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NEGOTIATING FOR A GREEN HOME:  
JUSTIFICATIONS AND FORMS OF  
ASSOCIATIONS IN A PUBLIC  
CONTROVERSY IN SHENZHEN

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## **Negotiating for a Green Home: Justifications and Forms of Associations in a Public Controversy in Shenzhen**

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In a hot summer afternoon in July 2004, I was checking my emails at home in Shenzhen. An unexpected email caught my attention. It was from a female homeowner from N District. Because she read my comments on the controversy over a public project due to disagreements with the local government, in which I mentioned the role of environmental NGOs in solving similar issues in other places. She was interested to see if I had further ideas about their next move. This was the start of my encounter with this three year long controversy.

In this paper I focus on the disputants' strategic practices of selecting and using arguments, forms of coordination, and the understanding of public goods that both constrain or enable their action. I do this by tracing the arguments and organizational arrangements in the controversy: firstly, through the making of a "coordinated collective," secondly, the consolidation of the collective when encountered multiple "publics," and finally its retreat into a "front of independent neighborhoods." I pay special attention to two strategic and organizational changes in the course, and the understanding of interest and public goods employed in these developments.

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## **1. Introduction to the case**

The issue under study here concerns the Shenzhen Connection (abbreviated below to Connection Project) in the grand Shenzhen-Hong Kong Western Corridor Project (SWC). SWC links the Shekou district of Shenzhen and the Yuanlang district of Hong Kong and is the largest-scale trans-border highway project so far in China. There are four major parts to this project: the Grand Highway Bridge of Shenzhen Bay, the port, sea-filling project in the port region, and connection projects on both sides. Since the SWC's commencement on July 1<sup>st</sup> 2007, it takes only a little more than ten minutes to drive from Shenzhen to Hong Kong via the bridge.

The Connection Project is a municipal project that links the Grand Bridge, the Port, and the Guangzhou-Shenzhen Expressway. In 1997, the relevant departments decided that Dongjiaotou of the N District in Shenzhen should be the Shenzhen end of the Grand Bridge, although its actual route had not yet been decided. Near Dongjiaotou, there is a municipal road named Dongbin Road. At the eastern end of the road is the Bay of Shenzhen, and the place surrounding the bay is traditionally called Rear Sea Division (“**后海**”). Starting in about 1996, well-known local real estate developers have developed several fine gated-communities on the land formed by sea-filling at the east end of Dongbin Road, and beginning in 2000, these neighborhoods started to be occupied-by middle-aged or younger white-collar workers and 70% of them are with a college education or above. At the western end of Dongbin Road there are Mt. Great South and a hundred-year-old litchi forest. Residential communities located at the foot of Mt. Great South are named “Litchi Woods Neighborhood,” and residents here are mainly business or government

employees. Along the road, there are many shops.

In August 2003, the government disclosed the final design in an official newspaper. The Connection Project was to be constructed as a highway tunnel underneath Dongbin Road, complemented with a viaduct after passing the Mt. Great South. According to the report, there would be a 361 meter long opening near Mt. Great South from which the waste gas produced by more than 50,000 of container trucks in the 5.5 kilometer long highway tunnel would be emitted untreated. This news firstly sparked homeowners from T and N Garden from Litchi Woods Neighborhood into action. After the homeowners' tireless letters, visits and threats of a public demonstration to be held on Oct 1<sup>st</sup>, the National Day<sup>2</sup>, the government adjusted the design in November 2003 by reducing the gas-emission opening at Litchi Woods Neighborhood from 361 meters to 100 meters, and adding a 200-meter half-opening at Rear Sea Division. But the design for the section of the viaduct that passed through Mt. Great South and was only thirty meters from C Garden, a newly developed gated-community in Front Sea Division (“前海”) was unchanged.

The bone of contention between the homeowners and the government was the accuracy of the governmental-recognized Environmental Assessment Report (EAR) for the connection project. Since the government refused to let a third party carry out an environmental evaluation, two retired engineers living in N Garden in Litchi Woods Neighborhood sought help from two research fellows in the Department of Environmental Engineering of a leading university in Beijing to review their operation. The two reviewers confirmed the result of the unofficial operation with a seal of their Department on their letter of reply. However, the city government refused

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<sup>2</sup> Zhu and Ho (2008) talk about a petition just before June 4<sup>th</sup> as a tactic in a Shanghai neighborhood movement.

to accept these results, saying that the individuals' review had no binding force in law.

In July 2004, upon hearing the news regarding the execution of the Connection Project, representatives of the Rear Sea Division homeowners visited higher authorities repeatedly. They obtained an unabridged copy of the EAR and began a dialogue with related officials. After the dialogue meeting the officials announced that: the current plan is already the best plan, so there is no need to discuss or revise it. They also refused to provide a bulletin or hearing regarding this matter. The disappointed homeowners thus turned to Provincial Bureau of Environmental Protection and wrote to National General Bureau of Environmental Protection. Receiving no concrete respond from both higher authorities, on August 29, about 4,000 residents of Rear Sea Division gathered at the waste land by the side of Dongbin Road to "pray for a green home."

