

August 24, 2018

To the Registrar of the University of Oxford

We, Jennifer Holdaway and Wang Wuyi,¹ are writing as co-Directors of the Forum on Health, Environment and Development (FORHEAD) to file a Complaint regarding violations of research ethics by Anna Lora Wainwright, who is an Associate Professor of Human Geography at the University of Oxford.

We assert that Lora Wainwright has made substantial misrepresentations in her book, *Resigned Activism* (MIT Press 2017) and also on the Oxford University website and to the media. Before writing this Complaint, we consulted the document *Academic Integrity in Research: Code of Practice and Procedure*. We concluded that she is violation of the following clauses,

- **misrepresentation of involvement in a research project; for example, the failure to include legitimate author(s) on outputs**, or granting authorship where none is warranted;
- **misrepresentation of data**, including the invention of data and the omission from analysis and publication of inconvenient data;

We also consulted the *Montreal Statement on Research Integrity in Cross Boundary Collaborations* (2013) and consider that Lora Wainwright is in violation of the clauses relating to communication (5), fair distribution of costs and rewards (8) and transparency (9).

More generally we feel that as a European academic involved in collaboration with Chinese researchers, and as a social scientist collaborating with natural and medical scientists, Lora Wainwright has abused the trust and generosity of many members of the FORHEAD network who have shared with her their access to field sites, data, knowledge and connections.

We first became aware that Anna Lora Wainwright (ALW) was making misrepresentations in April 2016 when she sent us a draft of chapter 4 of *Resigned Activism* (RA) (Appendix 1) and later, on our request, parts of the methodology (Appendix 2). We and other colleagues requested that she make significant changes to these (Appendix 3) and we thought the issue was resolved. We took ALW at her word that these problems were the result of thoughtlessness and not delib-

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erate. However, two things recently alerted us to the fact that there are similar problems with the published version of RA. The first was the interview ALW gave to the BBC radio program Thinking Allowed when her book won its Award for Ethnography in 2018 (Appendix 4). The second was that in working on the translation of the book “*Cancer Village*” Research by Chen Ajiang of Hohai University and his colleagues (Chen et al. 2013), Jennifer Holdaway became aware how similar much of the content was to RA. This prompted us to conduct a closer examination of ALW’s representation of her role in the research discussed in RA and her use of the work of colleagues. This Complaint is the result.

It is unpleasant to have to investigate and report a colleague. We were very reluctant to do so, As our previous efforts to resolve these problems through private communications with ALW (Appendix 3) show, we attempted to avert this outcome. However, now that the book is in the public domain, we see no alternative but to report the situation to the University of Oxford. In fact, after reading the relevant ethics codes, we concluded that we have a professional obligation to do so.

We provide detail below and in the appendices to this Complaint, but to summarize, the acts and omissions we consider unethical are.

1. Failure to make clear the collaborative nature and co-production of much of the research discussed in RA in the book itself, on the Oxford University website, in media interviews and when accepting an award.
2. Failure to consult with colleagues before and during the publication of RA to give them the opportunity to provide feedback on the use of their research and raise intellectual property (IP) issues.
3. Failure to make clear where her individual intellectual contribution lies in relation to previous co-authored and Chinese language publications and failing to adequately reference and quote the work of colleagues.
4. Inaccurate representation of the findings of natural and public health scientists even after these were raised with her in written comments.
5. Falsifying primary data (changing text that is presented as anthropological fieldnotes)

The narrative below provides evidence of these violations drawing mostly on published texts but also on grant proposals and reports submitted to SSRC. Some points draw on emails between ALW and ourselves and other colleagues. Because these problems span multiple projects over many years, we are making this Complaint in our capacity as co-Directors of FORHEAD. We have shared this narrative with all the individuals mentioned to confirm the accuracy of the statements we make regarding each case.

Background

The Forum on Health, Environment and Development (FORHEAD) was launched in 2008, following a mapping of research on environment and health in China by Jennifer Holdaway, who was then the Director of the Social Science Research Council's China Environment and Health Initiative (SSRC/CEHI). That mapping showed an urgent need to promote greater collaboration among environmental, public health and social scientists working on the impacts of pollution on health in China, and FORHEAD was formed to facilitate this. It has done so through a package of activities that drew on the experience of the SSRC in interdisciplinary research field building: including small grants, capacity building activities, and collaborative writing.² Over ten years we have given more than 50 small grants and more than 500 researchers have taken part in various FORHEAD activities.

FORHEAD was intended to support the production of interdisciplinary research that could inform policy and community responses to environmental impacts on health and more generally strengthen research capacity to conduct such research in China. International collaboration was not a goal. With very few exceptions, our grants went to Chinese researchers or NGOs. However, we did invite some non-Chinese researchers to participate in small grant projects and meetings.

ALW was one of these. She participated in the first CEHI conference in Hong Kong in 2008; and gave talks at our annual conference and summer training program. She also joined in two SSRC/FORHEAD-funded research projects, in Yunnan and Hunan. She did so on our invitation, and on the understanding that she would contribute to the co-production of knowledge as part of interdisciplinary teams. These projects are discussed in chapters 3 and 4 of RA. Chapter 5 is based on a study that ALW conducted in Guiyu in Guangdong in collaboration with Professor Li Liping of Shantou University, whose work on e-waste FORHEAD previously supported through a small grant. Chapter 2 of RA is a discussion of research on "cancer villages" by Professor Chen Ajiang of Hohai University and his team, which was also partly funded by FORHEAD grants. We provide more detail on these projects and ALW's role in them below.

Chapter 2 ("Cancer Villages")

This research, by Chen Ajiang and his (then) graduate students at Hohai University, Cheng Pengli and Luo Yajuan, built on previous work Chen had done starting in 2007 with funding from the Chinese National Social Science Foundation on "Harmony between People and Water." With a grant from SSRC/FORHEAD in 2010, Chen and his team investigated a number of villages in which the media had reported that there were high rates of cancer that were attributable to pollution. This research was published in 2013 as a Chinese language edited volume (Chen et al. 2013). ALW took no part in designing or conducting that research and never visited any of the villages. Her account of those cases is based entirely on the Chinese language publications and on conversations with the team about the studies. We are very familiar with the content of this research because we funded it, and we wrote a preface for the book. Jennifer Holdaway has also recently been working on the English language translation.

