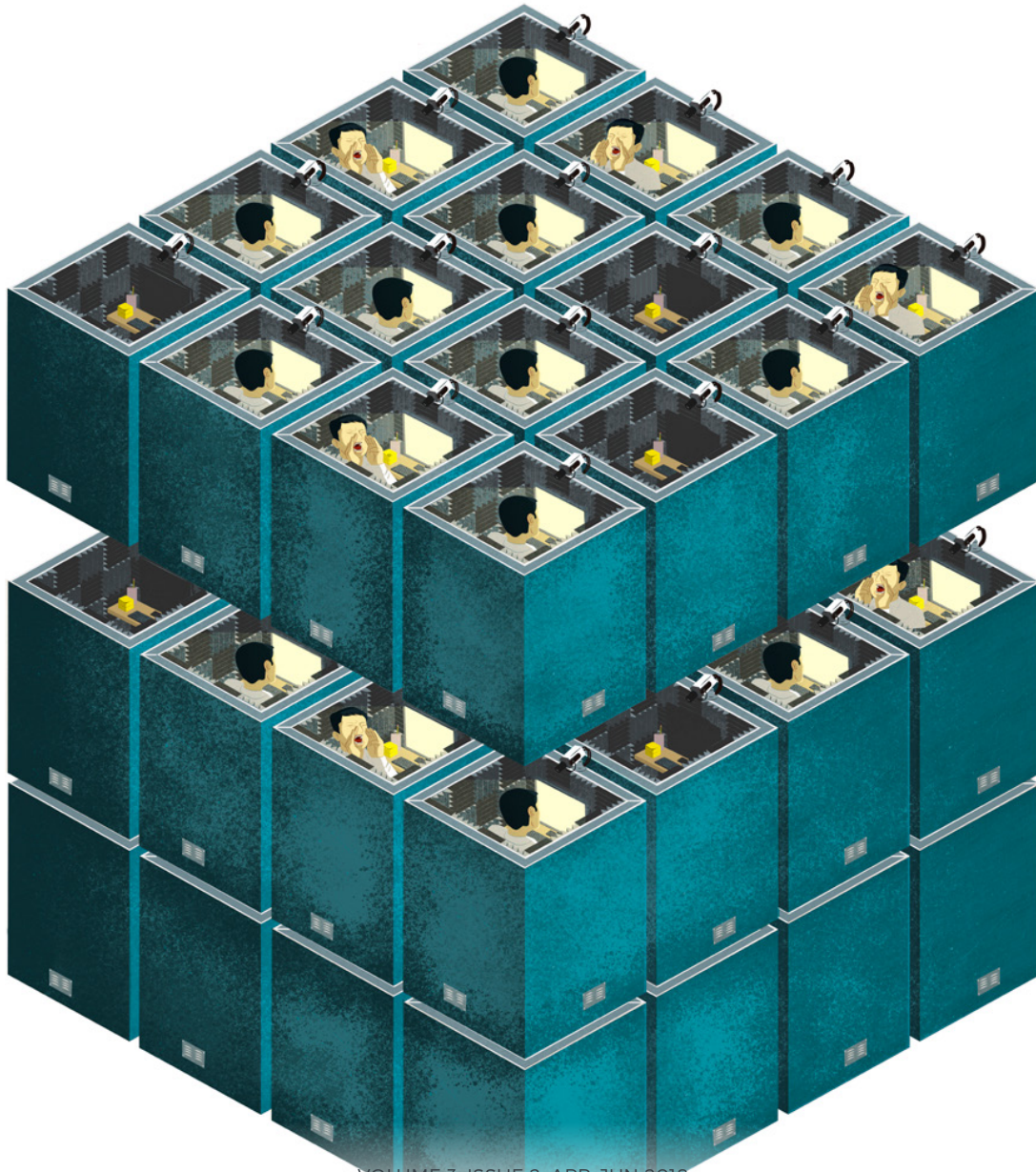


MADE CHINA

JOURNAL



VOLUME 3, ISSUE 2, APR-JUN 2018

ANYBODY OUT THERE?