Starting in October 2004, the three Divisions defended their rights as a collective. They tried "administrative reconsideration," but the Provincial Bureau of Environmental Protection decided to uphold the City Bureau's approval of the EAR. Homeowner activists consequently prepared for "administrative litigation" against the City Bureau and consulted a group of lawyers from Beijing. On the other side, the dispute led to the delay of the execution date of the Connection Project from 2003 to 2005. The local government pressed the homeowner representatives harder. Consequently, homeowners in Rear Sea Division formally delegated the issue to several elected representatives and a local lawyer to talk with the government.

By the end of March, the party committee of Shenzhen municipality went through a power transition. On April 1st, the three Divisions initiated a campaign aimed at collecting signatures from 10,000 people. Soon after that, on April 22, the newly city administrative held a "Meeting for Experts to Clear up Doubts." The relevant government departments subsequently displayed the plan for the connection

project in neighborhoods along the highway. They also distributed 20,000 copies of “Legal Opinions” compiled by the office of legal consultants of the city government, declaring that the government and various departments had violated no law or legal procedure during the entire process. After the public display, the Connection Project was executed immediately.

With different understanding of these developments, the three Divisions chose different strategies. Through the lawyer, representatives for Rear Sea Division reached an agreement with the local government by adding greenery around their neighborhoods. On the other hand, led by the two senior engineers, Litchi Woods Neighborhood conducted more studies to find flaws in the environmental evaluation report, and finally gained the involvement of the General Bureau of Environment Protection (now Ministry of Environmental Protection). The government finally set up an automatic air quality monitor beside the air vent near their neighborhood, plus a “Harmonious Neighborhood Park.” C Garden in Front Sea Division was disturbed by the viaduct. Through obtaining the opinion of experts from Guangzhou and threatening to go on a hunger strike, C Garden was eventually able to secure a promise from the government to add a closed sound screen along the viaduct section near their home.

On July 1<sup>st</sup> 2007, SWC welcomed Chairman Hu for its inauguration. Subsequently, in early 2008, the N District government’s “Harmonious Neighborhood Project,” which features “the Party’s embeddings into society to integrate different interests,” and the establishment of a “liaison office for representatives of People’s Congress to “absorb voices of participation into formal institution and calm it down,” won a national award on “governmental innovation.”

## **2. Data and analytical approach**

Data in this article consists of four parts. In July 2004, I encountered the controversy through an Internet forum, and subsequently entered the neighborhood for participatory observation. Within two years, I conducted participant observation in homeowner activists' face-to-face meetings, the homeowners' conventions, and 30 times of their dialogue meetings with government officials. I also conducted in-depth interviews (lasting an average of 2 to 6 hours) with twenty homeowner leaders. Ethnographic records of these meetings and interviews notes constitute Part I of the materials. Part II contains about sixty letters and documents sent by homeowner representatives to the relevant local government departments and the National Bureau of Environment Protection, as well as 60 official documents targeted at the neighborhoods in dispute as well as at the general public. Part III includes 780 reports from major Chinese newspapers and other publications regarding the grand project of the Western Corridor between January 1998 and January 2006 obtained through Wise News. Part IV includes all the records of discussions in a noted real estate forum affiliated with People's Daily-"Green Western Corridor"-between July 2004 and August 2005, records of related discussions in a local "Citizens' Forum," as well as correspondence from the common mailbox of homeowner representatives.

The controversy is interesting to Chinese students in many aspects. In this paper I aim to answer a further question: how the disputants' understanding of public goods enabled or constrained their strategic actions toward the settlement of the dispute, and the organizational forms that employ these arrangements.

Conventional research on neighborhood collective action either takes an interest-centered approach, in which public justification is reduced to a framework of the instrumental stance, or a culturalist point of view, where values, consciousness, and culture in general are the motor or "switchman" of the trajectory of action.

Marxist tradition is the famous example of the interest-determinism approach. It considers that “*objective interest*” related to production determines conflicts in the residential domain, and the resistance of homeowners is but the extension of class struggle within the factory. Later on, the “theory of housing class” in Max Weber’s tradition considers that not only interest in the relationship of production but also in the relationship of consumption would affect the occurrence of collective interest (Tomba 2005).

A more recent version of the interest explanation is that *locality-based interest* determines resistance action at the neighborhood level. (Davies 1991; Purcell 2001) According to this approach, the “not-in-my backyard” (NIMBY) movement, which has occurred frequently in industrial societies in recent years, are actions residents take in resisting the selection of sites for public facilities in order to protect their locality-based interest and environment. Although the media in China have not used the term NIMBY yet, they also provide the same interest-centered rationales to explain the various rights-defending activities of residents in resisting public facilities (hospitals, cloverleaf bridges, and garbage-disposal factories). The most frequently used juxtapose are “small-self versus the “big-self” and “private rights” versus “public goods.” Even studies that seek to take culture seriously in explaining collective action, such as the recent works on “*frame analysis*,” tend to take “rhetoric” as an instrumental manipulation of language and arguments to mobilize support, without examining the constraints on this manipulation or its context (Davis 2004; Shi and Cai 2006). All in all, interest-centered analysis tends to propose that interest motive determines action, and culture is but the cover of ideology that should be exposed and criticized.

The culturalist point of view, by contrast, assumes that culture shapes action by supplying ultimate ends or values toward which action is directed, thus making values



the central element of culture. In Chinese context, this understanding of culture has been lingering in debates on China's modernization in general and whether China has developed a civil society or public sphere historically or currently in specific. The recent debate about right consciousness or rule consciousness in grassroots activism also implies such a notion of culture.

