

early 1990s, a factory operator regularly worked a ten- to twelve-hour day, six days per week. During my visit in 2002–2003, I had extreme difficulty scheduling meetings with workers whose regular work cycle consisted of a grueling fourteen- or even sixteen-hour workday, and, with very few exceptions, no rest day at all throughout the month except on payday. It has become “normal” to work four hundred hours or more every month, especially for those in the garment industry. One study conducted by the Communist Party Youth League in six cities in Guangdong polled 1,800 migrant workers in December 2001. It found that 80 percent worked more than ten hours per day. Most worked twelve to fourteen hours per day, and 47.2 percent said they rarely had any holidays or rest on weekends.¹³ In contrast, the Labor Law stipulates, among other things, a forty-hour workweek, a maximum of thirty-six hours of overtime per month and at least one day off per week. Although aggregate statistics on industrial injuries, strikes, and labor disputes reported in the following pages may convey a general picture of hardship, they nevertheless flatten the gravity of the situation, which can occasionally be glimpsed in “extreme” cases. The phenomenon of “overwork death” (*guolaosi*) is one such example. During my fieldwork in the spring of 2002, a headline in the *Southern Metropolitan News* announced the death from exhaustion of a young woman worker who vomited blood and then dropped dead outside the gate of her garment factory, after two weeks of continuous overtime. Every year, a dozen or so workers die from overwork in Shenzhen.¹⁴

Horror stories of managerial mistreatment, extremely long hours of work, occupational diseases, and injuries are regular features of popular newspapers such as *Southern Metropolitan News*, *Shenzhen Legal Daily*, and the most critical of all, *Southern Weekend*. Official figures show steadily rising trends in all indicators of labor conflict. The number of arbitrated labor disputes rose from a modest 359 cases in 1990 to 13,280 cases in 1999.¹⁵ According to the Shenzhen City Labor Bureau, “large and important labor disputes,” those involving more than thirty people, rose from 11 in 1989 to 556 in 1998, and the yearly total of petitions increased in the same period from 317 to 23,218.¹⁶ In 1993, there were sixty cases of strikes, large and small. By 1999, there were 110 incidents of large-scale strikes alone.¹⁷ Shenzhen City Labor Bureau statistics reported that officially handled “spontaneous incidents,” meaning large-scale collective protests and petitions, totaled 556, 540, and 682 for 1998, 1999, and 2000, respectively.¹⁸ All these, conservative estimates at best, have earned Shenzhen the notorious title of “the worst mainland city for labor disputes.”¹⁹ It seems that as the Chinese economy becomes more integrated with global capitalism,

manufacturers are confronted with ever more intense competition and shrinking margins of profit, so much so that plant closures, relocation, and restructuring are happening more frequently. Inside factories, these competitive pressures turn into longer production shifts, declining real wages, neglect of production safety, consolidation of production sites, and subsequent mass layoffs. The turn of the twenty-first century is also marked by a rising number of disputes related to social insurance contributions by employers, as a new law prescribing this payment to migrant workers was implemented in 1999. A new national law on the prevention of occupational diseases and injuries, promulgated on May 1, 2002, is also expected to usher in a large number of lawsuits against employers who fail to provide workplace safety facilities or pay for injury insurance.²⁰

Worker Grievances: Exploitation and Degradation

Migrant workers confront three major types of workplace grievances that often lead to labor arbitration, litigation, and protests. They are (1) unpaid wages, illegal wage deductions, or substandard wage rates; (2) disciplinary violence and dignity violations; and (3) industrial injuries and lack of injury compensation. Underlying these predicaments is what may be called a "pre-capitalist" institution of labor relations, underscored by the lack of contractual and legal guarantees for the market exchange of free labor power. The treatment of Chinese workers in many of these conflicts goes beyond the Marxist notions of exploitation and alienation. I offer examples for each type to illustrate the precapitalist nature of Chinese labor relations, despite attempts by the state to impose a labor rule of law and to bring about a regulatory framework amenable to the emergent capitalist economy.

If getting paid for one's labor is a fundamental feature of capitalist employment relations, strictly speaking many Chinese workers are not yet laborers. In 1998, 65 percent of arbitrated labor disputes, that is, disputes registered with and handled by the Labor Bureau, were about nonpayment of wages and illegal deduction of wages. The proportion of these two kinds of disputes rose to 70 percent in 2002.²¹ A survey published in 2003 by the official New China News Agency found that nearly three in four migrant workers have trouble collecting their pay. Each year, scores of workers threaten to commit suicide by jumping off high-rises or setting themselves on fire over unpaid wages. These desperate acts become more common in the weeks before the Chinese New Year, when many return to the countryside for family reunions.²² Although contracts are required by the Labor Law, a national survey shows that only about one-third of the workforce employed in private enterprises have signed labor contracts with their

employers. Another one-third of the workers have verbal agreements, and the rest have neither written nor verbal contracts.²³ Even among those who have signed contracts, many workers report that their employers did not allow them to see the terms stipulated in the document, and sometimes simply forged workers' signatures. Another common practice is for employers to submit to the Labor Bureau a certain number of signed contracts so as to keep up the appearance that they abide by the law. The lack of contractual regulation of employment puts workers in a vulnerable position when employers delay payment. Moreover, the exigency of survival dictates that as long as employers provide food and lodging, no matter how primitive, minimum day-to-day subsistence can be maintained, prompting workers to continue working instead of quitting. Workers have no choice but to withstand prolonged periods of wage arrears, sometimes lasting for months, because the more money they are owed, the more vested interest they have in staying with the same employer and the fewer resources they have to find another job. The following is a typical example of how workers are trapped working for an employer who does not pay them wages for months. In their dimly lit and crowded dormitory room, the representative of some sixty angry workers in a private electronics factory related their ordeal. They had not been paid for four months.

We walked three hours from our dormitory to the Labor Bureau to lodge a complaint because we had no money. Many of us have not eaten anything in the past two days, because the boss does not allow us to use the canteen when we refuse to work. We have not been paid since the beginning of the year. He only gave an "advance loan" of one hundred yuan each to older workers. Our boss is from Jiangxi and when we demanded that he pay us, he insulted us by saying, "It's difficult to find four-legged chickens, but human beings with two legs are everywhere in Shenzhen. You can leave if you are not happy here. I can replace you in an instant." . . . We have never signed any contract. But recently, he suddenly wanted older workers to sign a contract with a monthly wage of three hundred yuan. That's an illegal wage rate. Some of us refused to sign, and we went to the Labor Bureau to complain about that as well. . . . But we have continued working here because as long as we show up at work, we can eat in the canteen and sleep in the dormitory.²⁴

Sometimes, workers are recruited through acquaintances' recommendations and the employment relationship is established on the basis of a very general verbal agreement on wage rate. The common practice of deferring the payment of wages for a month means that workers as a rule have to count on employers' good faith to get paid for the first month of labor at the

end of their second month of employment. A Sichuan garment worker with more than ten years of work experience in this highly competitive and time-sensitive industry recounts a grueling work life with little guarantee of collecting wages.

There are fifteen workers in my group. They are from all over the place: Henan, Jiangxi, Hubei. I brought some of them with me when I quit the previous factory. One of my Sichuan fellow villagers (*laoxiang*) knew this boss and he introduced me to her. It's an undergarment factory. She promised each worker at least 1,600 yuan per month. But since we started working four months ago, workers have gotten only two hundred yuan per month, and I as the group leader have gotten only five hundred yuan. I asked her why the rate was so low, and she said, "I am the boss. This is my factory. I can pay what I like to pay." It's an unregistered factory, no time card, no record of the number of hours we work on the pay slips. We worked every day until 11 PM, same for Saturdays and Sundays. That's a total of 190 hours of overtime on top of eight hours every day, seven days a week. With rush orders, we worked until 2 AM continuously for weeks. In those days, every time I got up from my sewing machine, I would immediately fall over. We did not take any lunch break away from the machine. That's the same for all garment factories. The normal run of a typical order is ten days. Then, if there are no more orders, we have no work and no pay. Garment shops are particularly awful because of the dust. It stays in your throat and it's so thick that you cannot even spit it out at the end of the day. And our hands are always colored. No mask, no gloves. It's a much harsher industry than electronics.²⁵

The second type of workplace conflict that has sparked labor protests is disciplinary excesses and assaults on workers' dignity. Although hardly quantifiable under the rubrics of official statistics on worker grievances, the Chinese press has carried in-depth reports of foreign firms' mistreatment of workers whose indignation has propelled lawsuits and protests. These incidents reveal almost unchecked disciplinary and physical violence used by employers to enforce everyday control over the workforce. In a Taiwan-invested hat factory in the Pearl River Delta, several workers suspected of theft were ordered to kneel for hours in front of other workers, with placards hanging from their necks announcing, "I am a thief." The entire workforce of six hundred, initially shocked and frightened, eventually organized a strike and marched to file a collective petition with the local government.²⁶

Elsewhere in Guangdong, a strip search at the end of the workday of all the workers leaving the factory is a common practice that has caused much indignation among workers. In a private gem factory near Guangzhou, when a bag of four gemstones was discovered to be missing, eighty young

female workers were forced to sign an agreement for the factory to conduct body searches. "We are all teenage, single women, and have never encountered such humiliation and assault," said one worker. In a huge glass-partitioned shop floor, supervisors ordered all eighty women to take off all their clothes, including underwear and shorts, and even sanitary napkins for those who were menstruating. All the clothes were then shaken out and screened for traces of gemstones. Many inexperienced workers cried as they took off their clothes, while the more mature ones protested that this was illegal. After two hours of searching, nothing turned up and workers were allowed to go back to the dormitory. Thirteen daring workers protested against the mistreatment and forced management to negotiate. When they were offered one thousand yuan each as compensation and asked to waive their right to any legal action, many reluctantly agreed to the settlement, out of fear that the company might retaliate if they pushed any further.²⁷

In a Korean-owned wig factory in Shenzhen, fifty-six women workers were ordered to fold their arms behind their heads while female supervisors searched their bodies, putting their hands into their undergarments, for alleged missing wigs, while male supervisors looked on. At first workers were terrified and shaken by the violation, and many sobbed during the ordeal. Sleepless in their dormitory, many cried together. "This is a serious violation of dignity. We are traditional women from the countryside and we feel the utmost indignation at having others touch and fumble all over us while men look on," said the work group leader. The next day, a few women took the lead to complain to the local government and approached a labor lawyer to press charges. Factory management in the end agreed to a mediated settlement, and most workers quit the factory after receiving their wages and the small sum of four thousand yuan each as compensation.²⁸

Finally, the use of violence as a means of disciplinary punishment is also common. Extreme cases involve security guards incarcerating and beating up workers on charges of theft or disobedience, sometimes causing deaths or injuries.²⁹ In a Hong Kong-owned textile mill in Guangdong, a wage arrears dispute evolved into open conflict, when workers with rocks fought with factory security wielding iron sticks during several days of riots within the factory compound.³⁰

Besides nonpayment of wages and physical abuse, industrial injuries are also a common cause of labor disputes. There are no systematic official statistics on the magnitude of workplace injuries, although a few government-controlled newspapers report an average of more than ten thousand cases of workplace injuries per year in Shenzhen alone since 1997.³¹ An investigative report in 1999 by a local journalist found that an average of thirty-one industrial injuries happened every day, with one work-related death every

four days in Shenzhen in 1998.³² An Amnesty International report concurs about the gravity of the situation, stating that in Shenzhen in 1998, an average of thirteen factory workers per day lost fingers or arms, and during the year, 12,189 workers were seriously injured and eighty died. This occurred against a national backdrop of 110,000 deaths from industrial accidents in 2000, rising to 140,000 in 2002.³³ A 19 percent increase in industrial deaths at factories and construction sites was registered between 2002 and 2003.³⁴

Many accounts I collected reflected the same set of accident-prone conditions: gruelingly long work schedules, inadequate rest for workers, outdated machines in disrepair, little technical supervision or maintenance, and intense pressure to skip safety procedures to reach higher production quotas. The following account given by a twenty-four-year-old male worker illustrated a pervasive danger in some of the most labor-intensive factories in Shenzhen. Cao Shue had quit a plastics factory after a seventeen-year-old fellow worker had her arm cut off by a stamping machine. But he found it hard to avoid dangerous workplaces when they seem almost ubiquitous. He was injured in a Taiwanese-owned factory making medical masks from synthetic cotton.

Our shop floor was very demanding. Thirteen to fourteen hours per day, and the machines never stop. We did not stop for lunch. We ate while tending the machines. Five of us had to tend to many machines and it was always dusty, noisy. When the accident happened, it was shortly before the Chinese New Year, and one of the more experienced workers quit and went home for the holiday, leaving me to operate a machine I had not worked on before. Only me, no technicians or masters around. It's a huge machine with a large conveyor belt and a wheel with sharp cutters. At first my hand was pulled into the machine by the belt, and then half of my body was drawn into it. Seven of my ribs were broken, and my hand was crushed. Four of my teeth were knocked out, blood gushed out of my lips, which were torn open. I basically fainted right away and lost consciousness for two weeks. When I woke up, I could not move my body at all. I could only see that my shoulder was gone.³⁵

Another injured worker reported extreme exhaustion on the day both of his hands were cut off by another stamping machine in a plastic mold factory.

I was injured at two o'clock in the morning. I had been doing the night shift for a month, because of the many rush orders we received. My body could not stand night work, and many times I felt like I could not walk or move after work. The manager wanted us to use one hand instead of two. The Labor Bureau stipulated operating with both hands, putting in the materials and closing the cap of the stamping machine

and taking the product out with two hands. But the boss wanted us to work faster. Six workers had lost their hands or fingers before me. Sometimes it was because the machines were not working properly. Other times, they were just too tired to pay attention.³⁶

A twenty-three-year-old male worker from Sichuan was operating a presser in a Hong Kong-owned plastics factory when his hand and forearm were crushed. He also had seen workers poisoned by glue used in a toy factory where he had worked for several months before quitting.

I inhaled that glue ten hours per day for almost a year. The glue tasted sweet on the tongue but it made you dizzy. I could not eat after work. When I saw food, I just wanted to vomit. I worried at that time that my body could not stand it. Every time I told my boss I wanted to quit, he would increase my pay. In the end I could tolerate no more and quit. One month later, some thirty workers got seriously sick and they were admitted to a local hospital. I considered myself very lucky at that time. Then I got into this plastics factory, because I had some Sichuanese friends there. That day, I started my shift at 7 AM and the person from the night shift was so exhausted that he left me with a broken machine. I thought I had turned it off, but actually it was still on. As I put my hand into the wheels, it moved and cut off two of my fingers. When my coworkers rushed to switch off the machine, I saw my two crushed and bloody fingers trapped in the machine.³⁷

There are occupational injuries that are less visible but no less pernicious and damaging to workers' health. The pressure of working in some of the higher paying, foreign-invested firms can generate severe depression, stress, and mental illness. In one of the world's largest hard-disk manufacturers, a former line leader from Hunan reported that in her seven years there she saw seven workers going crazy at work. All were then committed to mental hospitals or sent home. Such injury is as insidious as it is invisible, especially as it hides behind the modern facade of a "high-tech" global firm.

The girls thought it was a curse in the factory. But I think it's because of the indescribable stress at work. Management was ruthless and reprimanded workers for the most minor mistakes. You got scolded, humiliated, and fined for a loosened screw, or dropping something on the floor. On the shop floor, foremen always threatened to "deduct your 107." That's the amount of monthly bonus. Any minor mistake, like being late for a few minutes or taking a day of sick leave, can cost us 107 yuan. Some young girls did not know how to deal with this kind of abuse and they just took it all inside themselves. You can see the pain and distress in their deadly silence. At some point, they could take it no more and lost their minds.³⁸

Injured workers who sued employers for compensation reported horribly primitive and dangerous working conditions. As in the case of wage arrears and nonpayment, many industrial injuries occur in the context of informal employment relationships, without contractual regulation. And when injured workers seek assistance, their first reaction is to appeal to employers' benevolence and compassion, not their legal responsibilities. Rarely do workers ask for or sign formal contracts, which are largely considered nonbinding by employers and workers alike. Employers willing to pay some compensation can usually placate aggrieved workers, some of whom even stay on as handicapped workers in a reduced capacity or in lower-paying posts. But when employers go to the extreme of denying workers any compensation at all, workers seek official or legal resolution. Among these several types of labor conflicts common in Shenzhen, unpaid wages and disciplinary excesses are more conducive to collective action and collective lawsuits than industrial injuries, which are often individual-based.

INSIDE THE LEGAL LABYRINTH

Observers of the Chinese labor scene have rightly chastised the Chinese state for failing to guarantee the legal rights of migrant workers. A ringing critique can be found, for instance, in the carefully documented works by Anita Chan, especially *China's Workers under Assault*, in which she reasonably charges the central and local governments with not consistently upholding the Labor Law.³⁹ But I have found that, even with flawed implementation, the mere formal existence of such laws and regulatory institutions has significant political and cognitive consequences. In what follows, I focus on the actual practices and effects of these bureaucratic and legal provisions. The Labor Law, the Labor Bureau, and the Labor Dispute Arbitration Committee figure prominently in the trajectory of migrant workers' struggles.

Beginning with the moment of workers' first encounter with the Labor Law, the labor bureaucracy and the court, no matter how biased, help frame workers' grievances as public and legal matters demanding state intervention. A remark by a woman worker encapsulates the impact of the discovery of the law on collective conceptual transformation: "once we saw the terms of the Labor Law, we realized that what we thought of as bitterness and bad luck were actually violations of our legal rights and interests."⁴⁰ Moreover, at every step along the legal labyrinth, going through the motion of formal procedures takes on a life of its own. Gross injustice in the labor arbitration process or indignation experienced in the courtroom will at

times solidify workers' determination to seek justice, and if injustice persists, workers will be radicalized to take their grievances to the public. I will report cases from my fieldwork to show that at each of the three stages of the official labor dispute resolution process, practices of labor officials and judges have directly caused labor protests. As this is labor politics embedded in the legal system, legality is the vocabulary of worker resistance as well as state control.

Learning about the Law

Let us begin at the beginning. How do workers get to know the law? Serendipity plays a role, but most consequential is the presence of the Labor Bureau. A strike in a handbag factory is perhaps the most illuminating case of the political effect of the Labor Law, and also the fortuitous way in which it comes to workers' attention. Surprisingly, it was the employer who brought knowledge about the Labor Law into the factory. In January 2002, two thousand workers participated in a plantwide strike that shut down production for two days. For years, workers had endured a punishing pace of work and overtime shifts for wage rates below the legal standard. They decided they could take no more only when management imposed a "training session" every morning, drilling workers in the "correct" answers in anticipation of an upcoming labor standards inspection by the factory's American customers. This episode was a moment of awakening, as a security guard who participated in the strike recalled with his fellow technicians.

The girls in the sewing department started it. They work the hardest but their pay has always been very low—too low—and their hours extremely long. The factory makes workers sign pay slips to show that they get about eight hundred yuan, but they actually get six hundred yuan, including overtime pay. Management lowers the piece rates once workers begin to earn more. Overtime is a must, almost always until 11 PM or midnight every night. Never a Sunday off. It's a bad factory. During the training, workers were given model answers about the Labor Law, and they had to memorize them so that when customers' inspectors come and ask, they will deliver the line, "Five-day workweek, eight-hour day, Sunday off, two hours maximum overtime each day and not more than five nights per week. We are all very satisfied with our work schedule." It's the first time we learned the details of the Labor Law, and what we were not getting.⁴¹

Likewise, in the case of a labor dispute involving construction workers, the employer had been violating the law for many years, forging workers' signatures on labor contracts and denying workers access to the terms of the

contract. After one worker managed to seize a copy of the labor contract from the company administration and saw the terms of the Labor Law mentioned in the labor contract, several worker representatives decided to check out the law on their own. They stationed themselves in the Shenzhen Book Center, a multistory comprehensive bookstore downtown, and started reading.

For two weeks, we had only one meal each day and we read everything on the Labor Law and labor dispute arbitration in the bookstore. Before this, we had no idea what the law said about us migrant workers. For many years, we had only heard about the labor contract, but we did not press the company hard enough when they refused to give us a copy. We always felt it was unjust that we were treated unequally, always inferior to workers with Shenzhen residence registration. Since we started this struggle with the company, many workers have begun to read newspapers. Some even cut out labor dispute stories for circulation in the dormitory. The more we read these legal reports, the more we understand the legal issues involved in our own case.⁴²

Most often, workers come into contact with the law by visiting the Labor Bureau located in downtown Shenzhen. Usually a useful educational experience, this first step also generates ambivalent reactions among workers toward the state and the law. During my numerous visits to the Labor Bureau accompanying workers filing arbitration requests or seeking legal information, I observed that state agents treated migrant workers with condescension, looking down on them as ignorant supplicants rather than fellow citizens with rights. The reception rooms of the Petition Department on the ground floor and the Labor Dispute Arbitration Committee on the fifth floor are as a rule crowded. On the fifth floor, the two overworked female clerks routinely yelled at workers who flocked around their desks, anxiously pressing their faces against the partition windows. They dished out insulting remarks, ordering workers to read the terms of the Labor Law themselves rather than explaining to them what those terms are. In many cases, upon receiving a dispute arbitration application from workers, these clerks would initiate mediation with employers over the phone while the workers involved sat and listened to the dialogue. If workers refused to accept what the clerks considered an acceptable settlement, the clerks would authoritatively discourage workers from taking further action, reminding them that a formal procedure would take a long time, or that resourceful employers always prevail in lawsuits. Their message was that workers should be content with a mediated deal, even one that falls short of the law, because most employers will not fully adhere to the law anyway.

Official contempt for migrant workers is also evident in the corridors of the Labor Bureau. One day, I was with a group of workers who had gathered outside the reception room to discuss their strategy for the mediation meeting with their employers that was to begin in an hour. Exhausted, they squatted on the ground in small groups, while labor officials passing by glared suspiciously, and one yelled, "Go! Go! Go! Who says you can hang around here? Go back to the factory!" Workers, visibly upset and filled with indignation, dared not utter a word in reply, but made the concessionary gesture of moving toward the stairways. As soon as the officer entered the elevator, everyone returned to the original position in the corridor and continued the discussion. This kind of ritualistic confirmation of official superiority and mass deference happens in many guises inside the Labor Bureau. Local state power is personified by these arrogant officers, and workers approach the bureau more as subjects than citizens.

Nevertheless, no matter how much the exchanges between street-level bureaucrats and workers border on verbal abuse and humiliation, officials distribute information about the law and procedural rules for launching an arbitration application on a daily basis. Representatives of a cement factory, for instance, tried to file an application for dispute arbitration, and despite rude treatment by the clerk there, they were directed to the publication office on the twelfth floor, where they purchased books laying out the details of specific regulations on which to base their complaint. The courtyard outside the Petition Office, which is attached to the main building, is also a vibrant marketplace for legal know-how. "Black lawyers," individuals without professional registration but who charge a service fee for providing legal representation in court, congregate to offer advice and moral encouragement to potential clients. Petitioning workers from different factories also exchange experiences and grievances with one another.

Another public source of information for workers is found in the hospital wards that treat workers suffering from industrial injuries. The site of tragic and heart-rending scenes, it is also the place where fellow patients provide solace and, more important, legal knowledge and referrals to otherwise lonely and helpless victims. A woman worker who recalled thinking about committing suicide after seeing her hand crushed by a machine in a plastics factory recalled,

There were many injured workers in the hospital. It was a horror scene. New patients came in everyday, with their fingers or hands cut off by machines. They [fellow patients] told me not to be afraid, and they talked to me about workers' legal rights to get insurance compensation. . . . Then, when I put on my artificial hand, another patient handed me the

business card of a lawyer. A home-village friend of hers was also injured and she knew this lawyer. I also bought books about the Labor Law and began reading.⁴³

The concentration of factories in Shenzhen also facilitates the circulation of knowledge of the law and regulations. Rows of multistoried factory buildings line an entire district, with factories occupying one or two floors each. Here, workers from various factories can easily socialize, their ties sometimes further cemented by common provincial or hometown origins. Although most factories build and manage their own dormitories, the Shenzhen government also rents dormitories to smaller establishments. These dormitory buildings provide social space shared by workers from different plants in the district. A woman worker representative in a labor dispute at an electronics factory explained how word about successful labor action in another factory spread and workers in the same district learned about their legal rights regarding dismissal compensation.

The forty-nine workers who dared to lead the strike on April 29 and went to the Labor Bureau insisted that the company should compensate us when it terminated our contract. . . . Some time ago, another factory in the next building folded, and workers got compensation according to the Labor Law. Some of us had friends in that factory, and they came to visit us in our dorm. That's how we learned about the legal compensation. That's why we were not afraid.⁴⁴

Due to the geographical concentration of factories, it is not surprising that "contagious" strikes sometimes occur among companies in the same locality. A report on "spontaneous labor incidents" stated that, in Guangdong between 1994 and 1995, there were 182 cases of strikes involving more than four hundred people, accounting for 28 percent of all strikes in the province in that period. Usually lasting for two to five days, these strikes tend to expand in scale through emulation by workers in neighboring factories.⁴⁵

In sum, these stories suggest the powerful transformative effect of legal knowledge. The law facilitates a reframing of workplace grievances from normal hardships and unavoidable "bad luck" to wrongdoing proscribed by the state. The law is at once a crucial power lever for workers confronting employers and an authoritative reference on the "value" of labor. With few alternative references to determine "fair" wages, most workers accept the government's standard of minimum wage as a reasonable wage "floor." In mid-2002, it amounted to 574 yuan per month or 3.3 yuan per hour in Shenzhen City and 440 yuan or 2.7 yuan, respectively, in other districts under Shenzhen's jurisdiction. A worker explains the typical mentality:

We are not greedy or jealous of others making more money than we do. We just want the legal minimum. If the boss did not push us to this desperate situation [not paying them for three months], we would be happy with what we used to get: 2.05 yuan per hour. As long as we can get by and save one or two hundred yuan per month, we don't want to create trouble.⁴⁶

Similar logic applies to workers seeking compensation for workplace injuries. The government compensation standards are usually accepted by workers as reasonable rates of compensation for injury or loss of arms, hands, or fingers. Many maintain that whatever the legal standard, they will accept it as just and fair compensation "because it is the law."

Plant Closure and Exit Solidarity

The effect of the law in instigating labor activism is heightened when workers are collectively dismissed. Worker solidarity peaks at the point of collective exit from the factory, occasioned by plant closure or relocation. A mass layoff unites workers who are otherwise divided by shop floor, local origin, rank, and skill level. Fear of dismissal also recedes as workers feel they no longer have anything to lose in asserting their demands. The sense of urgency and desperation that prevails at the moment of plant closure also leads workers to pursue multiple modes of struggle. Take the case of a May Day labor dispute in an electronics factory making adaptors. On the eve of the week-long holiday celebrating Labor Day in 2002, sixty workers walked out of their afternoon shift and together went to the Labor Bureau to lodge a complaint against their employers' refusal to pay dismissal compensation and pension insurance. The firm had announced its relocation from Shenzhen to a nearby town in early April but had not yet made clear its policy of compensating those who did not want to move to the new factory. Afraid that the boss would "escape" during the week-long holiday, and having failed to obtain a registration number at the overcrowded Labor Bureau reception office, the workers marched to the city government and sought emergency help. The Labor Bureau Inspection Team, bowing to the pressure of the mass presence of workers still clad in their blue uniforms, called a mediation meeting between management and worker representatives an hour before the factory closed for the holiday. In the end, the employer conceded and promised to compensate workers according to the law. He calculated that his new plant was located in a township falling within the Shenzhen government jurisdiction, and keeping a good record with the government would be important in the future.

Another example of "exit solidarity" among migrant workers can be

found in the electronics subcontractor for Wal-Mart mentioned at the beginning of this chapter. This Hong Kong–invested export-processing factory, established in 1988, committed all the most common violations of the Labor Law. The firm did not sign labor contracts with workers, did not pay the legal minimum wage, did not follow the overtime wage scale established in the Labor Law, and never contributed to workers' pension insurance. These practices had gone on for years, and workers complained in vain by writing opinion letters to management and even to the local Labor Bureau. Then, after a drastic reduction in production orders from the United States in the aftermath of the terrorist attacks in September 2001, the factory frequently suspended production and imposed no-pay vacations on the entire workforce. Then, in late December, the factory announced that it would cut production capacity and relocate to Dongguan. According to one worker leader,

Line leaders became concerned and they jointly organized the girls in their lines to petition to different government departments, demanding allowances during this no-work period. Line leaders saw that their interests were compromised like those of the workers. And eight hundred workers signed the petition letter to the Labor Bureau.⁴⁷

Workers divided themselves into three groups and marched to the Labor Bureau, the district government, and the district court, respectively, deliberately putting public pressure on the authorities to pay attention to their plight. Thus began a tortuous process of negotiation with management, mediation by the Labor Bureau, an appeal lawsuit initiated by the factory, and finally a court settlement. It is obvious that workers were prompted to act collectively because of the imminent plant closure, a time when stakes were the highest, solidarity the strongest, and opportunity cost the lowest. It is a time of reckoning when all accumulated grievances over the years can come together in a single explosive action.

The Contested Terrain of Illiberal Legality

Whether driven by newfound awareness of the law and workers' legal rights or spurred to action by plant closure and relocation, aggrieved workers confront an arduous legal terrain founded on an illiberal regime of "rule of law." The central government sees the law as an instrument indispensable for creating an attractive environment for investment, managing social conflict, and maintaining social and political stability.⁴⁸ But at the local government levels, local officials' overriding concern to develop the local economy easily fosters a procapital regulatory environment detrimental to labor

interests and rights. Some government bureaus, however, have their own departmental interests in helping workers to use the law or at least in promoting the ideology of legality. The *raison d'être* of the legal aid centers, labor dispute arbitrators, and Letters and Visits Bureaus is tied to workers' interests and the implementation of labor regulations, no matter how compromised. These forces and interests work at cross purposes in some cases but in unison in others, leaving room for routine arbitration and litigation to evolve into less predictable episodes of mass action. Following the three-step procedure of labor dispute resolution, I illustrate how workers surmount with varying success the barriers posed by local government, legal professionals, and employers. At every turn, the pressure and exigency of eking out a living at the margin of a freewheeling capitalistic city often compels opportunistic compromises with employers' financial concessions.

Step 1: Mediation Because the promotion of "harmonious" labor relations and a stable society stands at the heart of China's labor law regime, informal steps such as conciliation and mediation play a key role in the process. Although mediation is optional, meaning that either party in the dispute can reject mediation, it is strongly encouraged. Mediation is to be followed by arbitration, a necessary precondition for litigation.⁴⁹ Most workers who come with grievances to the Labor Bureau will first be directed to the Petition Department, where the on-duty officers does an initial screening of the facts of the case. Even here, the clerks will attempt mediation, as will those at the arbitration application department, the first step in entering the arbitration process.⁵⁰ Workers wanting official intervention, whether in the form of arbitration or mediation, have to file an application with the Labor Dispute Arbitration Committee housed in the Labor Bureau within six months of the alleged violation of their rights. It is incumbent on the employees to establish the existence of an employment relationship with the employer in question. For that, they have to show a labor contract or evidence of employment (such as wage slips or factory identification cards with their names). They also need to submit a copy of the commercial registration record of their employer, for which they have to pay sixty yuan to obtain a photocopy from the Bureau of Industry and Commerce. Table 10 shows that from 1986 to 1999, about 90 percent of all labor dispute cases handled by the Shenzhen City Labor Bureau involved mediation. In 1999, for instance, of the 13,280 disputes handled, 11,062 went through mediation, including those that reached the arbitration stage.