The Chinese Labour Movement under Xi



MADE IN CHINA
JOURNAL

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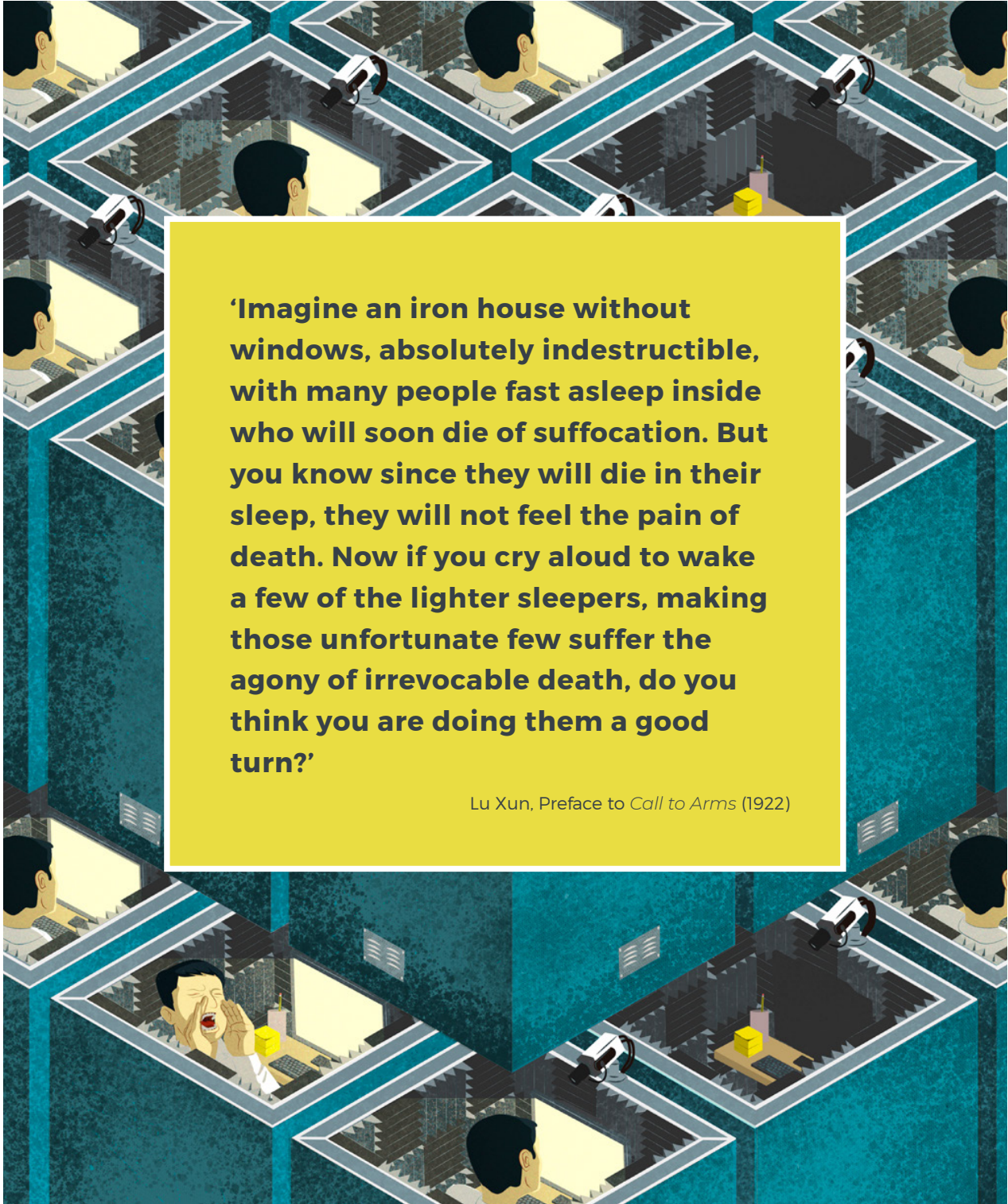
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AUSTRALIAN CENTRE ON
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LUND
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CHIN*o*RESI*E*
mismatched shards of China



‘Imagine an iron house without windows, absolutely indestructible, with many people fast asleep inside who will soon die of suffocation. But you know since they will die in their sleep, they will not feel the pain of death. Now if you cry aloud to wake a few of the lighter sleepers, making those unfortunate few suffer the agony of irrevocable death, do you think you are doing them a good turn?’

Lu Xun, Preface to *Call to Arms* (1922)



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TABLE OF CONTENTS

EDITORIAL (P. 6)

BRIEFS (P. 7)

OP-EDS (P. 11)

CHINA STUDIES BETWEEN CENSORSHIP AND SELF-CENSORSHIP (P. 12)

Kevin Carrico

WILL THE FUTURE OF HUMAN RIGHTS BE 'MADE IN CHINA'? (P. 16)

Sarah M. Brooks

FOCUS (P. 22)

CHANGES AND CONTINUITY: FOUR DECADES OF INDUSTRIAL RELATIONS IN CHINA (P. 24)

Chris King-Chi Chan

CHINA'S LABOUR MOVEMENT IN TRANSITION (P. 28)

Geoffrey Crothall

GONGYOU, THE NEW DANGEROUS CLASS IN CHINA? (P. 36)

Yu Chunsen

RECONFIGURING SUPPLY CHAINS: TRANSREGIONAL INFRASTRUCTURE AND INFORMAL MANUFACTURING IN SOUTHERN CHINA (P. 40)

Nellie Chu

THE STRUGGLES OF TEMPORARY AGENCY WORKERS IN XI'S CHINA (P. 46)

Zhang Lu

ROBOT THREAT OR ROBOT DIVIDEND? A STRUGGLE BETWEEN TWO LINES (P. 50)

Huang Yu

A 'PESSOPTIMISTIC' VIEW OF CHINESE
LABOUR NGOS (P. 56)
Ivan Franceschini
Kevin Lin