² The China Environment and Health Initiative and FORHEAD have been funded primarily by the Rockefeller Brothers Fund.

Chapter 3 (Baocun, Yunnan)

This project examined how rural communities understand and respond to the effects of pollution on their health. The PI was Zhang Yiyun of the Yunnan Health and Development Research Association (YHDRA), an interdisciplinary network of academics and NGOs in Kunming. FORHEAD wanted to support YHDRA in strengthening its capacity to research environment and health problems. Because the project was related to environmental health awareness, which ALW had researched for her Ph.D dissertation, and because she had strong training in the anthropological methods that would be used for the study, we suggested YHDRA invite her to join the team as a consultant. Benjamin van Rooij (then of Leiden University), who had conducted research on environmental conflict in the same research site from a socio-legal studies perspective, was the second international consultant. The team also included Wu Yunmei, of the Yunnan Academy of Social Sciences and two legal scholars (see the relevant sections of Appendix 5).

Like all the small grant projects we funded, this study was interdisciplinary and the knowledge it generated was, by definition, co-produced. Because we were seeking to strengthen research capacity, we asked grantees to write not only a report on their findings but also a Research Process Report, detailing the decisions and challenges they faced in the course of the project, how they addressed them and what they learned. (Appendix 5) The Process Report for this project, written in Chinese by Zhang Yiyun, is a detailed account of how this collaboration worked over the course of the project, from design, through fieldwork, through analysis of results.

The report shows that ALW played an important role in this project, in helping to sharpen the topical focus of the research within the overarching concerns of FORHEAD, co-writing the (English language) proposal, training the team in ethnographic methods and guiding the fieldwork. However, this does not alter the fact that she was invited to participate as a consultant to support YHDRA, not the other way around, and that other team members made intellectual as well as practical contributions to this project. The grant proposal, grant report and process report (Appendices 5,6 and 7) show that Benjamin van Rooij played a significant role not only in sharing his connections and access to the site through Wang Qiliang of Yunnan University Law School, but also in the analysis of the data. Zhang Yiyun and Wu Yunmei also contributed substantially from the perspectives of public health and rural sociology. The Process Report describes the intensive meetings and discussions, before, during and after fieldwork through which the team developed an understanding of how villagers understood and were responding to the impact of pollution on health. The grant report, written in Chinese by Wu Yunmei and Zhang Yiyun also demonstrates their contribution to analysis of the case (Appendix 6) and their active involvement was evident to Jennifer Holdaway when she visited the team during their fieldwork in the summer of 2009.

Chapter 4 (Mining in Hunan)

This project looked at the interaction between environmental pollution, health and rural livelihoods in a village with multiple types of heavy metal pollution from lead and zinc mining. This study involved a larger number of researchers over more than 10 years (work there by medical geographers from CAS/IGSNRR preceded FORHEAD and later work by IGSNRR and other researchers was funded by a series of FORHEAD small grants). In this case, too, the production of knowledge was a team activity but due to the large number of researchers involved, there was no one PI. We coordinated the involvement of different researchers as the project evolved and different issues became salient. The disciplines/expertise represented included medical geography, soil science, rural ecology/land use, public health, rural sociology, psychology and anthropology (ALW). Again, the framework for research was worked out through intensive meetings between various combinations of researchers at different points in the project and the goal was to produce an integrated understanding of the issues.

Chapter 5 (e-waste in Guiyu)

This project discusses the recycling of electronic waste in Guiyu in Guangdong. Professor Li Liping of Shantou University, who has worked extensively on this issue, was ALW's Chinese collaborator in this project. We were not involved directly in this project and so we do not include much discussion of it, noting only problems that Li Liping pointed out to us recently in the course of our inquiry.

1. Failure to properly represent the collaborative nature and co-production of the research discussed in RA in the book itself, on the Oxford University website, in media interviews and when accepting an award

As noted on page 1 of this complaint, in April 2016, ALW emailed us a draft of Chapter 4 of RA. At that time, we identified numerous misrepresentations and insisted that she make extensive revisions relating to the findings of environmental and medical research, her description of her role in the project and acknowledgment of the work of others, and her account of the research process. ALW incorporated most of those changes into Chapter 4, which indicates that she agreed with our criticisms.³ However, she either neglected to change, or purposefully chose not to change, closely related and even identical misrepresentations in other chapters. In this context, the University should consider the details of this 2016 correspondence between ourselves and ALW.

On May 28, 2016, we sent ALW a formal email, cc'd to our external funder (Appendix 3). It contained the following statements.

... your work in all these sites relied heavily on the work of Chinese researchers from a range of disciplines.

... you should acknowledge more fully the intellectual contribution of Chinese researchers (not just as people who provided access).

³ ALW sent us a revised version of chapter 4, but not of the methodology, in May 2016.

... as co-Directors of FORHEAD we are very concerned that the goals and process of the project, and the roles of various participants, be represented accurately and fairly. Especially ... in light of your not sharing the chapter more widely earlier, if you were to publish something in which our comments are not thoughtfully addressed, it could have very negative consequences in terms of network members' willingness to participate in future interdisciplinary and international collaboration.

... In the worst case scenario, we might feel obliged to comment publicly and negatively on your book. This is of course something that we are extremely eager to avoid. (For the full text see Appendix 3)

This email put ALW on alert that she had a responsibility to adequately acknowledge the work of her colleagues. However, ALW's account of her role in these projects in RA is still inaccurate. She does not make clear the collaborative nature of the research and misleads the reader into thinking she played a bigger role in these projects than she did.