In a widely cited paper, sociologist Ann Swidler (1986) forcefully proposed that the reigning model used to understand culture's effect on action is fundamentally misleading. It assumes that culture shapes action by supplying ultimate ends or values toward which action is directed, thus making values the central element of culture. She maintains that "culture influences action not by providing the ultimate values toward which action is oriented, but by shaping a repertoire or 'tool kit' of habits, skills, and styles from which people construct strategies of action." (Swidler 1986:273) An alternative analysis of cultural, according to Swidler, consists of three steps. First, it offers an image of culture as a 'tool kit' of symbols, stories, rituals, and world-views, which people may use in varying configurations to solve different kind of problems. Second, to analyze culture's causal effects, it focuses on 'strategies of action,' which are persistent ways of ordering action through time. Third, it sees culture's causal significance not in defining ends of ordering action, but in providing cultural components that are used to construct strategies of action (Swidler 1986: 273).

While Swidler offers an important new approach to studying culture by "turning culture inside out," she does not articulate how to combine the cultural toolkit with strategic action in collective action studies.<sup>3</sup> *Informed by the Actor-Network-Theory*,

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<sup>3</sup> In a footnote of the paper, Swidler gives hints of the influence of P. Bourdieu of her understanding of culture: "For him, cultural patterns provide the structure against which individuals can develop particular strategies....For me, strategies are the larger ways of trying to organize a life within which

*in this paper I take a non-determinist point of view to examine the relations between culture (in Swidler's sense), strategic action, and forms of associations in the controversy.* More specifically, I do not claim to be able to answer the question of whether all arguments or actions in public controversies are, in fact, “really self-interest driven” or whether all public good claims are “true” or “honest.” Rather, I consider the boundaries of “private interest” versus “public interests” or “small-self” versus “big-self” to be a point of contestation and cultural construction. From a pragmatic standpoint, I take the issue of rhetoric as partly creative and instrumental, but also partly constrained in several ways. By detailed analysis of strategic and organizational turns in the controversy, I try to answer not only how arguments are constructed, or framed, but also how different organizational arrangements are developed and deployed these arguments.

### **3. Arguments and organizational arrangements in the making of a coordinated collective**

#### *An imagined community of victims*

In Aug 28, 2003, when the official design of the Connection Project was disclosed, the residents of T Garden, a gated-community which is only thirty meters from the opening was flew into a rage. “Isn't that a discrimination against our neighborhood? The newspaper even said the air vent is located in a remote area without a lot of people. Aren't we human beings? We were just so angry!” Mr. L, homeowner from F Garden said.

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particular choices make sense, and for which particular culturally shaped skills and habits (what Bourdieu calls ‘habitus’) are useful.” (Swidler 1986: 276)

Driven by this sense of being humiliated and indignation, T Garden's homeowners took the lead in taking action. They posted the information about the project and the news reports about the harmful consequence of pollution to health on the walls of the entrance of their building. After they had attracted enough concerns, they start to collect signatures.

“Danwei,” or working unit, has been one of the major factors in organizing a socialist urban China and is still one of the key variables in the controversy. Partly because it is government-subsidized housing and most of the residents are from a single group company, T Garden was quite efficient in fund-raising and data collection. In contrast, homeowners from N Garden and F Garden are mainly employees of different local companies. They had difficulty in fund-raising and making connections among themselves: “I go out to work as early as 6:30 in the morning and come back home at 8:00 in the evening. I hardly know any of my neighbors after moving in for two years,” said Mr. L from F Garden. They relied on their temporary Homeowner Committee (“业主委员会”) and Q and S, two senior residents and retired engineers, to lead their action. Soon after the design of Connection Project was disclosed, T and N Garden formed a strong partnership: people from T Garden visited N Garden whenever they held a meeting, and even lent the latter facilities such as loudspeakers for better effect. Meanwhile the investigation and measurement of the two retired engineers founded the “theoretical basis” for the later actions.

In November 20<sup>th</sup>, 2003, the government presented a “new plan” which added a 200-meter half-opening at the east end of Dongbin Road, next to a prestigious high school and kindergarten at Rear Sea Division. Like F Garden in Litchi Woods, the neighborhoods in Rear Sear had been dwelling there for only 2 to 3 years and the new homeowners did not have many interactions when the new plan was released.

Therefore, not till July 2004 did homeowners in H Garden started to know how serious the issue would be through their first homeowner convention. Expectedly, their first reaction was denunciation: “Isn’t the government crazy? How can it make such an awful decision to add a new air vent so close to the schools?!”<sup>4</sup>

However, somewhat contradictory to the interest-centered assumption in NIMBY analysis, these later “victims” did not stir up grievance toward the perpetrators OR more simply those from Litchi Woods Neighborhood. Their explanations demonstrated broader understanding of “interest” and “public goods”: “The pollution is not produced by Litchi Woods Neighborhood. They also have the right to defend their rights.” “We are two Divisions of the same whole. Everybody is a victim of pollution, so why should we make such a differentiation? You know air is always flowing! And also there’s power in numbers!” Ms. P from W Garden said.<sup>5</sup>

Upon this consideration, activists in these “five star neighborhoods” started to learn from their friends. They publicized the issue by collecting signature, mobilized volunteers by posting articles and conducting public addresses, and voiced out their concerns by visiting governmental departments. After all these actions, people in the Rear Sea Division got a crude and decisive reply from the government: “The current plan is already the best plan, so there is no need to discuss or revise it. Also, there will be no bulletin or hearing.”<sup>6</sup>

Deeply disappointed, younger homeowners become impatient and took more serious action. They mobilized local volunteers by training “chiefs of the building” (“楼长”) and “volunteers of environmental protection.” “We need to prepare for further participation such as electing Residential Committee members and

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<sup>4</sup> Quoted from handouts for a meeting on Oct 16, 2004. W Garden.