WORK OF ARTS (P. 60)

THE LAST DAYS OF SHI YANG (P. 61)
Ivan Franceschini

WE THE WORKERS: A CONVERSATION WITH
HUANG WENHAI (P. 66)
Zeng Jinyan

WINDOW ON ASIA (P. 76)

CHINA AND DEVELOPMENT AID: THE CASE
OF ANTI-TRAFFICKING AND SEAFOOD IN
SOUTHEAST ASIA (P. 78)
Sverre Molland

CONVERSATIONS (P. 82)

HEGEMONIC TRANSFORMATION: A
CONVERSATION WITH ELAINE SIO-IENG
HUI (P. 82)
Ivan Franceschini

END OF AN ERA: A CONVERSATION WITH
CARL MINZNER (P. 88)
Elisa Nesossi

CONTRIBUTOR BIOS (P. 94)

BIBLIOGRAPHY (P. 96)

Anybody Out There?

The Chinese Labour Movement under Xi

Labour activism has undergone significant transformation in China over the last decade. Between the mid-2000s and mid-2010s, an increase in labour protests seemed to herald a growing and more self-confident labour movement. A series of high-profile collective actions that took place in 2010—in particular a strike at a Honda auto parts factory in Foshan in 2010—brought forward a time of renewed optimism, during which the public debate on Chinese labour came to be dominated by the idea of China’s workers ‘awakening’ and taking their fate into their own hands. This new narrative was largely focussed on the so-called ‘new generation of migrant workers’, presented in much of the academic literature and public debate as the engine of the new wave of worker struggle. Far from the optimism of those years, today the effects of economic slowdown and the tightening of civil society have thrown China’s workers into a state of uncertainty and disorientation, and the Chinese labour movement has once again found itself at an impasse.

This issue of *Made in China* offers a series of essays that aim at assessing and understanding the current conjuncture. In **Changes and Continuity**, Chris King-Chi Chan offers a retrospective of the development of industrial relations in China over the past four decades. In **China’s Labour Movement in Transition**, Geoffrey Crothall analyses the latest trends in Chinese labour unrest. In **Gongyou, the New Dangerous Class in China?**, Yu Chunsen looks into the discourses that Chinese migrant workers use to define their shared identity, probing the possibility of them becoming the foundation of a new class consciousness. In **Reconfiguring Supply**

Chains, Nellie Chu shows how infrastructure projects that link China’s interior and coastal manufacturing regions have intensified key aspects of the country’s informal economy. In **The Struggles of Temporary Agency Workers in Xi’s China**, Zhang Lu tracks the activism of dispatch workers in Chinese auto factories, examining the potential for this group to successfully bargain for their rights. In **Robot Threat or Robot Dividend?**, Huang Yu considers the possible consequences of automation and robotisation on employment and labour activism in China. Finally, in **A ‘Pessoptimistic’ View of Chinese Labour NGOs**, Ivan Franceschini and Kevin Lin revisit the debate on labour NGOs in China, offering their own reading of the current situation.

In the op-ed section, we include two pieces, one by Kevin Carrico about academic self-censorship and another by Sarah Brooks on the efforts of the Chinese authorities to influence international discourses and practices of human rights. The cultural section comprises two essays. In **We the Workers**, producer Zeng Jinyan and director Huang Wenhai discuss their latest documentary about labour NGOs and worker struggles in China. In **The Last Days of Shi Yang**, Ivan Franceschini presents a fictionalised account of a revolutionary martyr of the 1920s—a lawyer that played an important role in the labour struggles of those years. We conclude the issue with a new Conversations section, in which we feature interviews with the authors of two recently released books: Elaine Sio-Ieng Hui’s *Hegemonic Transformation* and Carl Minzner’s *End of an Era*. ■

The Editors

BRIEFS
Apr-Jun 2018

APR/JUN 2018

Gender Issues in the Spotlight

The second quarter of 2018 has brought renewed scrutiny of gender issues in China. Chinese women still face perilous conditions in society and the workplace, often falling victim to sexual harassment and discrimination of various kinds. The #MeToo campaign that swept Peking University (PKU) in April this year well exemplifies female vulnerability to sexual harassment on campus and in the workplace. This movement culminated in activists' demand for the university to disclose information on a rape-suicide case that occurred two decades ago, when Gao Yan, a student at PKU, committed suicide after being sexually assaulted by Shen Yang, at that time a professor at that institution (he would keep the position until 2011). Having failed to intimidate the activists, PKU pledged to re-investigate the case and introduce regulations on anti-sexual misconduct. Sexual harassment aside, Chinese and international media have highlighted how women in China are discriminated against in job applications. Research conducted by Human Rights Watch has found that almost 20 percent of civil service positions released in early 2018 either required job applicants to be male or expressed a preference for male candidates, whereas only one job post indicated a preference for females. It was also found that private companies—including tech giants Alibaba and Tencent—had opened up special positions for 'beautiful girls', so-called 'goddesses', hired to lure more male applicants. *NLiu*