The express principles of mediation, according to the State Council Rules for Handling Labor Disputes in Enterprises (1993), should be their founda-

TABLE 10 Handling Methods and Results of Arbitrated Labor Disputes, Shenzhen City, 1986-1999

	Total	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total cases arbitrated	70,351	54	193	402	500	359	322	316	2,900	6,792	8,941	10,983	13,179	12,130	13,280
	Handling Method														
Mediation	63,807	38	111	260	338	236	177	164	2,660	6,506	8,611	10,442	12,267	10,935	11,062
Arbitration	3,779	0	11	37	41	36	38	42	69	81	93	246	542	894	1,649
(Appeal)	(2,211)	(0)	(4)	(7)	(10)	(16)	(5)	(29)	(36)	(12)	(56)	(109)	(341)	(781)	(805)
Other	2,765	16	71	105	121	87	107	110	171	205	237	295	370	301	569
	Result														
Favorable to entrepreneurs	9,840	8	31	71	87	62	55	45	463	1,039	1,254	2,001	3,194	638	892
Favorable to employees	48,544	34	105	203	247	196	186	207	1,896	4,861	7,003	7,724	5,812	10,569	9,501
Favorable to both	11,967	12	57	128	166	101	81	64	541	892	684	1,258	4,173	923	2,887

source: Shenzhen City Labor Bureau, ed., *Constructing Harmonious Labor Relations* (Beijing: China Labor and Social Security Publishing House, 2000), p. 170 [in Chinese].

tion in law and their voluntary nature. Yet, in actual practice, and depending on the individual labor supervisor or the willingness of the employers, workers report varying degrees of noncompliance and even blatant violations of these principles. Mediation quite often inadvertently spawns more unconventional actions than it manages to contain, especially because labor officials tend to take workers more seriously when they appear in large numbers. In the following incident, a worker representative learned the hard way that small-group petitions never bear fruit. Only when all 154 workers participated in a strike in their factory did the Labor Bureau arrange for mediation.

Six or seven of us had lodged complaints against low wages several times before, but the Labor Bureau couldn't care less about us migrant workers. All they said was that they would come to investigate, but nothing happened. This time, after three consecutive months of receiving only seventy or one hundred yuan, we really had no choice. Soon we would starve to death. We lodged another complaint with the City Labor Supervision Team but the company did not budge. When the factory demanded that public security arrest our coworker [for sabotage and deliberately cutting off the electricity supply], all of us were furious. We stopped working and protested outside the factory. . . . We were about to march to the city government when the Legal Aid Center intervened and the Labor Bureau immediately arranged for mediation.⁵¹

In another collective dispute, five hundred workers gathered outside the Petition Department of the Shenzhen City Labor Bureau one afternoon, after they found that the district Labor Bureau was toothless and not interested in workers' plights. The district officers there left the factory even when mediation conducted two days earlier did not satisfy workers' demands for a labor contract, legal wage rates, and social insurance payments. But when hundreds of workers showed up at the Shenzhen City Labor Bureau, the bureau chief reacted promptly. The bureau chief personally came to talk to them, and the chief of the Labor Supervision Department showed up together with the district Labor Bureau chief. One worker representative was bemused by this cordial official attitude, especially the Bureau's offer to provide free transportation with their official fleet of coaches.

Once the chief at the petition department saw so many of us, he took up the case immediately. No need to wait in line. . . . Workers were infuriated to see the district Labor Bureau chief, and when he tried to explain, workers shouted, "We don't believe you anymore," and they drowned out his speech. When the Shenzhen chief talked, they all quieted down and listened. . . . He also said that, to ensure our safety, the Labor

Bureau would dispatch commuter buses for their employees to take us back to our factory. Many of the workers had walked three hours from Nanshan district to Shenzhen City, because police came and stopped their buses on the way here.⁵²

Frustration with the futility of mediation and the compromising attitudes of labor officials easily discredit the bureaucratic process and lead workers to resort to protests and demonstrations at the city government building. Offering a rare glimpse of the prevalence of such radicalization of labor arbitration, national official statistics on arbitrated labor disputes in 1997 reported that, out of a total of 70,792 arbitrated cases handled, 854 protests (or 1.2 percent) were triggered by the arbitration process itself. If we use this rate as an estimate for other years, incidents of arbitration-related labor unrest amounted to 1,568 in 2000, 1,455 in 1999, and 1,107 in 1998.⁵³ These figures capture but the tip of the iceberg of the total volume of labor mobilization.

Worker representatives often notice with disdain the government's overwhelming priority of reaching a mediated agreement even at the expense of the law. Instead of adjudicating legal rights and wrongs, labor officials placate employers to get them to agree to a settlement. A woman representing fifteen workers owed wages by their employer recalled how they were flabbergasted at the mediation meeting at the Labor Bureau.

The labor officer was almost cooing to our boss. He said in a very sweet and gentle tone, "I beg you, Madame, to have pity on these workers who work for you. Do a good, charitable thing. Workers' lives are very hard. Please don't force them out of the factory." We scolded him at once for talking like this. We did not want any pity! She owed us our rightful wages! . . . It was only when our boss ignored him that he changed his attitude and became more helpful to us.⁵⁴

For labor officials, mediation is a strategy to defuse tension and minimize administrative costs expended on any one case. Workers have urgent and real existential need for a quick resolution at an early stage of the dispute. Given their excessively long workdays and high mobility across factories, migrant workers normally cannot afford the time, energy, and opportunity cost of resorting to litigation. But workers also expect a law-based resolution. A labor representative in the Wal-Mart subcontracting factory explained workers' disappointment and tactics when she found that the Labor Bureau officer handling the mediation cared only about reaching an agreement, without any interest in enforcing the spirit and letter of the Labor Law. Eventually, disgruntled workers took to the streets.

The officer from the Labor Bureau did not care about who was right and who was wrong. He just wanted to stand in the middle, asking both sides to concede. It's so apparent that workers were the victims in this case, but he did not place legal responsibility on the company. . . . We think that they are anxious not to antagonize investors, and that's why they care only about getting an agreement. It's the company that illegally deducted our wages, but the Labor Bureau did not impose any compensation or fine. The whole thing upset us so much that we lost interest in negotiating. All we thought of was to organize a demonstration at the city government.⁵⁵

When workers distributed handbills drafted by their line leaders about the routes to the city government, management reacted by calling public security and the Labor Bureau. Officers came to lecture workers and threatened arrests if they demonstrated. One worker recalled, "The vice-chief of the Labor Bureau said, 'It [workers' action] damages the city's image.' But I just thought that it could only be legal for us to petition the city government. Some workers were scared by his threat of arrest. So, in the end we started negotiating with the management one more time."⁵⁶

In other cases, mediation before arbitration does bring immediate if less than law-based relief for workers. The Labor Bureau still carries considerable weight among investors who plan to stay or even expand their businesses in Shenzhen. The intervention of a labor supervisor will in many cases extract sufficient concessions from employers to appease workers. An employer agreed to negotiate and implement the agreement with workers after workers showed up at the gate of the city government and petitioned the Labor Bureau, demanding economic compensation and repayment of their insurance contributions when the factory relocated to a smaller township in Shenzhen. He showed his disdain for workers appealing to the government, lecturing them in the negotiation like a domineering patriarch reprimanding his own children.

You should not stage that kind of sit-down strike. It's very uncivilized, and it indicates your low quality. . . . I know people in the court, and I know how I can use the court to drag workers into the legal process, three months or a year. You cannot afford to play this game with me. I have built a new factory worth tens of millions of yuan. What's workers' compensation compared to this investment? I'll give you that money, if only out of charity. But you have to promise me not to complain to the Labor Bureau again.⁵⁷

In the end, the employer paid workers the legal compensation, but the workers were hardly empowered by the episode. As in the corridor of the Labor Bureau, normally articulate and feisty worker leaders turned compli-

ant and reserved around the negotiation table, taking the boss's verbal beating with lowered heads and occasional tears rolling down a few faces.

Step 2: Arbitration The second step in the three-step formal process of labor dispute resolution is arbitration. Any party may initiate arbitration proceedings by submitting a request for arbitration to the local Labor Dispute Arbitration Commission within sixty days from the date of the dispute. At this stage, mediation may still happen and result in a written agreement. Following the national pattern,⁵⁸ most cases brought for arbitration in Shenzhen are resolved through mediation facilitated by labor arbitrators.

In Shenzhen, at the city and district levels, there are twenty-one full-time arbitrators, and sixty-eight part-time arbitrators. Some 80 percent of all disputes are handled by a single arbitrator, although complicated and collective cases are usually arbitrated by a committee, with representatives from the city union, Labor Bureau, and business association. Some 70 percent of arbitrated cases in Shenzhen from 1995 to 1999 were handled by these grassroots units, although serious and collective cases were usually handled by the Shenzhen City Labor Bureau. The quality and legal knowledge of labor arbitrators are often uneven. One former Labor Bureau official also points to poor legal training and inadequate supervision of arbitrators' performance.

The many part-time labor arbitrators receive only a one- to two-week crash course on the Labor Law and relevant regulations. Of the full-time staff, only two out of more than twenty have formal training in law. In general, civil servants in the Labor Bureau have low status compared to other branches of the government, and you cannot expect to find the best and brightest here. . . . There is absolutely no systematic assessment or supervision of their work. If either party is not happy with the arbitral award, they can only appeal to the courts.⁵⁹

A group of 150 workers involved in two cases of arbitration, one on wage rates and another on an illegal contract, found to their dismay that the two arbitrators handling their cases were not equally competent. One handled the case legally and professionally, and the other was so incompetent that he gave them wrong instructions.

The first arbitrator did not say much during the hearing. He basically looked at the evidence. We accused the company of charging us illegal deposits [to guarantee that workers will not quit arbitrarily], and we had the receipts for that. But the company's lawyer still argued that the company had not taken any deposits. The arbitrator smiled, finding that absurd. When the arbitrator asked the company's lawyer how the company calculated wages, the lawyer said he did not know. The arbitrator

then reprimanded him and asked him not to come if he continued to know nothing about the company. We thought that this arbitrator was fair. He followed the legal procedure. But the one in charge of our contract dispute was totally different. He told us to go to the Public Security Bureau to verify our contract, but the Public Security Bureau said they did not handle civil cases! He also asked us to obtain photocopies of our contract. When we turned them in, he said we should not have done so because we said the signatures were counterfeits. He's a piece of shit, and knows nothing. We have decided to appeal to the courts.⁶⁰

Another problem is local protectionism in grassroots labor dispute arbitration committees. At the township level, where many foreign-invested and private export-processing factories operate, a layer of Labor Relation Conciliation and Dispute Arbitration Subcommittees, attached to the local Labor Bureau office, has been set up. By the end of 1999, there were forty-nine Conciliation Committees with 264 coordinators and twenty-one Labor Arbitration Subcommittees at the township level.⁶¹ Staffed by personnel drawn from local village committees and township heads, these committees are fertile soil for employer-government collusion. The village and township governments depend on employers for revenue and often are themselves coowners of these firms. The employer-bias of many of these grassroots arbitrators gives rise to widespread disillusionment about bureaucratic neutrality and legality at the local level.

Besides the varying quality of labor arbitrators and intervention by local officials, many of whom have a conflict of interest, workers have to overcome another hurdle in the bureaucratic process. They are responsible for gathering the necessary documentation about the company and evidence of its wrongdoings. For workers who are owed months of back wages, dismissed by employers, and kicked out of the dormitories, some cannot afford even regular meals. The logistical costs (e.g., for obtaining the business registration certificate of their factory, photocopying, cell phone or pager, and transportation) involved in arbitration and litigation are prohibitively expensive. On top of that, some government departments join in the fray to extract exorbitant fees for paperwork needed for arbitration. Several lawyers criticized the government's predatory fee scales in our interviews. One lawyer's remarks are typical.

Workers initiate arbitration because they don't have money. But they have to pay up front an arbitration fee (4 percent of the targeted compensation), in addition to a fifty-yuan case-handling fee. Then, the Industry and Commerce Bureau (*gongshangju*) charges a sixty-yuan fee for a copy of the factory's commercial registration. The Labor Arbitration Commission requires this payment before it opens a case.

It's absurd that the *gongshangju* fixes its own fee schedule for looking up company records in their computers, fifty yuan for ten minutes, one yuan for a page of photocopy. And there are lawyers' fees.⁶²

Yet local state interests are fragmented. Not all units of government are one-sidedly procapital or have an interest in denying workers' rights. On the contrary, there are government units that have departmental interests in championing workers' legal rights. Legal aid centers run by the judiciary may not have all the manpower needed to fully meet workers' needs, but on-duty lawyers do offer legal advice every day, and some workers in this study find them very accessible and resourceful, giving indispensable help in their legal battles. They run the nationwide "148" hotline offering legal counseling services to all who call, and legal representation is given to applicants fulfilling certain economic criteria. In the Baoan district of Shenzhen, twelve full-time staff members (six of whom are registered lawyers) have been serving a migrant population of 2.5 million since 1997. Every year, an average of two hundred workers receive assistance, mostly regarding industrial injury compensation and wage arrears conflicts.⁶³ During one visit to this center, the lawyer on duty was visited by a young peasant whose sister had suddenly died in the apartment provided by her employer. In a harsh and condescending tone typical of Chinese officials, he did not mince words when the helpless and nervous peasant showed signs of ignorance about the legal procedure. Bureaucratic mannerism aside, however, the lawyer dutifully took up the investigation, answered all queries, and provided professional advice on how to seek employer compensation. Moreover, workers have reported encountering fair and helpful labor arbitrators and judges. Although the labor rule of law is often subject to the personal caprice of officials and may be twisted by economic and political forces, the laws and regulations are universal principles that are available for use by well-intentioned labor officials and legal professionals.

Overall, of workers who manage to sustain their effort within the official resolution system, some have seen their rights upheld. According to official statistics, the rate of favorable arbitral awards or mediated settlements for employees far outweighs that for employers. Table 10 shows that employees' winning rate stood at a high of 70 percent over a fourteen-year period between 1986 and 1999. This pattern dovetails with the national one in which most disputes are also resolved in favor of employees. For instance, in 2000, employees won 58 percent of the cases handled through labor arbitration, and in an additional 31 percent of the cases, the resolution partially favored both parties.⁶⁴ Of course, we cannot tell from such statistics what the state means by "in favor" of either party. Neither

do these statistics suggest anything about how effective the court is in enforcing its award decisions.

Step 3: Litigation This brings us to the stage of litigation. In Shenzhen, between 1995 and 1999, some 50 to 70 percent of arbitral awards were appealed in the courts, although the absolute number remained relatively small compared to the total number of cases handled by the Labor Arbitration Commission.⁶⁵ Within fifteen days of an arbitral award being issued, either party can appeal the award in the courts. From then on, the case is adjudicated under the Civil Procedure Law, and heard by a three-judge panel (*heyiting*). A civil case has to be concluded with judgment within six months of the filing date. If an adverse judgment is appealed, judgment on the appeal must be completed within three months. In normal circumstances, a case that undergoes all three formal steps will take at least a year or more to obtain a final verdict.

Many employers prefer arbitration and litigation to mediation. Whereas implementing a mediated agreement incurs immediate financial losses by way of repaying docked wages, dismissal compensation, or pension insurance contributions, employers can always count on their financial advantage over workers to wait them out in the litigation process. Lawyers term this abuse "litigation exhaustion" (*cansu*), a common strategy by employers to exploit employees' "litigation fatigue" (*sulei*).⁶⁶ Even among the most determined worker representatives, the seemingly interminable waiting time for a court hearing and decision strains the limits of their financial resources; mental resolve, and solidarity, especially under the constant pressure to eke out a livelihood without much protection or support from society or the government in Shenzhen. A woman worker related her experience with her employer's manipulation of the legal system.

When we first went to the Labor Bureau, the petition officer suggested mediation, and we agreed because we needed the money right away. The boss refused and claimed that she had already paid us. We went right away to register this case for arbitration. Fifteen days later, the arbitration hearing began. The arbitrator was sympathetic to us, encouraging us to speak clearly and not to make factual mistakes in what we said. He reassured us that we were asking for our rightful dues from the boss. He helped us compile a form on the amount of back wages and deductions. . . . We waited for another fifteen days for the second hearing, the boss was a no-show again, and then we won an arbitral award. We took the award immediately to the Nanshan court to ask for immediate payment. On the last day of the fifteen-day period, the boss responded to the arbitral award and took it to the Lowu [Luowu or

Luohu?] court for appeal. So, we were again made to wait for the court to inform us. It was the Spring Festival, a long holiday. We waited for another month, and then the court decided that neither party had an address in Lowu [Luowu or Luohu?], and the case could not be tried there. It was a deliberate tactic of the boss, just to prolong the process so that we would quit. So we waited for the courts to transfer the case. . . . We kept calling the court to urge them to act. I was angry at their inaction and yelled at them that they should think about workers' hardship. . . . In the end we finally received notification that the case would be heard on May 16. Fifteen of us had already dispersed to different jobs. Had we not called the court all the time, we would have missed this hearing because they failed to contact the worker representative, who happened to be temporarily out of town.⁶⁷

Another factor contributing to the unpredictability of court decisions has to do with the judiciary and legal professionals. Official attempts to modernize and upgrade the qualifications of judicial personnel only confirm how rudimentary that establishment remains today.⁶⁸ Judges' salaries come from the local government budget, which in turn is dependent on taxation and business investments. A labor lawyer specializing in industrial injury compensation cases uses this telling example in a township court in Shenzhen to illustrate the general situation of court-business collusion.

At the end of a court hearing, the judge said to me in public, "Lawyer Zhou, if the court adheres to all the laws and regulations of the provincial government, all these factories would move elsewhere and the local economy would collapse. Who would be responsible then? You?" He later on even stated explicitly to my client that the two basic levels of the local courts in neighboring Dongguan City have reached a consensus that they could not follow the letter of the law. Judges in the mainland are part of the local government, just like officials of the Labor Bureau. Their rice bowls depend on the income of the local government and they in turn depend on private and foreign enterprises.⁶⁹

The fledgling legal profession, like the judiciary, constitutes an additional obstacle to justice for aggrieved workers.⁷⁰ Plagued by the profession's low status and financial insecurity, many Chinese lawyers avoid taking on labor cases because the returns are too low. Ethan Michelson's study on this subject has found that Chinese lawyers are prone to screening out labor cases, adopting tactics of discouragement as an indirect refusal mechanism, and misinforming and miseducating clients about the legal merits of their cases.⁷¹ In my fieldwork, lawyers I interviewed explained that they would take on labor cases only when the cases are big and have a social impact, which would mean that the law firm would receive publicity. In the few

cases where workers manage to pool their funds to hire a certified lawyer, there is no guarantee that they will obtain high-quality legal services. In one meeting with their lawyers, worker representatives whom I accompanied spent the entire hour wrangling with their lawyers about legal fees demanded by the latter for writing a short paragraph in the arbitration application. "I am taking losses with your case," a lawyer uttered with contempt to two female workers representing some two hundred workers who had already paid him thirty thousand yuan for simply showing up during two fruitless negotiation meetings with the employer.

The result is the emergence of a market for unregistered legal representatives. In 2002, there were an estimated 1,700 registered lawyers in Shenzhen, and a few hundred "black-market" or "barefoot" legal workers. Since Chinese courts allow unpaid legal representatives to represent an individual in court, these "black lawyers" can take advantage of this provision and charge fees under the table. There is a thriving market for black lawyers in Shenzhen, despite government campaigns to eradicate them.⁷² No matter how inadequate and uneven their qualifications and competence, in many cases their experience with the court system gives confidence to workers who are otherwise easily intimidated by administrative procedures, court personnel, and legal language.

Watching workers in courtrooms speaks volumes about the enormity of the disadvantages they confront. Even the most articulate workers feel inhibited when challenged by the demand of linguistic precision, the authority of the bench, the technicality of evidence, and the letter of the law. Moral righteousness is insufficient to win a legal point in the courtroom. Many times, I saw workers failing to answer the simplest of questions, such as when they quit the factory, whether they still lived in the dormitory, or whether they had signed labor contracts. Whether out of distrust of the court or fear of being trapped by trick questions, workers give very clumsy and long-winded details in places where the judge wants precise and direct responses. Palpable frustration and anger simmers on both sides.

In the case of the 188 construction workers with which I opened this chapter, several times during the final hearing, workers expressed their impatience with the court's seemingly interminable process of gathering and examining evidence, howling aloud in court, "Give the verdict now!" And when the judge asked one of the workers to get proof from the Ministry of Civil Affairs to show that he was directly recruited by the employer through a poverty alleviation quota, an uproar broke out among workers, protesting what they considered an unrealistic request. "He will never get it!" they shouted. It had been eight months since they first peti-

tioned the Labor Bureau. Since then, they had seen the hearing postponed three times before it first took place in May. Many workers felt so alienated by the entire process that some preferred bringing the case to Beijing's National People's Congress instead of waiting any longer. With immense pent-up disillusion, aggravated by the economic pressure of survival after being dismissed by their employers, workers took radical action on June 5, 2002, the date of the three-month deadline for announcing a judicial decision. Unable to obtain any verdict from the court, angry workers decided immediately to block the roads outside the courthouse, holding up traffic for more than twenty minutes. When armed police arrived and threatened arrests, workers retreated back to the courthouse to meet with the vice-director of the court. A worker representative spoke of his fellow workers' utter distrust of the law and the government.

The practice of the court violates the law! In previous times, whenever the court was scheduled to hear our case, it was either canceled or postponed. Same thing this time. When we tracked down the judge and asked her on May 30, she guaranteed that there would be no more delay. Then only five days later, it was delayed again. Workers can take it no more, and how can anyone not take up radical actions? It seems that if we did not resort to radical actions, they would not resolve our case. I really want to ask, whether the "big" in the title "Big Judge" (*da faguan*) means big justice without self-interest (*dagongwusi*) or just big and powerful people?⁷³

One week later, the final verdict was handed down with the heavy presence of one hundred police officers. Even before the formal court session, workers realized that the company they worked for had prepared small payments to be given to workers on the spot, indicating that the company had received advance word from the court about the verdict. In the end, workers were totally dismayed by what they considered a rigged decision: the company was found not guilty of its decade-long deduction of 8 percent of workers' wages and default on pension contributions, and the court recommended that it pay each worker a small compensation (about 4,800 yuan) on a voluntary basis. With this result, even the usually calm and determined worker representative muttered, "The judge was paid off. . . . The laws are good, but the legal system doesn't work. . . . If we had to do it again, we would just protest."⁷⁴

Radicalization of conflict may occur in any stage of the arbitration-litigation process. When workers with standing grievances find legal grounds for their case, they expect official attention. But bureaucratic red tape and political pressure from big companies or state firms may affect whether workers can even lodge a complaint. Feeling unjustly abandoned by the

government, workers react with mass sit-ins, collective petitions, and strikes. The following episode of traffic blockage throws into sharp relief the process of radicalization. On the morning of May 22, 2002, more than sixty construction workers went to the petition office of the Shenzhen city government. The office directed them to the Labor Bureau, which then said that because the workers had no written contract with the contractor and could not prove the registration of the construction company they worked for, the Labor Bureau was unable to investigate the case. By that time, workers were already very frustrated and emotional. They went back to the city government to seek help. When the officer there insisted that he could not do anything, workers yelled at him, "Why is no one taking care of workers' affairs now that we are under Communist Party rule, and not Republican rule?!" Angrily, they marched down the main road aimlessly, and when they arrived at the intersection in front of the huge Deng Xiaoping portrait in downtown Shenzhen, several of the workers decided to sit down in the road. Others quickly followed, forming a human chain that held up traffic for about fifteen minutes. Soon, some twenty policemen arrived, grabbing and pulling workers to the sidewalk without arresting them. One of the three worker representatives talked to me about the workers' anger and predicament.

All of us are from Sichuan. We have worked for three months for this contractor, and have completed five to six floors every month, working twelve hours each day. But we have never been paid a penny. The boss [the contractor] only loaned us money, several hundred yuan per person from time to time. He said the big boss [the construction company] has a cash problem and there is lots of work coming in. We struck twice and each time they promised to pay in a week. The last time we struck, on May 17th, the boss even threatened us, announcing in public, "I'll kill anyone who dares to lead a strike again." Once he said that, we realized that we could not trust him anymore, and we began to worry about our personal safety. . . . We workers work legally and tried legitimate means and got no response. They [the government] are forcing us to shed blood, to take the criminal route. As we left the city government and walked on the street, some of us suggested bombing the company, others cursed that it's better to be run over by cars than to work without getting paid. . . . We did not plan this action, it's so natural for everyone to follow once several workers decided to sit down in the road. When police came to remove us, some workers told them that being arrested was good. At least we wouldn't have to worry about food and lodging.⁷⁵

In another incident, about one hundred restaurant workers took to the street to protest against unpaid wages by their employer, who fled during the SARS outbreak in April 2003. At first, they approached the city gov-

ernment Petition Office and the Labor Bureau for help. But because they had neither labor contracts nor proof of past wage payments to prove a labor relationship, the Labor Bureau delayed tapping into the fund earmarked for wage arrears complaints to bail them out. In the meantime, the Labor Bureau distributed an emergency allowance to each worker, the equivalent of 20 percent of the city's average wage. When the cash-strapped workers realized that it might take one hundred days before the investigation would result in government payment of back wages, they became restive. They organized a march through downtown Shenzhen, hoisting banners reading, "Return Our Sweat and Blood Money," "Please Help Us Working People," and "Down with Wang Simin" (the owner). One worker leader explained,

The march is inspired by what we saw on television and in the newspaper. There was a case of wage arrears that took only one week to resolve. That's because the workers managed to get their story into the newspapers. We organized the march and contacted several newspapers, *Guangzhou Daily*, *Shenzhen Special Zone Daily*, *Southern Metropolitan News*, and *Crystal News*, in the hope that the media would report our case. In the end, reporters came but no report made it to print. . . . We are not afraid, because we know we have done nothing illegal. The law should not coerce the public. We agreed before the march that if anyone was arrested, all should come forward to confront the police. For an hour, we walked through major roads in Shenzhen. The dozen or so traffic police came and followed us all the way, asking us to keep to the sidewalk. We were a big group, so the government had to intervene. If we were just a few people, they would've ignored us. Of course, we are legal illiterates. Otherwise, we would have insisted on signing a contract with the boss, or we would have kept some evidence of wage payments.⁷⁶

In the end, the Shenzhen government paid every worker at least the average monthly wage. Those who showed proof of wage payments in the past could collect the full amount of owed wages. In this case, bureaucratic flexibility was prompted by the central government's demand to keep migrant workers in the city at the height of the SARS epidemic. Impoverished unemployed migrant workers were the most volatile, and became beneficiaries of this special policy.

It is important to point out that not all labor dispute arbitration and litigation end in seething anger and frustration. In the case of fifteen garment workers who were owed two months' pay, the court verdict vindicated their charges. The workers have not yet been able to collect payment, however, as the court was not able to locate their employer, who has apparently closed

the shop and relocated elsewhere. Some of the workers involved in the lawsuit found comfort in their moral and legal victory, while others have long since returned to the countryside to recuperate from the unrelenting work pressure of the garment industry. A year after their employer kicked them out of the dormitory and refused to pay them wages for the previous two months, amounting to two thousand yuan each, the final verdict brought little financial relief, only nagging ambivalence: they were not sure whether all the trouble of litigation and appeal had been worthwhile.

There are other workers in this study who have more positive experiences with the labor arbitration and the legal systems. Yang Qin, a migrant worker in her midthirties, has worked in the handbag industry for more than ten years, moving up the ranks from assembly worker to shop-floor production manager. When her husband, who worked in another factory, was dismissed without reason or compensation, she represented him in his arbitration hearing and won the case. Since then, she has become a quasi expert in labor arbitration, advising and accompanying aggrieved friends and acquaintances in their disputes with employers. One day, during one of my visits to Yang's apartment, her hometown friend from Guangxi came over to discuss his plan to sue the village leaders back home for illicit requisitioning. His farmland in the village had been confiscated and sold to developers, and he suspected that cadre corruption was the reason for the low compensation that villagers received. Emboldening him was not only Yang's positive experience with the law but also his own successful arbitration award after his arbitrary dismissal.

CELLULAR ACTIVISM, LOCALIZATION, AND LEGAL RIGHTS

The sunbelt pattern of labor unrest can now be summarized. The Labor Law and the legal contract have given migrant industrial workers crucial institutional leverage in their contests with employers about violations of labor rights. The strategy of choice for migrant workers is to approach the labor bureaucracy, the arbitration apparatus, and the court, owing to workers' precarious social and economic status in the cities. Thanks to local officials' procapital interests, however, and their influence over labor officials and the courts—a result of the central government's strategy of decentralization and local accumulation—legal injustice experienced during the processes of mediation, arbitration, and litigation often fuels as much unrest as the original workplace disputes. Therefore, I have emphasized the dual tendencies of China's illiberal "labor rule of law" toward pacification and radicalization of

labor strife. Like actions taken by their rustbelt counterparts, direct and disruptive actions by migrant workers usually falter when police appear on the scene, when workers find jobs in other factories, or when they temporarily return to the countryside. As I will elaborate in the next chapter, this exit back to the land and subsistence farming has dampened migrant workers' political will to sustain their collective action in the cities.

In a pattern of labor unrest similar to that prevailing in the northeastern rustbelt (see chapter 3), migrant workers pursue cellular activism organized on the basis of the factory. In major cities, 70 to 80 percent of migrant workers live in institutionally provided dormitory rooms. The vast majority of private and foreign-invested factories prefer this dormitory labor system because it allows employers the convenience of having labor available on tap, facilitating flexible extension of the working day, minimizing workers' job search time, reducing the cost of social reproduction, and strengthening employers' control over workers' personal lives.⁷⁷ Dormitories have facilitated communication, coordination, and the aggregation of interests and demands.

