shenyang and Fujian in 1987, and Beijing, Shanghai, Hebei and Sichuan during 1988) (King and Gao 1991: 73-116). The new law included provisions for the consumer's right to safety of person and property; to information on a commodity's price, place of origin, producer, usage, date of production and date of expiry; to free choice in purchasing commodities or services; to fair dealing (quality, reasonable price, accurate measures, etc.); to compensation where harm was inflicted upon their person or property, and to the refund of payment for a commodity (Xie 1994: 504-13).¹⁰

Government legislation specifically aimed at protecting the consumer was once again part of an overall strategy to improve the quality and reputation of Chinese products and services. It was complemented by a raft of laws aimed at remedying deficiencies in the market, including laws on product quality (1993), combating unfair competition (1993), trademarks (1993) and advertising (1995). As Ngok (2002: 31) states in his analysis of legislative activism at the Eighth National People's Congress in 1993: 'Law-making has become an essential tool for regulating and protecting the market economy'.

Promoting Consumer Rights Consciousness

Minxin Pei has pointed to a 'broad trend of increasing rights consciousness among ordinary people' during the post-Mao reform era (Pei 2000, 35). This has undoubtedly included an expanding level of consumer rights

¹⁰ For an English translation, see ChinaLaw Web.

consciousness, though survey results are often difficult to compare because they ask slightly different questions. As would be expected, there has been a significant urban-rural variable. For example, a Lingdian survey undertaken in seven cities in early 1998, found that 90.1 per cent of people had heard of the Consumer Rights Law (*Diyishou* 1998), while a CCA survey of rural consumers, carried out at around the same time, revealed that only 55 per cent of those questioned knew about the law (*China Daily*, 11 March 1998).

The growing awareness of consumer rights, particularly in urban areas, is partly attributable to the government which, in creating the 'consumer citizen', has pursued strikingly similar educational/propaganda (*xuanchuan*) strategies to those it used for the earlier moulding and remoulding of 'the people' or 'the masses'. And while it no longer has such complete control over the means of communication, including print media and television, the dramatic expansion of these has meant that it actually has more communication outlets at its disposal.

The CCA, often in association with relevant government organisations, is the major avenue through which education and information on consumer rights are provided. It publishes the daily (formerly thrice-weekly) *China Consumer News* (*Zhongguo xiaofeizhe bao*), as well as magazines at provincial and municipal levels. Reflecting the CCA's close official links, many of its magazines are published jointly with relevant government departments, particularly provincial and municipal Bureaus of Industry and Commerce.¹¹ Since 1998 the CCA has had its own Internet site (www.cca.org.cn), which features details of the Consumer Rights Law and related laws and regulations, as well as providing information for consumers on current issues. The site is interactive, with a consumers' forum and the facility for dissatisfied consumers to submit their complaints online. Further sites are run by some provincial consumers' associations, as well as by *China Consumer News*: the recently established and wide-ranging 'China consumer net' (www.ccn.com.cn) and an older site entitled 'For monitoring the protection of consumer rights' (www.ccj.org.cn).

A number of government organisations, particularly the State Administration for Industry and Commerce (SAIC), also participate in informing and educating the consumer, in addition to attacking problems through the targeting and supervision of producers and service suppliers. In

¹¹ These include magazines published jointly with the provincial-level Bureaus of Industry and Commerce of Sichuan, Shanxi and Shaanxi, and with the municipal Bureaus of Industry and Commerce of Shenyang, Guizhou and Zhenjiang, (*Zhongguo Xiaofeizhe Xiehui*, ed. 1995: 41-43).

March 2000, for example, SAIC inaugurated a national consumer complaint telephone hotline, 12315, to 'provide prompt legal advice to disgruntled consumers' (*China Daily*, 16 March 2000). It has also been active in publishing or sponsoring books and booklets on consumer rights, such as the *Chinese Consumers Practical Use Series* which included booklets containing advice on food, soft drink, restaurants, computers, tourism, cars, clothing, medicine, furnishings and advertising (Guojia gongshang xingzheng guanli ju 1997).