(Sources: **Business Insider; Caixin; Human Rights Watch; The New York Times; Xinhua;**)

Liu Xia Is Released, but Repression Continues Unabated

Repression of human rights practitioners continues unabated in China. In the past few months, foreign media have widely reported on the situation of Liu Xia, the widow of late Chinese dissident and Nobel laureate Liu Xiaobo. Without having been formally accused of any offence, Liu was placed under house arrest in October 2010. While earlier reports claiming that Chinese officials were preparing to allow Liu to leave the country proved unfounded, diplomatic pressure from German Chancellor Angela Merkel led to the release of Liu Xia on 10 July, just days before the first anniversary of her husband's death. On that day, Liu left China on a flight that brought her to Berlin via Helsinki. During her visit to China on 24 May, Merkel also met the wives of two detained lawyers—Li Wenzu, wife of Wang Quanzhang, and Xu Yan, wife of Yu Wensheng. Earlier in April, Li attempted to walk over 100 kilometres from Beijing to Tianjin in search of answers regarding her husband's whereabouts, as he has been held incommunicado since July 2015. However, her planned 12-day protest march was cut short by Chinese authorities, who placed her under house arrest and later charged her with subversion. In the meantime, Yu fired his defence team, an action that contradicts a pre-recorded video in which he asserted he would never dismiss his lawyers under his own volition. This has raised suspicions that he has been acting under duress. There has also been bad news for Tashi Wangchuk, a Tibetan activist who campaigned for Tibetan language education and who has been detained since 2016, after appearing in a *New York Times* video in which he discussed his campaign. At the end of May he was sentenced to five years in jail for 'inciting separatism'. *TS*

(Sources: **Amnesty International; China Change; The Guardian 1; The Guardian 2; Radio Free Asia 1; Radio Free Asia 2; Radio Free Asia 3; South China Morning Post 1; South China Morning Post 2; South China Morning Post 3)**

Labour NGOs Stigmatised on National Security Day

Since the passing of the National Security Law back in 2015, the Chinese government has declared 15 April as ‘National Security Education Day’, i.e. a day for raising public awareness of national security issues. In 2017, the authorities promised informants who reported on spies rewards ranging from 10,000 to 500,000 yuan. According to local media, since then the public has provided about 5,000 tipoffs, some of which were useful in catching alleged foreign spies. This year the government disseminated a comic strip targetting labour NGOs among workers in defence-related industries. In it, we see a blonde, bespectacled foreign NGO staff member introducing himself to a plump, bald Chinese labour NGO leader. In the next panel, an NGO trainer is talking to an audience of workers about three key points—how to organise workers to protect their rights, how to establish a free trade union, and how to take to the street to raise demands—while the same foreigner is seen stuffing banknotes in the pocket of the Chinese activist. From this, the story progresses with the foreigner reporting on the success of his activities to his bosses abroad; the Chinese NGO leader holding another training session on ‘western ideas of labour’ and ‘western ideas of trade unions’ for workers; and the workers launching a demonstration to demand higher wages, shorter work hours, and ‘decent work’. However, the exchanges of money between Chinese and foreign NGO staff members catch the eye of one of the workers, who reports them. The story ends with the local NGO leader being interrogated by state security officials and admitting to his wrongdoings while the foreign NGO employee flees China in terror. This is just the latest instance of state propaganda portraying labour NGOs as agents of ‘hostile foreign forces’.

IF

(Sources: **China File**; **Global Times**; **People’s Public Security University of China**; **The New York Times**)

Strikes in Non-manufacturing Sectors Gain Traction

Between late March and June, a number of strikes and protests in China’s non-manufacturing sectors gained international attention. In late March more than 2,000 sanitation workers in Shanghai went on a six-day strike to protest against waste management companies’ cuts to their income. After the local government had increased the minimum wage, these sanitation workers—who were barely paid the legal minimum—had their meal subsidies and morning and evening shift allowances cut. Later that month, up to 500 coal miners suffering from pneumoconiosis in Hunan province petitioned the local health authorities to protest the delay in providing them with medical examination records crucial to securing compensation. Then, for days leading up to International Workers’ Day on 1 May, crane operators on construction sites across a dozen provinces staged protests to demand a pay raise, citing relatively low pay for their high-risk work, the lack of paid overtime, and little annual leave. In April, teachers from kindergartens, and public and private schools organised at least 19 protests over pay, performance bonuses, and pensions. The following month, around 200 retired teachers in Anhui province protested to the local government twice within a single week to demand unpaid bonuses. Finally, in early June thousands of truck drivers in at least three cities used their trucks to block roads in protest against rising fuel costs and falling haulage rates that cut into their incomes. Strikes in non-manufacturing sectors such as education, retail, sanitation, and logistics have gained prominence in recent years. In particular, the nationally coordinated strikes by crane operators and truck drivers were significant, hinting at the potential for non-manufacturing workers to organise more networked and less atomised industrial actions.