The lack of independent unions or workers associations to connect, aggregate, and build on disparate activism is another reason for cellular activism. The few attempts by underground unionists to form independent unions among migrant workers ended in arrests and imprisonment. For instance, in the aftermath of the Tiananmen uprising, student-intellectual activists formed the backbone of several independent unions. The Free Trade Union of China (*Zhongguo ziyou gonghui*) was formed in late 1991 by two workers, a teacher, and a small trader, who were also members of either the Liberal Democratic Party of China, or the Chinese Progressive League, two underground political groups. Its members were soon imprisoned for two to twenty years. In March 1994, Yuan Hongbing, a university lecturer, Zhou Guoqiang, a lawyer, and others formed the League for the Protection of Laborers' Rights (*Laodongzhe quanyi baozhang tongmeng*), but were soon either arrested or put under labor reform. Also in 1993 and 1994, several fresh college graduates formed the Wage Workers' Federation (*Dagongzhe lianhehui*) in Shenzhen, focusing on migrant labor rights and publishing two short-lived newsletters, *Wage Worker Exchange* (*Dagongtongxun*) and *Wage Worker Square* (*Dagongguangchang*). Three members were soon arrested and given two to three years of labor reeducation.⁷⁸

Given the clandestine nature of these organizations, it is not surprising that not much has been documented about their organizers and their modus operandi. The following first-person report by an activist involved in the Wage Workers' Federation may not be typical of other underground

labor organizations, but it provides a rare glimpse into the precarious nature of such an undertaking. Li Minqi was a student activist in the 1989 movement, a member in the circle of student leaders. He reflected on the political lessons these student activists learned from their involvement in Tiananmen:

The failure of the 1989 democratic movement exposed, on the one hand, the serious contradictions between the different social classes and groups in the movement, especially that between the middle-class intellectuals and the urban working class, and on the other, the fundamental limits of a democratic movement led by liberal intellectuals under the guidance of Western bourgeois ideology. . . . I began to look to Marxism and later became a Marxist.⁷⁹

Arrested in 1990 for making an antigovernment speech and imprisoned for two years, he went to Shenzhen in 1993 to meet two of his college-educated friends from Hunan.

They somehow realized that the 1989 democratic movement failed because it failed to mobilize workers effectively. Therefore, to achieve democracy . . . the democratic movement must "make use of" workers (that's how they literally talked about it) just as the Polish bourgeois intellectuals made use of the Solidarity Union to accomplish capitalist restoration. This is how they began to be interested in the workers' movement.⁸⁰

Li's friends started a night school, consciously imitating the experience of the Chinese Communist Party, but so few workers came that the school nearly failed to get started. Using his own money, Li himself typed up and printed the ten-page *Wage Worker Exchange*, and circulated it to some twenty to thirty workers. Shortage of money forced him to stop publication, and he left Shenzhen. Another Beijing University student came to Shenzhen and circulated three issues of *Wage Worker Square*. Li himself left for the United States in 1994 and became a graduate student in economics at the University of Massachusetts, Amherst. His associates were arrested and imprisoned.

Since the mid-1990s, and in response to the hostile political environment and taking advantage of new resources and political space, workers, concerned intellectuals, and professionals have attempted another kind of labor activism. The rise of labor-oriented nongovernmental organizations (NGOs) that have strategically shunned the rhetoric and organizational mode of trade unions is a significant development in the new millennium. Echoing the official emphasis on migrant worker "education" and "services," these new organizations exploit the institutional spaces allowed for

by the Ministry of Civil Affairs and business organization licenses, and rely on funding from international foundations, overseas churches, academic institutions, international human rights organizations, and even foreign governments. Some of these social entrepreneurs are first-generation migrant workers who have either been seriously victimized by industrial accidents or have developed a strong sense of justice for fellow migrants. Other activists are lawyers, journalists, academics, and students. In Beijing and the Pearl River Delta region, several of these organizations have quietly expanded their activities over the past five years. As in the many disparate incidents of labor strife documented here, these labor NGOs put a premium on protecting workers' legal rights and all have active programs to provide legal advice and education.⁸¹ In the long run, these grassroots organizations may empower workers individually and foster their collective capacity. As of today, however, they have reached only a tiny minority among the teeming millions of migrant workers.

The Chinese state has handled migrant workers' activism using multiple strategies. While cracking down on underground union organizing, the Chinese government has been tolerant of everyday isolated unrest and has initiated reforms to remove some of the most oppressive policies against migrant workers. Most significantly, in October 2001, the Ministry of Finance and the State Council Planning Committee jointly issued a circular that in one stroke removed the panoply of administrative fees charged to migrant workers, including the temporary resident management fee, the family planning management fee, the city expansion fee, and the labor power adjustment fee. A temporary residence permit, which used to cost three hundred yuan per year, now costs only twenty-five yuan in Shenzhen (elsewhere in the country it is five yuan). Government departments issuing other kinds of certificates can charge migrant applicants only a few yuan of the production cost of certificates.⁸² Also, in the same spirit of simplifying the regulatory regime for migrant laborers, the State Council prominently promulgated a circular in January 2003 demanding the abolition of local restrictions on the kinds of jobs migrants can take. In particular, it highlighted and condemned the pervasive problem of wage arrears and illegal deductions. The same circular also required local governments to facilitate access to education for migrants' children in the city by removing differential school fee schedules. Legal aid services have also received more official recognition and are earmarked for more institution building. Some academics have played leading and vocal roles in galvanizing public pressure on the government to respect the constitutional rights of migrant workers, especially with regard to police power of detention.

Legal scholars wrote petition letters to the legislature, criticizing police abuse of power and protesting against the deaths of migrant workers. In 2003, the state revised its long-standing vagrancy laws, explicitly prohibiting illegal detention.⁸³

INSURGENT IDENTITIES

Irrespective of court verdicts or strike outcomes, the trajectory of labor strife involves willful human agency. In this section, I ask the same questions about migrant workers' insurgent identities as I did in chapter 3 about unemployed and retired workers involved in labor unrest in the rustbelt. What collective identification—or participation identity, as Roger Gould calls it—is invoked or contested when migrant workers participate in labor resistance?⁸⁴ I have found that class identity is more muted and ambivalent among migrant workers than among rustbelt workers, whereas claims made on the basis of equality before the law and of citizens' right to legal justice are impassioned and firm, as in the rustbelt. Workers also identify themselves as the marginalized and the subordinate in society, and therefore deserving of state paternalism and protection against employers and their official accomplices. In short, there are commonalities among these multiple insurgent identities, but as I shall emphasize, the cultural logic and practical circumstances undergirding their formation are different for migrant workers than for their counterparts in the rustbelt.

Muted Class Consciousness

Rarely do migrant workers speak of themselves as the "working class" (*gongrenjieji*) and "workers" (*gongren*). Even workers who have worked in urban factories for more than a decade and have known no other form of waged employment except as factory hands still consider themselves peasants (*nongmin*), a place-based, ascribed status unambiguously marked by their rural household registration. Many also identify themselves as "non-state workers" (*mingong*), "peasant workers" (*nongmingong*), or "outside workers" (*wailaigong*). In prereform China, the systems of household registration (*hukou*) and the work unit together defined the structural location of the working class. That is, a worker is an urbanite employed in a state or collective industry. Lacking an urban *hukou* and working outside the state sector, migrant workers in Shenzhen logically do not see themselves as real "workers," much less as the politically and ideologically privileged "working class." The discourse of class and working-class power is so tied up with state socialism's ideology and institutions that it has inadvertently func-

tioned as an exclusionary identity for the new generation of workers who now unambiguously confront domination by the capitalist class.

Besides the historical construction of the bona fide working class as those employed in state work units in the cities, according to some of the more discerning migrant workers, the unorganized existence of migrants is the key element that disqualifies them from becoming part of the working class. One worker representative said, "We are a pool of loose sand. Without a union, we are not a collective, not a group. A working class should at least have some organization."⁸⁵ Indeed, the failure of the official union to penetrate the numerous private and foreign-invested firms, the eradication of guild and native-place organizations by Mao's regime, the lack of a developed civil society, and government repression of independent unionism all leave workers without much organizational space to develop their own institutions. Native-place ties exist in the form of informal cliques on the shop floor, or loosely organized and flexibly defined friendship circles among those who happen to work in the same locality. Migrants rely on these social connections for financial assistance, emotional support, company, labor market information, and communication with families and relatives back home. But these ties are just as easily dissolved as forged, following the ebbs and flows of a highly mobile labor market.⁸⁶

Although migrant workers do not explicitly invoke a rhetoric of class, there are palpable indications of an incipient class consciousness in formation. In chapter 3, I argued that state-sector workers' class consciousness is achieved through their collective experience of Maoist political campaigns and the institution of permanent employment in state enterprises over which they claimed ownership. Reform dismantles both pillars of class experience and sharpens the reality of class subordination. In contrast, migrant workers' critique of class exploitation and alienation is grounded more in their encounter with market and capitalist forces, and in terms of denial of human dignity, loss of personal autonomy, and employer dishonesty. Cheating of wages by management, in the forms of concealing the rates of payment, discounting the volume of worker output, and delaying and docking wages, constitutes the most common experience that reveals the corrupt and adversarial nature of the capitalist employment relationship.

Bodily degradation and physical exhaustion often take place in unregulated private and foreign-invested factories and spark rebellion. Corporal punishment is so frequently meted out to workers that a common yardstick for workers to assess an enterprise as good or bad is whether "the boss hits workers." Everyday physical deprivation engenders critical consciousness

indicting capitalist managerial practices. Many migrant workers sustain withering critiques of "inhumane" managers who transform workers into "appendages of machines" or outright "slaves of the boss."

There is no fixed work schedule. A twelve-hour workday is minimum. With rush orders, we have to work continuously for thirty hours or more. Day and night . . . the longest shift we had worked nonstop lasted for forty hours. . . . It's very exhausting, because we have to stand all the time, to straighten the denim cloth by pulling. Our legs are always hurting. There is no place to sit on the shop floor. . . . The machines do not stop during our lunch breaks. Three workers in a group will just take turns eating, one at a time. . . . The shop floor is filled with thick dust. Our bodies become black inside working day and night. When I get off from work and spit, it's all black. . . . In the factory, your entire body is under his [the employer's] control. You lose control over yourself. You have to do whatever he wants you to. It's like you're sold to him.⁸⁷

He [the boss] treats workers like machines. As long as we can earn him money, he does not care about workers' health and bodies. . . . It's like in the old society, I give you money and you become my slave, a lesser human being. In the countryside, even if you are poor, people look down on you but still as a human being.⁸⁸

The strongest sign of class solidarity appears at work during struggles against employers. As the many instances of strikes and protests reported in this chapter show, workers experience their strength in numbers, and the government responds to their large presence on the street or in the Labor Bureau. Yet this solidarity occurs mostly at the moment of imminent exit from the factory. After a dispute or a strike, workers will disperse again, going along with the ebb and flow of the labor market. No organization exists to sustain connections among workers, who often leave one another without a telephone number, only a home village address, or among workers across factories.

Second-Class Citizens

Can the regime's legal reform and promotion of "socialist legality" at least nurture workers' rights consciousness, inspiring and inciting them to act as citizens defending their legal labor rights? For migrant workers involved in collective disputes with employers, the Labor Law has proven pivotal in labor contentions as it accords, on paper at least, all laborers the same contractual status and rights regardless of social origin and ownership sector. In the several examples I cited in this chapter, workers experienced a cognitive transformation about their predicament through the lens of the law. A

worker representative offered his own reflection on the consciousness-raising role of the law and labor officials.

Had we only read a case like our own in the newspaper, we might not have become so insistent. But after both the labor inspector and the legal aid lawyer said that these [back wages] are the law, there was no turning back. To us migrant workers, they represent the will of the government.⁸⁹

But if the law gives lofty promises of labor rights, its uneven enforcement gives rise to a groundswell of disenchantment. Once migrant workers engage the Labor Bureau and the court in their battles with employers, they quickly realize that rights on the books are sabotaged by an authoritarian mode of governance in which the law cannot effectively constrain local official caprice. Everyday treatment by street-level representatives of the government, especially public security officers, reminds them constantly that, as migrants with agricultural household registrations, they are second-class citizens and permanent outsiders in the eyes of local officials and residents alike. House raids are a typical harassment detested by migrants.

We are second-class citizens, and not even that sometimes, just beasts in the eyes of the police. When they came to raid our houses in the middle of the night, they rode roughshod over us, forcing us to squat on the ground, with our hands raised and folded behind our heads. They treated us like criminals. Even if we could show them our temporary residence permits, they would tear them up, and ask, "Where are your papers?" Migrant workers have no rights at all, because we are not locals.⁹⁰

Urban prejudice and everyday harassment are commonplace experiences of migrants, be they laborers or entrepreneurs.⁹¹ Police are not the only predatory street-level state agents who prey on migrant workers. I have discussed the abrasive language used in the hallways and reception room of the Labor Bureau. And despite workers' faith in what they perceive as the greater integrity and justice of Shenzhen's legal system as compared with that in their hometowns in the interior provinces, the legal system often looks like a daunting bureaucratic monster filled with hurdles and straining their resources as a subordinate group. Therefore, even that sense of empowerment by the law is ambivalent and mixed with an ingrained distrust of the powerful.

The law does not seem to protect us migrant workers. It only refers you to different departments. Today it's the Labor Bureau, tomorrow it's the Industry and Commerce Bureau, or this or that court. Always delay and

rescheduling. . . . The boss can afford it. We don't have an inkling of citizen rights (*gongminquan*). There is no government department responsible for punishing bosses who don't pay workers. They can still open another shop somewhere else. I find this mind-boggling.⁹²

Finally, migrant workers' status as second-class citizens is perpetuated by regulations other than the Labor Law. Unequal treatments are also stipulated in local regulations for pension insurance and medical insurance. Even when local regulations have, since February 2001, entitled all workers in Shenzhen, irrespective of *hukou* status and enterprise type, to monthly pension payments at retirement, migrant workers are still treated differently. Whereas workers with Shenzhen *hukou* need only ten years of contributions before they are entitled to such payments, nonlocal workers have to accumulate at least fifteen years. Medical insurance for local employees covers outpatient care and hospitalization, but for migrant workers, only the latter is provided. Finally, until 2003, all migrants were required to pay a range of fees to obtain and renew documents such as the temporary residency permit and the temporary resident's marriage and reproduction certificates.

The lack of medical welfare is perhaps most sorely felt. A worker representative who fell ill during the heady days of negotiations with management went to a local hospital to receive a shot for his cold. He later used this example to explain why migrant workers are second-class citizens in the eyes of the government.

It costs me three hundred yuan for an injection and some medicine! Just a cold. If we were Shenzhen locals, or state-owned enterprise workers, we would not have to pay that outrageous amount. We are a pitiful lot in the city. We get no welfare from the government even though we contribute our labor.⁹³

In short, the law both empowers and disenfranchises migrant laborers. It interpellates aggrieved workers to act as citizens with legal rights, but the illiberal legal system also disenfranchises many who find the court beholden to local government and business interests. This aspect of workers' demand for citizenship in accessing legal justice and rights is the common ground for workers in both the rustbelt and the sunbelt, and is in significant ways induced by the regime's strategy of legal authoritarianism.

Subaltern: Double Subordination

The third articulated identity found among migrant workers is that of *ruoshi qunti*, meaning social groups in weak, subordinate, and disadvan-

tagged positions. Almost all worker representatives in this study mention that they are a "subaltern group" and that the law and government officials have the responsibility to protect their rights and interests from infringement by capitalists. In the open letter written by the 188 construction workers of Jiancheng, they plead for support from the Guangdong provincial government, the Shenzhen city government, the Shenzhen People's Congress, the Trade Union, and the Public Security Bureau:

We implore you not to push migrant workers to the end of the road, not to force our wives and children into the street. The law should "protect the weak," the government should "protect the weak." Who cares about a weak group like us?

As I discussed in chapter 3, rustbelt workers also invoked the term *ruoshi qunti* in their petitions and protests. Emerging in the mid-1990s in the official media, policy circles, and academic writings, this new social category entered popular parlance in the late 1990s.⁹⁴ After Premier Zhu Rongji mentioned it in passing in his government report delivered to the National People's Congress in early March 2002, urging government departments to better protect the *ruoshi qunti* from the negative effects of reform, a more precise definition of the term was then given by a director of the Labor and Social Security Ministry, who referred to four subgroups: unemployed workers, the elderly and handicapped, migrant workers, and retirees with small pensions. Since then, a deluge of commentaries in the national and local press, supported by social scientific analyses of leading academics, shed light on the existence of subalterns. The general opinion reflected in speeches of provincial and local government and union officials is that the government *should* protect the livelihood of groups in disadvantaged positions through the law and the construction of a national social safety net.

The designation *subaltern groups* underlines migrant workers' objective, collective subordination in a new social structure, and it resonates with their feelings of being doubly subordinated by the market and the state. But inherent in *ruoshi qunti* is also a hierarchical political community presided over by a protective, righteous, and benevolent state, with workers as supplicants. In another study of Shenzhen migrant workers' petitions, it was found that aggrieved workers referred to themselves as "the people," "the workers," and "the masses," appealing to officials as their "protectors," identifying them as "father and mother of the people," "protective god," "fair judge," "uncles," "directing comrades," or "servants of the people."⁹⁵ This logic of the masses led by a hierarchically arranged political leadership also explains why some workers threatened to appeal to the National People's

Congress in Beijing when the local court failed to give them legal justice. Again, as among veteran state-sector workers, we see here a bifurcated view of the state: a righteous and legalistic center far removed from corrupt and predatory local agents. The people, like Mao's masses, are responsible for exposing these local malfeasances and bring them to the attention of the central leaders.

The coexistence of different normative principles embedded in the collective identities of "workers," "second-class citizens," and *ruoshi qunti* parallels the multiple insurgent identities I have found among unemployed and retired workers in rustbelt protests. In the sunbelt province of Guangdong, however, class is largely a muted collective identity among migrant workers, whereas "citizen" and "the masses" are more empowering identity claims to which migrant workers aspire. Depending on the different channels of appeals, workers in both the northeast and the south deploy different frames and mobilize different elements of their normative and political repertoire to maximize the chances for optimal official responses. When filing for labor arbitration, they use legalistic language. On the other hand, in lodging complaints to petitions officials, workers emphasize social and normative injustice and inhumane treatments they suffer. Finally, protests on the street involve using direct mass pressure, enlisting media support, and leveraging popular disobedience to embarrass local officials by attracting the attention of their superiors.

NORTH-SOUTH COMPARISON

Labor unrest involving unemployed workers in Liaoning and migrant workers in Guangdong shares the significant pattern of dispersed, localized, cellular mobilization. The industrial workplace and the dormitory or the residential quarter organized around it can be inadvertently turned into sites of rebellion. But labor struggles in the northeast have the potential to be sustained for longer periods of time, up to several years in some cases, largely because urban state-sector workers are permanent residents in their allocated housing units, which survive the termination of their employment and enterprise bankruptcies, in contrast to migrant workers' itinerant status and lack of permanent dwelling in the cities. The few instances of networking of aggrieved workers across factories and cities and clandestine union organizing in both provinces do not have any lasting or wide impact on the much more numerous and "ordinary" labor protests.

The cellularity of labor resistance, its economic demands and local official targets reflect the institutional dynamic of market reform, which empha-

sizes fiscal and economic decentralization, enterprise autonomy and competition, and subsequent differentiation in economic conditions across firms, industries, and localities. The fragmentation of worker interests, at least the fragmentation as perceived by workers themselves, is also caused by refined differences in state labor policies and regulations according varying entitlements to diverse categories of workers within the state sector. Besides the internal fissures among the different groups of state-sector workers and migrant workers, a clear boundary is maintained between these two segments of the working class, which have never shown any inclination to join forces or form an alliance. They perceive their interests, life conditions, and social status as worlds apart from each other. The rural-urban dualism in the larger social structure, unmistakably marked by the draconian household registration system, finds its mirror image in the structuring of labor resistance.

Nevertheless, are these two major groups of workers as different as they would tend to imagine? Juxtaposing the materials in this chapter and chapter 3, we can identify certain similarities in their insurgent identities, besides their common adoption of cellular activism. Both groups have variously invoked Marxist, Maoist, and liberal normative principles and identities. I have tried to show how class identities have grown out of the socialist social contract among the older generation of workers, and have been muted among the younger migrant workforce. Rustbelt workers, having lived through the Mao years when workers were permanent employees and therefore collective owners of their enterprises, show a stronger class identity than younger migrant workers, whose incipient class consciousness arises from experience with degradation and exploitation in the production process. But lacking the discursive resources available to the older generation of workers, barred by their rural household registration status from permanent residency in the cities, migrant workers do not identify themselves as the working class as readily as the veteran urban workers do.

More unifying than the respective cultural and historical constitutions of their class consciousness, both groups make strong claims based on the law and workers' legal rights stated in the Labor Law and related pension and bankruptcy regulations. When they are frustrated by the ineffectiveness of this fledgling institution, both groups of workers are prone to use direct action instead of pursuing the more institutionalized bureaucratic channels of conflict resolution. Their common predicament is the illiberal nature of China's legal system. The regime's project of constructing legality is inherently shaped by a dogged commitment to its monopoly of political power and the refusal to subject itself to the constraints of the law. Local govern-

ment's imperative to enhance economic growth and investments leads to widespread violation of the Labor Law. The local courts are politically too weak and financially too dependent on local governments to counter this resistance to genuine rule of law. We have seen how labor activism oscillates between the court and the streets, or between the tendencies of rationalization and radicalization. An ineffective and illiberal legal system may derail the tendency toward more peaceful labor relations and may erode state legitimacy. Already, many desperate workers are seeking redress from the central government, after failing to obtain justice at local levels marred by corruption and incompetence. In these popular petitions, workers adopt the identification of the Maoist "masses," as supplicants pleading for protection by a paternalist political authority.

If the Chinese regime's highly repressive stance toward horizontally organized dissent generates self-limiting action among workers in protests, cellular and localized actions still call for concrete responses if these stirrings are to be contained. Thus far, in both the northeast and the south, with respect to grievances of the two groups of workers, the local governments have responded to their most urgent livelihood needs, while ignoring political critiques of cadre corruption and business-government collusion. But rampant corruption that sabotages legal reform and intensifies inequalities may become the lightning rod sparking social protest by groups as disparate as peasants, workers, private property owners, religious sects, relocation refugees, and many others. This does not mean the brewing of a social revolution from below. It only suggests that the state has to deal with challenges from an increasingly assertive society with pluralistic interests, resources, and claims to express discontent.

6 *Dagong* as a Way of Life

Given the pernicious working conditions and the common problem of wage default affecting tens of millions of migrant workers in southern China, why has labor rebellion largely remained tame and nonmilitant? Are there other factors besides state repression that have contained the rebellion of the new generation of workers? On a more mundane level, how do workers survive during periods of unemployment and nonpayment of wages?

This chapter answers these questions by examining migrant workers at the moment of the reproduction of labor power and consumption, to supplement the previous analysis of labor politics at the points of production and exchange. It also analyzes workers' experience of state power in the countryside and the city, together with their collective memories of rural socialism. This chapter runs parallel to chapter 4, which tackles the same set of issues for rustbelt workers. Only by moving beyond the narrow and single-moment confines of "production," and reinstating a holistic livelihood context of the living laborer can we understand worker politics as a human and historical phenomenon, with all its attendant contradictions and nuances. More specifically, I argue that in order to understand why China can boast a seemingly bottomless supply of cheap and docile labor, we have to link the world of labor with that of the farm, and the most important nexus in the city-country linkage is the system of rural land rights. Access to land and its associated functions for the social reproduction of migrants' labor power helps reduce employers' burden to pay adequately for workers' survival and limits workers' propensity to sustain labor strife in the cities.¹ In other words, for the tens of millions of migrant workers, *dagong*, or selling labor to the bosses, despite its connotation of being an urban experience, is actually a way of life that straddles two worlds, one in the countryside and the other in the city. This double existence is at once economic, political, and

cultural. Grasping these dimensions and the centrality of the rural economy and society for migrant laborers is essential to understanding their interests and grievances, and the limits to their resistance in the cities.

The first section discusses the *economics* of *dagong*. It begins with migrant workers' returning to their home villages in times of temporary unemployment or between jobs. It discusses how migrants' right to agricultural land, the rural household economy, and the division of labor make possible and compel migrants' double existence as both farmers and workers. Tilling the land and toiling in factories complement and require each other. For many migrant workers, agriculture provides a floor of subsistence and city jobs allow for material improvement for their families and better life opportunities for the next generation. For others in impoverished households and villages, *dagong* is not an option but a necessity. For these farmers, farm income shortfalls necessitate additional cash income in order to survive. Overall, it must be emphasized that villages are sites of social reproduction of labor, that is, resources and social relations in the villages allow migrant workers to reproduce themselves on a generational basis and to subsist when waged work is not available. Many married migrant workers use their urban income primarily to prepare for their final, permanent return to the countryside. For single younger migrants, returning to the village looms large in their plans for the future. What this means for labor politics is that wages and working conditions, not collective consumption, are workers' primary concerns in the cities and therefore the most important trigger for protests. Yet migrants' land rights allow for subsistence in times of unemployment and nonpayment of wages, forming a buffer that has thus far prevented workers' radicalization.

The second section turns to *dagong* as a political experience. Workers' narratives of their urban-rural experience underscore a double powerlessness brought by an ascription-based or place-based subordination to the state in both the city and the countryside. As a result, they are very skeptical of the state rhetoric of contractual and legal rights even as they become urban workers. The argument here is that these migrant workers harbor no illusions about their position and potential in a market society, even as they see the law as the only institutional resource they can leverage. Domination in the city and the countryside is transparent rather than opaque: in the city, the frequency of wage nonpayment reveals the nakedly exploitative relations between workers and employers favored by the local government; in the village, domination is equally concrete, arbitrarily exercised by local state agents who exact fees and enforce fines. Having a cash income allows some escape from bureaucratic domination that targets peasants as castelike,

locality-based subjects. The continuity in the lived experience of power in both city and countryside does not preclude resistance in both locales, but it does surface from time to time to cast doubt among migrant workers on their capacity to effect changes in the larger social and political system.

The third section addresses *dagong* as a collective cultural experience. I explore the existential meanings of *dagong* as they are currently constructed by migrant workers while also embedded in a larger mnemonic narrative of socialism in the countryside and workers' aspirations for the future. In the conjoined urban-rural worldview of migrant workers is their vivid memories of and aversion to poverty associated with collectivized agriculture. This has produced an overall narrative of relative "progress" in the countryside through the past several decades, overshadowing or diluting the brunt of present-day urban and rural misery. Bereft of an alternative vision of the social order, except perhaps a desire for more political accountability of local cadres, migrant workers focus on individual fortune and aspire to rural entrepreneurialism as a personal means of transcending past poverty and current hardship. As this book goes to press, however, Chinese researchers and labor activists have noted the rise of a new generation of migrant workers—second-generation migrants—who are more determined to put down roots in the cities. Widespread rural decay in interior provinces has thwarted any desire to return to the land. The character of China's working class is likely to change in the years to come.

THE ECONOMICS OF DOUBLE EXISTENCE: LAND AS ASSET AND LIABILITY

In chapter 5, I showed that labor disputes in Shenzhen were often spurred by an "exit solidarity" among migrant workers. That is, at the time of plant closure or relocation, migrant workers are acutely aware of their common interest and the urgency of confronting their employers about labor violations. Equally striking, though, is the rapid dispersal of migrant workers once the factory is closed or moved. While many are under financial pressure to seek new jobs, others simply take the opportunity to go home for short-term visits. Peng, a twenty-nine-year-old woman from Hunan, is one of the four worker representatives for the eight hundred workers involved in a labor dispute with Seagate, a hard-disk manufacturer. The dispute was caused by Seagate's failure to contribute to its workers' pension fund in Shenzhen. Scheduled for relocation to Jiangsu in April 2002, the factory dismissed most of the workforce. Meanwhile, some of the more educated workers discovered that migrant workers were legally entitled to pension contri-

butions by their employers. Worker representatives began collecting signatures from fellow workers and hired a lawyer to represent them in negotiations with the company and in approaching the Social Security Bureau. Peng has worked at Seagate for seven years and is married to a fellow Hunan worker. While the couple stayed in Shenzhen to continue the process of petitioning and filing for labor dispute arbitration, many of Peng's coworkers left the Shenzhen dormitory after the plant closure and many had temporarily returned home. Seeing the disappearance of their fellow workers back to the countryside was one of the most dispiriting aspects of the struggle. After being kicked around like a football by different government departments and being charged extortionary fees by an irresponsible lawyer, Peng and other representatives simply gave up.

Such an exodus of migrant workers back to the countryside often saps the will of worker representatives and dampens the mobilization momentum in labor disputes. Tough economic times in the city also prompt workers to return to their villages, where subsistence is still possible. Xia, a thirty-year-old worker from Chongqing, Sichuan, was committed to fight for his and other workers' rights at the beginning of a wage dispute with the owner of an electronics factory. Tirelessly visiting the Labor Bureau, seeking advice from fellow complainants he met at the Labor Bureau, and eagerly absorbing all kinds of legal information he managed to collect from newspapers and booklets in local bookstores, he himself talked about returning to the countryside.

All of us who come to the city to *dagong* have a psychological goal. For myself, I need to make at least two thousand yuan net per year, or about six hundred yuan per month. Otherwise it is not worth leaving home. Shenzhen's 574 yuan minimum wage is barely enough. The situation turned from bad to worse when our factory stopped paying us for three months when there was no order. Not even livelihood allowances. How can we survive? In my home village, growing rice and corn alone does not make any money. But peasants can earn about two thousand yuan by selling vegetables, grains, or fruit. I am thinking of going home for good. Some of my coworkers from Sichuan have gone home. It's not worth it, working in the city.²

What makes this return to the countryside a viable alternative is the system of land use rights and land contracts. Land rights are almost universal for migrant workers holding rural household registrations, or *hukou*. Since 1956, China has ended all private ownership of land: urban land and natural resources are state-owned, accounting for some 53 percent of China's territory in 1996, and suburban and rural land, taking up 46 percent

of the national land mass, are collectively owned. Under the planned economy, farmers were grouped into production teams, which in turn formed larger units such as brigades and communes. Agricultural land was worked collectively, with only a small portion of land being allocated to farmers as private plots. Since the rural reform of the late 1970s, with the adoption of the household responsibility system, brigades and communes were dismantled. The village collective or the village committee contracts agricultural land to rural households, based on household size and composition.³ The length of the land contract was originally set at three years, but was extended to fifteen years or more in 1984. Under the 1998 Revised Land Administration Law, to improve tenure security, land is contracted for another thirty years. Land leases are adjusted periodically to take into account changing population due to births, deaths, and women marrying into and out of the localities. By the late 1990s, at least 80 percent of the villages in China had adjusted land allocation at least once.⁴ The size and quality of their farmland vary across localities, but the national average in per capita allocation of arable land is 1.2 mu in 1997.⁵ Typical of many migrant workers originally from Sichuan in this study, for instance, is a contract of one or two mu of paddy field and an equal amount of dry land. One Sichuan woman's situation is representative. Her land contract has been renewed in 1998 for thirty years. Since both she and her husband are in Shenzhen, her mother-in-law and relatives farm the land for them.

I have one mu of farmland and one mu of wetland that remain in my native village. We grow fruit trees or corn on farmland near the hills and rice on the wetland. I got married in 1993, and my husband has two to three mu of paddy and dry land, and his mother has a similar amount. My child is only nine years old and he is waiting in line to be allocated his own land. Even if he is allocated his own plot, there is no manpower to farm it.⁶

Another woman worker has worked in Shenzhen for eleven years. While her sixteen-year-old son is still at home to finish high school, her husband and their daughter all work in Shenzhen. When her mother-in-law died, she inherited her land, and the whole family of four together farm six mu of land. By law, and in actual practice, women are entitled to the same land allocation as men, resulting in a general expectation among migrant workers that agricultural land allocation is a birthright of a rural resident.