For example, on p. xii in the acknowledgments, ALW thanks FORHEAD for providing her with contacts and networks but she fails to make it clear that four of the five projects she discusses in RA were not initiated by her. Then on p.xiv, she writes,

For research on Baocun, I am immensely grateful to Zhang Yiyun who capably coordinated, arranged and took part in fieldwork, and to the dynamic Yunnan-based NGO for which she works. YHDRA, which hosted the project. Thank you to Wu Yunmei, who assisted with her admirable fieldwork skills, to Benjamin van Rooij and Wang Qiliang, for supporting the project at crucial times, and to all other researchers involved in data collection.

This account makes it sound as if all the other people involved in the project were there to help ALW. On p.xi of RA, ALW also lists the grant from SSRC (RBF/SSRC-CEHI/2008-01-07) for the Yunnan project without indicating that she was not the PI but a consultant to this project. ALW's account in the acknowledgments of the Guiyu project (chapter 5) is similar. Li Liping is described as her "academic host and collaborator" and thanked for recruiting student interviewers. The fact that Professor Li contributed additional funding for the project and herself conducted interviews with government agencies is not mentioned.⁴ Thanking people is not the same as acknowledging their intellectual contributions and this is a point we made specifically in our May 2016 email to ALW.

⁴ Professor Li raised additional funds through the 2014 Guangdong Province University Student Innovative Training Program: Qualitative Research on Perceptions and Attitudes of different social groups towards the health effects of pollution from e-waste. Li Liping and Lu Huigui were the supervising professors of this grant. Two Chinese language publications resulted (Huang et al. 2016a; and Huang et al. 2016b). These are not cited in RA.

The true nature of the collaborative process of this research is only evident right at the back of the RA. On page 187 of the methodology, discussing the Yunnan case (chapter 3) ALW states.

The first interview guideline was developed in March 2009 in preparation for fieldwork in Baocun, within the overarching framework of FORHEAD and the small grants program. **Each team member drafted a set of questions that would ensure coverage across an interdisciplinary set of concerns. The team considered them over several meetings until consensus was reached on a question list.** This process also ensured that fieldworkers were clear about the rationale for each question and for their order. The same process was followed for Qiancun and for Guiyu. Interview guidelines, and the area of inquiry more broadly, were routinely adjusted as part of the research process. **During each stage of data collection, researchers compared initial findings and modified areas of enquiry accordingly. Further fine-tuning took place following the completion of each stage of research and before commencing subsequent stages. Given the hermeneutic process of constantly refining questions through data collection, the processes of data collection and analysis became to large extent inseparable.** This is one anthropology's trademarks. (Our bold font)

This passage, which is buried in the methodology section, makes it clear that the fieldworkers were not just implementing a survey questionnaire; they were engaged in a “hermeneutic process,” which was shaped on the one hand by the overarching concerns of the FORHEAD program and on the other by interactions among researchers from different disciplines. This passage also indicates that this collaborative process was important in shaping ALW's thinking not only about the Yunnan case, but also her subsequent thinking about the Hunan and Guiyu projects and, by implication, the whole of RA.

On her University of Oxford webpage, ALW writes

Anna strongly believes in interdisciplinarity and in its value for understanding environmental health problems. For this reason, she has been involved since 2007 with the SSRC's China Environment and Health Initiative (CEHI) and the Forum on Health, Environment and Development (FORHEAD), which are designed to bring together social scientists working on these issues. As part of this initiative, **she led a project** on 'citizens' perceptions of rural industrial pollution and its effects on health', which included scholars from legal and political science, anthropology, sociology and public health **as well as a Chinese NGO, the Yunnan Health and Development Research Association (YHDRA).... Anna has collaborated with Ajiang Chen (Hohai University) to research how evidence of high cancer rates in "cancer villages" is mobilized and contested** by various stakeholders and document the development of lay-expert collaborations and citizen science in rural China. (our bold font).

The statement that she “led” the Yunnan Project is incorrect. ALW did play a key role in the project, but the grant was not made to her,⁵ YHDRA was the grantee, not a peripheral participant in the project; and other people made important contributions.⁶ The statement about the collaboration with Chen Ajiang implies that ALW conducted research with Chen and his colleagues. She did not.

ALW has also made false representations to the media by omitting to make clear the collaborative nature of much of the research in RA. In an interview with the BBC Radio 4 program Thinking Allowed on April 16, 2018, (Appendix 4), she gives the impression that she designed and led all the research in RA. There is no acknowledgment that these were team projects that were in two cases initiated by other people or that in the case of the “cancer village” research she did no fieldwork of her own. Not a single key collaborator is mentioned by name. Asked how she did her research, ALW says,

“I teamed up with colleagues from within China, who helped me on the project.”

And later in the interview,

I: Tell me about why you chose these areas? How easy it was to gain access to the people who lived there?

ALW: Certainly not easy, and indeed the choice of sites had a lot to do with access. So in the case of *Baocun* and *Qiancun*, the first two sites, it was very much to do with the fact that previously someone else had done research there and I could get the contacts to work there. In the case of *Guiyu*, it was quite different, the access there remained the problem ... And so I had to work quite flexibly and to make much shorter research trips, and collaborate with local students to do some of the interviews with me.

The only quote from fieldwork that ALW reads aloud in this interview, which is the header quote of chapter 1 of RA, is taken from the fieldnotes of Wu Yunmei of the Yunnan Academy of Social Sciences for May 19, 2009. (Wu’s notes show that ALW had left the field site on May 13.) This is not acknowledged in RA or in the BBC interview. In the methodology section of RA, ALW acknowledges that she did only about 10 interviews in Guiyu herself, while 40 interviews were conducted by students of Li Liping with ALW not present, and some by Li Liping herself.

In this interview, ALW says that she thinks “what I was doing was unique.” It is not. Chinese researchers including Chen and his colleagues, those in the Yunnan and Hunan teams, Li Liping and many others have also studied highly polluted places in China, and many of them have spent far more time than ALW in these places. This portrayal is inaccurate and disrespectful.

⁵ On the same webpage, under Selected Grants and Prizes, ALW lists a grant from the SSRC for \$14,000 for the Yunnan project.⁵ This is also a misrepresentation. SSRC did not fund ALW directly. She was a consultant to YHDRA.

