

## 8 Operationalization of the Multiple Streams Framework in China's Context

### The 2004 Amendment of the Infectious Diseases Law\*

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#### 8.1 Introduction

The multiple streams framework (MSF) was developed in the 1980s to explain why problems and solutions do (not) reach the federal-level policy agenda in the USA (Kingdon, 1984). It has since been used to explain various stages of the policy cycle in other countries (Herweg, Zahariadis and Zohlnhöfer, 2018; Zahariadis, 1992, 1995).

Despite the flourishing body of literature on the MSF, the framework is predominantly used in North America and Europe, with relatively little research on countries with other political systems, including China. Among the 311 MSF studies identified in a literature review by Jones et al. (2016), only 11 examine China. Since then, the number of English-language MSF studies on China has increased to 28.<sup>1</sup> Yet, consistent with criticism by Cairney and Jones (2016) and Weible and Schlager (2016), most of these studies aim to explain individual cases rather than to draw comprehensive conclusions about China's policy process or the framework and tend to operationalize the MSF rather loosely.

China-focused MSF studies are important for three reasons. Firstly, scholars have argued that the framework has universal explanatory power regardless of political system (Cairney and Jones, 2016; Herweg, Zahariadis, and Zohlnhöfer, 2018, 2022), but this assumption has not yet been widely tested. Secondly, China-focused MSF studies enable systematic comparative research across democracies and non-democracies to better understand how different political systems shape policy processes (Wenzelburger and Jensen, 2022). Thirdly, MSF studies on China help us to better understand the country's policy process, which remains understudied, despite its size and its growing role in our globalized world.

Therefore, this chapter applies existing MSF hypotheses that have been refined in the context of China (Van den Dool, 2023) to a case study of the 2004 amendment of the Law on the Prevention and Control of Infectious Diseases (*chuanranbing fangzhi fa*) in order to show how the MSF can be used in

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China's political context to deepen our understanding of the country's policy process. We selected this law not only because the 2020–2023 COVID-19 pandemic showed the need to better understand epidemic preparedness, but also because the 2004 amendment was a major policy change.

This case study is structured around two research questions: (1) What factors contributed to agenda setting and the adoption of the 2004 Infectious Diseases Law? (2) What does the 2004 amendment of the Infectious Diseases Law tell us about China's policy process? To answer these questions, we qualitatively and quantitatively analyze a dataset of more than 2000 documents, including China Health Statistics, Chinese journal articles, legislative records, news articles, policy documents, and World Health Organization Disease Outbreak News.

We find that although China experienced an increase in the incidence of certain infectious diseases in the 1990s and despite proposals to amend the law in 2001, only *after* the 2002–2003 SARS pandemic was the amendment included in the legislative agenda. The pandemic revealed preexisting policy and legal problems in disease control and public health management and undermined the legitimacy of the Communist Party. Once high-level political leaders acknowledged the crisis and emphasized the need for reform and rule by law, legislators again called for an amendment of the law. The amendment was included in the legislative agenda in 2003 and the draft was submitted to China's legislature, the National People's Congress (NPC) Standing Committee, for review in April 2004 and was adopted in August 2004.

#### 8.2 The Multiple Streams Framework: Key elements

Since Kingdon (1984) first developed the multiple streams framework (MSF), it has been refined by other scholars and extended to policy decision-making, implementation, and termination (Herweg, Zahariadis and Zohlnhöfer, 2018; Zahariadis, 2007). The framework consists of five core elements: problem stream, policy stream, political stream, policy entrepreneur, and policy windows. It theorizes that agenda change and policy adoption are more likely if the three streams are mature and coupled by a policy entrepreneur, which is more plausible during an open policy window (Herweg, Zahariadis and Zohlnhöfer, 2018).

The problem stream symbolizes the extent to which a condition is perceived as problematic by policy makers (Zohlnhöfer, Herweg and Zahariadis, 2022). Such perceptions tend to vary over time as a result of the emergence of a focusing event, worsening indicators, or feedback on existing government programmes. A potential focusing event is

an event that is sudden, relatively rare, can be reasonably defined as harmful or revealing the possibility of potentially greater future harms, inflicts harms or suggests potential harms that are or could be concentrated on a definable geographical area or community of interest, and that is known to policy makers and the public virtually simultaneously.

(Birkland, 1997, p. 22)



Indicators are quantitative measurements of problems, e.g., the number of people suffering from a disease (DeLeo, 2018). Feedback on government programmes can come in various forms, including formal policy evaluations and informal complaints (Kingdon, 2014).