My maiden share of land is still in my native village. After I got married, my sister-in-law got my plot because she has transferred her *hukou* to our village. Now we have our neighbors till our land. We only pay the taxes, and the rest is their responsibility. Land is of

course important. We will eventually return to the village. My son is an out-of-quota child and he has no land right. He can only inherit ours.⁷

A male worker has 1.5 mu of wetland and 1.5 mu of farmland back home.

My parents keep my land certificate, and I do not know much about what's written there. The village committee divides up the land and the production team does the practical work of assigning specific plots of land. I am not worried that I will lose my land right because I work in Shenzhen and have other people farm my land. As long as I live, the land is always mine, whether I make money or not, rich or poor. I am not a city resident. As long as I am a peasant, I should have my plot of land. My son can inherit and use the land, especially if he turns out to be mediocre in other lines of work. At least he has this last resort of returning to the land.⁸

Younger workers are more likely to have no experience in farming and are vague about their land rights. An eighteen-year-old woman knows that she was allocated a small plot of land in the early 1980s, and that her brother was born too late to be included in the first allocation exercise. Still, land is in the back of her mind when she thinks about the future.

I got a little bit of land, but I don't know how much. . . . I have never done farm work. The land is not important to me now. Many farmlands in the village lay fallow. But it's better to have some land rather than having nothing. But if I go back, I'll want to run a small restaurant or a small business. We are too young to think about these things. Perhaps when I get older, I'll think about it. We are from the countryside, so we must one day return to the countryside.⁹

Is rural land an asset or a liability? Most workers see it as both. Workers in their thirties have a better sense than their younger counterparts of the cost, income, and tax burdens involved in farming. Still, the consensus is that land functions as informal social insurance. Migrant workers see the land as a birthright to which they are entitled, a functional equivalent of the state provision of grain and pensions given to urban residents. When I visited the home villages of some of the migrant workers from central Sichuan, they and their families reported that owing to the consistent decline in grain prices but ongoing high fertilizer and pesticide costs, farming alone was not adequate. Sideline production, such as growing vegetables and raising poultry, supplemented by incomes from the city, is needed to make ends meet. Among the thirty-five families interviewed, the average cost of agriculture production and basic living expenses combined was between three thousand and five thousand yuan per year per household, with an additional three

thousand yuan spent on education, medical care, and communications. The average deficit per household was about two thousand to three thousand yuan per year.¹⁰ Incidentally, in another study of Sichuan migrants, it was found that the average amount of remittance sent by migrants to their home villages in 1999 fell within this range, at about 2,853 yuan.¹¹ Nationwide, in 1999, nonagricultural income accounted for 40.7 percent of rural households' income.¹²

These figures have to be interpreted against the background of wide regional disparities in China. Scholars have conventionally divided rural China into the eastern, central, and western regions and underscored the enormous intrarural disparities in income. In 2000, the average per capita rural income in eastern provinces was 2,994 yuan, 2,030 yuan in central, and 1,557 yuan in western provinces. In 2001, when the per capita income of peasants nationwide was 2,366 yuan, in rural Shanghai it was 6,860 yuan, and in some western provinces, it was about 1,000 yuan.¹³ Migrant workers in this study have come predominantly from the middle-income region in central and interior provinces, where rural industry is less developed and agriculture is still the mainstay of the local economy. Average income for rural Sichuan in 1999, for instance, was 1,843 yuan, below the national average of 2,210 yuan.¹⁴ There is an apparent symbiotic relationship between waged work in the city and income from farming, with some migrant worker households more dependent on wages to sustain agriculture than those who can use waged income for building better houses or sending their children to better schools in nearby towns. But many migrant workers in this study report that two-thirds of their household income now comes from earnings in the city. Therefore, whether as a necessity for or a supplement to farming, wage income from *dagong* has become a pivotal component of the rural economy, for local governments as well as for individual households. Sichuan's fifteen million migrant workers, out of a total rural population of sixty-eight million, for instance, sent home forty-five billion yuan in 2002, or 1.5 times the amount of the province's fiscal revenues of twenty-nine billion yuan.¹⁵

SOCIAL REPRODUCTION OF LABOR POWER: MARRIAGE, HOUSE BUILDING, AND EDUCATION

For the individual family, the village land entitlement is not just a resource for subsistence in the present, but a site of long-term social investment and generational reproduction. Migrant workers return home periodically not just to have a respite from the unrelenting pressure of work in the city.

Some of them are forced to go home during spells of unemployment. At certain life-cycle stages, young adults see the countryside as the ideal place to get married and start a family before venturing into the city again. Still others return home to take care of elderly family members or young children. A 1999 survey carried out in Sichuan and Anhui, two of the largest sending provinces for migrant workers, found that among returnees, 56.6 percent go home because of employment difficulties, and the rest mainly for family reasons.¹⁶ Among women workers, a common practice is to quit their city jobs for several years when they reach an age to marry and bear children. A young mother worked in factories and restaurants in Shenzhen for four years and went home to marry her husband, who came from a nearby village. Holding her seven-month-old daughter and sitting next to her mother in their home in Sichuan, she explained why it was better to come home to find a mate.

Although I do not believe in arranged marriage, it's still more assuring to find someone at home. Acquaintances here are more trustworthy. In Shenzhen, you meet people from different provinces and it's hard to tell the good ones from the bad. . . . My husband went back to Shenzhen after we were married. If he decides later that he wants to be back, he can find a job in a nearby town or raise more pigs. But we need the wage income to stay even. 80–90 percent of our income comes from our wage employment. Maybe my child will quit the countryside and farming, but most important of all, now, is to have enough money for her education.¹⁷

For workers with longer histories in Shenzhen and more family responsibilities, going home between jobs allows them to visit their spouses, parents, and children. In some cases, women workers end up having truncated careers as a migrant workers because of these familial obligations. A thirty-three-year-old woman with two children spent five years working in an electronics factory in Shenzhen and returned to her Sichuan family because of her father-in-law's cancer and her children's education.

Rural women who stay [in the villages] are usually those with elderly parents to look after. If they [the elderly] are sick, there is no one to take care of the children. Now that I cannot work in the city, I have to raise more pigs, ducks, or silk worms, or other sidelines such as weaving bamboo baskets for harvest. My eldest daughter has just begun her primary school education. It's not just about paying a one-thousand-yuan per semester school fee. It's also about having someone to supervise her schoolwork.¹⁸

Indeed, education is one of the biggest items of expenditure among

migrant worker families, who see in education the best strategy to achieve social mobility for the next generation. Many migrants are convinced that a good education is more important than an urban *hukuo* for the next generation, and therefore the academic performance of their children is a top priority. A child's high school education in the countryside costs between six hundred and eight hundred yuan per semester, and an extra two hundred to three hundred yuan for room and board. Some workers have brought their children to the cities and placed them in urban schools, which ask for "sponsorship fees" for these migrant children. Others pay extra money to get their children into township high schools near their home villages. All harbor an intense desire for social mobility for their offspring. Without their hard-earned city income, there is no chance of holding out this hope. A woman worker recalled the money needed to get her son into a preferred junior high school.

Because we do not have any *guanxi* (social connections), and because my son's score is ten marks less than the minimum requirement, the school asks for an extra-quota fee. At first, they wanted six hundred yuan per semester, and I said that I am a poor migrant worker and cannot afford that much. They lowered it to three hundred yuan per semester, plus five hundred yuan room and board and other sundry fees. I have to spend a lot on his education.¹⁹

Another male worker pays an extra eight-hundred-yuan sponsorship fee, in addition to a five-hundred-yuan school fee and another two-hundred-yuan room and board fee each semester so that his daughter can attend a new experimental high school in his township. But he faces a dilemma that many migrant parents have to confront. Parents' absence exacts a heavy toll on children's learning.

Children need parents' supervision, or else their studies will suffer. Working away from home, we can give them only little love and guidance. She always says on the phone that she wants her mother home, that she misses us. . . . Grandma spoils her excessively. But in this society, this is the contradiction: you want to give them an education and a better life, so you have to *dagong*. But *dagong* means that you have to leave home and cannot take care of them. I hope she can become a teacher or a doctor. That will depend on whether or not she can get into college. I can only provide her with the best opportunity. I have only very limited knowledge and I don't have any alternative. But I do not want her to stay in the countryside all her life. It's too miserable and poor there.²⁰

Echoing the same concern, a woman migrant worker who has worked for twelve years in cities in Guangdong lamented her nephew's experience.

If women peasants come home from working in the city, it's usually for the children. Take me as an example. If I didn't return, my kid will likely fail his high school entrance examination. It's a serious dilemma for us. If I did not work in the city, even if he had high scores, we could not afford to pay. But if we were both away in the city, no one would supervise his school work and he would not get high marks. . . . My sister has a nine-year-old. She has left home for work all these years and her mother-in-law takes care of her child. He can barely talk, and he does not like talking either.²¹

A twenty-year-old woman relates how growing up without her migrant parents had an adverse effect on her school performance.

I used to be a very good student but once I started senior high, my scores plummeted. I was so ashamed that I felt I did not have the face to continue. It's partly because my parents were not there for me. I felt I had no support, no shield, no confidence. It's also partly because our village is too remote. No decent road, no telephone, no television. Every day, we had to walk an hour each way to go to school. When it rains, the road becomes impassable, and we had to carry a lunch box, a school bag, and an umbrella. It's too tough.²²

Having quit school after graduating from junior high, her goal now is to earn enough money by working in Shenzhen so that she can save up ten thousand yuan to attend adult high school in the township near her village. In the meantime, she spends all her spare time in a computer school in Shenzhen.

I paid nine hundred yuan for a whole program that teaches us the Internet, Photoshop, and other software. There is no fixed duration. We take as many classes as we want, until we get everything. I go there every day at lunch and I spend all my days off there, from morning till night.²³

The foremost material goal of most migrant workers is building a new, well-constructed village house made of cement and bricks, to replace the old, derelict huts made of mud or straw. Even among those who return only several times over a period of ten or fifteen years, sending money and building a house back home are of paramount economic and social significance. First, mud houses are not just dilapidated, uncomfortable, and drab; they are also a hazard to live in. Moreover, building a new house is the ultimate symbol of a family's social status, material success, individual competence, and effort. It is such an important status symbol that it is considered a necessity for parents looking for desirable marriage partners for unmarried offspring. Third, it is also an investment for the future, when migrants eventually

return to a rural way of life. Even if they do not farm, they need permanent dwellings. Therefore, building houses cannot be dismissed as irrational and unproductive consumption. As one relative in the home village of a Sichuan worker puts it,

The status of a migrant worker family in the village is totally changed. Eighty percent of these families have built new houses. No more straw sheds. It's a matter of image, but also real needs. Sheds are dangerous dwellings and can collapse anytime. Even without any interior decoration, new concrete houses are much safer.²⁴

Field studies of migrant returnees in other parts of China confirm that house construction is a primary concern regardless of the level of local economic development. Rachel Murphy, for instance, finds that in Jiangxi, among rural households with migrant laborers, house building was by far the most important area of remittance usage, followed by education, daily livelihood, and farm inputs.²⁵ Sally Sargeson summarizes the motivations prompting the so-called rural house-building craze in the more prosperous Zhejiang countryside.

Housing . . . is an investment in the family's future. A new house accommodates increasingly diverse, individualized lifestyles and thereby allows for family extension. It conveys to the world information about the wealth and status of its inhabitants, giving sons a wider choice of potential partners. Unencumbered by debt, young couples can channel money into business and education. Finally, a new house offers security and sanctuary to out-migrants and serves as a conduit through which the wages they earn can be drawn back into the family.²⁶

One couple has been in Shenzhen for thirteen years. The husband is a construction worker and the wife has worked in various factories before becoming a sanitation worker sweeping city streets. The eldest son is in high school at home, and the younger son is in junior high in Shenzhen. So many of their closest relatives have come to Shenzhen that they feel little need to go home for the Spring Festival. They return home only every three or four years. Nevertheless, after careful and elaborate consideration, they borrowed money to build a new house in a nearby town and they rent it out to generate extra income. The house and the piece of land it is on are insurance for the future.

We spent sixty thousand yuan building a new house. Half of that amount was borrowed from my wife's brother and ten thousand yuan from my own brother. It's by the road in our township, about a mile from our village. It's built on the newly requisitioned land that has become part of the township. Now we rent it to a fellow villager for

1,200 yuan per year. Now that we have a house, if we return in the future, we can still take a boat to our farmland. Even if we don't do any farming, we at least have a place to live. If we waited until that time, there might not be land or houses for sale any more in the township.²⁷

When I was in Sichuan visiting the home villages of some of the workers involved in labor disputes in Shenzhen, kin and families of migrant workers almost always drew my attention to the contrast between the new and old houses, often standing side by side. To these peasants, these structures are solid proof of hard earned status and self-respect. Wang Chang Wu, one of the Shenzhen workers, was taking a break from *dagong* while waiting for a final court decision on the labor dispute with his employer. Having been dismissed from his previous job, he was able to find work as an electrician on a short-term basis. After a year or so, he decided to go home to check on his newly built, two-story house, and his parents, wife, and children. He has rented the ground level of the house to a local family business making bamboo sheets for construction sites. Going past a half dozen workers operating several simple machines that cut up bamboo trunks into threads and weaving them by hand into large flat sheets and containers, he elaborated his design ideas for the second floor of his house. The roomy 1,200-square-foot space was practically empty except for a weathered wooden bench and a television set. Pointing to a raised platform that marked a split-level, he relished his own design idea. "This split-level can be used as a small dinner area, leading to two bedrooms and a bathroom. I still need to do some interior decoration work, and add the drapes, and so on. We have spent more than one hundred thousand yuan on building this house. Now there is nothing left for furniture. We borrowed thirty thousand yuan from relatives and another thirty thousand from the agricultural credits cooperative."²⁸ His wife had worked in Shenzhen for six years, but came back to Sichuan when his father was diagnosed with cancer. Treatment for the illness had cost them several years of savings from their earnings in the city. His wife raises hogs, sold for five hundred yuan apiece, to supplement the family income.

The irony, in many cases, is that accumulating resources for building a house necessitates leaving home for an extended period of time. The material and emotional well-being of the family are always in tension. The most vivid example of deferred gratification is the story of Lei Juan, whose childhood was one without parents and whose new family house has been left vacant ever since it was built. Lei is now twenty years old and has worked in Shenzhen since 2001. Her mother is a sanitation worker and her father works in construction. They live together with two other families in a room with three sets of double-deck bunk beds, each family paying 280 yuan

monthly rent. Her parents left for Shenzhen when she was two, and she and her brother were raised by one relative after another.

Before 1995, we had a mud house. Now it's a brick house. But it's almost empty, no other furniture except a bed and a table. None of us has lived in that house. My father began working in Shenzhen since 1988 as a construction worker and my mother followed him when I was two. My brother and I were first raised by my mother's sixth sister, then my father's third sister, and then my father's elder brother, moving from relative to relative. Sometimes, my brother and I lived in different households so that it would not be a big burden on our relatives.²⁹

LIVED EXPERIENCE OF POWER AND SUBORDINATION IN VILLAGES

If the availability of subsistence farming and the vision of an eventual return to the countryside undermines migrant workers' willingness to sustain collective resistance in Shenzhen, their lived experience of power in the countryside may also have imparted a sense of futility and cynicism about migrants' political effectiveness. Since the 1949 Communist Revolution, Chinese with rural household registrations have for decades been victimized by the urban bias inherent in the Chinese government's macroeconomic strategy. The state, through central planning, has siphoned resources from collective agriculture into urban heavy industries through low-priced compulsory grain procurement. Not only was mobility strictly regimented, but also rural residents confronted disadvantages in a panoply of redistributed resources and services such as health care, social security, and education. This urban-rural hierarchy constitutes one of the sharpest sectoral divisions underlying the social structure of Chinese socialism.³⁰ Some observers even compare this ascription and place-based system of inequality with a caste society.³¹ As a political cultural category, Chinese farmers are collectively referred to as *nongmin*, or "peasantry." It is a term coined by the Chinese state with the connotation that the rural population is "'backward' and a major obstacle to national development and salvation. For them [the political elite], rural China was still a feudal society of peasants who were intellectually and culturally crippled by 'superstition.'"³² Even twenty-five years into the reform period, when a relaxed rural-urban migration policy allows farmers to travel and work in the cities, an ingrained and internalized sense of inferiority is still palpable among most of the migrant workers in this study. A telling example is Yang Qin, who is the informal big sister of many of her coworkers and native Guangxi friends in Shenzhen. Fiercely

articulate and talking jauntily about her victories in several labor arbitration cases, Yang becomes derisive and scornful when the subject turns to her status as a peasant. She declares very forcefully her contempt for the uncultured peasants, including herself. "As peasant, I just feel naturally inferior. I cannot explain why."

Psychological inferiority is exacerbated by glaring income gaps between rural and urban residents. Between 1998 and 2003, the official urban-rural income ratio has increased from 2.51:1 to 3.23:1.³³ A schoolteacher in a Sichuan village emphasizes the importance of money in the current social order, in which peasants always find themselves among the lowest-income groups.

People with money look down on poor people. I am a peasant, but I myself despise peasants because we are so poor. According to Chairman Mao's teaching, there exists no hierarchy among occupations, only division of labor. But how can you maintain this view when you observe that peasants always have inferior clothes, food, dwellings, and means of travel? Peasants are the most numerous in this country, but they are also the poorest.³⁴

The income gap is only one reason for the pervasive sense of powerlessness and inferiority among rural residents. An equally important factor is their political subordination to a predatory regime of local government. Throughout the reform period, peasant burdens and the abuse of cadre power in extracting fines and grain from the peasantry have triggered widespread discontent in the countryside, threatening rural social stability. Naked power is wielded and exercised in the countryside by local officials. Grassroots elections, which are still largely controlled and managed by the Communist Party, have not been effective in fostering official accountability. The consequence is that for migrant peasant workers, whether in the city or in the village, there is no escape from cadre caprice, abuse, and corruption. Their accounts of interactions with officials in rural areas echo the similarly arbitrary and transparent domination by employers in Shenzhen. In both, the threat and the use of physical violence, not the silent compulsion of the market or the law, plays a manifest role in the exercise of power. Like employers who have private security forces on site or who threaten to deploy criminal elements to quell worker resistance, local officials in the countryside commonly use violence, according to one peasant worker.

Rural cadres hire thugs to beat people up and to collect fines for out-of-quota births, for example. If peasants cannot afford the fines, these thugs climb onto the roof of the house and damage it. Or they take away furniture or pigs. Since the 1990s, there are pure peasants who

cannot afford paying all kinds of fees. Households with migrant workers fare better and usually have cash to pay fees.³⁵

Moreover, peasants often fall prey to official corruption in myriad ways. Bribes have to be paid to resolve land disputes or to lay the foundation for building houses. Peasants are also forced to participate in dubious investment schemes with their meager incomes. The following stories are just a few examples.

Whenever there are disputes among peasant households about the boundaries of their contracted land, village cadres care only to protect their own acquaintances, or those who have good relations with them. Or when the production teams agreed to pool money to install additional electricity lines, the head of the village committee would simply announce a lump sum to be collected from each household. No one dares to ask how he arrives at that amount. There's a lot of corruption going on, and we tolerate it quietly. And then there is the fishpond that was built by the production team, and later contracted out to team members, but we have never received any dividends from the profits. The Water Authority has allocated more than one hundred thousand yuan for an antidrought grant to the village for repairing the water dam. Where has that money gone? There is more corruption in the village than in Shenzhen. In Shenzhen you see more justice. The Letters and Visits Bureau there will at least receive you, no matter who you are. Here in the countryside, when peasants approached the township government to complain about levies, cadres argued with them and later on public security officers even arrested some of them. My parents told me this when I returned home for a visit.³⁶

My son had to bribe the cadres when he built his house. If you are not related to these cadres, you pay ten yuan a square meter for the foundation. If you are an acquaintance, you pay five yuan. In the days of Chairman Mao, there was no karaoke and no dance hall. How could you become corrupt in such poverty? We have a saying here, "In the past, you could not buy life even if you had the money; now money can buy the lives of those who should die."³⁷

Several years ago, our Fujia township Party secretary asked the provincial government for special funding to "restructure" agricultural production. Peasants were told that Pipa is a good export product and so every family got a non-interest-bearing loan of 1,900 yuan to plant four hundred Pipa trees. Somehow, later on, the terms of the loan changed from 0 percent to 7 percent interest rate and now it is the credit cooperative that lends the money. The Party secretary has been reassigned elsewhere and no one knows what happened to the original funds.³⁸

A Hunan woman worker relates another typical form of local official

extortion that derives from cadres' regulatory power over private matters such as marriage and fertility.

You need both good *guanxi* and bribes to get things done at home. My husband is a demobilized soldier and I am a peasant. When we got married, we did not know where to go to get a migrant population birth permit because we are not from the same place. After I got pregnant [in Shenzhen] and came home to rest, I frantically applied for the birth permit. I needed the permit before I could give birth, otherwise no hospital would take me in. Local officials kicked us around like a football. I was six months pregnant, and it was hard for me to go from one department to another. Finally, my father asked our village head to seek personal help from the township head. This township leader just meted out a fine on the spot, saying that one month of pregnancy is fined 1,500 yuan, and six months is 9,000 yuan. The village head said good words for us and convinced him to reduce the fine. The next day, we went again, bringing one hundred yuan worth of cigarettes, a watermelon, and eight hundred yuan cash. He agreed to issue us a birth permit.³⁹

Popular consciousness and discontent with bureaucratic domination are particularly acute in Renshou county, the native place of some of the migrant workers in this study. I went home with them, visited their villages, and talked to their relatives and fellow villagers to understand the link between waged employment and peasant household economy. A decade ago, in 1992–1993, peasants in this part of central Sichuan launched an impressive spate of "riots" and demonstrations against brutal and abusive cadre behavior. Ostensibly triggered by an extremely unpopular and coercive road construction levy and by popular outrage about local (provincial and county levels) defiance of central government's 5 percent cap on rural taxation, these collective mobilizations also resulted from discontent with official use of violence in extracting fines for out-of-quota births and tax evasion by peasant households. Peasant leaders were ardent promoters of central government laws and regulations, and their public speeches made in local markets faulted local officials for failing to implement central decrees to reduce peasant burdens. Escalation of confrontation led to the beating and arrest of leaders, peasants holding officials hostage, burning and smashing of cars, and finally deployment of armed police to quell the unrest. The county Party secretary was replaced, other high officials were dismissed, and four peasant leaders were arrested. The province allocated a special emergency fund to complete the highway project.⁴⁰

Different residents draw different lessons from the lore of collective resistance. Some of the villagers proudly suggested that peasants have learned to be more conscious of their legal rights and would not comply

with local policies that contravene central directives. But most were jaded and intimidated by the severity of the sentencing of the leader of a popular and innocent attempt to popularize government regulations. "The leader of the riot spent almost ten years in prison. Who dares to come out and lead again? People are afraid of approaching the government," said the brother of one of the migrant workers in this study. The Renshou incident therefore mostly comes down to a sense of the futility of collective and radical confrontation with the state. Discontent and critique of power holders are explicitly articulated in everyday conversations, but they are not easily conducive to collective unrest, especially after the state flexes its repressive muscles. It only breeds cynicism and unobtrusive, individual resistance. For instance, even after the implementation of the "tax-for-fee" reform in 2001,⁴¹ which drastically reduces peasant burdens by half in this area, many peasants still find the cash-for-corvee payment as unreasonable. They see this charge as contributing nothing to rural welfare but only camouflaging farmers' financing of local cadre salaries. But instead of filing collective petitions with the county and township governments, individual households merely refuse payment. A schoolteacher in Fujia district, one of the thirteen districts in Renshou, reflects on the chilling effect of state suppression.

Three peasant leaders were jailed. Xiang Wenqing got the longest sentence, twelve years. That incident was a sober lesson for both the officials and ordinary people. Law enforcers now dare not use excessive means to collect taxes. The masses, on the other hand, dare not voice their grievances. They give up on going to the officials because they think it is useless. They find the tax slips confusing, with all the unexplained items. Many people complain about the *yiwugong* payment [i.e., paying the fees to substitute for the four days of corvee labor per capita each year]. Some households simply refuse to pay instead of making any noise.⁴²

What I have found among migrant workers' experience with local state agents suggests some divergence from the more optimistic scenario described as "rightful resistance" by Kevin O'Brien and Lianjiang Li.⁴³ They found that peasants often appeal to central policies to protest against local distortions of these policies by local officials. Rightful resistance in rural China, they argue, has been the product of the spread by participatory ideologies and patterns of rule rooted in notions of equality, rights, and rule of law and is a sign of growing rights consciousness and a more contractual approach to political life. It appears as individuals with new aspirations come to appreciate common interests, develop an oppositional consciousness, and become collective actors in the course of struggle. This formulation of rural contentious politics

may apply only to the initial phase of some of the popular resistance that has emerged around issues of election and taxation. But it misses the rapid downward spiral that the process of popular resistance and official suppression often unleash. If we follow through farmers' experience of fighting against corruption and abuse of cadre power, the darker side of collective resistance often surfaces—futility of collective action due to official inaction or repression, popular disenchantment in their purported rights enshrined in the law, and erosion of any incipient sense of citizenship together with regime legitimacy in the eyes of ordinary people. Although more research needs to be done to differentiate when and how popular rebellion leads to either empowerment or disempowerment, my limited fieldwork among farmers and migrant workers cautions against a one-dimensional, linear development toward greater democracy and accountability.

NARRATIVES OF POVERTY AND PROGRESS

Despite their youthfulness relative to veteran state workers in the rustbelt, and their much shorter collective biography, the life stories that migrant workers tell of themselves, like the collective memories of older workers in the state sector, contribute to the construction of agencies. Three salient themes emerge in these narratives: abject poverty in the past, hardship but material improvement in the present, and an aspiration for rural entrepreneurialism as a personal strategy for transcending peasantry and industrial work.

Poverty

I asked migrant workers in this study to tell me their feelings and observations about village life and their family life during the collective period and the reform period. Almost unanimously they began with food supply. This construction worker from Sichuan recalls,

When reform began in 1978, I was only seven years old. I remember eating yam, millet, and corn, not rice. So I understand hunger and poverty. My father died early, so our family did not earn enough work points for food from the production team. We had to borrow food and grain from other households in those days. Even after we contracted our own lands, we still owed the team a certain amount of grain. I do not know if we eventually paid back the grain, but we had a grain debt. After the village divided up the land, the grain problem was solved. People now produce enough rice and we are no longer hungry. In the past, we would have meat only if my mother worked for other households from time to time.⁴⁴

The childhood of a migrant worker born in 1967 spanned both the collective and household responsibility eras. His overall assessment of the collective era was that it was a period of poverty and ignorance.

I have never experienced starvation, but my brother had days when only corn and millet were available, no rice. I remember times when we could eat meat only a few times per year, because no one raised pigs in the collectives. As school kids, we usually brought leftovers to school for lunch. We had no money to buy lunch at school. . . . Collectives were badly managed, ignorant, and unscientific. We were told to sow seeds 10 cm apart; now people do it 15–20 cm apart. We were planting the seedlings too close together. The crops did not get enough sun and air. On top of that, the quality of fertilizer, feed, and seeds was all inferior.⁴⁵

Although scarcity of food and poor nutrition are most frequently used to illustrate poverty, workers also pointed to illness and the lack of financial resources as prevalent conditions of migrant workers' childhood experience. In an otherwise very animated and spirited conversation, a Hunan woman broke down in tears when she recalled how poverty nearly took her father's life.

My parents have three daughters and one son. Altogether we were allocated seven mu of land. But during the collective period, our family had little manpower but many mouths to feed. My grandparents died early and so only my father earned work points. We were very poor. . . . I was in junior high when my father came down with a serious lymphoid condition. We did not have money and he went to two quacks who gave him two totally different prescriptions, one after another. He took both prescriptions three times and vomited blood. [Sobbing heavily] We were very scared and took him to the township hospital. We had to borrow money from relatives. My eldest sister had to go to Changsha to work and earn an income to support the family. She was paid ninety yuan per month, and every month she sent home ninety yuan. She did not leave even one yuan for herself. [Sobbing heavily]⁴⁶

Workers' memories of poverty often develop into stories of progress for the family and themselves largely through personal perseverance, hard work, and steel will. Yang Qin, the Guangxi woman who is proud of her big-sister status among her friends, seamlessly weaves together a personal story of climbing the social ladder, from a high school dropout in her native village, to an ordinary assembly worker in Shenzhen who, twelve years later, becomes a shop-floor manager of the production department in a large handbag factory, earning a monthly salary of 2,500 yuan. She emphasizes that she got all these promotions by passing examinations, sometimes beating applicants with college degrees but no experience in shop-floor produc-

tion. And her income is responsible for all the modern trappings of her family's home back in Guangxi. She declares proudly,

When I was young, we were so poor that there were times when we could not afford salt. . . . After my father injured himself and became paralyzed, my mother was the only able-bodied laborer doing farm-work. We had five girls and one son in our family. I am number four. When I came home from school and saw my mother tending sugar canes and sweet potatoes by herself, I often could not help crying. . . . When I got my first paycheck, I sent it all back home, leaving only five yuan for my own expenses. . . . Overtime shifts often ended at around 11:30 PM but I felt energetic, as though it was still daytime. I did not feel tired or sleepy. I liked doing overtime because I could earn more money. If you don't have work to do and go out, you'll have to pay for everything. Skating, karaoke, things like that all cost money. . . . Sometimes I saw recruitment flyers in the neighborhood, offering higher salaries. I sat for the tests and moved. . . . Today, everything in my mother's house is bought with my money, the large television and hi-fi.⁴⁷

Hardship

"Hardship" (*xinku*) and "ambivalence" (*wunai*) sum up many migrant workers' experience of selling labor to the bosses. Both agricultural and industrial production involve physically demanding labor. The following comparisons given by three experienced women workers in Shenzhen are typical, although they disagree about which kind of labor is more grueling.

The blazing sun is on your back. Your feet were sunk deep in muddy and slippery ground. Your back aches from bending down all day. And you have no control over the harvest, if the weather decides not to cooperate and turn bad that year. Inside the factory, at least there is a roof above you!⁴⁸

Farming is of course more tough than factory work! During harvest time, no matter how intense the sun is, we just have to endure it. When we are done with the field, there are poultry and hogs to take care of. But in factories, you get days off, or Sunday off. At home, there is no rest day. Women always have housework around the house. Men have to take up other odd jobs to supplement incomes. Farmers' work is more demanding.⁴⁹

Overtime work at night gives me black spots on my face. The doctor says it's due to inadequate sleep. Overtime shifts go into early morning, and at the end of the shift, I sometimes don't even feel my own head, like last year in the factory in Nantou. I cannot stand up straight in the morning, and I cannot walk to the morning meeting. Farming the land is also hard work. But it's hard work only during the day. You can rest

at night and take a nap in the afternoon. Except in sowing and harvest times, there is not much to do, just periodically check on the crops. That's why many people in our village play mahjong. In the past, in the collectives, there was more work. Even when it rained, you still had to report to the production team. Now, individual families decide when to work and rest. When the sun is too intense, you can choose to stay indoors. The worst thing is that farming does not make money.⁵⁰

But she also immediately adds the disclaimer that neither kind of work offers any guarantee of economic return or freedom to the producers.