<sup>5</sup> Interview with Ms P., W Garden, Oct. 20, 2004.

<sup>6</sup> “Record of July 28 (2004) Meeting with N District Government,” W Garden.

representatives for People’s Congress,” one activist explained.<sup>7</sup> At the same time they start to collect funds for the preparation of litigation. They criticized the free riders and mobilize them by posting the following poem on the Internet Forum:

**Box 1<sup>st</sup>: a poem quoted by homeowner disputants in SWC controversy.**

When the Nazis came for the communists,  
I remained silent;  
I was not a communist.  
When they locked up the social democrats,  
I remained silent;  
I was not a social democrat.  
When they came for the trade unionists,  
I did not speak out;  
I was not a trade unionist.  
When they came for the Jews,  
I did not speak out;  
I was not a Jew.  
When they came for me,  
there was no one left to speak out.<sup>8</sup>

This turned out to be one of the most popular posts in months. Once this “imagined community of victims” came into being, the power was far beyond the initiators’ expectation. In early August 2004 homeowner activist Mr. C from W Garden posted up an rewritten article “*I have a dream*” on the Internet Forum from an Internet Cafe in another city. This beautifully written article moved many people into action. More than 10,000 copies of the article were printed, posted and distributed via knocking on doors (“扫楼”). After some preparation, the activists sent *text messages* to a whole list of homeowners, announcing an unusual activity: “*pray* for our green

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<sup>7</sup> Interview with Mr. C, W Garden, Oct 19, 2004.

<sup>8</sup> “*First they came...*” by Martin Niemoller (1892–1984), Holocaust Memorial, Boston, US. The poem originally is about the inactivity of German intellectual following the Nazi rise to power and the purging of their chosen targets, group after group. Homeowners in the dispute quoted a Chinese version of this poem.

home” (“为绿色家园祈祷”). There were about 4000 homeowners who participated in this “August 29 Affair”.

*Toward a “coordinated collective”*

“August 29 Affair” certainly brought a lot of pressure to the homeowner activists in Rear Sea Division: the activists were presented in public and therefore targeted by the policemen and Resident Committee (“居委会”) soon after. But it empowered their “comrades” in Litchi Woods Neighborhood unexpectedly. Only after August 29 Affair could the two retired engineers living in the Litchi Woods Neighborhood send a petition to Mayor and have “technical dialogues” with the Institute that drafted the EAR.

Since mid-2004, the two major Divisions defending their rights hand in hand. Later on, C Garden, which would be affected by the viaduct design of Connection Project, joined this collective. The three Divisions now shared information, manpower and even donations- they called all of these “resources”; they held regular meeting every week at a coffee shop near by and they tried to make every move on mutual agreement. Ms P, a 44-year-old homeowner of W Garden and the major organizer of the August 29 Affair justified their links to other neighborhoods like this: “Of course we should be united on the big issues concerning *justice*. There are so many people in society who collude for illegal aims in whatever forms, why shouldn’t we united for *just interests*? I just don’t believe that!”<sup>9</sup> Mr. Q, a 45-year-old businessman framed his idea of coordination between neighborhoods into a motto: “There is no distance between souls of us good citizens.”<sup>10</sup>

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<sup>9</sup> Interview with Ms P, W Garden, Oct 19, 2004.

<sup>10</sup> Interview with Mr. Q, W Garden, Nov. 30, 2004.

Once the three Divisions decided to defend their rights in a collective style, new challenges about cooperation appeared. Not one of the 20 activists could serve in a fulltime and professional style as they all had fulltime jobs in trade, consulting, logistic, education and even government. Even worse, people did not know how to have a joint meeting efficiently at the beginning of their cooperation. Later on, W and H Garden of Rear Sea Division started to set up chairpersons and take memos for each meeting.