The policy stream consists of potential policy solutions, which are constantly evolving and floating around policy communities. These solutions are not necessarily developed in response to a particular problem, but are often reused, combined, and adapted to fit new problems (Kingdon, 2014). Proposed solutions need to be perceived as financially viable, technically feasible, consistent with policy makers' values, and publicly acquiesced in order to reach the policy agenda and to get adopted (Herweg, Zahariadis and Zohlnhöfer, 2018).

The political stream was originally theorized to comprise of public opinion, pressure groups, and events within government (Kingdon, 1984), but recent scholarship instead emphasizes the role of governing parties (Zohlnhöfer, Herweg and Zahariadis, 2022). The MSF literature argues that policy proposals that are consistent with the ideology of the governing party or parties are more likely to reach the policy agenda and get adopted (Herweg, Zahariadis and Zohlnhöfer, 2018).

Policy entrepreneurs are individuals who not only exert time, effort, and (financial) resources to promote their favorite proposals, but also connect problems to solutions and vice versa and couple those with politics (Petridou and Mintrom, 2020; Zahariadis, 2014). These individuals may be part of organizations or institutions that draw attention to a problem or to a solution (Zahariadis, 2014). Policy entrepreneurs' successes are shaped by available resources, access to policy makers, and manipulation strategies (Jones et al., 2016).

Policy windows are limited periods of time during which it is relatively easier to draw attention to a problem, to promote a policy solution, and to gain political support. The MSF literature (Herweg, Zahariadis and Zohlnhöfer, 2018) distinguishes between problem windows and political windows. The former opens as a result of change in indicators, focusing events, or feedback. A problem window is more likely to open if a condition threatens reelection of the governing party or parties. A political window opens in response to interest group campaigns, or changes in the legislature, the government, or the national mood.

To theorize and test how these five elements interact to produce agenda change and policy decisions, we use a set of generic MSF hypotheses (Herweg, Zahariadis and Zohlnhöfer, 2018) that has been refined to China's context (Van den Dool, 2023). Such refinement is necessary because of important differences between democracies – the main focus of existing MSF literature – and China's political system (Herweg, Zahariadis and Zohlnhöfer, 2022; Zhu, 2008). These differences include the dominant role of the Communist Party, limited space for interest groups and policy entrepreneurship, and restricted information flows (Van den Dool, 2023). Table 8.1 lists our China-focused MSF hypotheses.

Table 8.1 Operationalization of China-focused MSF hypotheses

Hypotheses	Operationalization (data)
<i>Problem stream</i> A condition is more likely to reach the legislative agenda if an indicator worsens, a focusing event occurs, or if a government programme does not work as expected, unless the condition is politically sensitive and censored.	<i>Indicator</i> : disease incidence rate (China Health Statistical Yearbook) <i>Focusing events</i> : disease outbreaks (WHO Disease Outbreak News) <i>Feedback</i> : assessment of existing law (Chinese journal articles, People's Daily) <i>Censorship</i> : cases versus news reporting (WHO DONs and news articles)
<i>Policy stream</i> A policy proposal is more likely to reach the legislative agenda if it is financially viable, technically feasible, and consistent with existing norms and values of policy makers.	<i>Financial viability, technical feasibility, and consistency with existing norms and values</i> : proposals from NPC delegates, policy attention (NPC Standing Committee Gazette, policy documents)
<i>Political stream</i> A policy proposal is more likely to reach the legislative agenda if it fits the general ideology of the State Council or the Communist Party.	<i>Ideology</i> : political support (policy documents and <i>People's Daily</i> articles)
<i>Policy window</i> A problem window opens if a condition puts the survival of the Communist Party at risk. A political window opens as a result of a perceived change in the national mood or change in Politburo or State Council leadership.	<i>Regime threat</i> : Party leaders' response to SARS ( <i>People's Daily</i> articles) <i>Perceived national mood</i> : mentioning and description of public opinion (news articles, NPC SC Gazette, legislative news) <i>Leadership change</i> : State Council or Politburo change (news articles, including <i>People's Daily</i> )
<i>Policy entrepreneur</i> A policy entrepreneur is more likely to succeed coupling the streams during an open policy window, if they (a) have access to core policy makers and (b) are persistent.	<i>Policy entrepreneur(s)</i> : Vocal and persistent individuals (news articles and NPC legislative records)
<i>Agenda setting</i> Legislative agenda change is more likely if (a) a policy window opens, (b) the streams are ready for coupling, and (c) a policy entrepreneur promotes agenda change.	<i>Agenda setting</i> : law included in formal NPC legislative agenda <i>Policy window, streams, and policy entrepreneurship</i> : See hypotheses above
<i>Policy adoption</i> A law is adopted if top leaders express support for a proposal or if there is consensus among policy makers regarding the substance of the proposal.	<i>Policy adoption</i> : passage of amendment <i>Political support</i> : statements by top leaders ( <i>People's Daily</i> articles) <i>Consensus</i> : delegate statements (NPC SC Gazette, legislative news)