⁶ SSRC/FORHEAD subsequently gave another grant to YHDRA for a project on migrant’s occupational health.

In 2018, RA won the BBC Thinking Allowed Prize for Ethnography. In accepting that prize, ALW did not make it clear that much of the research in the book was co-produced, that chapter 2 is a discussion of research in which she was never involved and that much of the fieldwork in other places was done by Chinese researchers.⁷ Such awards attract media attention (for example, the BBC interview above) and are used in professional evaluations. It is not ethical for ALW to promote her career on the basis of other people's work.

2. Failure to consult colleagues in collaborative projects before and during the process of publication to enable them to comment on the use of their data and raise intellectual property issues.

On page xxxii of the introduction to RA, ALW makes the following statement.

Leading or participating in research projects populated largely by Chinese colleagues has put me in a position of relative privilege when it comes to analyzing the findings and reflecting on these projects in English medium publications. I am keenly aware of this imbalance. To address it, I have previously published in conjunction with some of my closest collaborators (see for instance Lora Wainwright, Zhang, Wu and Van Rooij 2012; Lu and Lora Wainwright 2014) and have sought to consult colleagues as I revised this book's manuscript.

There are several problems with this statement.

First, from a research ethics point of view, if the intellectual contribution of the collaborators made joint publication appropriate in the first instance, then it should also be thereafter, and if their contribution was not substantive, their names should not have been on the original publication. We discuss the issue of relative contributions to the substance of RA below,

Second, the statement suggests that publishing with her Chinese colleagues was an act of generosity. This is patronizing and shows a lack of respect for her collaborators.

Third, the last sentence is a misrepresentation that disguises ALW's failure to adequately consult her colleagues in these team projects. ALW submitted the manuscript of RA to MIT Press in February 2016 without sharing it with colleagues who were involved in the co-production of the research or giving them the opportunity to give feedback on the way in which she used their research findings or raise IP issues. It was not until April 27, 2016 that ALW sent chapter 4 to Jennifer Holdaway, saying that she had to submit revisions by early June. Although this chapter used research from natural science colleagues and was also critical of their role in the project (see Appendix 1), ALW did not send it to them directly. This was inappropriate and disrespectful.

⁷ ALW does not give precise dates regarding when she was in the field in the methodology, which is itself a problem. From our inquiries it seems that she spent about two weeks in the field in the Yunnan study. The majority of the fieldwork was done by Chinese researchers in the team. ALW spent at most two months over three trips in the Hunan site. In Guiyu she appears to have only spent a few weekends staying with a family in the area. The extent to which RA can rightly be described as "ethnography" is, however, not the issue in this Complaint; the problem is ALW's failure to acknowledge the intellectual contribution of her colleagues.

As noted, Chapter 2 of RA is a discussion of research on “cancer villages” by Professor Chen Ajiang and his (then) graduate students at Hohai University. However, ALW did not contact Chen Ajiang until May 20, 2016, when she sent him an email asking if he would agree to her including in her book a chapter drawing on a revision of an article she and Chen had previously co-authored. She said that she had “substantially revised” the chapter but that it “makes very similar points.” Although she had already sent a manuscript containing this chapter to MIT Press three months previously without Chen’s consent, she did not send him that text when making this request (she did not send it until June 6). Given this, how could Chen meaningfully give his consent? In the course of our inquiry, Chen told us that he wondered if there might be an issue with intellectual property but he thought ALW would use his team’s work in accordance with international norms for referencing published material; and he did not want to hold up her book. Like us, he gave her the benefit of the doubt (see section 4 below for further discussion of how the Hohai team’s intellectual contributions were actually documented).

ALW never shared a draft of chapter 3 on the Yunnan case with Zhang Yiyun, Benjamin van Rooij, Wu Yunmei or Wang Qiliang, who were her collaborators in the project. She mentioned in a post script to an email to Zhang Yiyun in June 2018 that the book had come out but did not attach the chapter or send YHDRA the book. Wu Yunmei and Van Rooij did not know of the book’s existence until Holdaway told them of it in July 2018. ALW did not share a draft of chapter 5 with Li Liping prior to publication, and Professor Li and her colleagues in Shantou University have yet to receive a copy of the book.

ALW was aware of the rules governing intellectual property and securing informed consent long before we warned her in April 2016. While working as a consultant to YHDRA in 2009, she herself raised precisely these concerns.

According to the terms and conditions of SSRC grants, intellectual property resided with the Principal Investigators and it was for them to decide how publications should be handled. But at grantee workshops we stressed the need for timely communication and consultation with colleagues and we mediated problems within teams when they arose. In the August of 2009, when Jennifer Holdaway visited the Yunnan team in Kunming, ALW asked Jennifer Holdaway to advise them on how to manage conflicts she thought might arise over publications from the project. The result was an agreement, written by Zhang Yiyun as the PI (Appendix 8) that asked team members to inform each other of topics on which they wished to write papers, with disciplinary expertise as the principle for determining who should be the lead author. The agreement required that team members secure the consent of YHDRA before publishing. In addition to being a failure of communication and transparency, ALW’s violation of an agreement she herself initiated shows a double standard: she was concerned to protect her own intellectual property but did not show the same respect for her colleagues.

3. Failure to make clear where her individual intellectual contribution is in relation to previous co-authored publications and failure to adequately reference and quote the work of colleagues

RA was published as a monograph. This amounts to a claim that ALW has sole intellectual property rights to the content. This is already problematic given the underlying collaborative nature of the projects she discusses. But perhaps if she brought a unique, anthropological analysis to the material it might be justified. We understand that early career researchers in particular need to have single-authored publications in disciplinary journals for their professional advancement and in addition to co-authored publications, we encouraged teams to enable this. We supported ALW's publication of single-authored articles of this nature: as she acknowledges on p.xii, Jennifer Holdaway read and gave feedback on them.