They paid a lot of attention in setting up “institutions” for transparency and accountability. As for inner-neighborhood arrangement, they used surveys to reify their collective will, distributed information through convening the homeowners’ convention and holding “flat meetings,” trained environmental protection volunteers, elected formal representatives through collective signatures and published all operations and documents regarding meetings with higher authorities on internet forums. Collecting donations unofficially is a sensitive issue in China that could lead to government crackdown and inner disputes. With this concern in mind, the homeowners established a set of rigid mechanisms for collecting and saving money, as well as supervising and managing them. For example, the “*Regulations on Collecting Donations*” of W Garden detailed that the donated funds were to be jointly kept by three volunteers in each resident building, using the name of one volunteer to open an account at the bank, letting a second volunteer keep the deposit book and bank card, and letting a third volunteer control the secret code. Funds should only be withdrawn for use by at least two volunteers. The activists also set up regulations for inter-neighborhood relations. In a document titled “*Uniting Thoughts and Specifying Division of Labor*,” it said:

<b>Box 2<sup>nd</sup> : Regulations of inter-neighborhood cooperation.</b>
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First, the three divisions are a whole family. We should not blame each other, because no matter where the air vent is located, as long as it emits waste gas untreated, it is *inhuman!*

Second, Rear Sea will provide human and financial resource for legal consultation and publicity purposes. The other two Divisions are welcome to contribute their technical and information resources. We have to integrate all the resources we have and share among the neighborhoods. What we should never do is overlap tasks and waste time...<sup>11</sup>

In this way, from August 2004 onward, a “coordinated collective” focus on greening the Connection Project came into being in the peninsular.

#### **4. The normative and practical linkages between the “coordinated collective” and diversified “publics”**

From late 1990s on, housing related disputes had been one of the major sources of public dispute and lawsuits. Housing related disputes reached unprecedented height in the year of 2003. In Shenzhen, people witnessed several influential public controversies such as “Feng Ze Hu Affair (丰泽湖事件),” “Ding Tai Feng Hua Affair (鼎太风华事件)” and “Yue Liang Wan Affair (月亮湾事件),” and all of these related to controversies between gated-communities and city planning departments. In the highly competitive housing market in most major cities including Shenzhen, each “small neighborhood” (“小区”) had at least one Internet forum as early as the constructing project started, either launched by the developer, real estate specialized websites or by some gateway news websites. In all of these famous cases, Internet had been the major platform of communication and also the site of confrontation.

From the very beginning, the neighborhoods’ forums, City’s Forum, and a public

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<sup>11</sup> “Uniting Thoughts and Specifying Division of Labor,” Documents of H Garden.



forum affiliated with the “real estate” column of People’s Daily were three of the most contested virtual spaces for SWC controversy. The last one - mostly because of its affiliation with the powerful “central media” (“中央媒体”) - became the “complaint container” of several on-going housing related controversies in Shenzhen. Each of the neighborhoods involved in disputes had their own separate page, e.g. “Green Western Corridor” of SWC controversy. But as it was open to the public and had no registration requirement at all, it became a public space for housing-concerned people from all over the country to seek ideas, opportunities and companion.

The “August 29 Affair” sparked much sympathy on the Forum. People from the other neighborhood in Shenzhen, experts, lawyers and anonymous netizen wrote down their strong feelings toward the article “I have a dream” and the demonstration itself. Here are just a few examples: “I am a resident in Rear Sea. I am most supportive of this activity and I will be there with you with my whole family!” “I am moved to tears after reading this! For the realization of the dream, we’ve got to defend our rights till the end!” “We the people from Front Sea hope that all your dreams come true.” For about four months, the number of netizens that simultaneously logged on the “Green Western Corridor Forum” was as high as 4000. According to one editorial, the peninsula had become a “boiling pot” in early 2005, confrontational ideas about private/public good, just/unjust interests and reasonable/unreasonable design were made explicit on Internet Forums, newspapers and people’s everyday conversations.

This bring us back to the long-overlooked insight of Walter Lippmann and John Dewey about the making of “public” with the rise of the technology society in the 19<sup>th</sup> and 20<sup>th</sup> century America, although their problematic was how to reconcile democratic government with new technologies of manufacture, transportation and communication. According to the two writers, the development of new technologies

of manufacture, transportation and communication caused difficulties for the existing institutions and communities to settle many issues. When issues are abandoned by the agencies that should be responsible for them, the public steps in as a caretaker of these affairs. “Where the party directly responsible for do not work out an adjustment, public officials intervene. When the officials fail, public opinion is brought to bear on the issue (Lippmann 2002 [1927]: 63).”

Dewey (1991[1927]) proposes that the specificity of the public also resides in the special way in which it is implicated in issues: “The public consists of all those who are affected by the *indirect* consequences of transformations, to such an extent that it is deemed necessary to have those consequences systematically cared for. [...] Since those who are indirectly affected are not direct participants in the transaction in question, it is necessary that certain persons be set apart to represent them, and see to it that their interests are conserved and protected (Dewey 1991(1927): 15-16 [*italics added*]).”

Although the authors were writing in different time and context, their problematic and insights are highly relevant to today’s China in a networked age.<sup>12</sup> In the SWC case, mainly through the Green Western Corridor Forum with People’s Daily, a homeowner “public,” who were not directly influenced by the project while highly sensitive to housing and city-planning issues, was formed, and created a friendly and supportive atmosphere of the SWC disputants. In contrast to the relatively free atmosphere of the Green Western Corridor Forum, local “City Forums” discussions under SWC related topics were under strict censorship. This in turn reinforced the sense of indignation and sharpened the tension between government,

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<sup>12</sup> For a discussion about “green public sphere,” see “Media, Civil Society, and the Rise of a Green Public Sphere in China.” Yang & Calhoun (2008). For a discussion about “self in new publics,” see Part II of Zhang & Ong (2008).

real estate developers on the one side, and the homeowner public(s) on the other side.