Source: Hypotheses adapted from Herweg, Zahariadis and Zohlnhöfer (2018) and Van den Dool (2023)

### 8.3 Methodology: Data collection and data analysis

In response to calls for more transparent research methods (Cairney and Jones, 2016; Jones et al., 2016) and more rigorous operationalization (Zohlnhöfer, Herweg and Zahariadis, 2022) in MSF research, Table 8.1 operationalizes each of our hypotheses.



Table 8.2 Data: Type, sources, search strategies, inclusion criteria, period, and quantity

Data type	Databasel website	Search strategy and inclusion criteria	Search period	Items
Infectious disease incidence	China Health Statistical Yearbook	Statistics on infectious diseases reported, 2004 yearbook (Chapter 9)	1989–2004	1
Search term: <i>chuanranbing fangzhi fa</i> (Infectious Diseases Law)				
Chinese journal articles	CNKI	Search in “themes”, CSSCI and GCJC articles, <sup>a</sup> search term mentioned at least twice	1989–2004	98
	PKULaw	Law journals, full text search, search term mentioned at least twice	1989–2004	52
Disease Outbreak News	WHO website	Only articles on mainland China are included	1996–2004	97
NPC SC Gazette	CNKI	Full text search, only Gazettes ( <i>renda gongbao</i> ) that mention the search term	1994–2004	29
Legislative news	NPC website	News section, full text search	2003–2004	71
<i>People's Daily</i> articles	<i>Renmin Ribao</i>	Full text search	1989–2004	196
Search term: <i>chuanranbing</i> (infectious diseases)				
News articles	CNKI	News section, search in “themes”	2000–2004	659
Policy documents	PKULaw	National-level, full text search	1989–2004	804
<b>Total documents</b>				<b>2,007</b>

<sup>a</sup> CSSCI refers to Chinese Social Sciences Citation Index, while GCJC refers to Chinese Core Journals.

To test the hypotheses, as summarized in Table 8.2, we collected more than 2000 documents, including government statistics, 150 Chinese journal articles, 97 World Health Organization Disease Outbreak News (DON) items, 29 NPC legislative documents, 71 NPC news items, 855 news articles (including 196 *People's Daily* articles), and 804 policy documents. Except for the WHO Disease Outbreak News, all material is in Chinese. As shown in Table 8.2, data were collected through several websites and databases, including the official websites of the World Health Organization and the National People's Congress as well as PKULaw, the most comprehensive database for Chinese policy

documents, and CNKI, China's largest database for journal and news articles. The period covered by the data stretches from 1989, when the Infectious Diseases Law was first adopted, to 2004, when the law was amended.

To analyze the data, we conducted quantitative and qualitative content analysis. This allowed us to identify key themes and trends in the 2004 amendment process of the Infectious Diseases Law. We coded and analyzed all documents using Excel spreadsheets.

## 8.4 Findings

### 8.4.1 Problem stream: SARS revealed weaknesses in the Infectious Diseases Law

The National People's Congress passed China's first Infectious Diseases Law in 1989. This law aimed to “prevent, control, and eliminate the emergence and spread of infectious diseases and to safeguard public health” (article 1). The law's article 21 required certain infectious diseases to be reported to “nearby medical care institutions or health epidemic prevention organizations”. In the context of the MSF, the 1989 law thus introduced a formal legal system to track indicators pertaining to infectious diseases.

Based on official government data, China Health Statistical Yearbooks (*zhongguo weisheng tongji nianjian*) show an increase in the incidence of certain diseases in the 1990s, including brucellosis, HIV/AIDS, syphilis, and tuberculosis. To illustrate, brucellosis, a bacterial zoonosis, increased from 0.03 cases per 100,000 people in 1993 to 0.41 cases per 100,000 people in 2002. HIV/AIDS increased from 0.01 cases per 100,000 people in 1997 to 0.23 cases per 100,000 people in 2004. Syphilis, a sexually transmitted disease with serious consequences for reproductive and neonatal health, increased from 0.09 cases per 100,000 people in 1990 to 4.67 per 100,000 people in 2002. Tuberculosis increased from 39.21 cases in 1997 to 43.58 in 2002. While viral hepatitis dropped sharply in the first half of the 1990s, the number of cases increased from 1996. China thus experienced worsening indicators for several infectious diseases.