Yet, in the case of chapter 3 of RA there are previous, co-authored publications that cover very similar intellectual territory, and in the case of chapter 2, ALW draws entirely on published research conducted by Chen Ajiang and his colleagues. In our judgment, her intellectual contribution is insufficient for single authorship, based on the evidence below. However, the key point is that the ALW does not make clear where her own, new, contribution lies.

Chapter 3: from “Learning to Live with Pollution and “Activist Acquiescence” to “Resigned Activism”

In 2012, ALW, Benjamin van Rooij, Zhang Yiyun and Wu Yunmei published an article in the China Journal (ALW et al. 2012). Titled, *Learning to Live with Pollution: Constructing Environmental Subjects in Rural China*, it begins with the following paragraph.

It is often assumed that, when citizens do not oppose pollution, it is due to their ignorance of its effects or to structural barriers to change. This article argues that a sense that pollution is inevitable is also a major obstacle. We outline the gradual formation of environmental subjects who have learnt to value their environment in ways consonant with the seemingly inevitable presence of pollution. We argue that perceptions of inevitability were produced by: (1) the subordination of villagers to their leaders and the dependence of both on local industries; (2) experiences with protests; and (3) the framing of the exploitation of local resources as part of a broader national project of development. This study sheds light on the study of environmental protests in China by illustrating how parameters for contention come into being and how they are intertwined with the governance of the village and of the environment. (For the full text, see Appendix 9).

In 2014 the same team published another co-authored article - this time with Van Rooij as the first author - titled *Activist Acquiescence, Pollution, Power and Access to Justice in a Chinese Village*, in the University of California Legal Studies Research Series (Van Rooij et al. 2014). The abstract reads,

This paper studies access to justice in China. It provides an in-depth case study of three decades of failed local activism to deal with environmental grievances. The

paper finds that access to justice need not be a matter of choosing between justice from above or from below. Rather the patterns of action in this case are the result of strong control exercised by local industry, local village leadership and the state, as well as by internalized frameworks of thought and practice amongst villagers. Moreover, the paper finds that the forms of action taken here strengthen the existing manifestations of power that control grievance awareness and potential activism. As such the paper provides a new view on contentious politics in China, showing how activism can be neither rightful resistance type justice from above, nor effective justice from below. Instead it can also occur in the form of activist acquiescence, where citizens have come to accept their powerlessness and the limited role as activists still allowed, and where their activism strengthens citizen controls without stimulating justice, resulting in submission instead of resistance.

The title *Activist Acquiescence* is strikingly similar to *Resigned Activism* and many of the main themes and key points of RA are in this and the *Learning to Live with Pollution* article.

ALW makes a number of slightly different statements about the main intellectual contribution RA makes and about the concept of “Resigned Activism”. For example,

This book.... shows that, contrary to appearances, villagers’ knowledge of pollution and understanding of its effects is often complex and multi-layered. In other words a relative lack of action is not a simple consequence of lack of knowledge. Neither do they accept pollution in their vicinity only out of ignorance or out of self-interested economic cost-benefit analysis...Their resignation to pollution is due to more complex social, cultural and political reasons, as well as to the intricate relationships they develop with pollution and with the local state over time (RA xxiii).

The book highlights modes of “living with pollution” that would be less visible if the emphasis remained on collective action. It accounts for how concerns are shaped, how entitlements change, and how those who live with pollution learn to adjust their expectations and their demands. It maps out an uneven terrain in which citizens are concerned with environmental health threats, are diversely positioned to overcome them and embark upon varied pathways of action to protect themselves individually, as a family, or as a community. In turn, villagers emerge not as stable subjects but as involved in ongoing processes of negotiation with their families, neighbours, the polluting firms, various levels of the state and a range of outsiders (RA xxv).

The term Resigned Activism serves as a conceptual tool to attend to subtle shifts in parameters and expectations, and to the diverse forms of environmental engagement they support. It encapsulates a spectrum of perceptions and practices comprising acts that may fit the conventional label of collective environmental contention, such as protesting at the factory gates and filing petitions. But it also includes less confrontational and more individualized or family-oriented strategies aimed at minimizing pollution in one’s immediate surroundings; closing the

windows at night to limit exposure to fumes, wearing masks, buying bottled water, at least for children, sending children and pregnant women to live elsewhere, quitting the most harmful jobs or discursively defending one's own work as less harmful (RA, p xxviii).

Building on these studies, I argue that knowledge of pollution cannot be separated from the many other challenges locals face, such as finding work, paying for healthcare and improving their family homes. As industry becomes enmeshed with the local community and locals become more and more closely tied to their place of residence, pollution can come to be regarded as a fact of life, and only one of a number of potential causes of illness. Conversely, common illnesses potentially correlated with pollution (such as nosebleeds in Baocun) become regarded as “normal”. As a consequence, responses to pollution also become embedded within social, economic and political relationships, and the everyday challenges of making a living and attaining a good life. This book is devoted to elucidating these processes. (RA, p.13)

The striking similarity between the key themes and concepts of RA and the two earlier articles might not matter if those articles had been single-authored. But it is a very different matter when the previous publications were co-authored. In this situation, it is particularly important that an author should clearly distinguish her own new intellectual contribution. But the article *Activist Acquiescence* is not mentioned until page 84 of RA, and then only in an endnote to a sentence discussing the normalization of pollution. People who do not read the endnote would never know of the existence of this earlier co-authored publication.

More generally, it is impossible in RA to tell which ideas come from whom. In the *Activist Acquiescence* article of which van Rooij is first author, the interviews that the information came from are referenced, and all of them are by Wu Yunmei. Nowhere in RA does ALW indicate who conducted the interviews which are quoted and analysed in her narrative. As noted above, the first quote at the top of chapter 1 (p.1), is also in fact from an interview by Wu Yunmei.