Official statements about consumer rights and problems appear regularly in the media but these receive particular attention on and around 15 March each year. Here the government uses the familiar technique of focusing attention on an issue by utilising the relevant 'International Day' – in this case International Consumers' Day. The CCA joined the International Organisation of Consumer Unions (now Consumers International) in 1987 and International Consumers' Day receives more attention in China than in many of the 120 countries whose consumers' associations belong to the organisation. As publicity surrounding International Women's Day (8 March) dies down, attention switches to International Consumers' Day, with exhibitions, features in the print media as well as on radio and television, and government statements on the familiar theme of 'progress and continuing shortcomings'. In 1995, the *People's Daily* first published details – a feature that has continued – of the ten worst cases of consumer abuse during the previous year; they included liquor diluted with methanol in Sichuan that poisoned dozens of people, the production in Henan of faulty gas cookers that exploded when used by customers, and contaminated soybean milk in Jiangsu that affected 1,300 primary school pupils (*Renmin ribao*, 15 March 1995). Each year International Consumers' Day is rounded off with a live CCTV (China Central Television) program, featuring CCA and SAIC officials who respond 'live' to consumer complaints.

A perceived problem with International Consumers' Day, like International Women's Day, is that it focuses attention on the particular issue for only a short period and, at least in the eyes of some people, provides an excuse for ignoring problems at other times. 'How about the rest of the year?' a correspondent to the *Market Daily* asked. 'Don't the problems revealed on 3.15 each year indicate that consumers' rights are not being protected on ordinary days?' (*Shichang bao*, 1 April 1998).

The Government uses a further strategy familiar from the Mao era: mobilising the population to assist its efforts, in this case not to create a communal socialist society but to eradicate consumer problems and

particularly the fake products which pervade the market. Over the past ten years, it has launched a series of ‘fighting fakes campaigns’ (*dajia yundong*), targeted particularly at fake cigarettes and alcohol (with commando-style raids on hidden cigarette and alcohol factories),¹² CDs, and status global brands including electronic products, computer software and cosmetics. Media publicity given to the campaigns, invariably including (often on 15 March) a well-publicised bonfire to destroy seized products, is again reminiscent of the Mao era. The official discourse does little more than substitute ‘consumers’ for ‘the people’ or ‘the masses’: ‘Without the participation of consumers it would be hard for those in authority to dig out evils and irregularities’ (*Zhongguo zhiliang wanlixing*, February 1998). In practice, the ‘fighting fakes campaigns’ have met with little success, as Premier Zhu Rongji admitted in February last year when he called for stricter penalties for people involved in the production and sale of fake products (*Renmin ribao*, 15 February 2002). One difference from the campaigns of the Mao era is that the Government has been facing huge pressure from international companies (and even foreign governments) whose products are being counterfeited, in this most recent case those of the French beauty products manufacturer L’Oréal (*Renmin ribao*, 18 February 2002).¹³

It would be wrong, however, to attribute the rising level of consumer rights consciousness simply to the CCA and formal legislation, and to the associated information and educational activities. Consumer issues have themselves become a commercial industry. For the increasingly competitive media – from radio and television to newspapers, magazines and books – attention to consumer rights and problems has wide popular appeal. Because of the government’s own interest in raising the standard of consumer products and services, writing or talking about people’s economic rights – unlike political rights – is uncontroversial. Particularly since the early 1990s, when the consumer revolution (with its associated problems) got under way, consumer issues have become a ‘hot’ topic right across the media.

Radio and television programmes with titles such as ‘Consumer’s Voice’ and ‘Consumer’s Friend’ teach people how to become discriminating consumers, while articles and advice columns even in general newspapers and magazines often provide consumer information. Specialist magazines like *Jingpin gouwu zhinan* (*Shopping Guide*) and *Shangpin pinjie* (*Commodities*

¹² For a graphic description of one such raid in Fujian province, see *Zhongguo zhiliang wanlixing* 1998.