KL

(Sources: **China Change 1**; **China Change 2**; **China Digital Times**; **China Labour Bulletin 1**; **China Labour Bulletin 2**; **Radio Free Asia 1**; **Radio Free Asia 2**; **Wall Street Journal**)

New Statistical Report on Migrant Workers Released

In April, the National Bureau of Statistics released its latest annual report on Chinese migrant workers. According to this document, in 2017 China had a total of 286.52 million migrant workers, an increase of 4.81 million or 1.7 percent from the previous year. At the same time the migrant population is clearly aging: for the first time those born after 1980—the so-called ‘new generation of migrant workers’ (*xinshengdai nongmingong*)—make up more than half of all migrants. The report also hints at significant changes in the employment structure, with a gradual decline of occupation in the manufacturing (–0.6 percent) and construction sectors (–0.8 percent), and an increase (+1.3 percent) in the service sector. Average monthly wages grew by 6.4 percent to 3,485 yuan, but growth was 0.2 percent slower than the previous year, likely due to the minimum wage freeze in places like Guangdong since 2016. This year’s report adds a new satisfaction indicator, with 56.1 percent of migrant workers declaring that they are very satisfied with their current living situation. The report suggests that the Chinese government improve housing and education opportunities for migrants and their children in order to promote migrants’ social integration in the cities. The report also reveals that migrants have become more likely to report labour to government bureaus and use legal mechanisms, and that they are slightly less likely to negotiate directly with their employers—a finding which might reflect either improved government responsiveness or a weakening of migrant workers’ bargaining power. Notably absent compared to previous reports is a section on rights protection, including statistics on overtime, labour contract coverage, and wage arrears. Labour contract coverage has been in decline for several years in a row—in 2016 it was down to only 35.1 percent from 43.9 percent in 2012. Also absent in this new report are data on unionisation and migrant workers’ awareness of unions. *KL*

(Sources: **National Bureau of Statistics**)

Revolutionary Martyrs ‘Slandered’

Rage Comic, a popular online cartoon and video platform, has fallen prey to China’s recently passed Law on the Protection of Heroes and Martyrs. Taking effect on 1 May 2018, the Law requires all of Chinese society to respect heroes and martyrs of the Communist Party, and subjects anyone who fails to do so to civil or even criminal charges. The recent turbulence surrounding Rage Comic resulted from a 58-second video it posted on 8 May 2018 on Toutiao, a Beijing-based news content platform. In its video, Rage Comic made fun of Dong Cunrui, a People’s Liberation Army soldier who is both famous and revered in China for his brave self-sacrifice in order to destroy a Kuomintang bunker during China’s War of Liberation. Playing on the rhyme between ‘bunker’ and ‘burger’ in Chinese, Rage Comic substituted the former with the latter and, thus, turned Hero Dong into a starving diner. This joke backfired, however. The Ministry of Culture and Tourism ordered the Cultural Department in Shaanxi Province, where the company is based, to impose executive punishment on Rage Comic. CEO Ren Jia first apologised on Weibo on 17 May, stating that the company would reflect on its grave mistake and educate all its staff on pertinent laws and regulations. On 23 May, he brought his employees to the Cemetery of Martyr Dong Cunrui in Hebei Province, laying a wreath there and reading out an apology letter. Despite all these efforts, the website of Rage Comic is still closed for ‘maintenance’. Toutiao has also been under official investigation for having failed to oversee its platform. Rage Comic and Toutiao aside, Sougou and Douyin, a popular Chinese search engine and video platform respectively, have also received official punishments for publishing content that insulted ‘heroic deeds and spirits’ on their platforms. *NLiu*

(Sources: **China Daily; China Digital Times; Global Times; QQ News; Sohu; Wall Street Journal**)

OP-EDS



The China Quarterly published by Cambridge University Press.

China Studies between Censorship and Self-censorship

Kevin Carrico

It has not been a very auspicious year for freedom of expression in China Studies.

In August 2017, Cambridge University Press (CUP) removed over three hundred articles published in *The China Quarterly* from its Chinese website. The articles had been chosen for censorship by very haphazard searches based on 'sensitive' keywords: Tiananmen, Cultural Revolution, Taiwan, Tibet. After a rare vocal backlash, CUP reversed its decision.

Just a few months later in November, news broke that Springer Nature had done the same. Unlike Cambridge, Springer cravenly stood by its decision to censor as a matter of complying with 'local distribution laws', ironically portraying its two-tier system granting China-based scholars second-class access as a matter of maintaining access.

A few weeks later, publisher Allen & Unwin notified Clive Hamilton that it would not be publishing his book *Silent Invasion: China's Influence in Australia* due to fears of 'a vexatious defamation action' from Beijing's supporters and enablers. Ironically, the decision to back out from publishing the book proved Hamilton's thesis alleging inordinate Party-state influence in contemporary Australia: this would appear to be the first time that a book was banned overseas for crossing Beijing's red lines.