Chapter 2: Factors that Shape Responses to Pollution

Chapter 2 of RA, on “cancer villages,” throws the question of intellectual property into sharper relief. The immediate precursor of chapter 2 of RA is a co-authored chapter that ALW published with Chen Ajiang in 2016 in the Companion to the Anthropology of Environmental Health (Lora Wainwright and Chen 2016). This chapter was in turn based upon the Chinese language book “*Cancer Village*” *Research*, that was published in 2013 by Chen and former students at Hohai University, Cheng Pengli and Luo Yajuan (Chen et al. 2013).

ALW acknowledges that she played no role in designing or conducting this research; in RA she thanks Chen for “taking the time to discuss his work on “cancer villages” with me and allowing me to develop my own analysis of case studies originally researched by him and his team...” (RA, p.xii). This raises the question of what ALW’s “own analysis” consists of and whether it justifies the shift to single authorship.

The original book, “*Cancer Village*” *Research*, is an edited volume, in which some chapters are case studies of individual “cancer villages” and some discuss cross-cutting themes. Because

different chapters were written by different people, there is some repetition across them and some unevenness in tone and style. There is no stand-alone theory section, and Chen and his co-authors make their analytical points mostly in plain language, with only a few references to the international literature. However, when it comes to the substance, all the major themes in RA are here too. For example, the following passages from the chapter by Luo Yajuan on Dongjing Village in Northern Jiangsu.

From a case like Dongjing, we can see that the problem of the relationship between pollution and cancer is not a purely medical question, it is also a social one. The relationship exists under certain social conditions, and it cannot be entirely separated from the particular set of political and administrative arrangements within which it is embedded, or from the specific socio-cultural context. Dongjing villagers engaged in resistance to environmental pollution for eight years. This was a “protracted war” in which every initiative led to defeat, and every defeat led to further resistance. ... As it evolves, the case study reveals the position of the factory, the contradictions that local governments face in pursuing industrial development, the mechanisms for communication between the government and the people, the limited freedom and impact of the media, the dearth of medical research and the powerlessness of the law when medical evidence is lacking.

...The choice of tactics that villagers make and the duration and impact of environmental resistance are strongly related to the characteristics of local village elites.

... Intensifying pollution and hazards provoked some of the villagers’ slumbering resentment, but the majority of villagers still recalled the nightmare of their previous episode of resistance and were unwilling to try to use their limited resources to resist a stronger adversary (p.66. Jennifer Holdaway’s translation).

This case study was Luo’s dissertation research, for which she conducted four rounds of fieldwork, in 2007, 2008, 2009 and 2011. In the Chinese language book, this case study is a stand-alone chapter with Luo as the sole author. Along with the study of Huangmengying in Shenqiu County, this is one of the most fully-developed cases in the book and it was published in 2010 in the Chinese language journal *Xuehai*. It gives a very comprehensive account of the evolution of the villagers’ awareness of pollution and the potential health risks and the various efforts they made to resist it, including an account of the different positions villagers took and why, the role of elites, and the advantages and disadvantages of their attempts to enlist various outside actors to help them.

The summary of this case in Lora Wainwright and Chen 2016 is precisely that, and the reproduction of that summary in RA is verbatim except for some minor additions of references and switching of the order of sentences. In both texts, several of Luo’s interesting insights are reproduced in language that is very close to the original Chinese in Chen et al. 2013. For example, in discussing the villagers’ failure to win compensation through lawsuits, Luo writes,

Analyzing these two lawsuits, we can see that the Dongjing Villagers lost their case because they did not provide evidence that had legal effect. On the surface,

the ruling of the court upheld justice. The villagers could not provide evidence that had legal effect, and it was natural that they should lose the case. However, we need to think more deeply about why the Donging villagers were unable to turn the “social facts” they saw and experienced into “legal facts” the court would recognize? [Here a footnote credits Chen Ajiang for the term “social facts”] Did they actually have the power to turn social facts into legal facts? And if they did not, then when the law did not take into consideration the villagers’ ability to provide evidence, was it actually upholding justice or injustice. (Jennifer Holdaway’s translation p.61-62)

The summary of the case in RA reads,

Because of legal parameters, villagers were unable to turn pollution’s effects, which for them were a social fact, into a legal fact. In such circumstances, the law ultimately makes their suffering invisible, caught as they are in a double bind of being victims of pollution but unable to achieve recognition of their suffering (see Phillips 2012). This begs the question: if courts do not take into consideration the ability of villagers to compile the kind of data required, who or what are they protecting? Are they actually safeguarding justice? (Luo 2013) (RA, p.51).

Reference to the whole publication is not sufficient when the key points are reproduced almost exactly from the original. A quotation with a page number should have been used to make this clear. Furthermore, as part of an email correspondence about how she should reference their work, Chen told ALW in an email on June 11, 2016 that if she was using data or actual findings from the Hohai team’s research she should “put a citation to the source in the corresponding place in the chapter, with the publication and page number.” But although ALW uses citations in the text of RA to reference her own previous work and other literature, she did not do this for Chen et al. 2013. Case studies are credited with only one endnote referencing the whole publication and very occasional additional citations like the one to Luo above, but no quotations and no page numbers. In the 2016 co-authored article, Chen Ajiang could be said to be representing the whole Hohai team, of which he was the PI, so perhaps this was acceptable. But RA is a monograph and this lack of detailed in-text citations is unethical. The result is that a reader who is not familiar with the Chinese language book – and this constitutes the vast majority of readers - cannot distinguish which ideas are ALW’s and which are those of the Chinese researchers.

Is there any new analysis? Of a 25-page chapter, 14 pages consist of summaries of the cases from Chen et al. 2013, and much of the introductory section is verbatim from Lora Wainwright and Chen 2016. In the last four and a half pages of the RA chapter, ALW presents a typology, which she later uses in her concluding chapter to discuss the other three cases in Yunnan, Hunan and Guangdong. Neither Chen et al. 2013 nor Lora Wainwright and Chen 2016 includes this typology, in which ALW states that the four main factors that are important in understanding whether and how villagers respond to cancer and other pollution-health problems are:

- 1) Types and levels of pollution, relative level of clarity its link with particular illnesses, level of awareness of pollution and its harm

- 2) Community cohesion, its organizational potential, and the role of charismatic leaders (particularly local doctors and elites, including village cadres, and villagers who are well-connected, educated, or have had a rich life experience outside the immediate area
- 3) Local political economy, degree of dependence on industry and relationship to various levels of government
- 4) Support from civil, society, the media, and outside expertise. (RA, p. 54).