¹³ L’Oréal has developed extensive interests in China with its L’Oréal, Lancôme and Maybelline products. Its ‘China’ website (in Chinese), like its huge advertisement on Wangfujing, features Gong Li (www.cn.loreal.com/)

Review) supplement information on the latest consumer trends with 'education' on how to avoid pitfalls in the selection of products: from rice cookers, household furniture and leather goods to hiring a wedding photographer or home decoration firm. Major bookstores, like the Beijing Tushu Daxia on Changanjie in Beijing, have substantial sections devoted to consumer issues. After the introduction of the Consumer Rights Law, the shelves included books written by law academics and other specialists (for example, Xie 1994; Lin, ed. 1996; Li and Xu, ed. 1997). By the late 1990s, it was becoming difficult *not* to be aware of consumer problems and the rights formally enjoyed by consumers.

Consumer Rights Consciousness in Action

As Pei has demonstrated, the population's rising level of general rights consciousness has been 'accompanied by increasingly popular awareness of legal recourse' (Pei 2000: 37). An explosion of litigation during the 1990s included the use of the Administrative Litigation Law where cases were brought against officials for, *inter alia*, collecting illegal taxes and seizing property (Pei 1996). Individuals' resort to legal recourse has occurred despite a number of factors which Lubman states inhibit the growth of rights consciousness – let alone action – in China;¹⁴ these include 'reluctance to seek formal redress for grievances, and the long-standing emphasis on collective harmony rather than individual rights' (Lubman 1999: 237).

The decline of reluctance to pursue formal avenues of complaint (in this case against deficiencies in the market, not against officials) also appears to have characterised the assertion of consumer rights. While Pei and Lubman focus on the assertion of rights consciousness through the new legal avenues, seeking redress for consumer grievances began well before the promulgation of the 1994 Consumer Rights Law, paralleling the early growth of consumerism from the mid-1980s and accelerating as consumer goods ownership and rights consciousness developed during the 1990s.

The first – and probably still the major – avenue used for asserting consumer rights has been the China Consumers' Association. As Table 1 shows, the number of complaints grew substantially between 1985 (the Association's first full year of operation) and 2000.¹⁵ Over this period the

¹⁴ This paper makes a distinction between the growth of rights consciousness and the preparedness to take legal or other action based on that consciousness.

¹⁵ For the annual figures over this period, see Hooper 2000a: 112.

CCA claims to have dealt with a total of 5.7 million consumer complaints, obtaining compensation of more than 3 billion *yuan* on behalf of consumers with a success rate of over 90 per cent (*China Daily*, 15 March 2001; *China Daily* 14 March 1998).

Table 1

China Consumers' Association: Number of Complaints Received

Year	Number of complaints
1985	8,041
1990	284,811
1995	446,671
2000	>700,000

Source: Zhongguo Xiaofeizhe Xiehui (1995: 34); Xinhua Beijing, 6 February 1996; *China Daily*, 15 March 2001.

Despite the increasing number of complaints over the period, the figures do not seem to reflect the scale of consumer problems revealed in the media or the fact that, in 1998 for example, over fifty per cent of people claimed to have suffered 'consumer abuses' during the previous year (Xinhua Beijing 12 March 1999; *Shichang bao*, 18 March 1999). Apart from some continuing reluctance to make formal complaints,¹⁶ other factors may have inhibited consumers' preparedness to take action through the CCA. First, its officials are often seen as being bureaucratic and the process is regarded as very time-consuming. Second, and more fundamentally, there have been growing doubts about the CCA's integrity as a rights association acting in the interests of consumers. This is not so much because of its close government associations but its perceived links with 'powerful local firms' which help subsidise its funding, thus making it vulnerable to a conflict of interests (*Japan Economic Newswire*, 29 March 1999; see also Gao 2001). Consumer rights advocate Wang Hai has claimed that the CCA actually promotes particular businesses 'by advertising for them in the name of advising

¹⁶ During the mid to late 1990s, the general pattern was that 60-70 per cent of people who claimed to have experienced 'consumer abuses' over the previous year said they would not bother to do anything about their grievances (*Beijing Review* 6-12 May 1996, *Diyishou* 1998, *China Daily* 16 March 2000).

consumers' (Chen 1999), while a Chinese lawyer who has been involved with the CCA states:

Staff from the Consumers' Association present reports on their work at many official conferences, while their daily work is more involved with the commercial promotion of particular companies. The Association has the opportunity to get involved with business because of its credibility as an official protector of consumer interests. My conclusion is that economic interests are the first priority, while the spirit of justice or the ideal of protecting consumer rights is forgotten (Anonymous, 2000).