Finally, in April 2018, *South China Morning Post* broke the news that a special issue of *The China Quarterly* had fallen apart due to self-censorship. Two academics based in Europe contributing to a special issue on China's West became concerned about publishing their papers alongside James Leibold's study of state surveillance in Xinjiang. Withdrawing their papers for fear of offending Beijing, the issue fell apart.

As academics, we experience pressures, both direct and indirect, from the Party-state, all too often abetted by publishers and universities eager to sacrifice principles to cash in on this massive economic opportunity known as 'China'. Yet at the same time, we are also placing pressures upon ourselves, imagining the potential responses of the seemingly all-knowing and all-powerful Party-state to our each and every move. As a

In August 2017, Cambridge University Press (CUP) removed over three hundred articles published in *The China Quarterly* from its Chinese website. The articles had been chosen for censorship by very haphazard searches based on 'sensitive' keywords.

result, it remains unclear whether the primary issue is in fact censorship, or self-censorship, and where we can begin to draw the line between the two.

The heavy pressures faced by international academics seem quite trivial when compared to the escalating abuses within China. Over the past year, China's first Nobel Peace Prize Laureate Liu Xiaobo died under the state's watch. In the 28 years that passed between 1989 and his death, Liu spent altogether nearly 14 years in prison for his writing and political activism.

In May 2018, Tashi Wangchuk, a Tibetan businessman who promoted the preservation of the Tibetan language, was sentenced to five years in prison for 'inciting separatism'. Tashi's crime had been to speak to the *New York Times*, and to propose education in Tibetan language for Tibetan people.

Elsewhere, hundreds of thousands of Uyghurs in Xinjiang are being held in 're-education camps'. Among those detained are Uyghur professor and poet Abdulqadir Jalaaluddin of Xinjiang Pedagogical University, who has disappeared into this re-education network since January. And among those who have died in the camps are Islamic scholar Muhammad Salih Hajim, who translated the Quran from Arabic to Uyghur.

Here we see all too direct pressures from the Party-state: there is no blurred line between censorship and self-censorship. People are not delaying publications or worrying about visa denials. They are facing imprisonment and even death simply for speaking their minds and doing what they do: for exercising some of the most basic rights that we increasingly take for granted in our self-censorship.

When we take into consideration the sheer extent of these sacrifices ongoing in China today, the desire of academics outside of China to stay on the authorities' 'good side' and avoid potential visa problems is, to put it bluntly, the epitome of narcissistic self-absorption.



Tashi Wangchuk.
PC: savetibet.org

No young idealist began their academic career hoping to trade silence on concentration camps in exchange for visa access. And yet there are of course many pseudo-nuanced ways in which people are able to disguise such narcissistic self-absorption as theoretical sophistication. It has, for some reason, always been cooler to criticise Israel than to criticise China; easier to rally to

For enthusiasts of cultural relativism, China has its own path of political development based in its cultural traditions. Who are we to judge? Yet if one really believes this, when exactly is it acceptable to begin to judge?



The characters for the phrase *tianxia* meaning 'everything under the heavens', i.e. the world.

the Palestinian cause than to the Uyghur cause, even as camps are being built and filled with living beings. How did this come to be?

For enthusiasts of Marxist theory, China still indulges in its fair share of flowery Marxist rhetoric. To believe this is of any value, one of course has to repress the fact that from the start this has been nothing but ideological window-dressing for an oppressive state that denies its citizens even the most basic of human rights. And yet Marxism often fails to bridge this founding gap between theory and practice.

For enthusiasts of postcolonial theory, China had its century of humiliation and its experience of being semi-colonised. China now may even aspire to rewrite the world order under the harmonious concept of *tianxia*—how refreshing! Yet to believe this, one has to repress the fact that China has in the modern era implemented a massive colonial project on its borders in Mongolia, Xinjiang, and Tibet, and remains today an expansionist power determined to occupy the South China Sea and democratic, self-governing Taiwan. And yet, much postcolonial theory continues to reify and indeed fetishise 'the West' as the source of all colonial practices, overlooking the horrors of Sinitic colonisation.

For enthusiasts of cultural relativism, China has its own path of political development based in its cultural traditions. Who are we to judge? Yet if one really believes this, when exactly is it acceptable to begin to judge? If one's worldview precludes critique of the construction of a network of concentration camp where people are being held arbitrarily and indefinitely solely based on their ethnicity or religion, dressing this up instead as a 'meritocracy', this would seem to me to be a very dangerous worldview.

Regardless of whether it is fashionable, and regardless of whether it is convenient, it has become increasingly apparent that one cannot conduct research or write on China today without touching on fundamental questions of moral culpability.

As the political system tightens, as academic restrictions increase, as ever more writers and activists face ever longer prison sentences, and as camps are built and filled with living, breathing, thinking human beings, we are no longer in comfortable territory. Rather than worrying about our next ten-year visa, we all need to be more critically reflective on the ways in which our behaviour and collaboration contributes to the perpetuation of a system that does great injustices on a massive scale.