However, on page 29 of RA, ALW previously stated that,

Research by Chen and his colleagues... is based on years of fieldwork in heavily polluted areas, including a number of "cancer villages". Their book covers a range of sites through indepth case studies that **highlight the uneven understanding of pollution among villagers, equally uneven evidence of a correlation between pollution and health effects, and the diverse reactions of local communities to pollution. They attribute such diversity to different local political economies, different relationships between communities and polluters, and varying levels of interactions with outside actors, such as the media, lawyers, and higher government authorities. (RA, p.29)** (Our bold font).⁸

In our view, the compilation of these observations, which ALW acknowledges were made in the original book by Chen and his team, into a "typology" is not sufficient for the shift to single authorship. (In the preface we wrote for Chen's book we also mentioned these same factors as examples of its contribution to the literature (see Appendix 11)). It seems ALW herself was aware that it was problematic to include this material in a monograph. In an endnote (p.192) she states that "A shorter and earlier version of this chapter appeared as *Cancer Villages: Contested Evidence and the Politics of Pollution. A companion to the Anthropology of Environmental Health (2016)*" and she thanks the press for allowing this article to be "reprinted." But if ALW considered that chapter 2 of RA was sufficiently different to constitute a new piece of intellectual property, she would not have needed to request this permission. And it is highly usual for a co-author to be dropped in a reprint. At the very least, in doing so, ALW should have made it clear precisely where the added value is that justifies single authorship.

Theory, Fieldwork and Claims to Intellectual Property

Given the existence of these co-authored and Chinese language precursors, a question about intellectual property hangs over the whole of RA. Aside from the possible but unclear added value of ALW's reworking of the concepts of *Living with Pollution* and *Activist Acquiescence* into *Resigned Activism*, are there other justifications for the single authorship of these chapters? One might argue that it is justified by ALW's inclusion in her introduction and chapter 1 of a theoretical discussion that situates the coexistence of resignation and activism in the context of the international literatures on social movements, on theories of resistance and power, and on environment and health in China and elsewhere.

⁸ All of these factors are discussed in some detail in various chapters of Chen et al. 2013. We can provide further documentation if necessary.

Three points are relevant here.

First, after discussing the international literature, including major theorists of knowledge and power such as Gramsci and Bourdieu, in chapter 2 Lora Wainwright turns to the work of Chen Ajiang and his colleagues as the basis for the typology she uses to analyze the three other cases in the concluding chapter of her book. It seems from this that the international theory alone was not providing sufficient analytical purchase on the Chinese cases. Yet, as we pointed out above, the components of her typology were all present in Chen et al. 2013 and do not constitute a new intellectual contribution.

Second, some discussion of the concept of “activist acquiescence” should surely have been included in ALW’s discussion of theory and of previous work on environment and health in China in chapter 1. On pages 3-4 she discusses the work of Gaventa, and his “widely acclaimed study of quiescence and rebellion,” but she does not mention the co-authored article, *Activist Acquiescence* (van Rooij et al 2014) which explicitly drew on Gaventa, in this section or in her later discussion of research on environment and health in China.

Third, as ALW herself acknowledges in the methodology section of RA, in anthropology, “the processes of data collection and analysis became to a large extent inseparable” (p.187). In this context, giving primacy to post-hoc theoretical packaging seems dubious in the case of chapter 3 and certainly not sufficient to justify single authorship in the case of chapter 2 on “cancer villages”, when ALW took no part in framing or conducting the research and a book that includes the researchers’ own analysis of the cases had already been published.

In sum, however one views ALW’s intellectual contribution to the content of RA, she is at fault for 1) failing to make clear the collaborative nature of these projects 2) making no attempt to clearly distinguish the concept of Resigned Activism from its precursors in co-authored and Chinese language publications, and 3) for not sharing the manuscript with her colleagues so that they had the opportunity to voice their opinions.

4. Inaccurate representation of the findings of natural and public health scientists even after these were raised with her in written comments.

In our review of chapter 4 in 2016, we pointed out many inaccuracies in ALW’s account of the findings of the natural science and public health colleagues who worked on the Hunan project. She addressed most of these in the revision of that chapter (Appendix 1 shows the extent and nature of these changes). However, there are still places in RA where ALW misrepresents the environmental and health findings of her colleagues in this collaborative research.

In the table on pages 158-60 of the concluding chapter of Resigned Activism, ALW presents information about the three sites. There are multiple factual errors in this table. She states that in the Hunan mining village the major pollutants are “lead and zinc.” These are the metals that are mined in the village, but zinc is generally regarded as beneficial to health. Furthermore, cadmium, arsenic and mercury, which are side products of lead and zinc mining, were also present in many of the soil and water samples at levels in excess of national standards. These heavy metals are all a concern for public health in different ways (in this site, the medical geographers considered cadmium the most serious risk).

The next row of the table states that the level of pollution in Qiancun is “severe”. This term is not meaningful without a reference category, but more importantly, it does not capture what was the most difficult aspect of this case in terms of thinking about what could be done to reduce the risk to villagers’ health, especially in the context of government inaction and their own economic dependence on mining. For the natural scientists in our team, one of the most difficult problems was that the severity of pollution, and therefore the health risks, was *very uneven* even within this small geographical area; and it was also *constantly changing* under different economic and climatic conditions. It was not only political sensitivity and our limited resources, but also this complexity and variability that made it hard to figure out what our team could say or do that might be of use to the community in the absence of government action.