Despite an increase of certain diseases in the 1990s and early 2000s, the Infectious Diseases Law was not included in the formal legislative agenda until after the 2002–2003 SARS outbreak, which we identify as a focusing event because of its rarity, sudden emergence, and harmfulness to public health. This is consistent with DeLeo et al. (2021, p. 22), who argue that SARS followed “the typical focusing event patterns observed in most natural disasters or terrorist events studied in the disaster policy literature”. The SARS outbreak started in southern China's Guangdong Province in November 2002. By January 2004, the World Health Organization's Disease Outbreak News (DON) – which documents the occurrence of public health events – reported more than 4000 infections across 27 countries, including almost 800 deaths. With 70 China-focused DONs issued in 2003 (see Figure 8.1), SARS stood out because of its rapid spread and because the virus spread beyond China.



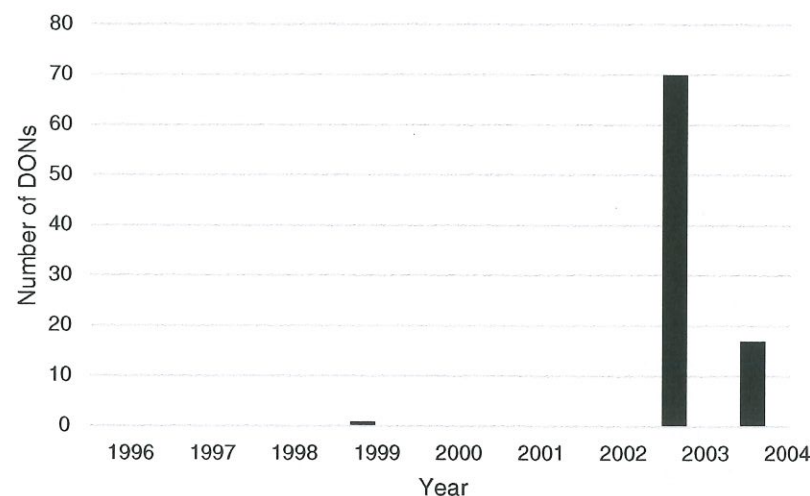


Figure 8.1 World Health Organization Disease Outbreak News on mainland China, 1996–2004.

Source: the authors, based on the data from the World Health Organization website

During SARS, initially there was no indicator because this was a new virus and because the Chinese government covered up the emergence of the disease and hence the number of cases was unclear. Although the first case emerged in November 2002, political leaders only acknowledged the severity of the outbreak and started to report case numbers in April 2003, at which point there were several thousand reported cases across more than a dozen countries. The initial censorship is evidenced by our dataset: out of the 452 collected news reports on infectious diseases published in 2003, only two articles acknowledged the existence of SARS prior to April 2003, and they emphasized that with proper precautions there was no need to panic. Information regarding the disease outbreak, spread, and symptoms was either unavailable or never published.

Along with acknowledging the outbreak's severity in April 2003, high-level political leaders criticized existing mechanisms and practices in infectious disease management. According to articles in the *People's Daily*, which is the Communist Party's official newspaper, the pandemic exposed the following problems in terms of public health and crisis management: a flawed emergency mechanism, insufficient legal basis for measures taken, ineffective disease control and treatment, a fragile public health system, low public health awareness, and weak legal consciousness. This served as formal feedback on existing government policy and contributed to the policy stream's maturing.

In addition, in articles published in Chinese journals, scholars and practitioners provided feedback by identifying loopholes in the 1989 Infectious Diseases Law and shortcomings in its enforcement. While some Chinese

journal articles ( $n = 17$ ) discussed such issues prior to SARS, many more ( $n = 133$ ) articles appeared *after* SARS. Scholars and practitioners argued that the existing law had low practical feasibility, leading to poor law enforcement. In particular, they argued that the conditions and procedure for determining epidemic areas and imposing quarantine were not sufficiently specified. Moreover, provisions on local governments' responsibility in infectious diseases control and prevention, including announcing epidemic outbreaks in a timely and accurate manner, were criticized. Unclear responsibilities made cross-sector coordination between governments, diseases centres and hospitals difficult. Other key points of concern were that while the law allowed for adding new diseases to the list, it did not outline the detailed procedure for doing so. Journal articles also expressed concern about inappropriate criminal liability and officials abusing administration in the process of containing SARS.