The consumers' associations themselves face an all-too-familiar problem, as they are quick to point out: inadequate government funding for their expanding activities which has led them to rely increasingly on enterprise 'donations' or, as happened in Nanjing in March 2000, to take advantage of International Consumers' Day by charging up to 5,000 *yuan* for each publicity stall (Gao 2001). Proposals for overcoming the problem have ranged from suggestions that the state should fully finance the operation of consumers' associations, described as a 'worthwhile price that [it] must pay to protect market order' (ibid.), to an argument that consumer-producer disputes should be solved through legal procedures and that the courts should take over the role of consumer protection (ibid.).

Since January 1994, when the Consumer Rights Law came into operation, people *have* also had the opportunity to pursue consumer grievances through litigation, although going through the courts is obviously a more complex and costly procedure. Many of the publicised cases have involved what is described as the 'abuse of consumers' health and safety'. Exploding gas cookers, television sets and beer bottles have been amongst the most frequent causes of consumer grievances and personal injuries, and in recent years have provoked substantial claims and awards. Cases receiving widespread publicity have included compensation of 270,000 *yuan* granted in March 1997 to a young girl who had been badly burnt when a gas burner exploded during a hotpot meal (*South China Morning Post*, 30 March 1997) and the award of 431,000 *yuan* to a couple in Zhejiang in February 2001 after their ten-year-old son was killed when a television set exploded (*China Daily*, 16 March 2001).

With hospitals heading the list of ‘worst services in the eyes of consumers’ in a 1998 survey, ahead of small traders, buses and home decorators (*Diyishou* 1998), medical malpractice has become a widely publicised area of litigation. In one case, a five-year-old girl whose uterus was mistakenly removed during an appendix operation in Beijing was compensated 312,000 *yuan* (*Huasheng bao*, 11 December 1999).¹⁷ Since the late 1990s, cosmetic surgery has been one of the fastest growing areas of litigation as women have increasingly sought to match the new commodified and globalised beauty ideals (Hooper 1998; Evans 2000). Not just women’s and popular magazines but major newspapers began drawing attention to botched operations (including breast implants and face operations) and warning women of the dangers of cosmetic surgery (for example, *Nanfang ribao* 13 July 1998, *Yancheng wanbao*, 30 November 1999).¹⁸

The burgeoning of litigation has not been limited to serious, even life-threatening, cases. With consumers flexing their rights consciousness muscles, the desire to test the evolving legal system has sometimes been more important than the amount of money involved: a Nanjing resident made a legal claim after he found a small piece of metal wire in a 2.3 *yuan* packet of biscuits and the many claims against China Telecom have included some for as little as 2 or 3 *yuan*.¹⁹ Far from ridiculing such cases, the media has frequently urged people to assert their new rights, giving wide publicity to the Nanjing biscuit case and to the so-called 1.2 *yuan* case against Longyan Telecom in Fujian when the service provider failed to honour its ‘half-price’ promise (*Shichang bao*, 9 December 1998; *Nanfang ribao*, 19 March 1999). However, the media, as well as the CCA and the courts, have been less tolerant of huge claims for minor grievances: up to 200,000 or 300,000 *yuan* for finding a foreign object in a can of beer or Coca-cola, or for spilling a hot drink over oneself in a restaurant. By 1998, the national magazine *China Quality Review* was telling consumers ‘not to be greedy ... Consumers should retain their self-respect and must present reasonable and substantiated claims’ (*Zhongguo zhiliang wanlixing* February 1998).