Back in the village, you are physically free but you are financially hard pressed. Working in factories in Shenzhen does not give you any freedom. You are confined within the factory most of the time. But you get paid, usually. Yet that again is no guarantee. Last year, when we were owed wages and wanted to sue the employer, I had to make numerous and long bus trips to the courts. That's really tough, given our brutal work schedule. At home, you can walk to almost all places.⁵¹

The hardship of working for the bosses, as these quotations suggest, is embodied. Factory discipline and the brutal production schedule often leave indelible marks on workers' bodies, in the form of permanent damage to workers' health. With nine years of working experience in Shenzhen's factories, a twenty-nine-year-old woman worker lamented,

People at home can only see the visible and positive results of *dagong*. You make money and they will be enthusiastic about you. But my body and my health pay the highest price for *dagong*. I almost never got colds before. Now, I am very vulnerable to colds. Between the factory and the dormitory, we have to walk for about thirty minutes. If it rains, we may get wet on the way but we have to work in an air-conditioned room no matter how wet we are. And my back always aches, whenever I stand, walk, or lie down a little longer. Like many of the workers in the factory, I have a throat condition. There is always something blocking my throat, something I cannot spit out. I lose my appetite easily too. It's an occupational disease due to the chemicals in the air in the factory.⁵²

There are other kinds of hidden injuries. After years of a double existence as both peasant and worker, migrants report a sense of lost identity, that they are neither peasant nor worker. One Hunan woman expresses a typical realization, that migrant workers cannot take up either agricultural or industrial work as a permanent or long-term career.

We [migrants] are neither peasants nor workers. I don't know how to farm the land anymore after so many years away from home. When I was young, people planted seedlings by hand; now they use a new throwing method. . . . We are not real workers either. With so little

education and skills, and the job market so fluid, we can be dismissed anytime. How can you build a long-term career, when there is no security and we have no skills?⁵³

An eloquent worker representative from Sichuan relates at length his "contradictory" feelings, both wanting and not wanting to return home.

Ever since I started working in 1987, I have always worked in Shenzhen. If I judge my own ability, I feel I am better than I was in the past. But then, I also feel that after fifteen years, I still have not earned much money, that I am not as good and competent as other people who can start their own businesses here. . . . I returned to my village in 1994, 1997, and this year [2003]. Every time, I was reluctant to go home. But once I got home, I was reluctant to come back to Shenzhen. When I am home, I say to myself: in the past, this place was so backward and poor; but even after so many years of *dagong*, I still have very little surplus. So, I don't want to leave. But once I am in the city, I am anxious to earn more money to improve the life of my family, and therefore I don't want to return home so soon. Most of the time, I don't even know what I think or want, village or city?⁵⁴

For younger women, working in the city is also a contradictory experience. Zhang Xiao has worked as a factory hand and a restaurant server in Shenzhen for two years. Her parents and brother are also migrant workers here. She is torn between the security and the stagnation of village life.⁵⁵

At home, I have a shelter protecting me from storms. But we have to enter society eventually. Growing up in the countryside is like a tree growing without sunshine. . . . Here in Shenzhen, we also have happy times. I am the happiest on payday. We go to parks or shopping malls, to window shop.

But like most of her peers, she cannot imagine settling down in the city.

I am sure I won't stay here and work for the bosses forever. I am sure I'll go home one day. I don't know why I think so, but that's what I believe. I know I'll go home and farm when I get older. But I have never done any farmwork.⁵⁶

In terms of return to expenditure of labor, the net income of many factory workers is about the same as that from sideline production in the village. Waged employment in construction or shops in townships near to home villages also bring comparable net incomes, although the job markets are more limited than those in major cities such as Shenzhen and Shanghai. For some workers, waged work brings a more assured and immediate income. One worker relates what many see as the advantage of waged employment over agriculture.

You get an immediate return for your labor when you work in the city. You work one month and the boss pays you the next month. With farming, you work and can get something back only the next year. Moreover, farming can provide subsistence only, not surplus. And even when you stay in the village, you need to spend money on different things; it's like in Shenzhen, you need money. On balance, I spend as much at home as I spend in the city.⁵⁷

Yet as he elaborates the comparison between these two ways of earning a living, he realizes how elusive the difference is. Employers can easily get away with unpaid wages or illegal deduction of wages, the two grievances he and his coworkers have in the labor dispute they are involved in. "The biggest contradiction is that we don't get what we should get. There is a minimum wage law and all that, but many workers cannot get the legal minimum, especially women working in assembly lines. How can we say it's fair?"⁵⁸

The same ambivalence applies to workers' sense of personal freedom. Many experience the contradiction of economic bondage and geographical mobility. Low wage rates and long hours of work deny them the opportunity to explore the sights and sounds of Shenzhen. Their lives are very constricted in the factory premises and the immediate environment. Extremely long and punishing work hours do not leave much time for urban exploration. A vivid account of a woman worker captures the lack of freedom of industrial work in a Japanese-Chinese joint venture making sneakers for export. It was her first job in Shenzhen.

It's a piece-rate factory and we basically worked as much as we could. From 8 AM to 2 AM, if there were outstanding orders. No rest day at all. The only rest time was during power outages, and we just threw our things on the floor and would fall asleep right away, right there. I almost never saw daylight. I still remember one day when summer came, I went out at lunch to buy a mosquito net for my bunk bed. When I first stepped outside and saw the sun, I could not open my eyes. I was very weak. . . . For six months, I did not think of going anywhere except from the dormitory to the factory. Only after about a half year did I sneak into the famous theme park near Xiangmihu. Work was totally exhausting.⁵⁹

Progress

Consumption is a very powerful experience of personal and societal progress. Married male workers often mentioned buying or planning to buy big-ticket items such as household appliances. The list of basic electrical goods includes color televisions, washing machines, and refrigerators. The

more advanced and luxurious items are air conditioners and audiovisual entertainment systems. Many married women workers purchase gold or silver jewelry for their symbolic and investment value. Younger workers use their money to pay for short-term courses, especially to learn computer and Internet skills, or vocational classes such as cooking, sewing, and bookkeeping. They report wide-ranging spending behavior, with some very frugal and others inclined toward free spending. Clothes, meals, cigarettes, and beer are the most common expenditures. The excitement associated with personal consumption and material possession quickly gives way to the realization that their wages can hardly afford much beyond daily necessities. Theft in the city has a chilling effect on their desire to purchase more valuable items. Like many young women workers in Shenzhen, a twenty-one-year-old Sichuan woman speaks of both joy and despondence about spending her own money.

The happiest moment of *dagong* is collecting our wage payments. Women workers would take a walk in public parks or to the shopping mall to look at clothes, just window shop. Actually, I can only afford a summer blouse not more than twenty yuan apiece, and about forty yuan for a winter suit. Usually I buy three each summer and another three each winter. We have work uniforms, so we don't spend much on clothes. I have also bought a cell phone, but it was stolen very soon. Now, I want to buy a computer for my brother at home.⁶⁰

Others who have bought jewelry painfully saw their necklaces or earrings stolen. A married male worker was not enthusiastic about consumption, having spent most of his savings on building a new house. He sighed,

I have never bought anything for myself, except a two-thousand-yuan television set and a necklace for my wife. But last year during the Spring Festival, when we visited home in Chengdu, someone snapped her necklace. . . . I bought a cell phone several years ago but I lost it very soon. I don't have one any more.⁶¹

Consider the case of another veteran migrant worker who has more than a decade of work experience in the garment industry. Zhao Rong, a Sichuan native, became a migrant worker in 1991 when she was thirty, and in 2003, her eldest daughter joined her in Shenzhen and began her own migrant worker career in another garment factory. Her husband is a demobilized soldier and has worked as a factory hand, security guard, and kitchen assistant. The narrative she gives of her life story is one of surmounting the crippling backwardness of the countryside through enduring the unendurable, and making way for the next generation by giving them the best education she can afford.

I came to the city to work in 1991. I was already married with two children. I have always been very interested in sewing and making clothes. So I told my mother that I wanted to take classes to be a seamstress. Then I saw a recruitment notice in the township, and I went to Shanghai and from there to Shenzhen after a few years. Garment is the toughest of all industries. The dust is unbearable. It is so thick that it always clots my throat. There is no way of spitting it out. Our hands are always dirty with color dyes. No masks, no gloves. It's much harder than electronics factories. I usually do not take any lunch break, and even when all the workers have left the shift, I would still be there working. That's why my production volume is always the highest, anywhere I go. I was already earning 1,400 yuan ten years ago! At times, I even made 2,500 yuan. No ordinary seamstress makes that much money. The whole industry uses the same remuneration system: piece rates and overtime shifts whenever there are orders. No order, no shift. For longer orders, the work pace can be more lax, and we get some rest. But for short orders, there is no flexibility and the daily quotas are very tight. Normally, each order lasts ten days. . . . I sent one thousand yuan home to my mother, to take care of my two sons, one in high school, the other in primary school. So most of the money goes to their education. After that, I hope to buy a house in our township. It will cost seventy thousand yuan for the land and the construction. In the village, people respect those with money. Because my husband was in the army and has a township *hukou*, they respect us. They may think that one day, they'll have to ask us for loans. So they are very willing to help my mother with her farmwork.⁶²

Entrepreneurship

When migrant workers look into the future, entrepreneurial aspirations abound. Almost without exception, they articulate a desire to become their own boss back in the countryside in the future. "Open a small business" and "open a small shop" (*kaixiaodian*) are the two most general terms for operating a small business concern, such as a restaurant, a grocery store, a bicycle repair shop, a beauty salon, a clothing shop, or even a small factory. When pressed for more concrete details, migrant workers usually have relatively little to offer, except to say that they will think about it when they have amassed sufficient savings, in the neighborhood of tens of thousands of yuan. Being a little boss (*xiao laoban*) is an attractive personal goal, as it implies someone with status, independence, and modest wealth.⁶³

Since their marriage in 1993, a thirty-four-year-old woman worker and her husband have never farmed the five mu of land they have contracted. Their plan for the future, typical of many migrant workers, underscores a

refusal to see either agriculture or industry as a viable long-term way of making a living. Their hope lies in petty rural entrepreneurship.

Farming is really meaningless, but factory work is hard. With so many unemployed people in the city, we are sure that one day we will have to return to the village. Back in the countryside, we don't earn much, but we can survive without wages or going to the market. But in the city, you cannot live without money. It's true that as a family you can earn a couple thousand more each year working in the city, but living in the city, you have to spend that money. . . . When we first came to work in Shenzhen, our only goal was to build a house. Now that we have built it, we are still here. My husband does not want to return to the land. In the future, when we eventually return for good, we want to run a small village store or a small business. Farming is the last resort; it's only good for subsistence.⁶⁴

The reality is that very few returnees are able to realize their dreams of entrepreneurship. In Sichuan and Anhui provinces, for instance, a survey in 1999 found that returnees accounted for about 29 percent of current and past migrants, and only 2.7 percent of them engage in nonagricultural businesses (among them, 2 percent own small service businesses, 0.3 percent own productive facilities, and another 0.3 percent engage in transportation).⁶⁵ Murphy's field study of Jiangxi, another major migrant sending province, seems to suggest a more promising opportunity structure for returnee entrepreneurs, with these former migrants making "significant" contributions to local private enterprises. For instance, in one county in 1997, returnees accounted for one-third of all individual entrepreneurs in services and manufacturing, and they contributed 14 percent of tax revenue returned by this sector.⁶⁶ Successful entrepreneurship is more likely for men than for women, for those with higher levels of education, longer durations of urban sojourn, greater advancement (usually in white-collar positions) in the urban labor market, and better contacts at home. The sectors they work for in the city usually serve as "incubators" for these aspiring entrepreneurs, who tend to set up shops in the same sectors in which they have worked.

CONCLUSION

A major institution that plays a key role in the reproduction of migrant workers' labor power is the land rights system in rural China. Since the late 1970s, decollectivization has unleashed millions of peasants to enter the city in pursuit of waged employment. But the dismantling of the Chinese communes does not lead to "accumulation through dispossession" that Marx

analyzed with respect to the enclosure movement of the English countryside. Nor is it an instance of the kind of predatory process in third-world countries whereby various collective forms of ownership are converted into private property rights.⁶⁷ Rather, the distinctiveness of the Chinese agricultural reform is that it returns farmland to the village collective, which then allocates land use rights to individual peasant households. Most of the migrant workers holding rural household registrations are entitled to a renewable land lease in their native village. As agricultural prices drop and the cost of agricultural production rises, farmers increasingly need cash incomes to sustain farming and to pay rural taxes. Therefore, land is both an asset and a liability; it reproduces the labor power of migrant workers but it also compels their participation in waged employment. A piece of rural land is also the most significant material anchor for migrant workers' identities as peasants. The availability of rural land and the subsistence economy it supports act as a safety valve for their city survival, and dampens migrant workers' resilience in sustained labor struggles. Yet by 2005, land seizure and illegal requisitioning of villagers' land by local officials led to intensified rural unrest and undermined the economic and political buffer offered by the peasants' land entitlement. The erosion of this institution may enhance the radicalization potential of labor protests involving migrant workers in the years ahead.

Migrant workers' experience with the local state in both the city and the countryside has convinced many that the political system is beyond their influence. In chapter 5, I showed that the flawed and subordinate legal system and the violation of labor contracts expose migrant workers to naked and personal domination by employers, sometimes compounded by discriminatory treatment by state officials. As a result, many migrant workers do not harbor any "liberal illusion" that they enjoy equal rights and legal justice as urban residents. In this chapter, I traced their experience back home, and found that domination in the countryside is equally marked by concrete and transparent domination by local cadres through taxation and levies, birth control, coercive investment, and other kinds of financial extortion. Popular anger against cadre abuse and corruption has at times led to collective rebellions, found in the home towns of some of the workers in this study. Many have apparently been discouraged by state suppression and terrified by the heavy penalties inflicted on farmer leaders, however. As long as economic opportunities exist, migrant workers see more promising prospects in using personal and economic strategies to escape bureaucratic abuse and control.

Finally, the collective biography migrant workers construct reveals how

the meaning of *dagong* is assessed in the context of rural poverty and immobility. Working in the city is a strategy for limited upward mobility, especially for the next generation. Juxtaposing the memory narratives in chapter 4 with the personal stories reported here, one sees many contrasts. Whereas there is ambivalence about state socialism among the older generation of workers, there is a much more acute and clear-cut sense of making progress from abject poverty to relative stability and sufficiency. This dominant narrative of progress coupled with an aspiration for entrepreneurship fosters not a sentiment of collective desperation, like that found among unemployed and retired workers in the northeast rustbelt, but rather anger and criticism of discrimination when these rural villagers become diligent workers in cities but are denied legal wages and rights.

PART IV

Conclusion

7 Chinese Labor Politics in Comparative Perspective

In the cotton and flax spinning mills there are many rooms in which the air is filled with fluff and dust. . . . The operative of course had no choice in the matter. . . . The usual consequences of inhaling factory dust are the spitting of blood, heavy, noisy breathing, pains in the chest, coughing and sleeplessness. . . . Accidents occur to operatives who work in rooms crammed full of machinery. . . . The most common injury is the loss of a joint of the finger. . . . In Manchester one sees not only numerous cripples, but also plenty of workers who have lost the whole or part of an arm, leg or foot.

FRIEDRICH ENGELS, *The Condition of the Working Class in England*, 1845¹

There is no fixed work schedule. A twelve-hour workday is minimum. With rush orders, we have to work continuously for thirty hours or more. Day and night . . . the longest shift we had worked nonstop lasted for forty hours. . . . It's very exhausting, because we have to stand all the time, to straighten the denim cloth by pulling. Our legs are always hurting. There is no place to sit on the shop floor. The machines do not stop during our lunch breaks. Three workers in a group will just take turns eating, one at a time. . . . The shop floor is filled with thick dust. Our bodies become black working day and night indoors. When I get off from work and spit, it's all black.

A CHINESE MIGRANT WORKER IN SHENZHEN, 2000²

The haunting parallels between these two depictions of working-class life, one in mid-nineteenth-century Manchester and the other in twenty-first-century China, underscore both capitalism's historic global sprawl and workers' common predicaments. In the world's many rustbelts, too, workers' experiences with unemployment and plant closure bear striking similarities. Whether it is the closing of a steel mill in the American Midwest in the 1980s or the bankruptcy of a state-owned textile factory in northeastern China in the 1990s, deindustrialization has inflicted similar collective injuries on blue-collar communities. Consider these two workers, worlds apart yet almost identical in their consternation and indignation.

Joe Smetlack has been "pushing" a cab for the last two years. He's very angry. Joe's thoughts are never far from the money he believes he was cheated out of. When Wisconsin Steel closed, Joe was entitled to severance payment, supplementary unemployment benefits, and vacation pay totaling \$23,000 by his count. But he's gotten nothing. . . . The experience has made him bitter. "I resent very much what they do to us. Right now, I'm looking for revenge. . . . I stood behind the government in the 1960s. I would have went to 'Nam. The form of government we have here, you can't beat it. But it's being corrupted. . . . The American Dream? That's dog eat dog. Rip off as good as you can. Integrity don't mean a damn thing anymore."³

I joined the People's Liberation Army at nineteen, and seven years later, came back to join the factory. I gave my youth to the state. Thirty-some years of job tenure, at fifty-three, with young and elderly dependents at home, they make me a laid-off worker! How can I attain any balance inside? Cadres can go to the office any time they like, and have ladies sitting around the dinner table. Yet we cannot even get our livelihood allowance on time!⁴

These personal snapshots tellingly suggest that workers in the global sunbelt and rustbelt face similar challenges of exploitation and exclusion. What then is unique about the Chinese labor protests documented in previous chapters? In this concluding chapter, I approach this question from two directions. First, I make schematic comparisons between labor protests in China and those in other places and times, and speculate on parallels and contrasts. This is necessarily a heuristic excursion that can only claim to be suggestive of plausible comparative analysis in future studies. Second, I pursue a cross-class comparison within China and analyze the strikingly similar features of protests by workers, villagers, and urban homeowners during the reform period.

In a nutshell, comparing China with other parts of the world, I discover that the propensity and capacity of rustbelt and sunbelt workers worldwide to stage collective protests tend to be enhanced by (1) competition among political elites, parties, or trade unions; (2) skills leverage over integrated production; or (3) community-based associations or social movement allies. Chinese workers confront the unique challenge of not having any of these opportunities or resources. If this "China and the rest" comparison shows what China is not, the second, cross-class comparison within China shows perhaps more directly what China is. The features of labor protests I have identified—decentralization, cellular activism, and legalism—also characterize collective mobilization by other aggrieved social groups. All these struggles tend toward a convergence on the law as the terrain of refashion-

ing state-society relations, class and citizenship formation, and collective mobilization. Juxtaposing labor unrest with instances of peasant and property owners' mobilization will spotlight a uniquely Chinese path of contentious politics that pivots on a politics of the law: popular insistence on using the law, working through legal and bureaucratic channels, while equally readily breaking the law, taking to the street, and assailing official corruption for violating the law and justice.

In what follows, I will first sum up the arguments this book makes about labor politics in China. Drawing on other scholars' reports on other segments of the economy and the workforce, I offer some speculative propositions on the tendencies of labor politics in China. The second section moves on to look at the politics of deindustrialization, plant closure, and unemployment in the United States and Russia. The third section returns to the sunbelts of the developing world and compares labor conditions in the Chinese export base with *maquiladoras* in Mexico and export industries in Korea and prerevolutionary China. The fourth and final section discusses popular resistance in reform period China by peasants over land seizures and by middle-class homeowners over property rights.

PROTESTS OF DESPERATION, PROTESTS AGAINST DISCRIMINATION

Since the 1980s, the Chinese communist regime has pursued a dual developmental strategy of fiscal decentralization and "rule by law" authoritarianism. This book seeks to understand how this developmental strategy of decentralized legal authoritarianism affects ordinary workers' collective capacity to foster or resist social change. Broadly speaking, it examines the linked transformation of state power and worker power in a vast country whose diverse regional economies offer ample opportunities for comparison. Jettisoning the monolithic notion of China as a single unit of analysis and the homogenizing view of the labor force as an immense pool of non-descript factory hands, I have chosen to compare the northeast rustbelt and the southern sunbelt. *Protests of desperation* refers to the pattern of activism in Liaoning by veteran state-sector workers, whereas *protests against discrimination* sums up the mode of resistance in Guangdong by young migrant workers employed in private and foreign-owned firms. The two patterns converge in certain dimensions and diverge in others.

Despite many differences in social background and generational and work experiences, I have found that in both regions, worker protests share the characteristics of targeting local officials, cellular activism, fragmenta-

tion of interests, and legalistic rhetoric. I argue that these shared dynamics of labor protests can be traced to the overall state strategy and tensions of decentralized legal authoritarianism. Decentralization of economic decision making has turned workers against local governments and apparatuses that now bear the responsibility for enterprise failure and violation of national labor law, social security regulations, and bankruptcy procedures. Moreover, fiscal and economic decentralization, coupled with market competition and an uneven flow of global and domestic investment, has created a kaleidoscope of fine-grained social and economic differentiation across factories in the same locality and across localities. Their interests divided by these local economic forces, workers' targets of action are local power holders because they are the only remaining access points in what is popularly perceived as an agentless and self-regulating market economy.

The common knowledge that the state will not tolerate cross-workplace alliances coupled with the threat of suppression generates self-limiting approaches to protests among workers, who primarily seek to resolve what they see as firm-specific grievances such as layoffs and nonpayment of wages or benefits. Cellular mobilization also thrives in the encompassing environment of Chinese enterprise, where residential quarters and dormitories are located within or near the factory or factory complex. These self-contained, all-encompassing communities facilitate communication and the aggregation of interests, especially at moments of mass layoffs or relocation, or when enterprises fail to make good on promised benefits.

Finally, the third common characteristic of protests across the two regions is the ubiquitous invocation of the central government's edicts and legal rights by both groups of workers. It flows from the central government's own emphasis on "rule by law," or a law-based government. Legalism has become simultaneously the hegemonic ideology and the rhetoric of popular resistance. It does not mean that workers already enjoy the rights enshrined in the law books, or that the legal institutions in China effectively secure and protect labor rights. It means only that the law has become a viable terrain of struggle, tantalizing in its promise and empowering in its effect when workers occasionally win cases in the unpredictable court system.

Despite these similarities, and despite their shared animosity and opposition to a powerful but corrupt bureaucratic elite, the two groups of workers are separated from each other by the persistence of rural-urban dualism in the social structure, the differences in how the local states regulate their employment, and the ways their labor power is socially reproduced beyond wage work. Workers find different leverage under the two labor systems. Rustbelt workers resort to creating public disruption and pressure as a

means of political bargaining, whereas migrant workers have no other informal moral economy or institutional power except appealing to labor bureaucracy, the courts, and the rhetoric of legalism. The different ways labor power is socially reproduced for these two groups of workers—workplace-based pensions and housing in the rustbelt and village-based subsistence farming for workers in the sunbelt—lead to different prevailing grievances, with the former group focusing on collective consumption and the latter on wages and working conditions.

Finally, the social origins and collective experiences between the two groups of workers shape the repertoire of their insurgent identities. The older generation of workers who came of age under state socialism and Maoism invoked a rich vocabulary and justice standards drawing on Marxian class analysis and Mao's mass theory. Although the new generation of migrant workers are less conversant in class terms, they share with rustbelt workers the language of rule by law and legal rights to articulate their critique of exploitation. In short, invoking Marxist, Maoist, and liberal political ideology and identities, selecting and combining them in different circumstances, workers demonstrate a lively consciousness of class exploitation, political exclusion, deprivation of legal justice, and outrage against official corruption. The two groups of workers may have arrived at similar sets of insurgent identities through different cultural mediation and historical experiences, but the overlapping albeit not identical repertoire of identities and claims may hold out some possibility for alliance. To date, however, workers' insurgent consciousness exceeds their insurgent capacity. That is, their insurgent identities seem to project a universalistic and inclusive group boundary, yet labor mobilization remains mostly cellular, localized, and fragmented.

By selecting the most excluded and exploited segments of the Chinese working class as the twin foci, this study has left out workers who are more educated and skilled, and are in more formally regulated employment situations. Chinese workers in profitable state-owned enterprises (SOEs), technology-intensive joint ventures, or image-sensitive consumer goods manufacturing are more likely to avoid the most egregious violations of labor rights, such as nonpayment of wages and physical abuse. Employers in these businesses are more compelled to abide by the Labor Law and labor contracts for various reasons. Research has found that big corporations' desire to maintain a stable and semiskilled workforce or cultivate a reputation for good corporate citizenship is conducive to improvement of working conditions. Boy Luthje's study of electronics contract manufacturing in China finds that "these plants differ markedly from low-end assembly workshops

of which many are correctly labeled sweatshops. Wages are usually somewhat higher, and contract manufacturing plants are generally not characterized by the problematic health and safety conditions for which smaller assembly shops and also many big plants in the region's shoe, garment, and toy industries have become infamous."⁵ The reasons, Luthje suggests, are twofold. On the one hand, major brand-name information technology manufacturers such as Hewlett-Packard, Dell, Ericsson, and Siemens all have substantial relations with government authorities as potential customers for large-scale projects or product development for the Chinese market. Such relationships "call for a standing of good corporate citizenship which makes potential troubles regarding working conditions in subcontracting firms undesirable."⁶ On the other hand, contract manufacturing companies try to cope with the instability of the workforce and to minimize job hopping by offering a range of paternalistic practices such as providing leisure activities and amusement facilities (such as video-game parlors and cyber-café), and making displays of corporate generosity. Continuity of production requires managerial efforts to minimize potentially conflictual situations, especially when workers do not have any system of interest representation.

Several studies on the changing industrial relations in SOEs and joint ventures also indicate an individualization or rationalization of labor conflict resolution, and a lack of inclination for collective mobilization. Doug Guthrie, for instance, has found that in Shanghai's medium and large SOEs, not only did organizations widely adopt organizational features that mimic Western firms, employees within these firms too were more likely to view their employment relations through a formal, legal-rational lens.⁷ Labor contracts and the local labor arbitration institutions play a central role in resolving individual-based contract violations. Collective mobilization is rarely possible or desirable. Also in Shanghai, Mary Gallagher's study on urban workers' use of the law in labor disputes discovers that collective mobilization is rare among those who resort to the legal system for redress of labor rights violations. These workers are employed in the nonstate sector or in reformed SOEs. The younger ones tend to focus on a more strictly legalistic interpretation of the dispute, while older workers use a moral discourse and approach the law only after long periods of petitioning.⁸ Since both studies were done in Shanghai, one of the most dynamic growth centers in the Chinese economy, it is possible that general economic prosperity has engendered more individual-based market solutions among the aggrieved workers who believe that these solutions are more effective than collective political or legal ones. How the regional economy, generational

experiences, economic sector, and firm characteristics may affect patterns of labor unrest is an important question with no easy answers, given the hostile terrain of researching labor unrest in China. It is equally difficult to collect systematic aggregate data on the volume of protests, or to obtain in-depth, fine-grained data on the micro-mobilizational dynamics of these events.⁹ Based on available materials, it seems that workers in more regulated, technology-intensive sectors in more prosperous regions have more bargaining power and institutional resources to negotiate with their employers, yet are also least likely to pursue collective action because of their relatively privileged position in the labor market.

Besides workers in relatively privileged and regulated employment, many workers find themselves in much less enviable positions. For the millions of workers who still toil in traditional SOEs struggling to stay in business, reform has thrust upon them a new form of dependence. My own research on state industries in Guangzhou in the late 1990s found that middle-aged workers without many educational credentials and lacking market capacity fare worse during the reform period. The elimination of permanent employment and the uneven implementation of pension and welfare reforms have aggravated workers' dependence on these remaining SOE jobs. Their lack of alternative employment opportunities consequently has enhanced managerial authority within the enterprise. Contrary to workers' "organized dependence" on the enterprise and, by extension, the state in the prereform era, I have termed this labor regime in the reform era one of *disorganized despotism*.¹⁰ Owing to workers' continued, albeit transformed, dependence on state factories and the difficulty of finding stable employment in the nonstate sector, SOE workers' discontent, generally about increased shop-floor discipline and relatively low wage levels, did not translate into open defiance, only passive resistance such as goldbricking and hidden sabotage.¹¹

Looking ahead, radicalization and pacification of labor struggles are both possible. A looming crisis of landlessness in the countryside, caused by local cadres' coercive requisitioning of rural land, is rapidly removing one of the most significant buffers for subsistence protection among millions of migrant workers. When landless peasants move to the city for jobs, there is no hinterland for retreat to subsistence in times of unemployment or wage arrears. When this avenue of escape back to agricultural subsistence is blocked, labor conflicts are likely to find more explosive expression in cities. For unemployed workers, as we saw in chapter 4, joblessness among middle-aged workers in the state sector may worsen with further globalization and liberalization of the Chinese economy. The adverse effects on workers may

be heightened if it develops in tandem with the housing conflicts that have erupted in many cities where local officials' urban redevelopment craze has encroached on homeowners' property rights. At the end of my fieldwork in Liaoning, workers reported their worries about impending relocation and inadequate compensation after the government had announced a plan to redevelop the Tiexi district into a high-technology and commercial district. The rising tide of residents' protests against evacuation and inadequate relocation compensation also indicates that the final form of livelihood security—homeownership—for many retirees and laid-off workers is at risk of being taken away. The convergence of two separate pathways of insurgency cannot be ruled out.

But there is another, opposite scenario of labor politics development. Better enforcement of the Labor Law or property rights may institutionalize and rationalize the resolution of labor conflict. This study has pointed to the potential for the legal system to channel collective mobilization into the relatively routinized, bureaucratic environment of the Labor Bureaus, the arbitration committees, and the courts.¹² The communist regime, for its own legitimacy and survival, may be compelled to crack down on corruption and impose serious judicial and legal reform. We cannot underestimate the determination and effectiveness of the Chinese regime's self-reform to establish a law-based government, after its radical self-transformation from state socialism. Another possible force of change toward a labor rule of law is the pressure generated by workers from below. Workers' expectation of legal justice may grow over time, especially as the social contract can no longer be invoked and if the central government insists on a rule by law to legitimize authoritarianism and restrain subordinate officials. A dialectical view of reality will hold fast to the contradictions of this system of decentralized legal authoritarianism and attend to the ever-emerging effects and possibilities inherent in those contradictions. Legal consciousness may outgrow the illiberal legal system that engendered it, and disparate leaders of cellular mobilization may over time join forces in confronting a common opponent, and in the process overcome the unfavorable conditions that have kept them dispersed in the first place.