During and after SARS, news media increased coverage of other infectious diseases, which reflects a shift in attention to this topic. A search for "infectious disease" by theme in the CNKI news database yielded 39, 41, and 59 news reports in 2000, 2001, and 2002, respectively. HIV/AIDS, STDs, tuberculosis, hepatitis, cholera, and dengue were the most frequently mentioned infectious diseases. In contrast, in 2003, 453 news articles mentioned "infectious diseases", and 206 articles in 2004. In these articles, the diseases mentioned most often in 2003 were SARS ( $n = 270$ ) and HIV/AIDS ( $n = 99$ ). In 2004, HIV/AIDS ( $n = 63$ ) exceeded SARS ( $n = 58$ ) as the most frequently discussed infectious disease. This demonstrates issue expansion, i.e., extension of the problem beyond its original focus.

#### 8.4.2 Policy Stream: SARS crisis triggered increase in policy and legislative attention

Between 1995 and 2001, NPC delegates submitted four legislative proposals on infectious diseases. In 1995, a group of NPC delegates proposed a new law on the prevention and control of local diseases. Although the NPC Education, Science, Culture, and Health (ESCH) Committee supported the proposal and called upon the Ministry of Health to draft this law as soon as possible, it was not included in the NPC legislative plan. In 1998, a group of NPC delegates proposed a law to address schistosomiasis. However, this time, the Ministry of Health disagreed and instead proposed the formulation of a set of State Council regulations, rather than the formulation of an NPC law. The NPC ESCH Committee endorsed this alternative proposal and, hence, the law was not included in the legislative plan. In 2001, two groups of delegates specifically proposed to amend the 1989 Infectious Diseases Law. This included a proposal submitted by Zhu Mingde and signed by 31 other NPC delegates. The other proposal, supported by 33 delegates, was submitted by NPC delegate Niu Hui-lan. The delegates expressed concern about the increase in tuberculosis and HIV/AIDS. This time, the NPC ESCH Committee responded by suggesting



that the State Council starts working on the Infectious Diseases Law amendment. The Committee also suggested that the amendment would be included in the NPC legislative plan as soon as possible.

However, the amendment was not included in the legislative plan until after SARS, which was a major event that substantially increased attention to infectious diseases among policy makers. As shown in Figure 8.2, the keyword "infectious diseases" was mentioned in 36 national-level policy documents in 1989, when the Infectious Diseases Law was first adopted. Between 1990 and 2000, "infectious diseases" was, on average, mentioned in 30 policy documents per year. In 2001, 61 policy documents mentioned "infectious diseases", and 59 documents in 2002. There was a drastic shift of policymakers' attention in 2003: 198 policy documents mentioned "infectious diseases," including 90 documents that contained this term or specific infectious diseases in their title. In the following year (2004) "infectious diseases" was mentioned in 125 policy documents. In terms of SARS response, on 8 April, the Ministry of Health formally listed SARS under the management and monitoring of the Infectious Diseases Law. In May 2003, the State Council issued the Regulations on the Urgent Handling of Public Health Emergencies. New policies and regulations aimed to tackle shortcomings in emergency preparation, diseases reporting, information release, and emergency response.

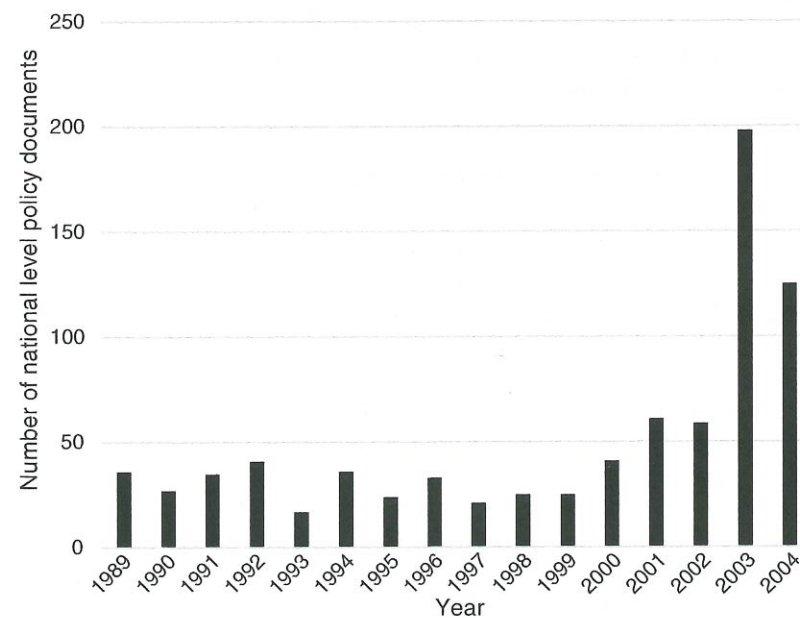


Figure 8.2 National-level policy documents that mention "infectious diseases", 1989–2004.