Some of the smaller cases – as well as larger ones – are brought by the new breed of consumer rights advocates, keen to test the boundaries of the new

¹⁷ A similar case, involving a six-year-old girl, was reported from Fujian, with 232,770 *yuan* compensation being awarded (*Fujian guangbo dianshi bao*, 10 March 1999).

¹⁸ The new *Ordinance on Handling Medical Malpractice* will take effect from 1 September 2002, replacing the 1987 *Measures for the Handling of Medical Accidents*. (www.china.org.cn/english/2002/April/31498.htm, accessed 28 April 2002)

¹⁹ There have also been many claims for higher compensation against Telecom, reflecting ongoing frustration with China’s telephone services.

laws.²⁰ The commercialisation of consumer rights has not only included the media and the Consumers' Association; it has spawned a new profession: individuals and companies working as 'consultants' on consumer rights. Since 1995, the most famous of the consumer rights advocates/entrepreneurs, Wang Hai, has gone from being a small trader in Beijing to managing the Dahai Commercial Consulting Company, complete with sophisticated webpage (www.wanghai.com), and becoming a national and even international celebrity (described by journalists as a Chinese-style Ralph Nader²¹ and meeting President Bill Clinton during his visit to China in 1998). Wang Hai's route to fame and fortune came through the so-called 'double compensation' provision in Article 49 of the Consumer Rights Law, whereby the purchaser of a deceptive (fake) product is entitled to compensation at double the cost of the product (Xie 1994: 512). Wang's early 'consumer rights' career, which first brought him to public attention, was spent as a detector and purchaser of fake Sony earphones and Pierre Cardin 'leather' wallets in Beijing markets.

As Wang Hai and other consumer rights advocates became successful entrepreneurs, even celebrities, they were also accused, like consumers' associations, of 'cashing in' on the consumer rights business. Between 1996 and 2000 Wang Hai underwent something of a transition 'from hero to rogue' in the public's eyes, partly because of his alleged celebrity-type lifestyle. In a March 2000 national television programme entitled 'Looking at Wang Hai once more' (a follow-up to a programme four years earlier), he received a drubbing from academic and professional participants, with statements such as: 'Four years ago, Wang Hai actually wanted to crack down on fakes. Now he seems to be cracking down on fakes, but he actually just wants to make money (Chen 2000).

For the Government, however, Wang Hai and other consumer rights advocates exemplify the much-vaunted entrepreneurial spirit, while at the same time assisting its mission to crack down on consumer rights abuses. Appearing on the CCTV programme on International Consumers' Day in 1999, CCA Secretary-General Yang Shukun said he did not see a conflict between Wang Hai's financial success and his pursuit of consumer rights. Indeed he endorsed Wang's activities as being both 'for society and for

²⁰ Articles written by and about some of the early consumer rights advocates were published in *Shichang bao*, 11 March 1998.

²¹ For example, Elliott 1996.

himself ... a kind of new moral concept under the socialist market economy' (*Nanfang ribao*, 19 March 1999).

Beyond the State? Consumer Rights and Enlarged Social Space

In the above sections I have suggested that growing consumer rights consciousness in China, together with the willingness to exercise those rights, have been linked substantially to the government's creation and promotion of laws and avenues for the assertion of consumer rights. At the same time, consumers have also developed their growing rights consciousness, sometimes as a precursor to taking formal measures, by using opportunities and avenues provided by the growing market economy. In so doing, they (like the media itself) have taken advantage of the expanding social space that, as Davis suggests, facilitates horizontal ties of informal sociability rather than vertical relationships 'between subject-citizens and party or government officials' (Davis, ed. 2000: 3).

Individual consumers have made increasing use of the burgeoning communications networks to express dissatisfaction and to seek information on how to obtain recompense. Consumer problems have become a major topic of letters to magazines and newspapers, with individual 'consumer abuses' sometimes being taken up by journalists in a similar way to many countries. In recent years the Internet, often seen as a contested site between the Chinese government and individual users (Taubman 1998), has also become a major site not just for the Government and CCA to promote consumer rights but for individual consumers to complain, share grievances, and solicit support.