POLITICS OF DEINDUSTRIALIZATION: CHINA AND THE GLOBAL RUSTBELT

Decades before Chinese workers in Liaoning's heavy industrial enterprises were let go in massive numbers, their counterparts in the American coal mining industry in Pennsylvania and Appalachia, in the steel industry of

Pittsburgh and Chicago, and later in auto and rubber plants in Midwestern states such as Wisconsin and Ohio, or other low-skill, labor-intensive factories in small-town America had to confront the challenge of deindustrialization and capital relocation. Ethnographies of American working-class communities' sustaining the effects of industrial decline reveal economic, psychological, and moral devastation similar to that experienced in post-socialist China.¹³ If the challenges thrust on workers bear striking parallels to one another, however, their responses and leverage in the face of such challenges have sprung from specific local resources and conditions, and are therefore quite varied. The strength of community organizations and the availability of alliances with other community-based social movements or activist groups seem to significantly affect workers' ability to put up a fight, irrespective of immediate results. Civil-society support is conspicuously absent in the Chinese case. Granted that even in the United States, worker struggles usually failed to avert capital's decision to divest, relocate, or shut down factories, there may still be positive long-term effects arising from workers' capacity to ally with other social movement groups in the United States. This has not been the case in China.

Shared Injuries

What Eve Weinbaum wrote about the closing in 1992 of Acme Boot Company in Clarksville, a small Tennessee town, could well be used to describe a typical plant closure in Liaoning. A thriving company that had begun production in 1929, Acme had 1,500 workers with an average age of forty-seven in 1992, who boasted an average company tenure of twenty-five years. Many workers had relatives and friends—even entire families—working in the factory and were shocked to learn that the profitable firm would relocate to Puerto Rico, whose government had offered Acme's financially strapped parent company buildings and generous investment packages. The new plant also stood to benefit from the tax credits allowed by the U.S. tax code applicable to all U.S. territories. Economic and emotional difficulties similar to those experienced by laid-off SOE workers in Liaoning engulfed the Clarksville community. Weinbaum observed, "As in every plant closing, laid-off workers became scared, depressed, and mistrustful. . . . Most workers had believed their jobs to be absolutely secure. They had worked at Acme for their entire adult lives and had no training in anything else." One worker recounted, "When I got laid off, I got depressed, moody. . . . Then you get bitter. It really was very hard. . . . I had a hard time adjusting. I got so depressed that I couldn't even clean my house; I didn't go no place; I didn't even do anything."¹⁴

Similar laments of loss and hopelessness are painfully reminiscent of those in the working-class community following the closure of a Chrysler plant in Kenosha, Wisconsin. Kathryn Dudley gave voice to automobile workers' indignation and rage. Like Chinese workers who emphasized their contribution to constructing socialism and national industry, American workers articulated forceful moral claims for their right to secure employment based on auto workers' contribution to the war effort and national security when the plant was converted to military production during World War II. The sense of betrayal was particularly acute because of what workers saw as the company's capitulation to foreign competition and imports. Dudley, in intriguing parallels with my own findings in China, wrote, "For Kenosha autoworkers, the concept of job security is firmly embedded in a set of cultural assumptions about what American society owes them in return for their productive labor. . . . Industrial communities like Kenosha were among the first to respond to the war call. How . . . can the country now forsake those who have served it so well?"¹⁵

Like Chinese workers, Kenosha workers pointed to the failure of the rich and powerful to honor the moral commitments that once made America strong. "If the country belongs to the people who have made it strong—all the 'real' Americans—then everyone who works for a living is victimized when jobs are sent out of the country. If the United States government were truly 'of the people, by the people, and for the people,' workers say, it would not allow big corporations to close plants, abandon communities, and dump hardworking people like themselves out onto the streets."¹⁶ No less adamantly than Chinese workers in Liaoning, American workers held the government responsible for breaking an implicit social contract. "Government gains its right to exist as the result of popular consensus and social contract. And its primary duty is to ensure that the average citizen will not be victimized or exploited by ruthless villains, thieves, and lawbreakers. . . . Events in Kenosha signaled to autoworkers that the social contract was unraveling before their very eyes. The United States government, by taking no action to prevent the destruction of American jobs, appears to be abetting the major corporations in their crimes against the people."¹⁷

When mills closed or went bankrupt, many also lost a major portion of their pensions guaranteed in the union contract. New owners of the old plant may not honor past commitments or have obtained concessions to absolve them of any responsibility for paying benefits. Despite rosy rhetoric from governments and the industrial elite about retraining and new jobs, most rustbelt communities in the wake of deindustrialization see only low-level, nonunion, minimum-wage service jobs without benefits replacing

higher-paying unionized jobs in manufacturing. Communities in trauma witness a familiar list of expressions and effects of personal suffering: suicide, divorce, domestic violence, alcoholism, rising mortality rate, disappearing health insurance, depression, and idleness. Women and blacks fare even worse than white male mill workers when industries are in decline.¹⁸ Many a small town in China's northeastern rustbelt has sunk into similar lethargy.

The American Rustbelt

Many workers in mill towns in the rustbelt knew that the decline of their communities was enmeshed in national and international trade policies and competition, currency exchange rates, investment and divestment strategies of big corporations, and domestic party politics and industrial policies. Poverty-stricken blue-collar workers' fight against these forces may seem quixotic, but it happened. Efforts involved have ranged from campaigns for community or worker buyout of mills to the formation of regionwide authorities to promote industrial revival or of national unemployment networks to pressure companies to keep factories open and to lobby national political leaders in Washington, D.C. Community organizations have also opened food pantries and free clinics to provide for unemployed workers' basic needs. Sometimes pressure groups were formed to lobby for state legislation to prevent foreclosures on homes and provide longer coverage periods for unemployment benefits. There were also protests to damage the image of corporations and banks responsible for plant closures. Traditional unions were largely powerless and ineffective, and their concessions on wage and work rules during contract negotiations often undermined rather than promoted worker interests when the plants were eventually shut down. In most of this working-class activism, much of the organizational impetus and capacity has come from grassroots civic groups, church-based groups concerned with social justice, land use, and charity, or regional alliances of these groups. A few examples will illustrate how local groups joined forces with workers and struggled against the formidable tide of plant closures and the enormous difficulties they face in bringing about even small successes.

A prominent example was the Tri-state Conference on Steel (hereafter Tri-state), which grew out of the community struggle in Youngstown, Ohio, against the shutdown of three major steel mills between 1977 and 1979. It was formed in 1981 by labor, church, and community activists in steel communities in Pennsylvania, Ohio, and West Virginia. Their strategies were to educate the public that it was U.S. Steel Corporation's divestment policies, from steel into other lines of business, that caused unemployment, and to

develop plans to save steel jobs and reindustrialize the region. Tri-state made several attempts to form a public authority that could exercise the power of "eminent domain" vested in local government to force the sale of private property to a public body out of concern for the common good. In a high-profile effort to save the Dorothy Six ballast furnace at the Duquesne mill in Pittsburgh, scheduled to be demolished as part of U.S. Steel's rationalization plan, Tri-state mobilized town meetings and managed to fund a feasibility study on turning the mill into a worker-owned facility, and members of the local unions volunteered to winterize the furnace. Next, they pressured municipal governments to create a Steel Valley Authority (SVA) in order to exercise eminent domain. Local public hearings and popular votes finally brought the SVA into being. Yet SVA failed to find buyers or to secure the \$220 million investment needed to keep the mill in operation. Although industrial projects on this scale presented financial hurdles for Tri-state, it was more successful in saving smaller business concerns. From 1989 to 1992, SVA succeeded in building a coalition of residents, church leaders, and local politicians to pressure financial backers into extending loans and grants to turn a failing bakery into a community-worker joint-ownership venture.¹⁹

Likewise, the Mon Valley Unemployed Committee grew out of disparate civil rights groups and "unemployed committees" in steel unions in the Monongahela River Valley area in Pittsburgh in the early 1980s. They joined together to organize a food bank, a hotline, and demonstrations against mortgage foreclosures and bankruptcy, and demanded extension of the period of eligibility for unemployment benefits. They won a moratorium on the sheriff's sales of foreclosed homes and raised money to help unemployed workers to make mortgage payments. This regional committee joined with the Philadelphia Unemployed Project to form the National Unemployed Network, drawing similar groups from forty communities in seventeen states in their first national meeting in 1983, and marched on Washington, D.C., in 1985. Yet after several failures to obtain federal mortgage assistance or to extend the supplementary unemployment compensation program, both the local Mon Valley Unemployment Committee and the National Unemployment Network were gradually demobilized. The reasons were familiar: unemployed workers had little time to spend on political activities and, under pressure to survive, many moved out of the region in search of jobs. Failure to effect political and legislative changes demoralized activists and sapped the sense of injustice and hope that had initially spurred them to action. The committee still ran a hotline dispensing information on social services in the early 1990s with funding from the

United Way, Mellon Bank, and various churches and synagogues. It has been converted from a group that effectively helped to "mobilize angry workers who wanted jobs and a decent society into a dispenser of quieting balm on troubled waters."²⁰

In 1989, the closing of a General Electric (GE) plant in Morristown, Tennessee, gave birth to a community-based local organization called CATS: Citizens Against Temporary Services. The group identified temporary employment as a systematic trend in the region and pushed for legislation that would regulate contingent work, through lobbying local officials and community campaigns. Ex-GE workers and local activist ministers organized marches and letter-writing campaigns to expose the unfair treatment of contingent and temporary workers hired by big companies through agencies. With help from a coalition of church groups and environmental and community organizations working on economic justice issues, CATS participated in a national network on industrial retention and renewal policies, first filing lawsuits against GE for breach of contract and age discrimination, and then launching a campaign to regulate corporations' use of temporary workers, and against GE's abuse of training funds offered by the local government after old workers were dismissed. Intensive lobbying of the state legislature to prohibit employers from depriving employees of wage and benefits packages based on their categorical status obtained few tangible results. Yet by the mid-1990s, when contingent workers' rights became a national issue, many local groups similar to CATS became part of a national campaign to revise the legal procedures for temporary workers to form unions. Some even participated in the 1999 Seattle demonstrations against the World Trade Organization.²¹

Dale Hathaway asks in his research on the politics of deindustrialization in Pittsburgh, "Can workers have a voice?" His answer is that "workers can have only a very limited voice and that they will have to fight to get that much."²² Others have reached a similar conclusion that it is a Herculean task for small, disadvantaged communities to mobilize around economic issues. Even though American workers live in a democratic, liberal society, with independent unions, freedom of association and expression, collective leverage on politics as voters, and access to legal due process, they have claimed only very minor victories in the face of plant closures, outsourcing, or downsizing. Most efforts to pass legislation addressing issues of economic justice have been defeated. Corporate and government elites from Pittsburgh to Kenosha to Liaoning, China, have the clout to make major decisions abandoning the traditional base of local economies, shifting from an economy dominated by industry to one structured to serve the needs of

corporate headquarters and the high-tech medical, research, and commercial sectors. That goal has been pursued without regard for the effect the transformation would have on ordinary workers. Eve Weinbaum's remark in her intimate account of three Appalachian community struggles can well apply to this book on Chinese workers. "During the 1980s and 1990s . . . American prosperity was on the rise and working people—on the surface—were quiescent. But in fact, all across the country, people were struggling with issues of economic justice in their own communities. . . . [I]n many towns across the United States, the battles were often short-lived, and most were unsuccessful. Nobody outside their community paid any attention."²³

Still, comparing working-class experience in the Chinese and the American rustbelts brings into sharp relief at least one critical difference in the process of labor mobilization and its possible long-term effects. Unemployed workers in both countries lack workplace or labor market bargaining power, and their associational power is drastically if not totally reduced as unions are forced to make incapacitating concessions. Yet an advantage American workers have over their Chinese counterparts is their community associational power. In case after case, from the Youngstown steel mill to those in Chicago and Pittsburgh, from the Firestone rubber and tire plant in Ohio to the Chrysler auto plant in Kenosha and electronics and boot factories in Tennessee, researchers have documented how community resources, residing in the local clergy, church-based social justice organizations, civic or charity groups, environmentalists, and labor activists, have been a critical force in instigating, assisting, and sustaining the mobilization of depressed and outraged workers. The combination of religious or political vision and practical organizing skills keeps alive a sense of hope and possibility. These organizations strengthen bonds among people in the community when work bonds are gone, and help build up the self-confidence that unemployment tears down. The significance of having such labor-community coalitions, even though they have usually failed to avert plant closures or to keep corporations in the locality, is that they are the seeds of sustained political engagement by workers and their communities. Eve Weinbaum, using her case study of ex-GE workers' participation first in a local campaign and then in the anti-WTO protests in Seattle, illustrates the effects of "successful failures"—campaigns that fail to meet their explicit goals at the time, but sow the seeds for later mobilization and pivotal political movements. These successful failures create structures and networks of people who are trained in the process of local struggles to develop the skills, knowledge, and leadership of political action and democratic citizenship. Counter-hegemonic movements most often evolve incrementally from lim-

ited and local struggles with small-scale acts and simple demands for reform. But they often also provide rehearsals of opposition that prepare the way for bolder challengers in more propitious moments.²⁴

Reading Chinese workers' experiences through the lens of their American counterparts, what stands out is the dire lack of community-based associational power outside of the now defunct socialist work unit. While American unemployed workers confront a probusiness political elite, and their unionism is reduced to irrelevance at times of plant closures, Chinese workers are dealing with the crippling condition of having no viable social movement or civil-society support. Without allies, and under pressure from a repressive state, the seeds sown in these local struggles are deprived of any fertile soil to produce a significant legacy out of their daring activism.

Russia

In the mid-1990s, just when the problem of wage and pension nonpayment began to spread in rustbelt regions in China, some 40 to 60 percent of waged employees in Russia were owed wages between 1994 and 1998.²⁵ According to the World Bank, one in eight Russian employees were paid in kind, in whole or in part, in 1996. In 1997, overdue wages amounted to about five weeks' wages across the whole economy, and they had approximately doubled each year in real terms since 1992.²⁶ Nonpayment plagued not just industrial workers and miners, but also "budget-sector" employees such as teachers and the army. Numerous strikes were staged, with some evolving into annual rituals to which the federal and local government responded by scheduling payment proposals in their budgets. National strikes, however, were less predictable or manageable. In March 1997, some 1.8 million people in 1,280 cities participated in a national strike. In February 2003, another all-Russia protest was staged by budgetary workers demanding payment of the wage debt.²⁷ The root causes of the nonpayment crisis are multiple, involving Russia's economic collapse and the government's lack of funds, the de-monetization of the economy, dependence on the International Monetary Fund, which imposed the priority of tax payments by enterprises over wage payments as a condition of IMF loans, and the pervasive practice by enterprises of using wage debt as a bargaining chip in a game to extract government subsidies. What is of interest to my present study is not how effective or ineffective these protests have been, or what explains workers' participation or nonparticipation.²⁸ Rather, the existence of even a minimal level of interunion competition between the official trade union federation and the new independent unions has contributed to mobilizing Russian workers, highlighting the predicament of Chinese workers with no alterna-

tive to the official union and no leverage from elections to compel politicians to make concessions at least on paper.

BATTLING EXPLOITATION: CHINA AND THE GLOBAL SUNBELT

In her elegant account of the interactive dynamics of capital relocation and the global labor movement, Beverly Silver maintains that "each time a strong labor movement emerged, capitalists relocated production to sites with cheaper and presumably more docile labor, weakening labor movements in the sites of disinvestments but strengthening labor in the new sites of expansion."²⁹ Corporate efforts to find a spatial fix for the problem of labor control compel periodic relocation to avoid labor strongholds. Greenfields and sunbelts arise precisely because workers there have less bargaining or associational power than those in brownfields or industrialized areas. China's sunbelt along the southeastern seaboard is just the latest site of capital relocation or "flexible accumulation," preceded by similar experience in Mexico, Korea, and even in treaty-ports in prerevolutionary China. If the appalling and exploitative conditions confronting Chinese workers today are nothing out of the ordinary, workers in other sunbelts have forged other kinds of politics under different circumstances. What has shaped their divergent responses to the global exploitation of labor?

Mexico

Mexico's export-processing factories along its northern border, the *maquiladoras*, have generated a substantial literature on labor conditions typical of many similar export zones in the developing world. Third-world women workers' multifaceted subordination, embedded in global capital, local patriarchy, and managerial sexism, has been incisively and critically exposed. Feminist research has also dispelled the myth of nimble-fingered, docile, passive, and compliant women workers who are uninterested in unions and incapable of resisting corporate and government power.³⁰ Recently, several multisited ethnographies have most effectively tracked the interconnections of production regimes along global commodity chains, offering powerful comparative insights on the commonalities and differences in labor conditions and politics across manufacturing regions. I shall focus on two of these exemplary studies, Jefferson Cowie's *Capital Moves* (1999), on the electronics industry, and Jane L. Collins's *Threads* (2003), on textile and apparel production. Both follow the paths of transnational corporations as they move from brownfields in the United States to greenfields

in Mexico, leaving in their wake both empowering and disempowering effects on working-class communities.

Jefferson Cowie has given a fascinating account of a series of relocations by RCA, a radio and television manufacturer, between the 1920s and the 1990s, from Camden, New Jersey, to Bloomington, Indiana, then to Memphis, Tennessee, and finally to Ciudad Juarez in Mexico. Capital migration, he argues compellingly, has a much longer history than the recent discourse of globalization would seem to suggest. Transnational or offshore relocation may indicate a new level of geographical expansion and flexibility for capital but it also stands as a continuation of earlier patterns and strategies. Moreover, from Camden to Juarez, RCA always looked for women workers to staff "low-skilled" assembly positions, and as they moved out of mature industrial regions, women in these rustbelts bore the brunt of deindustrialization as much as the male unemployed steel or auto workers who stand out in the popular imagination as victims of industrial decline. Also, whether within the United States or across the border in Mexico, the logic of capital mobility remains remarkably the same: it is in search of young, fresh, cheap female labor, usually in locales of oppressive poverty, with weak unionization tradition and little sense of entitlement to jobs or rights. Cowie finds little difference in RCA workers' shop-floor experiences in U.S. and Mexican factories; the tasks, the assembly-line layouts, the gender division of female workers and male supervisors, and the speedup by management and goldbricking by workers—none of these have changed. Yet the external conditions of production present significant obstacles to Mexican workers' developing a degree of worker entitlement similar to that won by their American counterparts decades ago. "An unstable currency, high labor turnover, an authoritarian union structure, and employers that colluded to prevent wage increases all served to check the growing sense of investment in the job, entitlement to the company's consideration, and emboldened class awareness that emerged at the other sites. Only the violence, intimidation, company unionism, and economic devastation of the Great Depression in the Camden case could compare with the obstacles faced by workers on the Mexican frontier."³¹

Cowie's longitudinal study brings to light a very important finding that a single-site and fixed-time-point labor ethnography would fail to capture. In 1995, in the wake of a peso devaluation crisis, two thousand workers participated in a sit-down strike and won a 20 percent wage hike, a return of paid vacation, and the company's commitment to hold fair and open union elections. Looking over a thirty-year period, female workers in *maquiladora* industries have grown in experience, assertiveness, and combativeness.

Progovernment unions' repression of labor disputes only redoubled workers' contentiousness and efforts. Moreover, as the local economy boomed and foreign investment increased in the 1990s, a shortage of experienced workers appeared with more employment opportunities for workers to leave *maquila* factories for other jobs. Finally, shifts in national politics toward a more competitive system also open up political space for unions and citizens groups to compete for worker support. A decorporatization of organized labor has begun with the decline of the progovernment Confederation of Mexican Workers after the historic defeat of the long-ruling PRI (the Institutional Revolutionary Party) in the 2000 election. Although China's rise as a new site of capital relocation would give mobile capital more leverage over Mexican labor, the maturation of workers' mobilization capacity reminds us of a subversive logic or contradiction inherent in capital relocation. That is, as Cowie puts it, "In each location, a glut of potential employees shrank over time into a tightening labor market, once deferential workers organized into a union shop, and years of toil on the shop floor recast docility into a contentious and demanding, if isolated and ambivalent, working class."³² The lesson is that even under an authoritarian regime, political competition among political parties and unions, coupled with a tightening of the labor market, may enhance the opportunities and resources for plant-based collective action.

Moreover, footloose employers may also spawn community-wide or even transnational activism. Jane Collins's comparative ethnography of two American apparel firms with subcontracting factories in Aguascalientes, central Mexico, finds surprising parallels in the production process and Tayloristic control in both the U.S. and the Mexican firms, with the difference that in factories producing fashion as opposed to casual apparel, workers are subjected to a higher level of stress owing to the simultaneous demands of quality, speed, and efficiency standards monitored by statistical process control. Poverty wage rates, long hours of work, and poor living conditions—all characteristic of third-world export-processing zones—are compounded by subcontracting relations that obfuscate the identity and accessibility of employers in the eyes of the workers. Collins's comparison between these greenfield factories and their American predecessors reveals another distinct disadvantage for Mexican workers. The mobility of capital weakens worker solidarity by preventing the development of webs of social connections and community relations that grow out of companies' long-term embeddedness in a locality, and out of which labor activism grows. Her contrast between the parent company's old factory in Virginia with its new factory in Mexico drives home most clearly the isolation of workers in the

latter and the solidarity and moral economic claims harnessed by workers in the former. Ironically, deterritorialized capital also pushes labor and community activists to seek community-based activism. In Mexico's *maquiladora* industries, worker services centers forge worker solidarity across firms and combine workplace and wage demands with concerns for women's reproductive freedom and health services. An increasing number of activist networks have appeared to expand local communities into transnational ones. Prominent examples include the Coalition for Justice in the Maquiladoras (formed by religious, environmental, and women's organizations in the United States, Mexico, and Canada), the Maquila Solidarity Network, and the international anti-sweatshop-movement organizations. Their assistance and support have proved critical to third-world workers' struggle against transnational corporations, as shown in the well-documented cases of labor strife in a Philips-Van Heusen factory in Guatemala and the Walt Disney clothing factory in Haiti.

These two case studies of Mexico powerfully underscore the vulnerability of workers in the global south compared to those in the north, where a more institutionalized social compact and a stronger collective sense of entitlement provide some leverage in labor struggles. In Mexico's export-oriented sector, worker mobilization is enhanced by either elite competition for working-class votes in a more open political system or by transnational and domestic social movement support. Similar dynamics can be found in the South Korean labor movement, certainly one of the most spectacular in Asia. In China, neither of these two facilitating conditions exists.

South Korea

First-person narratives by factory workers during South Korea's early export-oriented industrial takeoff in the 1960s and 1970s graphically reveal the same kind of brutality and wretchedness prevalent on Chinese shop floors in Shenzhen today. Routinely putting in twelve hours per day and forced to work overtime and overnight to fulfill constant rush orders, workers compared their wasted bodies and meaningless lives to those of beasts.

At night even cattle sleep, but we have to work through the night. As everybody knows, we work ten to twelve hours per day, and quite frequently even throughout the whole night. In the morning I barely manage to lift my tired body and carry it to the dusty, noisy, and curse-filled factory. And when I return home at night I am simply too tired even to wash and eat. Repeating this life day after day, I cannot help telling myself, "Oh, I am worse than a machine." I am afraid that I may pass out one day living like this.³³

In China as in Korea, workers are no strangers to the phenomenon of overwork death, or "alertness pills" given to them by employers to keep them awake during grueling overtime shifts. In both cases, working hard is no guarantee of decent treatment by employers. The labor sociologist Hagen Koo writes,

In the labor-intensive sectors, the boundaries between the regular shift and overtime was blurred, and the assignment of and payment for overtime often depended on arbitrary decisions by the foremen. . . . In their workplaces, factory workers were constantly subjected to shouts, name calling, reprimands, and vulgar swear words thrown at them by their superiors. . . . By the time they left the factory, their youth had long gone, leaving behind prematurely aged bodies with many nagging diseases acquired from factory work. As workers often lamented, "when all the oil is squeezed out of our bodies, we are thrown out just like trash."³⁴

Like the Chinese communist regime, the military regime that presided over South Korea's export-led industrialization was no friend to independent trade unions or workers' rights. In the late 1960s, the government pursued a repressive labor policy, including an antistrike law in foreign-invested firms and increasing restrictions on workers' rights to organize genuinely representative unions and to bargain collectively. The combined pressure of exploitation and suppression led to scores of cases of self-immolation as a key form of working-class resistance during the 1970s. But in the next two decades the Korean unionization struggle flourished and became one of the most militant labor movements in the developing world. Although many factors are relevant in explaining the success of Korean workers in creating their own political institutions, one critical difference between Korean workers in the early days of industrialization and today's young Chinese workers is the presence of grassroots political alliances. Once again, church organizations played critical roles in fostering worker solidarity and consciousness, in this case by sponsoring small-group activities and educational programs for factory women, and by sending clergy to toil alongside workers to become "factory pastors." As Koo points out, the organizational capacity of the church derives from its international networks, internal organizational structure, and ideological legitimacy.³⁵

Then in the 1980s, when the military regime turned increasingly repressive toward all kinds of democratic forces, the student movement and oppositional political parties began seeing workers as their potential allies in their battle against the authoritarian state. Students-turned-workers who would later become professional labor activists not only organized large-

scale demonstrations but also changed the demands of the workers' movement from economic issues to organizing new independent unions. The concentration of factories in a few industrial parks, and the rise of large heavy industrial enterprises, especially automobile manufacturers, facilitated the transformation from cellular activism into horizontally organized, interfactory movements in the late 1980s. Amidst political oppression and economic transformation, Korean intellectuals instigated counter-hegemonic cultural movements, the most influential of which was the *minjung* movement. This movement contributed tremendously to articulating workers' opposition consciousness. In striking parallel to the new discourse on *ruoshi qunti* in China, *minjung* also meant the "people" or the "masses." It included "all those who were politically oppressed, socially alienated, and economically excluded from the benefits of economic growth."³⁶ With a broad ideological content, and taking various forms—as *minjung* theology, *minjung* history, and *minjung* literature—the *minjung* movement asserted that the real national identity and authentic culture of Korea must be found in the culture and daily struggles of oppressed commoners. It was therefore a powerful tool for uniting and mobilizing the diverse social and political movements. All these factors paved the way for the explosive wave of labor strikes in 1987, when the military regime surrendered to overwhelming pressure from the student-led democratization movement to hold democratic elections. Male semiskilled workers in large auto and chemical plants and white-collar workers then formed the backbone of the unionization movement that lasted from the late 1980s to the mid-1990s. In the current period, as the Korean economy moves to a post-Fordist era of flexible accumulation, global competition and strategies have the effect of undermining the job security of an increasingly disaggregated working class. Democratization has also dissolved the common enemy for the students' and workers' movements.

Precommunist China's Treaty Ports

If cross-class alliance and social movement support are crucial resources for nurturing labor's capacity for resistance in late-industrializing authoritarian regimes, competition among political parties or elite cleavage in authoritarian regimes also stimulate worker activism. To underscore the role of elite cleavage and competition, a return to the first generation of Chinese industrial workers in the treaty ports of the precommunist era shows interesting parallels and contrasts between the two periods of "globalization" in China. This revisit to the Chinese situation should also be an apt last stop in our brief excursus of international comparison.

Foreign-owned industries first appeared in China in the mid-nineteenth century, following China's defeats in the first and the second Opium Wars and the Sino-Japanese War. Treaty ports along the coast and the major rivers, including Shanghai, Tianjin, Guangzhou (Canton), Ningbo, and Qingdao, were opened to foreign direct investment and trade. British, Japanese, American, Dutch, and French industrialists set up factories along with national Chinese manufacturers and merchants. Artisanal and hand-craft metal workshops and semimechanized family establishments coexisted with large modern cotton, silk, and flour mills and cigarettes factories. In these cities, women, children, craftsmen, apprentices, outworkers, and casual laborers toiled alongside adult male industrial workers. Many of these workers, like those in today's Chinese cities, were migrants from the countryside who relied on native-place networks and relatives for job introductions. Recruitment was controlled by foremen or forewomen, called the Number Ones, who welded despotic power over the workforce. In Tianjin, a major treaty port in central China, workers faced a workday of ten to twelve hours, spent in perpetual motion.

The factory is like a sea of machines, belts, wheels, wheels, belts. . . . Especially in the weaving and spinning departments, people move in a light fog. . . . The people and machines are one body; the machines move, and the people follow their motions. While the machines move, people don't dare to stop their aching arms and fingers, don't dare to stop their exhausted feet.³⁷

Again familiar to Chinese workers today, constant danger was involved in working with power-driven machinery for long hours at high speed. "In the cotton cleaning department, rapidly rotating blades were the main problem, while in the weaving mill a shuttle could fly off a loom with enough force to kill a nearby worker."³⁸

In Shanghai, considered the "Lancashire of China" at the end of World War I, not only were foreign investments most concentrated, but the city was also physically divided into multinational sovereignties. A notorious contract labor system predominated in cotton mills, where contractors, many of whom had ties to the underworld of gangs, bought peasant girls and arranged work for them in different mills. Workers were often sexually abused and mistreated, and their wages deducted by their contractors, whose connection with gangsters allowed them to defeat mill owners' attempt to wrest control over recruitment by establishing a personnel department.³⁹ Workers were therefore subjected to multiple types of domination and exploitation—foreign imperialist domination, capitalist labor process, and

personal dependence on the contractors. Forming sworn brotherhoods and sisterhoods was workers' informal defense against institutional brutality inside the factory gates.

The Chinese working class of this period registered remarkable militancy that played a decisive role in the process of state formation. In her classic study of labor politics of this period, Elizabeth Perry notes that the capacity of Shanghai labor to wreak serious economic damage had lent it strength out of proportion to its actual numbers and its internal fragmentation. The roots of labor's political potency in this period had to do with the competition among multiple political movements and the vibrancy and influence of traditional social organizations, all energized by Chinese nationalism against Japanese and Western imperialism.