This is why I, along with colleagues, have proposed a new exercise similar to Australia's 'acknowledgement of country' ritual known as the Xinjiang pledge. At the start of public talks, regardless of location, one acknowledges the distressing rights situation in China today, focussing in on a point of particular concern for the speaker. It may seem ridiculously simple. Yet by acknowledging this discomfiting situation, often so far removed from the comfortable space of the public lecture, thoughts will at least temporarily be moved to this other far too often unthought context and awareness will be enhanced.

Yet most importantly, simply by talking about these matters openly, and attempting to give a voice to those who are unable to speak, the suffocating cycle of silence, to which far too many of us have been accomplices at the nexus of censorship and self-censorship, will ever so slowly be broken. ■



United Nations Geneva
PC: Henry Mühlpfordt

Will the Future of Human Rights Be ‘Made in China’?

Sarah M. Brooks

For at least three years, my organisation has been tracking—and helping others to track—the way in which China is expanding its influence in multilateral institutions, in particular the United Nations (UN). However, when the Trump Administration announced the withdrawal of the United States from the UN’s peak human rights body, the Human Rights Council, on 19 June 2018, the interest in understanding China’s methods became an imperative.

Major media outlets published a number of articles focussing on the impact of the US decision (Wade 2018). Several commentators have viewed this decision as a ‘crushing blow’ for efforts by NGOs and victims of abuses to use the Council to hold China accountable. This editorial examines the idea that the withdrawal is a ‘gift’ for President Xi Jinping and China’s stated aspirations to ‘responsible global leadership’ (Eve 2018).

To understand just how true this statement is, we must first look at how the Chinese government has stepped into the role of international player. We should then review how China has used its influence and access to change the UN across three broad areas: the politics of intergovernmental bodies, the processes and procedures of the UN bodies and agencies, and the participation of civil society in the UN. Finally, we have to consider why this matters for human rights defenders on the ground, in China and elsewhere.

In 2015, China committed 1 billion USD over 10 years to support the UN’s work in development and security. Human rights are clearly left out. In the last 12 years, China has stood for and won election to the UN’s Human Rights Council every term it has been eligible.

On the surface, China’s commitment to being an international player in the UN and other multilateral spaces has not actually looked that bad.

In 2015, China committed 1 billion USD over 10 years to support the UN’s work in development and security. Human rights are clearly left out. In the last 12 years, China has stood for and won election to the UN’s Human Rights Council every term it has been eligible. It also has established a new multilateral investment bank, the Asian Infrastructure Investment Bank, nearly single-handedly and committed to it being ‘lean, green, and clean’.

... But Xi Jinping's committed funds privilege two of the UN's 'pillars'—security and development—while not benefitting at all the third: human rights.

... But China's vote in the Council has gone against efforts to see a Commission of Inquiry in Burundi, or an end to the ethnic cleansing in Myanmar, or protections against being targeted for one's sexual orientation or gender identity.

... But few if any of China's efforts in overseas investment or assistance, including its much touted Belt and Road Initiative, have benefitted from meaningful civil society participation or been contingent on minimum standards of human rights due diligence.

This is by no means an exhaustive list of steps China has taken to advance its ambitions of global leadership, but it is a demonstration of the ways in which China sees the UN as a key arena for pushing forward and institutionalising its goals and priorities.

One clear policy approach of China in UN spaces, in particular at the Human Rights Council, is to leverage political alliances. The Likeminded Group—an amorphous 'regional grouping' of many global South governments—has in many ways taken the place of its twentieth century corollary, the Non-Aligned Movement, as the bulky padding for political initiatives by China, Russia, and others.

What begin as anodyne statements by China on behalf of this Likeminded Group, and other governments, increasingly evolve into resolutions of the Council. Human rights experts from governments and civil society alike worry that in such documents, principles of universality and interdependence are being played down, while concepts like sovereignty and territorial integrity are getting more airtime.

UN documents that parrot CCP language emphasising development as a prerequisite for achieving human rights gains provide cover for governments that seek an escape from much-needed scrutiny and international accountability.

Moreover, China increasingly pairs an approach of surrounding itself with its friends, with one of investing time and resources in picking off—one by one—its opposition. To cite just one example, in 2017 year massive Chinese investment in the Greek port of Piraeus and a high-level visit from Li Keqiang had such a significant political impact that Greek representatives in Brussels blocked EU consensus to raise human rights concerns about China. As a result, for the first time in 35 sessions of the



The Human Rights Council in Session. PC: Hrbrief.com

Council, the EU failed to make a statement under the Council's debate on serious human rights violations, sometimes referred to as an 'Item 4' statement (Emmott and Koutantou 2017).

The second area where China seeks to develop its influence, and where opportunities exist to amend or adjust the multilateral human rights system, is at the level of process.