Source: the authors, based on the data from the PKULaw

SARS also triggered increased attention to infectious diseases from the legislature. The NPC ESCH Committee suggested to amend the Infectious Diseases Law on 6 May 2003. The State Council prepared to start drafting and proposed to add the amendment to the annual legislative plan on 16 June. The Ministry of Health, together with the State Council Legislative Affairs Office, started drafting the amendment in June 2003 and it was included in the 2003 NPC legislative plan, which was issued in July 2003, and in the 2004 State Council legislative plan, issued in January 2004. Although it was already included in the legislative plan, NPC delegates submitted 10 proposals for this amendment in March 2004. Notably, the proposals specifically mentioned HIV/AIDS and other sexually transmitted diseases.

#### 8.4.3 Political Stream: Support from political elites set the stage for the amendment

Our dataset suggests that the agenda setting of the 2004 Infectious Diseases Law amendment was enabled by increased attention from high-level political leaders. Before SARS, the Communist Party's official newspaper, the *People's Daily*, rarely mentioned the Infectious Diseases Law. However, after the first article regarding the outbreak was published on 1 April 2003, the Infectious Diseases Law was mentioned in 128 *People's Daily* articles published that year. After initial denial, Communist Party leaders recognized the pandemic's severity and directed the Ministry of Health and other relevant departments and regions to take effective measures. Furthermore, party leaders emphasized the importance of "Rule by Law", while implementing prevention and control measures. Although *People's Daily* articles did not explicitly advocate for the amendment of the law, the newspaper did publish dozens of articles highlighting the shortcomings in SARS control and prevention, demanding public health reform and policy change to correct wrongdoing. To illustrate, the articles highlighted the following problems that needed correction: a blocked information channel, inaccurate information, inadequate emergency preparation, and the absence of a responsive monitoring and early warning system. The articles included calls from political elites for improvements in these areas of public health management. This emphasis on Rule by Law and policy change set the stage for the NPC ESCH Committee to propose the amendment and for the amendment to be included in the legislative agenda.

#### 8.4.4 Open problem and political windows: SARS and change of president

SARS opened an agenda window in the problem stream by putting social stability and the legitimacy of the Communist Party at stake. During and after SARS, concerns and criticisms over the slow response, cover-up, and delay in reporting and low transparency prevailed. The government's initial failure to contain the outbreak not only seriously harmed the economy and social life



but also resulted in legitimacy concerns. On 22 April, Premier Wen Jiabao emphasized the importance of controlling SARS because it "... is directly related to the health and safety of the people, the overall situation of reform, development, and stability, and the national interests and our country's international image" (Xinhua, 2003).

In addition, a policy window opened in the political stream as Hu Jintao assumed the role of general secretary of the Communist Party in November 2002 and became China's president in March 2003, succeeding Jiang Zemin. The SARS crisis provided the new leader an opportunity to consolidate their position and advance the guiding philosophy of "Scientific Outlook on Development". This new doctrine of balancing social and economic development was later specifically referred to during the amendment process of the Infectious Diseases Law, reflecting the role of the Communist Party's ideology in law making. The SARS crisis thus incentivized political leaders to promote reform in public health and crisis management, which created the conditions for legislative change and created an opportunity for the NPC ESCH Committee to propose the amendment.

#### 8.4.5 Policy entrepreneur: Lack of evidence due to "black box"

Our dataset does not provide evidence of a single individual acting as a policy entrepreneur during the agenda setting of the Infectious Diseases Law amendment. The analysis above shows that the problem stream matured because of SARS. The political stream matured once political elites acknowledged the outbreak as a serious problem and a threat to social stability and to the legitimacy of the Communist Party. In the policy stream, we identify the NPC Education, Science, Culture and Health Committee as key actor in agenda setting, albeit it only succeeded after SARS, which raises questions about the Committee's power.