The fragmentation of the Chinese working class in Shanghai fostered different modes of politics and multiple insurgent identities. Workers' divisions along skill levels and occupation specializations, often overlapping with divisions according to native-place origins, underlined the formation of different types of organizations amenable to different political movements. So, for instance, the more educated and culturally attuned Jiangnan and Guangdong artisans formed guilds and were susceptible to the appeals of radical students and communist ideology. Unskilled workers from north China, maintaining strong peasant ties and mentality, were uninterested in the political movements of the day but were participants in anti-imperialist demonstrations. The semiskilled machine operatives turned to secret societies, gangsters, and their close ally, the Nationalist Party, for protection and mobility in the city. In other words, the politics of place (native-place origins of workers and their occupation of certain labor market niches) intersected with the politics of production (competition among skilled, semiskilled, and unskilled workers, each with their cultural predispositions and material interests; and gender segregation in the workplace), and the politics of partisanship (competition for worker support between the communists and the nationalists and their respective unions). In the midst of all these domestic conditions that spurred and radicalized labor mobilization, workers also staged general strikes against Japanese, British, and Western imperialism in the 1919 May Fourth Movement, the 1925 May Thirtieth Movement, and against warlordism and inflation in the late 1920s. These strikes convinced communist radicals that their revolution needed the participation of the working class.⁴⁰

In brief, my modest goal in offering these comparisons is to be suggestive of lines of critical inquiry that can overcome a certain blindness to labor's com-

mon ground. Aggrieved workers of the world's rustbelts and sunbelts share similar predicaments and the structural weakness of being the subordinate class in a capitalist society. Yet we see also that workers' strategies and capacity to fight against plant closures or exploitation vary greatly, depending on the existence or nonexistence of (1) competition among political elites, parties, or trade unions, (2) skills leverage over integrated production, or (3) community-based associations or social movement allies. We have seen how these factors matter even under repressive, authoritarian regimes. In China, despite the existence of contradictions in the regime's strategies of accumulation and legitimation, there is no competition among political elites requiring them to address working-class grievances or solicit worker support. The bureaucratic-business alliance consolidated in the 1990s contrasts sharply with the fragmentation and localization of labor activism. Grassroots civil-society organizations are growing in number, often financially assisted by international nongovernmental organization (NGO) communities and foundations. Yet the few labor NGOs that exist have proceeded cautiously with a service-oriented, individual-centered, legalistic and educational approach to improve labor's self-protection capacity. Other kinds of activism, by environmentalists, feminists, and students, themselves fledgling communities, have not lent much support to workers' plight.

"AGAINST THE LAW":

THE HIDDEN ALLIANCE OF CHINESE POPULAR UNREST

If the terrain of organized civil society in China is hostile to labor and other subaltern groups, we must not lose sight of a unique site for state-society negotiation and contestation in a globalizing and increasingly capitalistic China—the law. As labor protests mounted throughout the 1990s, villagers also became increasingly agitated and mobilized. Like labor strife, rural popular discontent and resistance had roots in decentralized legal authoritarianism, and peasants also massively appealed to the law as a site for battling venal local officials. In the early 1990s, villagers in interior agricultural provinces reacted to the "three un-rulies" or "peasant burdens" (i.e., illegal taxation, excessive fees, and arbitrary fines) imposed by local cadres. Unlike villagers in coastal provinces with access to overseas investment, good infrastructure, and export markets, agriculture-based provinces in central and western China could not rely on income from township and village enterprises, touted as the engine of takeoff in rural China. Local officials who were made responsible for balancing local budgets under the regime of fiscal decentralization and were not politically accountable to the local popula-

tion became predatory toward the peasantry. Widespread conflict swept through these agricultural regions, and the State Council issued regulations setting a taxation limit of 5 percent of total annual income and hastened the pace of implementing the Organic Law prescribing village elections for village self-governance.⁴¹ These measures toward legalization, together with the promulgation of the Administrative Litigation Law in 1990, triggered a tidal wave of litigation nationwide. Between 1990 and 2001, the number of cases of administrative litigation exploded, from 13,006 to 100,921 (accepted cases).⁴²

Since about 2000, coercive land expropriation has become an additional incendiary issue in many rural areas neighboring big cities. By 2004, an estimated forty million villagers had been dispossessed, left without land, employment, or social security. The new "enclosure movement" that swung into high gear around 2002 has so far requisitioned some 3 percent of total agricultural land area, including much of the most lucrative, under various rubrics of constructing "new development zones," "high-technology parks," or "university towns."⁴³ Villagers protested against involuntary requisitioning of their contracted land, the meager compensation received, and cadre embezzlement of the land transfer proceeds. Conflicts over the commodification of land-use rights are certain to intensify following the adoption of the 2003 Rural Land Contracting Law. On the one hand, the law legally empowers individual contract-holders as property owners and lays the foundation for a market in rural land-use rights. On the other hand, in response to rural discontent and income disparity, the central government initiated the tax-for-fee reform in 2000 to abolish both the agricultural taxes and the surcharges, keeping only the agricultural product tax. The heightened fiscal pressure on local governments resulting from this reform is likely to lead officials to expand illicit requisitions of farmland.⁴⁴

Rural rebellions frequently begin when some villagers acquire details of the laws and regulations bearing on their interests and rights. When local cadres violate these policies, villagers write complaint letters, visit higher officials, expose local violations of central policy in the media, and mobilize fellow villagers to withhold payment of illegal and arbitrary fees and taxes. Confrontations between these resisters and local cadres have resulted in protracted court battles and in small- and large-scale riots as well as violent crackdowns by local and provincial governments. In recent years, informal groups of rights activists have emerged in a number of localities, and many of these "peasant heroes" who assumed leadership positions are former members of the People's Liberation Army. Shrewdly building networks across villages, even counties, relying on trust, reputation, and verbal com-

munication, they have become more open and organized, with some even succeeding in coordinating cross-village or cross-county actions, inviting crackdowns by armed police forces.⁴⁵ Tellingly, as is the case with workers, the law may not be effective in protecting citizens' rights, and rural plaintiffs, much like their urban counterparts, do not necessarily see the law or the courts as a neutral or empowering institution in their fight against official corruption and abuse of power. Still, many continue working through and around the law and its related trappings in the state apparatus.⁴⁶

Besides workers and farmers, the urban middle class has also become legally assertive in defending their property rights increasingly preyed on by the unholy alliance between local officials and financially powerful developers. In Beijing, between 1991 and 2000, some 820,000 people in 260,000 households have been relocated from their homes to make way for urban renewal or city construction. In Shanghai, 2.5 million people in 850,000 households have been relocated. Similarly large-scale demolition and reallocation of urban residents' homes have taken place in major cities across China, including Guangzhou, Nanjing, and Kunming.⁴⁷ Owing to the privatization of former welfare housing, as discussed in chapters 2 and 4, and the rapid growth of the real estate market, about 70 percent of urban households owned their homes by the early 2000s.⁴⁸ Although land belongs to the state, by law, homeowners have land-use rights for up to seventy years, and demolition and relocation has to be implemented through due process and with reasonable compensation. Local governments see tremendous financial interests in redeveloping built-up areas and transforming them into luxury housing compounds, shopping malls, and commercial high-rises. There have been numerous property disputes, with homeowners contesting the legal grounds for demolition or the amount of financial compensation offered by local governments, which were accused of organizational corruption and profiteering through these land transactions. The 2001 State Council Regulations on Urban Housing Demolition and the 1990 Administrative Litigation Law have been most widely used by aggrieved property owners in their collective lawsuits. Yet their civic activism runs the gamut of petitions, signature campaigns, protests, and sit-in demonstrations. In several high-profile cases, homeowners refused to leave their properties in protests against illegal seizure and inadequate compensation and committed self-immolation and suicide. The Ministry of Construction revealed that conflicts arising from housing demolition resulted in twenty-six deaths and sixteen injuries from January to July 2002 alone.⁴⁹

Perhaps the intensification of property rights struggles by the Chinese middle class is hardly novel or surprising. After all, the bourgeois has been

historically the social class that has most ardently championed universal legal rights in its challenge to domination by the landed aristocracy and the crown. In China, we have witnessed the rise of a hidden alliance or an unorganized convergence of the peasantry, the working class, and the propertied middle class toward the terrain of the law. As victims of state-led "accumulation by dispossession" (dispossessed of their land, employment, and property rights), these social classes demand citizens' legal rights and condemn official corruption as illegal. As I was completing this book, I began fieldwork for a new project on the politics of citizenship and the legal rights revolution in urban and rural China. I was struck by the similarity of the demands for legal rights and justice I found among Beijing homeowners and rustbelt workers. Echoing the logic and feelings of rustbelt workers, and mixing moral and legal reasoning, one property owner whose family home was demolished to make way for the 2008 Olympics related his outrage against the district government officials in Beijing.

Developers, demolition bureau officials, public security, ambulance, police cars, and many demolition workers all surrounded my house. I wrote on the walls of my house in big characters, "The Communist Party and the Eighth Route Army didn't take away a single pin or a penny from ordinary people," "Equality to all before the law," "Ordinary people's homes cannot be violated." . . . In the end, everything was torn down and removed, and they even wanted me to sign a confession letter, forcing me to admit that I obstructed the execution of official duty. My twelve-year-old son and I refused to sign, and they detained us for ten days. . . . I am a Chinese citizen (*gongmin*), I responded to Chairman Mao's call to construct the Third Front to move to Qinghai, and stayed there for twenty-four years. My two brothers are soldiers serving the Party and protecting our country. Ironically, I cannot even protect our own family home. We are so oppressed. I thought, is this country ruled by the communists? How come the government has become like the nationalists? Are these leaders communist or nationalists?⁵⁰

As in the case of labor activism, the centrality of the law and legalism is salient, and is perhaps a unique Chinese way of popular contention, triggered by the regime's decentralized legal authoritarianism. Even without formal or conscious cross-class alliance against the state, the common and ferocious charge of "against the law" is a powerful and haunting chorus to the Chinese regime.

Methodological Appendix: Fieldwork in Two Provinces

I have chosen to study two groups of workers in the two provinces that, in rhetorical terms, represent the death of socialism and the birth of capitalism in China. Liaoning is one of the oldest industrial bases in China, with the largest contingent of unemployed workers and retirees in any single province. Guangdong, in contrast, is a booming export powerhouse and the most popular destination for migrant workers. One-third of the country's one hundred million floating population work in Guangdong. Data in this study have come mainly from in-depth interviews with worker representatives and participants in protests, strikes, petitions, and lawsuits. In a few occasions in Liaoning, I was able to observe protests and road blockages on the streets. In Shenzhen, Guangdong, interviews were supplemented by ethnographic observation as access to the Labor Bureau offices, court hearings, labor dispute arbitrations, and mediation between workers and management is more open. This difference in fieldwork access reflects a more open and transparent regulatory regime in the south than in the northeast.

This study evolved quite inadvertently from fieldwork conducted in Guangdong for another project. In 1995, I began a study of the transformation of the labor regime, gender, and class relations in Chinese state industries, after having completed a book on similar issues in the private and foreign-invested sector. That year, 1995, was when the Labor Law was put into effect, implying a fundamental revamping of the socialist employment system and ushering in the labor contract as the legal basis of labor relations for all workers. Over the next couple of years, as I visited factories and conducted interviews with workers, union officials, and managers, it became clear that labor relations within state-owned enterprises were rapidly deteriorating. Very soon, unemployment figures soared to historic heights, leaping from seven million in 1993 to more than twenty million in 1999, with

another estimated thirty million "excess workers" who are effectively but not officially unemployed. More alarming to me was the rising number of labor protests in the northeastern and interior provinces, where state factories collapsed in large numbers. It was also around that time, in 1997, that my *guanxi* (social connections) for conducting fieldwork in Guangdong proved increasingly difficult. No matter how hard I tried, I could not get a job in any state factory. And with the help of a friend who was a Liaoning native and who had fed me many stories of worker protests in his home town, Tieling, I shifted my focus from the politics of production to the politics of protests and I moved my field site from Guangdong to Liaoning.

My Tieling friend, whose identity I cannot disclose, first introduced to me to his family members, neighbors, and friends who were involved in bankruptcy disputes, protests, and petitions. Later on, through his network of former classmates and relatives, and some of my own contacts, I managed to interview retirees and laid-off, unemployed, and on-the-job workers in Shenyang. Through other contacts in Beijing, I was able to get in touch with workers involved in the Liaoyang protests in 2002. Altogether, between 1997 and 2003 I conducted more than one hundred fifty interviews in Liaoning. Most workers gave wrenching accounts of their lives and voiced impassioned accusations of mismanagement by enterprise cadres, peppered with nostalgic evocations of their Maoist past. I was intrigued by their historical experience then and now, and by how articulate these workers were in expressing themselves. Finally, beginning in 2002, thanks to a local journalist who had reported extensively on labor issues in Shenzhen, I was able to obtain access to aggrieved migrant workers in Guangdong through his daily work as a reporter. I decided to return to Guangdong, and set out to collect data on migrant workers' strikes, protests, and communities, with the explicit purpose of making a comparison with the situation in the Liaoning. On many occasions, I visited factories and workers' dormitories with my journalist friend and I was introduced as his assistant. Later, my friend quit his job and committed himself full-time to running an independent research and labor advocacy organization, funded by various international foundations and nongovernmental organizations. When workers came to report and seek advice on disputes and lawsuits, I was able to interview and sometimes get involved in and observed the development of these incidents.

The political sensitivity of labor issues has noticeably increased as this research developed, reflecting the intensity of labor challenges staged by workers and the threat perceived by the state. In the northeast, I encountered heightened resistance first from management and local labor bureaus to my request for research interviews. Then toward the latter half of my

fieldwork, even workers became understandably reluctant, sometimes also a bit anxious, about being asked to talk with an outsider about their protests and petitions. Each time, it took the reassurance of a mutual acquaintance to break the ice; once the momentum of the conversation was created, they were extraordinarily articulate and honest about their emotions and actions, largely because they felt very righteous in asserting their demands. Many broke down in tears in the course of our conversations, while others could barely contain their indignation and anger. A few were upset by the interviews, which compelled them to mull over strongly suppressed emotions, suffering, and feelings of injustice. The sense of being victimized by injustice was widely shared in the local communities, and workers' desire to have their case heard was very palpable. A few explicitly expressed the hope that the government would listen to academics' opinions and would start doing something for ordinary people.

To avoid official attention to a politically sensitive topic, and to protect my informants, I was not affiliated with any academic institution, nor did I find my subjects through any official or bureaucratic channels. But even as an unaffiliated lone researcher, I could not totally escape the tentacles of what is still basically a police state. One morning in March 2002 in Liaoyang, as I was sitting inside a cab parked in a small alley, waiting to see if workers would come out in protest against the arrest of the four worker representatives leading the spate of citywide protests the week before, six plainclothes police descended and surrounded the cab. They immediately separated me from the cab driver, and we were taken back to the Public Security Bureau for interrogation. It was my first encounter with the police state, and I must admit that I found it a wrenching and fearful experience. They were polite in asking me questions about my identity, my job, my contact, and the reason for my being there. I told them I was a labor researcher and wanted to understand the situation in Liaoyang. After an hour or so of interrogation, they made me sign a "confession" stating all the basic facts about myself, especially the fact that I have been in touch with a Hong Kong-based human rights organization and its officer and have obtained from him the telephone numbers of the worker representatives involved in the protests. In the process of interrogation, it was clear to me that they already knew about the involvement of specific dissident organizations. But I kept asking myself: Did I compromise my informants by providing the police with evidence that they were in alliance with "outside enemies"? Was it ever used as evidence in court?

I do not think anyone can ever answer these questions. All I know is that I have tried my best to protect the identities of all my informants. When the

society in which sociologists work does not guarantee freedom of speech and where the state is not constrained by due process of law, who and what procedure can guarantee protection of the human subjects or, for that matter, the researcher herself? The choice is stark but simple: either we remain committed to the scholarly project and try the best we can to overcome political and practical hurdles, or we give up on the possibility of research altogether. My personal choice is self-evident and seems to me unequivocal. The high-handed crackdown by the regime in Liaoyang forced me to wait for a more opportune time to continue my research. One and a half years after the leaders of the Liaoyang protests were sentenced and jailed, my informants were still under police surveillance and my subterranean interviews with them had to be arranged with extreme caution.

What a different world in the southern city of Shenzhen! Labor issues there have become an everyday problem, with workers petitioning routinely in front of the city government or filing lawsuits. Thanks to the high mobility and the rural origin of the workforce, these actions are usually brief episodes without lateral organization or overseas dissident connections. In response, the authorities are less repressive and less concerned about citywide uprisings than those in Liaoyang are.

Notes

CHAPTER 1

1. Interview in Liaoyang, August 5, 2003.
2. Fieldwork in Liaoyang, March 25, 2002. This open letter was dated March 5, 2002, and undersigned by "Bankrupt and Unemployed Workers of Liaoyang Ferro-Alloy Factory."
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5. Li Qiang, *A Comparative Study of Unemployment and Layoffs* (Beijing: Tsinghua University Press, 2001), p. 3 [in Chinese]; Tang Jun, "Joining WTO and Employment Policies and Strategies," in *WTO: Labor Rights and Protection*, ed. China College of Labor Movement, Institute of Labor Relations (Bei-

jing: Worker's Publishing House,)), pp. 181–99 [in Chinese]. Dorothy Solinger has argued convincingly that there is no way to count accurately and comprehensively the actual number of the “unemployed,” given the elasticity of the definition used by the Chinese government and the complex and layered categorization of unemployed workers. See Dorothy Solinger, “Why We Cannot Count the ‘Unemployed,’” *China Quarterly* 167 (2001): 671–88.

6. A popular estimate is that there would be a 25 percent loss of employment opportunities in the initial three to five years after entry into the WTO. Most job losses would occur in the automobile, chemical, machinery, and telecommunications industries. See, for instance, Mo Rong, “Employment Conditions Are Still Difficult,” and Li Peilin, “Possible Changes in Chinese Society after Joining the WTO,” both in *The Blue Book of Chinese Society*, 2002, ed. Ru Xin, Lu Xueyi, and Li Peilin (Beijing: Social Science Documentation Publishing House, 2002), pp. 165–74, 57–65 [in Chinese].

7. Vivien Pik-Kwan Chan, “Deprived Groups May Be Greatest Threat to Society,” *South China Morning Post*, February 6, 2002.

8. Liaoning Academy of Social Sciences, “A Study on Liaoning's Strategy and Implementation of the Reemployment Project” (manuscript, Liaoning Academy of Social Sciences, December 1999) [in Chinese].

9. See Solinger, “Why We Cannot Count the ‘Unemployed.’”

10. By 1996, the failure to shift from military to civilian production led to a loss of 2.4 billion yuan, and 50 percent of military enterprises were unable to pay wages to their workers. See Wang Ao, *Strategic Transfer of Labor in Liaoning's Development Process*, special consultation report (Shenyang: Liaoning Academy of Social Sciences, 2000) [in Chinese].

11. Liaoning Urban Employment Research Team, “Conditions and Strategies of Liaoning's Urban Population and Employment,” *Management World* 5 (1998): 69–76 [in Chinese].

12. Research Department, All China Federation of Trade Unions, *Chinese Trade Union Statistics Yearbook, 2001* (Beijing: China Statistics Press, 2002) [in Chinese].

13. State Letters and Visits Bureau, *People's Letters and Visits (Remin Xinfang)* 7 (2001): 13–16 [in Chinese]. This is the official journal of the State Letters and Visits Bureau.

14. Liaoning Province Politics and Law Committee, “The Prevention and Management of Mass Incidents amidst Reform of State-Owned Enterprises,” in *A Collection of Essays on Maintaining Social Stability*, ed. Central Committee Politics and Law Committee Research Department (Beijing: Legal Press, 2001), pp. 109–19 [in Chinese].

15. *Ibid.*, p. 121.

16. *Ibid.*, p. 130.

17. Research Department of All-China Federation of Trade Unions, *China Trade Unions Statistics Yearbook, 2001* (Beijing: China Statistics Press, 2002), p. 67.

18. John Giles, Albert Park, and Cai Fang, “How Has Economic Restructur-

ing Affected China's Urban Workers?" *China Quarterly* 185 (March 2006): 61–95. In postcommunist Russia as well as some Eastern European countries, wage nonpayment has reached epidemic proportions and is a major cause of labor protests. See Debra Javeline, *Protest and the Politics of Blame: The Russian Response to Unpaid Wages* (Ann Arbor: University of Michigan Press, 2003); Padma Desai and Todd Idson, *Work without Wages: Russia's Nonpayment Crisis* (Cambridge, Mass.: MIT Press, 2000); and Simon Clarke, "Trade Unions and the Non-payment of Wages in Russia," *International Journal of Manpower* 19, nos. 1–2 (1998): 68–83. The Chinese situation may be less serious in terms of sectors and proportion of workers affected, but given the context of heightened wealth inequality and the lack of democratic processes, the Chinese nonpayment crisis could have more significant political effects. Interestingly, Chinese economists have witnessed the emergence of a "nonpayment economy" in China. "Commercial buyers make purchases, and then refuse to pay. Borrowers take out loans, and then default. Banks accept deposits, and then squander them in ill-advised lending. In each case the victim is left without recourse. . . . What results is neither utter lawlessness nor an absence of growth. Instead, there exists a subtle pattern of unclear rules, low levels of trust, and frequent efforts to skirt the boundaries of legal strictures" (Edward Steinfeld, "Chinese Enterprise Development and the Challenge of Global Integration," in *East Asian Networked Production*, ed. Shahid Yusuf [New York: World Bank, forthcoming]).

19. Mark Frazier, "China's Pension Reform and Its Discontents," *China Journal* 51 (2004): 97–114.

20. Yang Yiyong and Xin Xiaobai, "A Report on Layoffs and Reemployment," in *Analysis and Forecast of the Social Situation in China, 1999*, ed. Ru Xin et al. (Beijing: Social Sciences Academic Press, 1999), pp. 248–49 [in Chinese].

21. Zheng Chenggong, *Evolution and Assessment of China's Social Security System* (Beijing: Renmin University Press, 2002), p. 96 [in Chinese].

22. Interview in Shenyang, July 4, 2003.

23. This jingle appeared on a banner in a protest by five hundred retired workers at Anshan's Third Metallurgical Construction Company on April 16, 1998. *Financial Times*, Asia Intelligence Wire, May 1, 1998.

24. On Liaoyang, see Agence France-Presse photo accompanying article by Jasper Becker, "Workers in a State of Disunion," *South China Morning Post*, March 23, 2002. For a vivid report on a protest in Harbin, Heilongjiang, see Jasper Becker, "The Dark Side of the Dream," *South China Morning Post*, October 12, 1997.

25. Interview in Shenyang, December 25, 2002.

26. Interview in Shenyang, July 4, 2003.

27. *Ibid.*

28. *Ibid.*

29. Interview in Shenyang, December 24, 2002.

30. See Elisabeth Rosenthal, "Workers' Plight Brings New Militancy in China," *New York Times*, March 10, 2003.

31. Zheng, *Evolution and Assessment of China's Social Security System*, p. 96.
32. Interview in Shenyang, December 26, 2003.
33. Ibid.
34. State Letters and Visits Bureau, *People's Letters and Visits* 1 (2001): 20–22 [in Chinese].
35. For Changchun, see www.epochtimes.com/gb/2/11/5/n242299.htm; for Daqing, see www.china-labour.org.hk/iso/article.adp?article_id=4364; for Liaoyang, see www.china-labour.org.hk/iso/article.adp?article_id=3562; and for Tianjin, see www.china-labour.org.hk/iso/article.adp?article_id=4887.
36. Interview in Shenyang December 25, 2003.
37. Interview in Shenyang, July 6, 2003.
38. Interview in Shenyang, July 4, 2003.
39. Solinger offers a detailed and illuminating discussion of the Chinese terminology of unemployment in "Why We Cannot Count the 'Unemployed.'"
 40. Eva Hung and Stephen Chiu, "The Lost Generation: Life Course Dynamics and *Xiangang* in China," *Modern China* 29, no. 2 (2003): 204–36.
 41. Interview in Shenyang, January 7, 2000. For similar comments by Guangzhou state workers, see Ching Kwan Lee, "The Labor Politics of Market Socialism," *Modern China* 24, no. 1 (1998): 3–33; and Hung and Chiu, "Lost Generation."
 42. Interview in Tieling, January 7, 2000.
 43. Interview in Tieling, January 31, 2002.
 44. Interview in Tieling, May 1999.
 45. A copy of the petition letter obtained from a worker representative in June 1999.
 46. Interview in Tieling, May 1999.
 47. Ibid.
 48. Interviews in Tieling, July 5, 1999, and January 31, 2002.
 49. This strategy of factory occupation is quite widespread. See Feng Chen, "Industrial Restructuring and Workers' Resistance in China," *Modern China* 29, no. 2 (2003): 237–62.
 50. Interview in Tieling, June 30, 1999.
 51. Ibid. Contrary to what the worker said, the single-time payment was not an official policy in 1999. If anything, it was explicitly denounced in the official media.
 52. James Kynge, "Riots in Chinese Mining Town," *Financial Times*, April 3, 2000.
 53. Foreign Broadcast Information Service, CHI-97-198, July 17, 1997.
 54. See, for instance, Craig Smith, "Blasts Kill 18 in Textile City South of Beijing," *New York Times*, March 17, 2001; Elizabeth Rosenthal, "Factory Closings in China Arouse Workers' Fury," *New York Times*, August 31, 2000; and "Factory Managers Killed in Pay Rows," *South China Morning Post*, February 25, 2002.
 55. Interviews with worker representatives of the Liaoyang protests were

clandestine, because the interviewees reported police surveillance of their daily activities. In referencing these interviews, I have changed the dates and locations of the interviews and have avoided specific references to workers' personal characteristics. A detailed account of the Liaoyang incident can be found in "The Liaoyang Protest Movement of 2002–3, and the Arrest, Trial, and Sentencing of the 'Liaoyang Two,'" *China Labor Bulletin*, Hong Kong (July 2003).

56. Group interview with five workers in Liaoyang, August 5, 2003.

57. "Angry Workers Besiege City Hall," *South China Morning Post*, May 17, 2000; "PRC Police, Steel Workers Clash over Unpaid Wages," Foreign Broadcast Information Service, CHI-2000-0516. Also, An Open Letter to Provincial Governor Bo Xilai, March 5, 2002.

58. Group interview with five workers in Liaoyang, August 5, 2003.

59. In a letter to the Liaoyang People's Government dated June 25, 2002, signed by more than one hundred Liaotie workers, workers explained in detail the reasons for their economic demands, including why they did not accept the government's proposal to transfer severance compensation to workers' social security accounts. They wanted both severance pay and social security, and wanted them kept separate.

60. Group interview with five workers in Liaoyang, August 5, 2003.

61. Ibid.

62. Ibid.

63. John Pomfret, "With Carrots and Sticks, China Quiets Protestors," *Washington Post*, March 22, 2002.

64. Personal communication from Philip P. Pan, a *Washington Post* reporter.

65. Group interview with five workers in Liaoyang, August 5, 2003.

66. Ibid.

67. Ibid.

68. Ibid.

69. Philip P. Pan offers a nuanced and moving investigative report on the fate of the worker leaders in "Three Chinese Workers: Jail, Betrayal, and Fear," *Washington Post*, December 28, 2002. See also Philip P. Pan, "China Tries Labor Leaders amid Protest," *Washington Post*, January 16, 2003.

70. Erik Eckholm, "Two Promoters of Worker Protests in China Get Prison Sentences," *New York Times*, May 10, 2003.

71. *Party Discipline Monthly* (*Dang Feng Yue Bao*) 5 (2003): 18–22 [in Chinese].

72. In Yao's defense statement, his lawyer denied charges that Yao was a member of the China Democracy Party (CDP) and stated that when Yao went to CDP meetings, he opposed its platform of overthrowing the Communist Party's one-party regime. Defense statement prepared by Mo Shaoping, Beijing, June 21, 2003.

73. Personal communication from Li Erjin, who studied a military enterprise in Shenyang where high officials explicitly mentioned this new policy prompted by unrest in Liaoyang and other places in Liaoning. See Li Erjin, "The Making

of the Xiangang Worker List" (M.Phil. thesis, Department of Sociology, Tsinghua University, Beijing, 2003) [in Chinese].

74. Jiang Xueqin, "Fighting to Organize," *Far Eastern Economic Review* 164, no. 35 (September 6, 2001): 72–75; Matthew Forney and Neil Gough, "Working Man Blues," *Time Asia*, April 1, 2002; Stephen Philion, "The Discourse of Workers' Democracy in China as a Terrain of Ideological Struggle" (Ph.D. diss., Department of Sociology, University of Hawaii, 2004).

75. See also Yongshun Cai, "The Resistance of Chinese Laid-Off Workers in the Reform Period," *China Quarterly* 170 (2002): 327–44.

76. Philip P. Pan, "China's Seething Workers: Oil Industry Layoffs Spark Widespread Demonstrations," *Washington Post*, April 24, 2002.

77. The Beijing leadership has been so alert to the rise of social violence perpetrated by workers and peasants that a high-level interdepartmental steering group was said to have been set up in 2003 by the Hu-Wen leadership to handle quasi-terrorist social violence such as poisoning, assassination, bombing, hijacking, and arson. Willy Wo-Lap Lam, "Beijing Faces Winter of Discontent" (CNN, September 30, 2003, posted online at www.cnn.com/2003/WORLD/asi-apcf/east/09/29/willy.column/index.html).

78. Derek Sayer, *Capitalism and Modernity* (London: Routledge, 1991), p. 2.

79. Rogers Brubaker and Frederick Cooper, "Beyond 'Identity,'" *Theory and Society* 29, no. 1 (2000): 17.

80. Interview in Tieling, June 1999, textile mill.

81. Group interview with five workers in Liaoyang, August 5, 2003.

82. Elizabeth J. Perry, *Challenging the Mandate of Heaven: Social Protest and State Power in China* (Armonk, N.Y.: M. E. Sharpe, 2002), p. xxiv.

83. A letter addressed "To the Comrades of the Central Disciplinary Committee," dated June 15, 2002, and signed by "All Former Liaotie Workers."

84. Interview in Shenyang, June 1999.

85. State Letters and Visits Bureau, *People's Letters and Visits* 9 (2001): 42–44; James R. Townsend, *Political Participation in Communist China* (Berkeley and Los Angeles: University of California Press, 1967), p. 177.

86. Interview in Tieling, January 31, 2002.

87. Chen, "Industrial Restructuring and Workers' Resistance in China"; Elizabeth J. Perry, "Crime, Corruption, and Contention," in *The Paradox of China's Post-Mao Reform*, ed. Merle Goldman and Roderick MacFarquhar (Cambridge, Mass.: Harvard University Press, 1999), pp. 308–32; Hurst and O'Brien, "China's Contentious Pensioners."