Besides “homeowner public,” the collective also sought help from more diversified publics. When I received the first email from “Coco,”<sup>13</sup> a 36 year old businesswoman living in H Garden, they were planning a nation-wide conference for environmental science experts, scholars, environmental NGOs and “central media” to discuss the “pollution issue” of SWC. Later on, mainly for financial reasons, they downscaled the conference to a local workshop. They found and contacted the Center for Legal Assistance to Pollution Victims (CLAPV) in China University of Political Science and Law through the Internet. Professor W, the director of the Center, agreed to send two lawyers affiliated with CLAPV and an environmental reporter from Shanghai to the workshop. Meanwhile, on Coco’s request, I brought their materials to my university in Hong Kong to Mrs. W, a famous reporter and environmental activist from Beijing who was visitor of the university. Mrs. W took the documents to Greenpeace (HK). The latter agreed to send a young staff to the workshop, with his friend from Mingpao. Finally the workshop was conducted on October 10, 2004 at a hotel near the site of Connection Project. At the end of 2004, several news reports about the dispute appeared and led to increased awareness of the wider public.

This “environmental public” formed by environmental reporters, environmental NGOs and environmental lawyers did not give homeowners any clear direction in this meeting, but the workshop was still a strong emotional support to disputants. In addition, the connections established through this workshop became important resource for the disputants in the later on development. In Nov 2004, the activists managed to meet Mr. Panyue, one of the most liberal-minded officers in the 16<sup>th</sup> Conference of Asia Pacific Forum of Environmental Journalists (AFEJ) in Shenzhen.

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<sup>13</sup> Most of the activists in the controversy use either English name or nickname that they use in Internet Chatting Rooms.

A Guangzhou-based newspaper published this meeting with vast coverage. It quoted Pan as saying: “Participation is not an act of charity bestowed by the government, it is the right of the public.”<sup>14</sup> These words were soon printed on banners and hung above communal areas.

Because the year 2005 featured a “storm of environmental assessment,”<sup>15</sup> and the attitude of the deputy director was encouraging, the disputants first project high expectation that the central government is a part of and even THE promoter of an “environmental public.” However, after the two engineers visited the General Bureau later on July 2005, they realize that the highest environmental administration in China has its own problems: lower level officials were indifferent, bureaucratic or simply playing with words.

That is, the support of “the Central (‘中央’)” to the environmental disputants was rather symbolic. It neither changed the practical deadlock, nor stopped the debates about legitimate values in the controversy. From the very beginning, the typical answer of the officials of related departments had been this one: “It is necessary for the minority of the masses to *sacrifice* for the interest of national development.”<sup>16</sup> Based on this interpretation of “collective interests,” staff of the Street Bureau (“街道办事处”), Residential Committee, and neighborhood police (“片警”) frequently went in and out of the residential neighborhoods, asking representatives of the homeowners

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<sup>14</sup> “Residents asked for Environmental Public Hearing.” (西部通道深圳侧接线沿线居民要求召开环保听证会) *Southern Metropolitan*. Nov. 30, 2004.

<sup>15</sup> In early 2005, General Bureau of Environmental Protection, a department that had been thought of as “vulnerable department,” stopped 30 major ongoing infrastructure projects in China in the name of environmental law and regulations. And the budget concerned was as high as RMB 117.9 billion (about \$16.8 billion). This was widely known as “storm of environmental assessment” (环评风暴) or “storm of environmental protection (环保风暴).”

<sup>16</sup> Record of First Technical Dialogue, Engineer Q, N Garden. Sep. 28, 2003.

to give up fighting for their “private interest.”

This “theory of sacrifice” was fiercely criticized by the homeowners:

**Box 3<sup>rd</sup> : Homeowners’ arguments about private and public interests.**

“The government thinks there is nothing wrong with sacrificing the interest of minorities, but I think this is not consistent with our national policy. You are not in a nation-defense war! It’s unjust to ask us grassroots people to sacrifice in a peaceful era.”<sup>17</sup>

“How can you have the ‘big-self’ without many ‘small-selves’? Every big river is due to the convergence of small streams. Without thousands of humble people, how can you officials enjoy luxurious life styles? They are now asking us to pay for their negligence and mistakes at the cost of our health and even life!”<sup>18</sup>

“What is ‘big-self’ and what is ‘small-self’? Compared with the environment, everything is ‘small-self.’ Healthy development is the kind of development that is in accord with environmental protection. This is what people call ‘sustainable’ development, isn’t it?”<sup>19</sup>

By differentiating between different circumstance (“war eras” and “peaceful eras”), and by appealing to legitimate values such as “legal right” and “environmental protection,” the homeowners tried to break through the moral constraints of the collective ethic in communist tradition and patriarchy ethic in Confucianism tradition, two most often appropriated justifications used by the Chinese government when settling public disputes.

Now that the controversy was widely known by the netizens in Shenzhen, a “netizen public” formed and joined in the discussion. Many of them showed sympathy toward the disputants, but some criticized the SWC disputants as selfish: “Should people not responsible for their own decision to buy the house near a highway? Why should we taxpayers in the city pay for you for your own decision?” “Please don’t be so selfish and throw the hot potato to the other people!”

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<sup>17</sup> Interview with Engineer Q, N Garden, Oct 25 2004.

<sup>18</sup> Interview with Mrs. G, F Garden, Nov 13 2004.