In terms of health risks, ALW’s statement on page 157 that “pollution in all three sites was clearly correlated with locally prevalent ailments” is not true of the Hunan case. The entry in the row of the table on the “relative clarity of the relationship between pollution and health” risks is also partial. ALW states that there was a “Clear link between lead exposure, epilepsy, and impaired mental capacity among children.” This statement implies that the medical geographers tested local children for epilepsy and mental capacity in this site and found evidence of these health impacts. They did not. They tested only for biomarkers, and the most common illnesses reported in the medical data that Fang Jing, the public health expert in our team, obtained for the locality, did not show a clear relationship to heavy metals.

In saying this we are not attempting to downplay the health impacts of pollution in that site. In fact, by focusing exclusively on lead, ALW understates the risks in the Hunan site herself, because she overlooks the potential health risks associated with exposure to mercury and arsenic, and particularly to cadmium which the natural scientists in the team considered the most worrying because of its propensity to accumulate in rice, which is the staple food in the area.

These errors and others were present in the draft of chapter 4 that ALW sent us in April 2016. Wang Wuyi and Fang Jing pointed them out and she corrected most of them in that chapter. But these corrections did not get incorporated into her conclusion.

Do these inaccuracies matter in a social science publication? Yes.

First, ALW presented herself to us as sincere in her desire to collaborate with natural scientists and public health experts. We would not have invited her to join in these collaborative projects if she had not. Over many years, colleagues from the CAS Institute of Geography and other institutions shared with her their research findings and their extensive knowledge of environment and health problems in China. In the Hunan case, it was the medical geographer’s relationship with the local Center for Disease Control and Prevention that made her research possible; in Guiyu it was the support and connections of Professor Li Liping. ALW’s failure to give these colleagues the opportunity to respond to her representation of their findings is not just a failure of communication and transparency but also a breach of their trust. As we told her in May 2016, this is very determinantal to future collaboration. Why should natural and public health scientists agree to work with social scientists if they behave in this way?

Second, FORHEAD projects were problem-driven and sought to produce research that would be “useful”, not always in the sense of being able to inform interventions in particular cases (this is not always feasible) but in terms of strengthening the evidence base for integrated policy

responses. In this process, we cannot ignore questions of how to manage the coexistence of multiple risks, scientific uncertainty and variability in the relationship between pollution and health. Everyone knows that all knowledge is partial and socially constructed and that people who benefit from polluting activities sometimes manipulate complexity and uncertainty to thwart the claims of those affected to redress. But, this does not mean that there are not also “real” issues of scientific complexity and uncertainty, and these have to be taken seriously if China is to make progress in combatting the health effects of pollution as quickly, as cost effectively, and with as little impact on the livelihoods of the poor as is feasibly possible (see Appendix 11). Failure to engage seriously with scientific complexity is detrimental to the development of social science research that can help to inform policy and community efforts to reduce the impact of pollution on health.

Third, inaccurate and exaggerated statements about the severity of pollution and its health impacts can have consequences for natural and public health researchers, who will be held professionally accountable for research findings they are reported to have produced. In response to our comments, ALW gives a more nuanced discussion of these issues in the revised version of chapter 4. Yet in her conclusion to RA, which will leave the last impression on the reader, and in the BBC interview, which will have a wider audience, she reverts to the narrative that pollution in all the cases in her book is “severe” and that the health effects are clear and documented.

5. Falsifying primary data (changing anthropological fieldnotes)

Another problem regarding the misuse of data only recently came to our attention when comparing texts in order to document this Complaint.

ALW made extensive changes to the substance of chapter 4 on the Hunan case in response to our comments in May 2016 (see Appendix 1). But when comparing the pre- and post-revision texts, and the final, published version of this chapter in RA, we noticed that she also changed the text of her anthropological fieldnotes, twice. The three versions are all different (see Appendix 12).

This problem is not directly pertinent to our Complaint: we are concerned about ALW’s use of the work of others. But this is a serious violation of research ethics of which we feel the University should be aware. Anthropological fieldnotes are primary data and should not be changed. It may be acceptable to leave out certain parts if these deletions are indicated and do not contradict the points that are being made. But in the published version of this chapter, ALW does not indicate these deletions – the narrative is continuous - and she has also *added material* that gives a very different impression of her understanding of the situation in that field site to the April 2016 version. Given that the purpose of publishing fieldnotes is to convey to the reader the researcher’s impressions *at the time*, this is very misleading and unethical. Beyond this specific instance, that ALW appears to think changing primary data is acceptable is very worrying when she is training graduate students.

Concluding remarks

In closing, we would like to re-iterate that we were very reluctant to submit this complaint. We know that ethical transgressions can sometimes be the result of carelessness or an innocent failure to think things through; distinguishing intellectual property in collaborative projects is difficult, and disagreements about the findings of research and the ownership of ideas can arise between well-meaning people. In our ten years of running FORHEAD and supporting more than 50 small grant projects and associated publications, this is the first time we have encountered a problem that could not be resolved amicably through negotiation and compromise.

But the more we looked at the relevant texts and the more colleagues we spoke to, the more apparent it became that these were not isolated incidences of carelessness. There is a pattern here. The timing of what ALW shared and who she shared it with, and her failure even after our intervention in 2016 to acknowledge her collaborators and consult with them, was misleading and denied them the opportunity to defend their intellectual property rights or challenge her representation of their work and their role in the research. She continues to misrepresent the co-produced nature of this research in media interviews and in accepting an individual award for RA. The effect of this to promote her own career at the expense of others.

Given this, after consulting with senior FORHEAD colleagues and others, we concluded that we have an obligation to make this formal complaint. Not to do so would be to condone ALW's violations of research ethics and fail in our own professional responsibility as co-Directors of FORHEAD.

Appendices

1. RA Chapter 4 April 2016 and after Revision
2. ALW Methods section May 2016 and published version
3. May 2016 Email to ALW from Holdaway and Wang
4. ALW's interview with Thinking Allowed
5. YHDRA Grant Proposal
6. YHDRA Process Report (in Chinese)
7. YHDRA Grant Report (in Chinese)
8. Yunnan team IP agreement
9. Learning to Live with Pollution
10. Activist Acquiescence
11. Preface to "Cancer Village" Research

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