88. Göran Therborn, *The Ideology of Power and the Power of Ideology* (London: Verso, 1980).

CHAPTER 4

1. Raymond Williams, *Marxism and Literature* (Oxford: Oxford University Press, 1977), p. 132.

2. David Harvey, *Spaces of Hope* (Berkeley and Los Angeles: University of California Press, 2000).
3. Deborah S. Davis, "From Welfare Benefits to Capitalized Asset: The Re-commodification of Residential Space in Urban China," in *Housing and Social Change: East-West Perspectives*, ed. Ray Forrest and James Lee (New York: Routledge, 2003), pp. 183–96.
4. Wang Feng, "Housing Improvement and Distribution in Urban China: Initial Evidence from China's 2000 Census," *China Review* 3, no. 2 (2003): 121–43.
5. Sian Victoria Liu, "Social Positions: Neighborhood Transitions after *Danwei*," in *Working in China: Ethnographies of Labor and Workplace Transformation*, ed. Ching Kwan Lee (London: Routledge, 2006), pp. 38–55.
6. Davis, "From Welfare Benefits to Capitalized Asset."
7. Yaping Wang and Alan Murie, "The Process of Commercialisation of Urban Housing in China," *Urban Studies* 33, no. 6 (1996): 971–89.
8. Interview in Shenyang, August 15, 1999.
9. Interview in Shenyang, July 4, 2003.
10. Interview in Shenyang, July 6, 2003.
11. Interview in Shenyang, July 5, 2003.
12. Martin King Whyte, "Postscript: Filial Support and Family Change," in *China's Revolutions and Intergenerational Relations*, ed. Martin King Whyte (Ann Arbor: University of Michigan Press, 2003), pp. 303–11.
13. Interview in Liaoning, August 5, 2003.
14. John Giles, Albert Park, and Cai Fang, "How Has Economic Restructuring Affected China's Urban Workers?" *China Quarterly* 185 (March 2006): 61–95.
15. Interview in Shenyang, August 15, 1999.
16. Yongshun Cai, "Civil Resistance and Rule of Law in China: The Case of Homeowners' Rights Defense," in *Grassroots Political Reform in Contemporary China*, ed. Merle Goldman and Elizabeth J. Perry (Cambridge, Mass.: Harvard University Press, forthcoming).
17. Steven Harrell remarks that the Chinese socialist revolution has transformed the meaning of work. Only wage jobs in state units were considered real work, or *gongzuo*. Reform has upset the boundary between paid and unpaid work, work inside and outside the home, and so on. He maintains that in the reform era, there is more disagreement on what constitutes real work. See Steven Harrell, "The Changing Meanings of Work in China," in *Re-drawing Boundaries: Work, Households, and Gender in China*, ed. Barbara Entwisle and Gail E. Henderson (Berkeley and Los Angeles: University of California Press, 2000), pp. 67–76.
18. Giles, Park, and Cai, "How Has Economic Restructuring Affected China's Urban Workers?"
19. Labor Science Institute, Ministry of Labor and Social Security, *The Blue Book of Chinese Employment, 2002* (Beijing: China Labor and Social Security Press, 2003), p. 147 [in Chinese].
20. *Ibid.*, p. 153.
21. Interview in Shenyang, July 6, 2003.

22. Interview in Shenyang, March 31, 2002.
23. Interview in Shenyang, January 6, 2000.
24. The demographer Wang Feng has found that 34.2 percent of male urban retirees and more than 20 percent of female urban retirees were working in the mid-1990s in Baoding, a city in Hubei province. He argued that these rates were typical of other Chinese cities in the 1990s. Wang Feng, "Privilege or Punishment? Retirement and Reemployment among the Chinese Urban Elderly," in *China's Revolutions and Intergenerational Relations*, ed. Martin King Whyte (Ann Arbor: University of Michigan Press, 2003), pp. 61–84.
25. Interview in Shenyang, July 4, 2003.
26. Interview in Shenyang, July 4, 2003.
27. Interview in Tieling, July 8, 1999.
28. Interview in Shenyang, July 5, 2003.
29. See chapter 2 for details.
30. *China Labor* 8 (2002): 9.
31. Giles, Park, and Cai, "How Has Economic Restructuring Affected China's Urban Workers?"
32. Tang, "Selections from Report on Poverty and Anti-poverty in Urban China," p. 28.
33. Interview in Shenyang, May 20, 1999.
34. Azizur Rahman Khan and Carl Riskin, *Inequality and Poverty in China in the Age of Globalization* (Oxford: Oxford University Press, 2001).
35. Jeff Goodwin, James M. Jasper, and Francesca Polletta, "Why Emotions Matter," in *Passionate Politics: Emotions and Social Movements*, ed. Jeff Goodwin, James M. Jasper, and Francesca Polletta (Chicago: University of Chicago Press, 1992), pp. 1–24.
36. Interview in Shenyang, January 7, 2000.
37. Interview in Tieling, July 7, 1999.
38. Interview in Shenyang, May 18, 1999.
39. Interview in Shenyang, May 20, 1999.
40. Interview in Tieling, February 2, 2002.
41. Interview in Shenyang, May 18, 1999.
42. Interview in Shenyang, January 6, 2000.
43. Interview in Shenyang, January 7, 2000, with a forty-nine-year-old woman textile-mill worker.
44. Interview in Shenyang, January 7, 2000, with a forty-eight-year-old woman textile-mill worker.
45. Interview in Shenyang, January 7, 2000, with a forty-five-year-old woman textile-mill worker.
46. Interview in Shenyang, July 4, 2003.
47. Interview in Shenyang, January 8, 2000.
48. Interview in Shenyang, July 5, 2003.
49. Interview in Tieling, February 1, 2002.
50. Interview with Liaoyang protest participants, August 5, 2003.
51. Interview in Shenyang, July 6, 2003.

52. Interview in Shenyang, May 18, 1999.
53. Ching Kwan Lee, "The 'Revenge of History': Collective Memories and Labor Protests in Northeastern China," *Ethnography* 1, no. 2 (2000): 217–37.
54. This ambivalence is found not just among workers, but also among villagers, women, and ethnic minorities. See Ching Kwan Lee and Guobin Yang, eds., *Re-envisioning the Chinese Revolution: The Politics and Poetics of Collective Memories in Contemporary China* (Washington, D.C.: Woodrow Wilson Center Press and Stanford University Press, 2007).
55. Marc Blecher, "Hegemony and Workers' Politics in China," *China Quarterly* 170 (2002): 283–303.
56. William Hurst and Kevin J. O'Brien, "China's Contentious Pensioners," *China Quarterly* 170 (2002): 345–60.

CHAPTER 5

1. Fieldwork in Shenzhen, May 7, 2002, and interview on May 10, 2002.
2. Fieldwork in Shenzhen, May 7, 2002.
3. Interviews in Shenzhen, March 23 and May 29, 2002.
4. Katherine Verdery, "A Transition from Socialism to Feudalism? Thoughts on the Postsocialist State," in *What Was Socialism, and What Comes Next?* (Princeton, N.J.: Princeton University Press, 1996), p. 221.
5. William P. Alford, "A Second Great Wall? China's Post-Cultural Revolution Project of Legal Construction," *Cultural Dynamics* 11, no. 2 (1999): 193–213.
6. Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field," *Hastings Law Journal* 38 (1987): 805–53.
7. What counts as "radical" in the Chinese context may look tame to an outside observer or in another sociopolitical system. By *radical*, I do not mean revolution or violence. I adopt workers' local understanding of what constitutes "radical" action, which in China includes public disobedience that disrupts social order, holding rallies and demonstrations without official approval, and forming loose or formal organizations among workers across factories. I thank Al Feuerwerker for insisting that I clarify my usage of the term.
8. Joe Studwell, article in *China Economic Quarterly* 1, no. 1 (2001): 23.
9. Shenzhen Statistics and Information Bureau, *Shenzhen Statistical Handbook* (Shenzhen: Shenzhen Statistics and Information Bureau, 2001), p. 76 [in Chinese]. In 2000, 37 percent of all industrial migrant labor in China worked in Guangdong. See Public Safety Administration Bureau, ed., *A Compilation of National Temporary Population Statistical Data*. (Beijing: Masses Publishing House, 2000), p. 2 [in Chinese].
10. Institute of Contemporary Observation, "Legal Protection and Assistance Network for Labor in Guangdong: A Research Report" (manuscript, Institute of Contemporary Observation, January 2002), p. 2 [in Chinese].
11. Ching Kwan Lee, *Gender and the South China Miracle: Two Worlds of Factory Women* (Berkeley and Los Angeles: University of California Press, 1998).

12. For a critique of my book and my response regarding issues of class, gender, and worker rebellion, see the symposium in *Journal of Labor Studies* 27, no. 2 (2002).
13. Clara Li, "Abuse of Workers Revealed," *South China Morning Post*, January 17, 2002.
14. *Southern Metropolitan News*, April 7, 2002, p. 3 [in Chinese]; *South China Morning Post*, April 8, 2002, p. 7. For a similar incident, see *Shenzhen Legal Daily*, December 2, 2001, p. 1 [in Chinese]. For a summary report on several cases of deaths in Shenzhen caused by overwork, see *China Youth Daily*, October 22, 2001. Also see Philip P. Pan, "Worked Till They Drop: Few Protections for China's New Laborers," *Washington Post*, May 13, 2002; and *Guangzhou Daily*, June 13, 2001 [in Chinese], on a female worker's miscarriage after months of overtime work.
15. Shenzhen City Labor Bureau, *Constructing Harmonious Labor Relations* (Beijing: China Labor and Social Security Publishing House, 2000), p. 169 [in Chinese].
16. Shenzhen City Labor Bureau, *Establishing Marketized Employment Institutions* (Beijing: China Labor and Social Security Publishing House, 2000) [in Chinese].
17. *Shenzhen Legal Daily*, December 18, 2000, cited in Liu Kaiming, *Migrant Labor in South China* (Beijing: Xinhua Publishing House, 2003), p. 210 [in Chinese].
18. Shenzhen City Labor Bureau, *Shenzhen Labor Statistics Yearbook, 1998–1999* (Beijing: China Labor and Social Security Publishing House, 2000), p. 103 [in Chinese]; Shenzhen City Labor Bureau, *Shenzhen Labor Statistics Yearbook, 2000–2001* (Beijing: China Labor and Social Security Publishing House, 2002), pp. 109, 115 [in Chinese].
19. Clara Li, "Shenzhen Gets a Bad Name with Workers It Does Not Want," *South China Morning Post*, January 15, 2002.
20. *Shenzhen Special Zone Daily*, May 1, 2002 [in Chinese].
21. Shenzhen Labor Relations Department, Shenzhen City Labor Bureau, "A Survey Report on Shenzhen Labor Dispute Arbitration Handling," in *A Collection of Shenzhen Labor Studies Scientific Papers, 1997–1998*, vol. 1, ed. Shenzhen City Labor Bureau and Shenzhen Labor Studies Association (Beijing: China Labor and Social Security Publishing House, 1999), pp. 259–65 [in Chinese].
22. Philip P. Pan, "Getting Paid in China: Matter of Life and Death," *Washington Post*, February 13, 2003.
23. Dai Jianzhong and Zhu Min, "A Survey Report on Labor Relations in Private Enterprises and Women Workers' Problems" (manuscript, Beijing Academy of Social Science, 1999) [in Chinese].
24. Fieldwork in Shenzhen, May 9, 2002.
25. Interview in Shenzhen, May 12, 2002.
26. Chen He, "Boss Forces Workers to Kneel," *Entrepreneurs* 1 (1997): 9–10 [in Chinese].

27. Che Xiaowei and Wang Pan, "Eighty Women Workers Were Strip Searched," *China Employment* 9 (2002): 35–36 [in Chinese].
28. *Southern Metropolitan News*, August 3, 2001 [in Chinese]. Posted online at <http://news.sina.com.cn/c/2001-08-03/319656.html>.
29. Tan Yibo, "Shenzhen Electronics Factory Illegally Detains Workers: One Death, Six Injured," *China Labor Daily*, June 20, 1998, p. 2 [in Chinese].
30. Reuters, June 28, 2002.
31. *Guangzhou Youth Daily*, February 3, 1999, reports that in 1997, there were more than 10,800 cases of workplace injuries in two industrial districts alone in Shenzhen.
32. "More Than One Hundred Cases of Industrial Injuries to Be Tried," *Southern Weekend*, November 26, 1999, p. 1 [in Chinese].
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34. Joseph Khan, "Workplace Deaths Rise in China Despite New Safety Legislation," *New York Times*, October 24, 2003.
35. Interview in Shenzhen, September 17, 1999.
36. Interview in Shenzhen, March 2001.
37. Interview in Shenzhen, March 2001.
38. Interview in Shenzhen, April 13, 2002.
39. Anita Chan, *China's Workers under Assault* (Armonk, N.Y.: E. M. Sharpe, 2001), pp. 14–15.
40. Interview in Shenzhen, April 16, 2002.
41. Interview in Shajing, April 7, 2002.
42. Interview in Shenzhen, April 16, 2002.
43. Interview in Longgang, Shenzhen, March 2001.
44. Interview in Shenzhen, May 2, 2002.
45. Shi Meixia, "Causes and Policies Regarding Spontaneous Incidents in Labor Relations," in *Report of Chinese Labor Science Studies, 1997–1999*, ed. Labor Science Institute, Labor and Social Security Bureau (Beijing: China Labor and Social Security Publishing House, 2000), pp. 166–216.
46. Interview in Shenzhen, May 17, 2002.
47. Interview in Shenzhen, March 23, 2002.
48. Stanley Lubman, *Bird in a Cage: Legal Reform in China* (Stanford, Calif.: Stanford University Press, 1999).
49. For a discussion of the basic procedures of labor dispute resolution, see Virginia E. Ho, *Labor Dispute Resolution in China: Implications for Labor Rights and Legal Reform*, China Research Monograph 59 (Berkeley: University of California, Berkeley, Institute of East Asian Studies, 2003).
50. As of 2000, enterprise mediation committees handled less than 25 percent of the total number of reported disputes handled by arbitration committees.

See *ibid.*, p. 60. The general absence of these two grassroots-level units in non-state workplaces means that migrant workers in Shenzhen approach the Labor Bureau directly. The two clerks at the arbitration application department mediated 465 cases in 1999 alone. See Shenzhen City Labor Bureau, *Constructing Harmonious Labor Relations*, p. 175.

51. Interview in Shenzhen, May 10, 2002.

52. I ran into this mass petition on May 9, 2002, and conducted the interview with this worker representative on May 10, 2002.

53. Research Department, All China Federation of Trade Unions, *Chinese Trade Union Statistics Yearbook, 1998* (Beijing: China Statistics Press, 1999), table 2–36 [in Chinese].

54. Interview in Shenzhen, May 12, 2002.

55. Interview in Nanshan district, Shenzhen, April 22, 2002.

56. Interview with five worker representatives, Nanshan district, Shenzhen, March 23, 2002.

57. Observation of the negotiation on May 1, 2002, Shenzhen.

58. Ho, *Labor Dispute Resolution in China*, pp. 69–70.

59. Interviews in Shenzhen, April 12 and May 15, 2002.

60. Interviews in Shenzhen, May 10 and 17, 2002.

61. Shenzhen City Labor Bureau, *Constructing Harmonious Labor Relations*, chap. 5.

62. Interview in Shenzhen, April 22, 2002.

63. In Baoan district, where there is a migrant labor population of about 2.5 million, the legal aid center was first established in 1997, giving advice and legal representation to several hundred migrant workers. For instance, in 2000, 266 migrant workers received assistance, out of a total of 422 clients. In 2001, 156 migrant workers out of a total of 399 clients received assistance. Many of these involved industrial injury compensation and wages. The local hotline “148” and legal aid reception room received more than two thousand counseling inquiries each of these years. These figures were obtained in an interview with a director of the Baoan Legal Aid Center on March 4, 2002.

64. Cited in Ho, *Labor Dispute Resolution in China*, p. 169.

65. Shenzhen seemed to differ from the national pattern: it was reported that less than 10 percent of arbitrated cases reached the court of first instance in Shenzhen. *Ibid.*, p. 79.

66. Interview in Shenzhen, March 23, 2002.

67. Interview in Shenzhen, May 12, 2002.

68. During the National People's Congress in 2002, local-level court officials in Guangdong complained about a lack of financial and professional support. In the city of Gaozhou in Guangdong, for instance, only eight of the ninety-three judges and legal assistants had been trained in legal studies at the university level, “while others are officers transferred from other public bodies or from the military, as the government is downsizing the armed forces,” revealed one official. The Supreme Court president Xiao Yang announced a five-year retraining program and admitted that many judges were unfamiliar

with the concepts of nonprejudicial treatment and transparent legal procedures. Local protectionism was also highlighted as a common problem. See Vivien Pik-Kwan Chan, "Get Qualified or Go, Judges Told," *South China Morning Post*, March 13, 2002.

69. Interview in Shenzhen, December 25, 2000.

70. For a general overview of the legal profession, see William P. Alford, "Tasseled Loafers for Barefoot Lawyers: Transformation and Tension in the World of Chinese Legal Workers," in *China's Legal Reforms*, ed. Stanley Lubman (Oxford: Oxford University Press, 1996), pp. 22–38.

71. Ethan Michelson, "Chinese Lawyers at Work: The Practice of Law as an Obstacle to Justice," in *Working in China: Ethnographies of Labor and Workplace Transformation*, ed. Ching Kwan Lee (London: Routledge, 2006), pp. 169–87.

72. *Shenzhen Legal Daily*, October 25, 2001 [in Chinese]. In Longgang district, for instance, in November and December 2001, the government claimed to have charged twenty unregistered lawyers with practicing illegally. Another twenty-four bogus lawyers were charged in Shenzhen itself during a campaign at the end of 2001. Some of them purportedly worked through labor service stations set up by the local government representative from Hubei and were accused by the Shenzhen government of accepting fees for their supposedly free services and for encouraging workers to stage a sit-in and strike. See *Shenzhen Legal Daily*, December 11, 2001, and January 4, 2002 [in Chinese].

73. Interview in Shenzhen, April 20, 2002.

74. This case was reported in Pan, "Chinese Workers' Rights Stop at Courtroom Door."

75. Interview with three worker representatives in Shenzhen, May 23, 2002.

76. Interview in Shenzhen, May 14, 2003.

77. Chris Smith, "Living at Work: Management Control and the Chinese Dormitory Labor System in China," *Asia Pacific Journal of Management* 20, no. 3 (2002): 333–58.

78. Raymond W. K. Lau, "China: Labor Reform and the Challenge Facing the Working Class," *Capital and Class* 61 (1997): 45–81; Trini Leung, "Labor Fights for Its Rights," *China Perspectives* 19 (1998): 6–21.

79. Li Minqi, "Response to Lau's 'China: Labor Reform and the Challenge Facing the Working Class,'" *Capital and Class* 65 (1998): 22.

80. Ibid.

81. In September 2006, I cohosted a weeklong labor NGO workshop with the sociologist Shen Yuan at Tsinghua University. Fourteen organizations from Guangdong, Sichuan, Shangdong, and Beijing participated. NGO activists estimated that there are about fifty labor NGOs active in China. For a brief discussion of several more established NGOs in the Pearl River Delta, see Ching Kwan Lee, "Is Labor a Political Force in China?" in *Grassroots Political Reform in Contemporary China*, ed. Merle Goldman and Elizabeth J. Perry (Cambridge, Mass.: Harvard University Press, forthcoming).

82. "Reforming Fee Regulation on Migrants," *China Employment* 4 (2002): 4–10 [in Chinese].

83. Erik Eckholm, "Petitioners Urge China to Enforce Legal Rights," *New York Times*, June 2, 2003.

84. Roger V. Gould, *Insurgent Identities: Class, Community, and Protest in Paris from 1848 to the Commune* (Chicago: University of Chicago Press, 1995).

85. Interview in Shenzhen, May 9, 2006.

86. See Lee, *Gender and the South China Miracle*; and Lei Guang, "Guerilla Workfare: Migrant Decorators, State Power, and the Moral Economy of Work in China," in *Working in China: Ethnographies of Labor and Workplace Transformation*, ed. Ching Kwan Lee (New York: Routledge, 2006), pp. 56–76.

87. Interview in Shenzhen, Guangdong, December 25, 2000.

88. Interview in Shenzhen, Guangdong, December 26, 2000.

89. Interview in Shenzhen, May 17, 2002.

90. Interview in Shajin, Shenzhen, March 3, 2002.

91. Li Zhang shows that even migrant garment traders who can compensate for their low social status (arising from their rural *hukou*) by conspicuous consumption are subject to expulsion during unpredictable government campaigns. See Li Zhang, "Urban Experiences and Social Belonging," in *Popular China: Unofficial Culture in a Globalizing Society*, ed. Perry Link, Richard P. Madsen, and Paul G. Pickowicz (Lanham, Md.: Rowman and Littlefield, 2002), pp. 275–99.

92. Interview in Shenzhen, May 9, 2002.

93. Ibid.

94. The first appearance of the term in the *People's Daily* was on January 21, 1995, in an article announcing the need to use a national compensation law to protect the rights of vulnerable groups such as the handicapped, women, and children. Later, around 1999, academics and policy makers concerned with social welfare, charity, and volunteer work gradually expanded the reference of the term to include social groups disadvantaged by the reform process rather than by personal and physical predicaments. Since then, the term tends to include both socially and physically impaired groups, especially unemployed and migrant workers in the cities. Li Erjin, "'Ruoshi Qunti' in the *People's Daily*, 1995–2002" (research note, Department of Sociology, Tsinghua University, Beijing, August 2002) [in Chinese].

95. Thireau and Huan, "The Moral Universe of Aggrieved Chinese Workers."

CHAPTER 6

1. Michael Burawoy, "The Functions and Reproduction of Migrant Labor: Comparative Materials from Southern Africa and the United States," *American Journal of Sociology* 81, no. 5 (1976): 1050–87.

2. Interview in Shenzhen, May 17, 2002.

3. Samuel P. S. Ho and George C. S. Lin, "Emerging Land Markets in Rural and Urban China: Policies and Practices," *China Quarterly* 175 (2003): 681–707. There is ambiguity in the law as to which organization represents farmers' collectives, leading to an increasing volume of land disputes relating to requisition

and land boundary assessment. The term *village collective* can variously mean the administrative village (the former commune), the small group (previously the production team), or the township government. See Peter Ho, "Who Owns China's Land? Policies, Property Rights, and Deliberate Institutional Ambiguity," *China Quarterly* 166 (2001): 394–421; and Yongshun Cai, "Collective Ownership or Cadres' Ownership? The Non-agricultural Use of Farmland in China," *China Quarterly* 175 (2003): 662–80.

4. Ho and Lin, "Emerging Land Markets in Rural and Urban China," p. 689.
n. 20. Two types of adjustments have been reported: big and small. When big adjustments are made, all farmland is taken back and then reallocated so households get different plots of land. With small adjustments, households with added or lost members receive land from or return land to the village.

5. Rachel Murphy, *How Migrant Labor Is Changing Rural China* (Cambridge: Cambridge University Press, 2002), p. 74. (1 mu = 0.1647 acres.)

6. Interview in Shenzhen, May 8, 2003.

7. Interview in Shenzhen, May 20, 2003.

8. Interview in Shenzhen, May 9, 2003.

9. Interview in Shenzhen, May 17, 2003.

10. These figures are reported in Liu Kaiming, "Social Structure of Rights Deprivation: A Report on a Collective Labor Dispute Investigation" (report, Institute of Contemporary Observation, 2004) [in Chinese].

11. Bai Nangsheng and Song Hungyuan, *Return to the Village or Enter the City?* (Beijing: China Finance and Economics Publishing House, 2002), p. 23 [in Chinese].

12. Yang Junxiong, "Peasant Employment Is the Primary Question after Subsistence Is Achieved," in *Hot Topics in Chinese Peasant Studies in 2001*, ed. Xian Zhude (Beijing: China Statistics Press, 2001), p. 29 [in Chinese].

13. Rural Economy Research Center, Ministry of Agriculture, ed., *Chinese Rural Studies Report (2002)* (Beijing: China Finance and Economics Publishing House, 2002), p. 88 [in Chinese].

14. Thomas P. Bernstein and Xiaobo Lü, *Taxation without Representation in Contemporary Rural China* (New York: Cambridge University Press, 2003), pp. 48–49.

15. James Kynge, "Chinese Workers Transform Fortunes of Home Towns," *Financial Times*, November 9, 2003.

16. Bai Nansheng and He Yupeng, "Return to the Village or Going Out?" *Sociological Research (Shehuixu Yanjiu)* 3 (2002): 64–78 [in Chinese].

17. Interview in Renshou County, Sichuan, July 16, 2003.

18. Interview in Renshou County, Sichuan, July 17, 2003.

19. Interview in Shenzhen, May 8, 2003.

20. Interview in Shenzhen, May 16, 2003.

21. Interview in Sichuan, July 23, 2003.

22. Interview in Shenzhen, May 16, 2003.

23. Interview in Shenzhen, May 17, 2003.

24. Interview in Renshou County, Sichuan, July 16, 2003.

25. Murphy, *How Migrant Labor Is Changing Rural China*, chap. 4.
26. Sally Sargeson, "Subduing 'the Rural House-Building Craze': Attitudes towards Housing Construction and Land Use Controls in Four Zhejiang Villages," *China Quarterly* 169 (2002): 945.
27. Interview in Shenzhen, May 6, 2003.
28. Interview in Sichuan, July 17, 2003.
29. Interview in Shenzhen, May 17, 2003.
30. Mark Selden, *The Political Economy of Chinese Development* (Armonk, N.Y.: M. E. Sharpe, 1993).
31. Kate Zhou, *How Farmers Changed China* (Boulder, Colo.: Westview Press, 2000).
32. Myron L. Cohen, "Cultural and Political Inventions in Modern China: The Case of the Chinese 'Peasant,'" *Daedalus* 122, no. 2 (1993): 151–70.
33. Lu Xueyi, "Balancing Rural-Urban Relations for the Sake of Rural Residents," in *Analysis and Forecast on China's Social Development, 2005*, ed. Ru Xin, Lu Xueyi, and Li Peilin (Beijing: Social Sciences Academic Press, 2004), pp. 175–86 [in Chinese].
34. Interview in Renshou, Sichuan, July 18, 2003.
35. Interview in Shenzhen, May 9, 2003.
36. Interview in Shenzhen, May 16, 2003.
37. Interview in Renshou, Sichuan, July 17, 2003.
38. Interview in Renshou, Sichuan, July 16, 2003.
39. Interview in Shenzhen, April 13, 2002.
40. For a detailed account of the Renshou incident, see Bernstein and Lü, *Taxation without Representation in Contemporary Rural China*, pp. 130–37. My brief description of the causes of peasant discontents is based on two interviews with the peasant leader Xiang Wenqing in Sichuan and Shenzhen in July and August 2003. He was released in June 2002, after nine years in prison for his role in the Renshou incident. Some of the details he offered differ from the description in Bernstein and Lü's book.
41. Bernstein and Lü, *Taxation without Representation in Contemporary Rural China*, pp. 199–205.
42. Interview in Renshou, Sichuan, July 18, 2003.
43. Kevin J. O'Brien, "Rightful Resistance," *World Politics* 49, no. 1 (1996): 31–55; Kevin J. O'Brien, "Villagers, Elections, and Citizenship in Contemporary China," *Modern China* 27, no. 4 (2001): 407–35; Kevin J. O'Brien and Lianjiang Li, "The Politics of Lodging Complaints in Rural China," *China Quarterly* 143 (1995): 756–83.
44. Interview in Shenzhen, May 9, 2003.
45. Interview in Shenzhen, May 16, 2003.
46. Interview in Shenzhen, April 13, 2002.
47. Interview in Shenzhen, March 17, 2002.
48. Interview in Shenzhen, April 7, 2002.
49. Interview in Shenzhen, May 20, 2003.
50. Interview in Shenzhen, May 8, 2003.

51. Ibid.
52. Interview in Shenzhen, April 13, 2002.
53. Interview in Shenzhen, April 13, 2002.
54. Interview in Shenzhen, May 9, 2003.
55. The image of the countryside as a wasteland of stagnation is common among migrant workers. See Yan Hairong, "Spectralization of the Rural: Reinterpreting the Labor Mobility of Rural Young Women in Post-Mao China," *American Ethnologist* 30, no. 4 (2003): 1–19.
56. Interview in Shenzhen, May 16, 2003.
57. Interview in Shenzhen, May 15, 2003.
58. Interview in Shenzhen, May 9, 2003.
59. Interview in Shenzhen, April 13, 2002.
60. Interview in Shenzhen, May 16, 2003.
61. Interview in Shenzhen, May 9, 2003.
62. Interviews in Shenzhen, May 8, 2003, and May 21, 2002.
63. Murphy, *How Migrant Labor Is Changing Rural China*, chap. 6.
64. Interview in Shenzhen, May 8, 2003.
65. Bai and He, "Return to the Village or Going Out?" p. 70.
66. Murphy, *How Migrant Labor Is Changing Rural China*, p. 128. Yet she emphasizes the "added moisture" content of these official statistics and the difficulty in obtaining reliable data on businesses whose existence is always ephemeral and in flux.
67. See Gillian Hart, *Disabling Globalization* (Berkeley and Los Angeles: University of California Press, 2002), chap. 6; David Harvey, "Accumulation by Dispossession," in *The New Imperialism* (New York: Oxford University Press, 2005), pp. 127–82; and Massimo De Angelis, "Marx's Theory of Primitive Accumulation: A Suggested Reinterpretation" (manuscript, University of East London, March 1999, posted online at <http://homepages.uel.ac.uk/M.DeAngelis/PRIMACCA.htm>).

CHAPTER 7

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2. Interview in Shenzhen, December 25, 2000.
3. David Bensman and Roberta Lynch, *Rusted Dreams: Hard Times in a Steel Community* (New York: McGraw-Hill, 1987), p. 6.
4. Interview in Tieling, January 31, 2002.
5. Boy Luthje, "Global Production, Industrial Development, and New Labor Regimes in China: The Case of Electronics Contract Manufacturing" (paper presented at the conference "The Labor of Reform: Employment, Workers' Rights, and Labor Law in China," University of Michigan, Ann Arbor, March 21–22, 2003).
6. Ibid.

7. Doug Guthrie, *Dragon in a Three-Piece Suit: The Emergence of Capitalism in China* (Princeton, N.J.: Princeton University Press, 1999).
8. Mary E. Gallagher, "Following in the Steps of Qiu Ju? Law and Morality at the Chinese Workplace" (presentation at Stanford University, February 24, 2005).
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10. Ching Kwan Lee, "From Organized Dependence to Disorganized Despotism: Changing Labor Regimes in Chinese Factories," *China Quarterly* 157 (1999): 44–71.
11. Ching Kwan Lee, "The Labor Politics of Market Socialism: Collective Inaction and Class Experiences among State Workers in Guangzhou," *Modern China* 24, no. 1 (1998): 3–33.
12. Anita Chan has pointed to another source of change: domestic and international pressures on the official unions to adopt a more responsive role toward workers' grievances. I disagree with her assessment about the significance and potential of official unions and share the views of Mary Gallagher. For these different assessments of the official unions, see Anita Chan, "Recent Trends in Chinese Labor Issues: Signs of Change," *China Perspectives* 57 (2005): 23–31; and Mary E. Gallagher, "'Time Is Money, Efficiency Is Life': The Transformation of Labor Relations in China," *Studies in Comparative International Development* 39, no. 2 (2004): 11–44.
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14. Weinbaum, *To Move a Mountain*, p. 133.
15. Dudley, *End of the Line*, p. 137.
16. *Ibid.*, p. 141.
17. *Ibid.*, p. 148.

18. Dudley, *End of the Line*, chap. 4; Pappas, *Magic City*.
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20. Hathaway, *Can Workers Have a Voice?*, p. 149.
21. Weinbaum, *To Move a Mountain*, chap. 5.
22. Hathaway, *Can Workers Have a Voice?*, p. 201.
23. Weinbaum, *To Move a Mountain*, p. 4.
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31. Cowie, *Capital Moves*, p. 154.
32. *Ibid.*, p. 4.
33. Hagen Koo, *Korean Workers: The Culture and Politics of Class Formation* (Ithaca, N.Y.: Cornell University Press), p. 54.
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Text: 10/13 Aldus
Display: Aldus
Compositor: BookMatters, Berkeley
Indexer: Jeanne C. Moody