<sup>19</sup> Interview with Mrs W, W Garden, Nov 15 2004.

In light of this challenge, SWC disputants on the one hand resorted to citizenship, laws, environment protection and the other general principles to justify themselves, on the other hand, they deployed stricter self-censorship on their public discourses. Mr. Q from W Garden reflected: “I have always stressed that one should have no selfish motives when putting forward a plan. One should take the general situation into account and take care of the interest of the greater majority.”

In the interaction with the wider diversified audience, the collective imposed strict self-constraints of their strategic discourse and action, and adopted universal principles of democratic coordination such as accountability, equality and transparency. Thus, a neighborhood-based collective showed the potential to become a Deweyan displaced public.

## **5. Interests, public goods and the retreat to a “Front of Independent Neighborhoods”**

Environmental protection had been one of the most important justifications of the disputants. But along the course, the disputants had fierce debates about whether to uphold it principally or deploy it strategically. On the one hand, many of the activists had been involved in environmental protection activities even before their involvement in the SWC controversy. Mr. R from W Garden, for example, was an active member of the Shenzhen Division of Friends of Nature. They insisted in having environmental protection as their major appeal in the controversy. As engineer S maintained, “It’s okay to say that we are defending our rights. But my deep concerns are environmental protection and truth. We have only one global village, and people

will lose it for good when it's polluted.”<sup>20</sup> On the other hand, political skeptics question the implementation of law in China. “It is exactly what the government wants if we just appeal to environmental protection issues, because they can easily tamper with the data,” said a representative from W Garden.<sup>21</sup> This different emphasis on principle and strategy, and different stances toward versatility, explain the later split of the collective.

The principle of “rule of law (‘法治’)” was also a powerful justification for the disputants. Having tried soft approaches such as mobilizing the media and visiting higher authorities to no effect, the weary homeowners then tried to mobilize more direct and formal methods: administrative reconsideration and administrative litigation. They tried the first in late 2004 and got a negative result. The three applicants then withdrew from officially engaging the Beijing lawyers for a follow up litigation because of fear: “How can I find a job if my name and face appeared in the news?” one applicant said.<sup>22</sup>

In May 2005, time was very limited for the Shenzhen government to complete the project before the political deadline: July 1<sup>st</sup> 2007. They started to impose more pressure on the homeowner's side by sending policeman to the activists' home at midnight. Homeowner activists from Rear Sea Division show versatility upon this development. They elected three representatives through collective signature, and these representatives officially engaged Mrs. L, a local lawyer, as their legal adviser to “talk with the government and solve the pollution issue of SWC.”

Why did they make this sudden turn from litigation to negotiation? Why was Mrs. L chosen as opposed to a group of lawyers from Beijing? First and foremost, the

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<sup>20</sup> Interview with. Engineer S, F Garden, Nov. 25, 2004.

<sup>21</sup> Record of homeowners' weekly meeting. Dec. 6, 2004.

<sup>22</sup> Record of homeowners' weekly meeting. Jan. 17. 2005.

representatives were uncertain about litigation because “SWC is a national project and China has not been a place that everything can be resolved through law justly.” But there is something more:

**Box 4<sup>th</sup>: The arguments concerning “accountability” and “face.”**

“Filing litigation against the government is not difficult in itself: you draft a complaint to the court, and let the court decides. You can certainly appeal after the first court decision comes out, but you should accept whatever the result of second decision is. Then the lawyer has fulfilled her commitment and leaves with the lawyer fee anyway. We need to pay a lawyer fee for whatever results the court delivers. Should we lack a strong sense of *accountability* toward our neighborhood, we would had already hired a lawyer and file litigation, because even we lost the suit, it’s the fault of the lawyer. As representatives we do not expect to be accused.”<sup>23</sup>

“To accept the Green Project was my idea, or else the issue may fall into a deadlock again. I feel like it is something that I can tell the neighbors as an *explanation* (“交待”). We older representatives have done whatever we could and we want a decent result. As a matter of fact, we little people...also have a problem of ‘*face* (面子).’ You see, if we come back to the neighborhood with two empty hands after all these troubles...We need to save ‘face’ too, after all.”<sup>24</sup>

Seen in this light, Lawyer L was indeed a much better choice than the Beijing lawyers, because even though the latter had better experience in dealing with environmental lawsuits, they had much less connection and experience in Shenzhen. In contrast, Lawyer L was said to have good relations with the city government, and she promised to “maximize the neighborhood’s interest by talking with the government.”<sup>25</sup>

However, this versatility to compromise in the best interest of the neighborhood did not convince every resident of Rear Sea Division, even within the activists group: “What do you mean by ‘big interest’? We are asking her (Lawyer L) to fight against the false EAR and wrong administrative decision. Isn’t this reasonable? This is

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<sup>23</sup> Interview with Ms H, Y Garden, June 2<sup>nd</sup>, 2005.

<sup>24</sup> Interview with Ms. P, W Garden, May 13, 2005.

<sup>25</sup> Homeowners’ Conference, W Garden, May 14, 2005.



supposed to be our fundamental duty as representatives and the lawyer!” “The idea of the current representatives and the lawyer are totally wrong. How can a lawyer not use the law to fight? There are only interests in her eyes, not legal principles! We should not be afraid of losing the lawsuit. Even if we failed, we have executed our legal rights!”<sup>26</sup> Since they had delegated the rights to the representative, these different voices were marginalized in the final settlement.