With SARS opening a policy window in April 2003, the NPC ESCH Committee seized the opportunity and suggested amending the Infectious Disease Law in May 2003. The committee also actively participated in the drafting process, traveling nationwide to investigate the prevention and control of major diseases and the implementation of the 1989 law. While the draft was under review by the NPC Standing Committee, the ESCH Committee gathered opinions on the revised draft by holding symposiums, soliciting written opinions, and traveling to hear the thoughts of locals. Our dataset thus demonstrates that the NPC ESCH committee was actively involved in both agenda setting and policy formulation. However, due to lack of publicly available data, we have insufficient individual-level data about members of the Committee and their behaviour. Hence, we are not able to identify particular persons serving as policy entrepreneur, meaning that, to some extent, a black box remains regarding the distribution of power in national-level lawmaking processes in China.

#### 8.4.6 Policy adoption: Consensus through deliberation

Although the Infectious Diseases Law was included in the official legislative agenda within three months after Premier Wen Jiabao acknowledged the severity of SARS, it still took over a year for policy actors to reach consensus and for the amendment to be adopted.

During this year, in their capacity of drafting units, the Ministry of Health and the State Council Legislative Affairs Office conducted a series of activities to gather comments on the content of the amendment. They held seminars to gather opinions from local governments, medical experts, legal experts, and sociologists, and conducted field investigations in Guizhou, Inner Mongolia, Shanghai, and Yunnan, in addition to visiting the United Kingdom and the headquarters of the World Health Organization. Their efforts, resources, and the support of the Ministry of Health and the State Council Legislative Affairs Office contributed to the formulation of the amendment draft.

In order to reach consensus about the *content* of the amendment, the Ministry of Health draft was reviewed and discussed three times by the NPC Standing Committee – in April, June, and August 2004. Policy proposals that were questioned as technically infeasible were either deleted from the draft or concretized with detailed explanations. To illustrate, suggestions for handling infected wild animals and livestock were put forward but quickly rejected due to infeasibility, and the issue of compensating for economic loss and improving grassroots personnel remuneration failed to survive in the final draft because many argued they cannot be implemented smoothly in practice. Through deliberation and discussion, some policy ideas that were initially too general and abstract to enforce were supplemented with concrete and detailed explanations and implementation measures. The measures against discriminating against infected patients and the treatment standards and requirements for medical institutions are two examples of policy proposals that survived and developed from vague ideas into comprehensive legal provisions. The NPC Legal Committee made sure that the draft amendment was consistent with existing policies and legislation. For example, the Committee rejected the suggestion to include provisions for states of emergency because of the possibility of overlapping with future laws on emergency management.

Following these proposals, the Infectious Diseases Law amendment was voted on and adopted in August 2004. This amendment adjusted the classification of main infectious diseases, including atypical pneumonia and highly pathogenic avian influenza, and highlighted disease prevention and epidemic warning by setting up a monitoring system at all levels. Additionally, it emphasized improving the epidemic reporting, notification, and publication system, and stipulated the content, procedure, and time limit for medical institutions, disease prevention and control institutions, health authorities, and other relevant departments to report the epidemic situation of infectious diseases. The amendment also included change in control measures during epidemics and disease treatment regulations.



**8.4.7 Discussion and conclusion**

Through quantitative and qualitative analysis of over 2000 documents, this case study identified the driving forces behind the 2004 amendment of the Infectious Diseases Law. Except for policy entrepreneurship, all hypotheses listed in Table 8.1 were confirmed. We show that although indicators for certain infectious diseases deteriorated in the 1990s, policy makers and the legislature paid limited attention to this issue until the 2002–2003 SARS crisis. SARS led to increased attention to infectious diseases by news media, scholars, practitioners, policy makers, and the legislature. Along with rapid spread of the virus in China and beyond, the government was criticized for its slow and inadequate response, both domestically and internationally. This coincided with Hu Jintao succeeding Jiang Zemin as both General Secretary of the Communist Party and president, which created opportunities and necessity for the former to establish legitimacy. High-level political leaders described SARS as a threat to social stability. These developments set the stage for the NPC Education, Science, Culture, and Health Committee to once again propose amending the Infectious Diseases Law. While a similar proposal failed to reach the legislative agenda in 2001, after SARS was acknowledged as a crisis, the amendment was quickly included in the legislative agenda. Through extensive deliberation, consensus was reached about the draft amendment and was passed approximately 16 months after official public recognition of the SARS crisis.