The Internet's potential for consumers was heralded by the media as early as 1998, when it was still very much in its infancy. An article in *Nanfang ribao*, entitled 'On-line complaints: a new taste?', asked: 'What frightens business? It is pressure from the media. With the Internet the consumer becomes the master of the media' (*Nanfang ribao*, 2 October 1998). Its subsequent use for consumer-related purposes skyrocketed as the number of Net-users increased (from an estimated two million users at the end of 1998 to 34 million at the end of 2001). While some sites (often with 315 – March 15 has become the 'symbol' for consumer rights – in their URL) are linked with the CCA or SAIC, many have been set up by individual consumer rights advocates, journalists or lawyers, or by groups of people with a common interest. The Beer 3.15 site (<http://202.98/199/-beer315>),

for example, was set up by people injured by exploding beer bottles and included ‘tragedy files’ and a ‘victim hotline’.

While many Internet sites offer the usual warning that people participating in Online discussion should not write about political issues, the potential contestation for frustrated consumers is not so much with the government as with the targets of their criticism: manufacturers and service suppliers. The most widely publicised case involving this type of contestation has been that of Wang Hong, who initially complained on a BBS site (he later set up his own homepage)²² after he failed to gain compensation for a faulty laptop Heng Sheng computer. Wang gained widespread support, including that of two major magazines, which published articles on his case. Although the Heng Sheng Company eventually agreed to compensation after Wang appealed through the CCA, it was not satisfied with his apology on the Internet, a condition for compensation.

The company subsequently sued Wang Hong, as well as *Shenghuo shibao* (*Life Times*) and *Weidiannao shijie* (*Computer World*) for defamation. In a controversial decision that provoked subsequent appeals and widespread publicity, the ruling (by Beijing’s Haidian People’s Court) was in favour of Heng Sheng, with substantial damages being awarded against Wang (500,000 *yuan* plus 158,000 *yuan* legal fees) as well as against the two magazines.²³ As this case demonstrated, consumers are not the only group to have their rights protected; speaking out publicly on consumer issues has its own limitations in an increasingly litigious society – and one where companies sometimes have powerful allies.

Conclusion

The development of consumer rights consciousness in post-Mao China has paralleled the growth of both a consumer society and general rights consciousness among the population. As shown in this paper, the state has itself promoted consumer rights as part of its economic reform agenda: creating the ‘consumer citizen’, introducing legal and other formal avenues for appeal, and mobilising consumers to assert their rights. The growth of the market economy has also promoted an environment of consumer rights

²² IT315 on <http://maxstation.yeah.net>

²³ This case is discussed in more detail in Hooper 2000: 107. See in particular *Diannao shijie* 10 August 1998, *Shenghuo shibao* 28 July 1998; *Nanfang ribao* 2 October 1998.

consciousness, with the increasingly commercialised media publicising consumer issues and individual consumers utilising the expanding communications network, including the Internet, to share experiences.

While China's consumer citizens have increasingly been asserting their rights, complementing official measures to improve the quality of products and services, this does not mean that consumer problems have diminished substantially. The Government's efforts have continually been jeopardised by the familiar collaboration between aspects of the state *and* the market. This has included local officials taking bribes to turn a blind eye to (and even participate in) the production of sub-standard and fake products, as well as tipping off local manufacturers that a 'fighting-fakes' raid is about to take place. In October 1999 a report by the Standing Committee of the National People's Congress acknowledged that poor quality and fake commodities 'continued to be rampant despite unceasing bans and crackdowns' (Xinhua Beijing, 30 October 1999) and in March 2002, after further attempted crackdowns, the media claimed that the most serious threat to consumers continued to be 'shoddy and fake products, which have penetrated into almost every corner of the market' (www.china.org.cn, 15 March 2002). The Government has been considering tougher penalties and a tightening of the Consumer Rights Law, while at the same time it continues to urge consumers to assert their rights.

For all the shortcomings, the growth of consumer rights consciousness has been an important part of the development of general rights consciousness in China during the post-Mao era. As such, it has contributed to people's growing awareness of individual rights, albeit limited to economic and legal rights, and given them a range of 'learning experiences' in locating and using avenues to exercise those rights.

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