More versatility had been adopted by C Garden. Because the Garden would be *directly* affected by the viaduct, and its real estate prices there were falling at the time of dispute, Ms W was denounced to be “insincere,” when she tried to mingle her justifications based on property right with environmental protection and the other legitimate values. Also, because she had a different judgment of the whole controversy as a “political issue,” and “political issues should be resolved with political methods: you have to use connection (“走关系”), and solve it with more powerful resource,”<sup>27</sup> Ms. W chose to “fight for the interest of the neighborhood.” This explains the neighborhood’s unique and sensitive move in threatening the government with a hunger strike, which eventually won a sound screen for their neighborhood.

As a result of the different understandings of interest, public good and strategy, the cooperation style of the three Divisions retreated from a “coordinated collective” to a loose front. As Engineer Q said, “we are now a front of independent neighborhoods. We stopped holding regular meetings with the other two Divisions anymore, and we have separated financial sources and strategies to engage the government, but we still share valuable information. We Litchi Woods Garden now pursue our own ‘third way’: using the Internet to publicize our opinion, writing

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<sup>26</sup> Green Western Corridor Forum, July 7, 2005.

<sup>27</sup> Interview with Ms. W, C Garden, Nov. 5, 2004.

complaint letters to the General Bureau, and preparing for later lawsuits.”<sup>28</sup> By insisting in seeking truth, the retired engineers from Litchi Woods Neighborhood had won themselves a lot of respect, support and authority in the controversy.

## **6. Concluding remarks**

Hegel, the great German philosopher once said, “To a father who asked how he might best bring up his son, the answer is given: ‘By making him the citizen of a state with good laws’” (Hegel 1954: 269). So, raising good citizens in a bad society seems impossible. In an unsettled society like China, are we doomed to fail in searching for (new) identities, norms and forms of cooperation after 30 years of reform? Although this question can by no means be answered by a single case, the justifications and trajectory of the organizational forms that people in the SWC controversy developed provide us some clues.

As a reaction to a potential threat to their home and the arbitrary decision making process of the government, the disputants develop their right discourse, an “imagined community of victims,” and later, a coordinated collective. They did this by drawing different legitimate resource and through different organizational forms. As the controversy escalated, the homeowner collective and the local government were no longer the only two agencies in the dispute, and both of them had to engage with newly emerged diversified publics. The boundary between the homeowner collective and the publics was fluid and the notions of public/ private, just/ unjust were under redefinition along the interactions. In the final stage, different understandings of interest and public goods shaped the homeowners’ evaluation of “political

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<sup>28</sup> Interview with Engineer Q, N Garden, Mar. 28, 2005.

opportunity,” and contributed to their strategic and organizational turns. By appropriating “neighborhood interests,” “face,” and accountability in groups, the collective retreated to a neighborhood-based “font.”

Tracing the organizational trajectory of the controversy illuminates the relevance of the notion of “locality” in (re)configuring Chinese society. Place, territory and locality are not new concepts in China studies. For examples, Thireau (1991), Shen & Wang (2005), Liu Shiding (2002) among the others have observed that locality based notions like “face” and “human feeling (人情)” playing a key role in the stabilization of interpersonal interaction in rural lives. Whereas I maintained that localities - in this case the gated-communities - were settings that both enabling and constraining the strategic decisions and organizational arrangement of the disputants than a decisive factor or motive that separating from the deployment of arguments and actions.

Tracing the organizational trajectory in the case also reveals the need for more prudence in applying the public/private dichotomy in China. In *Privatopia: Homeowner Associations and the Rise of Residential Private Government*, McKenzie shows how the rise of common interests developments (CIDs) can diminish residents' sense of responsibility for the city as a whole by making them reluctant to pay taxes for the same public services that their fees provide. It also maintains that homeowner associations in CIDs pose a threat to American's traditional notions of equal opportunity and fair play (McKenzie 1994). While it makes a lot of sense in the US context, where the explicit expression of private interest is legitimate, politically and culturally, in an unsettled society like China, empirical studies have shown that “the authoritarian political system and other features of institutional context the way they operate distinctive.” (Read 2008).

More specifically, in the SWC case, the appropriation and practicing of universal

principles for democratic cooperative of the homeowners, and the denunciation from not a few homeowners toward their representatives for being versatile, show a more multi-dimensional notion of “interest.” The final reconciliation for “neighborhood interest” may be better understood as lacking political trust and institutional channels for dispute resolution and public participation than as lacking of motivation or right consciousness of the disputants. Social actions are strategic and instrumental in many circumstances, but we should not fall into the relativist trap. “Even if it is economic activity, it will happen in the social environment that shares a certain world view and common experience” (Mengin and Rocca 2002, xvi). The SWC controversy offers a social laboratory to test this argument. It shows that the potential results from a grounded and contextual analysis on transitional institutions probably may not be less than the results from looking for motives or decisive factors hidden behind social actions.<sup>29</sup>

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<sup>29</sup> Paul Ricoeur once used the term “hermeneutic suspicion” to describe various kinds of motive determinism. See Silber 2003: 434.

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