These findings contribute to the existing literature on China's policy process, especially regarding the role of focusing events in triggering policy change. Previous research suggests that crises and events are especially effective in drawing public attention and reshaping the policy agenda in China compared to democracies (van den Dool and Li, 2023). The case of the Infectious Diseases Law 2004 amendment supports this argument and unpacks how SARS opened a problem and political window to allow the three streams to meet. In addition, consistent with Huang (2006) and Knutsen (2012), we observed a spillover effect in the sense that issue expansion during SARS opened a window for HIV/AIDS policy making.

However, to further corroborate the proposition that focusing events are especially important in China, more systematic and comparative research is needed as this single case study has limited generalizability. The factors that drive legislative change in other policy areas in China may differ due to e.g., contextual features, the nature of the issue, and the constitution of the policy community. Based on our dataset, policy entrepreneurs and interest groups lacked significant impact during the 2004 Infectious Disease Law amendment legislation process, which is consistent with Huang's (2006) findings regarding post-SARS policy change in the area of HIV/AIDS. This finding suggests that the post-SARS amendment was possible only because a crisis captured public and political attention, and because the amendment was supported by powerful political actors. We look forward to more MSF applications in the Chinese

context, especially in health policy areas, to examine the conditions under which focusing events trigger policy change in China.

In addition to the important role of focusing events, the case study underscores the importance of the political stream in China's policy process. Our case study shows that proposals to amend the Infectious Diseases Law were not effective prior to the SARS outbreak due to a lack of political support. Following SARS, although political elites did not explicitly demand revising the Infectious Diseases Law, the general political focus on health issues and rule by law created a valuable open window for agenda setting. This aligns with Liu and Van den Dool (2022), who showed that post-crisis policy change in China is more likely when national, top-level political elites simultaneously acknowledge an event's severity, accept responsibility, while proposing reforms. Yet additional research is needed to measure how specific such reform proposals need to be before the legislature responds. Such research is consistent with Cairney and Jones (2016), who specifically expressed interest in developing research that measure the level of specificity of solutions before coupling.

The case study also suggests that the NPC ESCH Committee has agenda-setting power, but only under certain conditions as its amendment proposal was initially not included in the legislative agenda. This finding is similar to Van den Dool (forthcoming), who found that despite proposals by the NPC Environment and Resource Protection Committee to draft a Soil Pollution Law in 2007 and 2008, the law was not included in the legislative plan until 2013, after the Ministry of Agriculture shifted from opposing to supporting the law following the release of a major soil pollution report showing the severity of the situation. In the case of the Infectious Diseases Law amendment, while there is no evidence of ministerial opposition, the ministry did not mention it in its 2003 Health Work Report, suggesting that the Ministry did not proactively try to get the amendment on the legislative agenda.

While our dataset has unpacked key layers of the policy process, due to the "black box" of Chinese governance and policy making, some aspects require additional examination. While our dataset provides strong evidence on how the three streams matured over time, eventually leading to agenda setting and policy adoption, the coupling process remains opaque. In particular, we did not find evidence of policy entrepreneurship in our dataset. This does not necessarily mean that there were no policy entrepreneurs, but rather that different research strategies are needed to examine their roles. Such research would not only shed light on the interplay of policy entrepreneurship and focusing events, but also help assess the prevalence of different pathways to agenda setting in China (Wang, 2008).

We show that the MSF is helpful in identifying driving forces of policy change beyond the democratic context in which the framework was originally developed, but there are important differences that need to be taken into account in China-focused MSF research. In particular, state censorship shapes agenda setting as it can initially prevent the streams from maturing while accelerating this process once the problem becomes too large to ignore and



ensorship is no longer an option. Consequently, censorship indirectly triggers policy change by letting problems deteriorate rather than tackling an issue in a timely fashion. For this reason, we argue to include censorship as an additional variable to be operationalized, measured, and examined in China-focused MSF research.

This case study demonstrates how MSF hypotheses that are refined to the context of China can be operationalized to help identify driving forces of agenda setting and policy adoption in a particular case, while deepening our understanding of China's policy process. We look forward to future research that tests and further refines the MSF hypotheses used in this case study. Future research ought to rely on explicit and transparent operationalization to accelerate theory-based explanations of China's policy cycle, while contributing to global policy process scholarship.

## Notes

- 1 A search for "multiple streams framework", "multiple streams theory", "multiple streams model", and "multiple streams analysis on Google Scholar, JSTOR, Scopus, Web of Science, and WorldCat resulted in 28 English-language peer-reviewed journal articles on the MSF in China.

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