The Universal Periodic Review, the Council's process for reviewing the human rights records of all countries, big and small, suffers from serious mutual back-scratching syndrome. In 2015 and 2016, the last years for which full data in the form of official written statements is available through the Human Rights Council extranet, China took the opportunity to comment on the human rights record of every single government under review, often highlighting benefits of the technical cooperation that they themselves had already funded.

The system of treaty bodies, committees of legal and policy experts who assess country compliance and recommend steps for improvement under their respective human rights treaties, has been a particular bugbear for the Chinese government. China's Ministry of Foreign Affairs has filed scathing reports as input into the process of 'strengthening' that system, largely aimed at constraining innovation and restricting dialogue with 'non-credible sources', otherwise known as independent human rights NGOs.

At the same time, the Chinese government seeks to ensure that Chinese nationals stand for—and are duly elected to—positions of responsibility on those very committees. The only problem is that most of those elected come directly from years, if not decades, of government service, which calls into question their independence.

The most proactive and creative of tools at the Council's disposal—the Special Rapporteurs, Working Groups, and Independent Experts mandated to be its 'eyes and ears'—have not escaped the scrutiny of the Chinese authorities. In the June 2018 session of the Council, the Chinese government chastised Special Rapporteur on Freedom of Opinion and Expression David Kaye for criticising China's Cyber-Security Act (United Nations Office at Geneva 2018). He had also cited Chinese companies, such as Tencent and WeChat, as examples of businesses engaged in forms of censorship and online content management.

Last June, the report of the UN expert on extreme poverty and human rights—who had visited China in August 2016—was slammed by the Chinese delegation (UN Office at Geneva 2017



The Universal Periodic Review, the Council's process for reviewing the human rights records of all countries.
PC: UN Human Rights Council



Uyghur rights activists Dolkun Isa. PC: Darshanwashimkar.

China continues to play a ringleader role among governments seeking to shut out civil society voices in the UN Economic and Social Council (ECOSOC) NGO Committee. Their efforts have created an environment where States can, with immunity, permit political and economic interests to take precedence over a commitment to support civil society.

and 2017b). His efforts to call for the release of detained lawyer Jiang Tianyong met with assertions that Jiang, and others advocating for human rights, were merely criminals.

While China's aversion to scrutiny is not unique, the clear restrictions they placed on the expert during his visit, including surveillance of his staff and harassment of civil society contacts, goes well beyond acceptable cooperation and may amount to a policy of intimidation and reprisal.

Finally, China exhibits outsized influence in the part of the UN that holds the purse strings. Budgetary requests of the Office of the United Nations High Commissioner for Human Rights (OHCHR) have been held hostage in retaliation to High Commissioner Zeid meeting certain Chinese activists, or being involved in certain events (Reuters 2016). In late June, *Foreign Policy* reported that China, 'hardening' its position, was seeking targeted elimination of UN jobs tasked with monitoring human rights in conflict areas (Lynch 2018).

Among its discretionary contributions, however, China has increased funding to the Human Rights Office for at least one thing—support to the Special Rapporteur on the Right to Development.

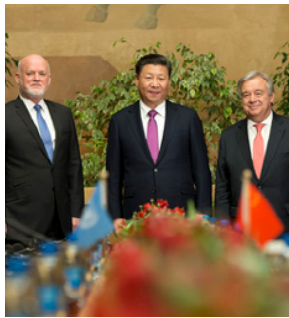
The final area in which China has stepped up its engagement and implemented more ambitious policies is in the area of civil society access and participation.

China continues to play a ringleader role among governments seeking to shut out civil society voices in the UN Economic and Social Council (ECOSOC) NGO Committee. Their efforts have created an environment where States can, with immunity, permit political and economic interests to take precedence over a commitment to support civil society. As a result, NGOs seeking the right to access and speak at UN proceedings face intense questioning—including over their use of the terms 'the Tibetan Autonomous Region' or 'Taiwan, Province of China', regardless of the country in which the organisation is based.

Even when organisations receive accreditation, it apparently does not mean that they can participate fully. The case of Uyghur rights activists Dolkun Isa, documented by my organisation and many others, as well as in media reports, is illustrative in this regard (ISHR 2018).

In April 2017, Mr Isa sought to attend the UN Permanent Forum on Indigenous Issues at the UN headquarters in New York. Despite being fully accredited to participate at the event, at one point during the conference he was approached by UN

China's efforts to leverage political and economic pressure, meddle in or obstruct procedure, and raise the costs for NGOs to gain access to the UN are mutually reinforcing.



The Universal Periodic Review, the Council's process for reviewing the human rights records of all countries.
PC: UN Human Rights Council

security officers who instructed him to leave the premises. No reason was given and he was not permitted to re-enter the UN grounds. There was a repeat removal of Mr Isa in April 2018.

The Chinese government has long accused Mr Isa of being a terrorist. When the red alert from Interpol was lifted in February 2018, the Chinese Ministry of Foreign Affairs repeated its ad hominem attack against Mr Isa. It is worth noting further that the UN Department, which oversees secretariat services for ECOSOC, is headed by former Chinese diplomat Liu Zhenmin.

For many UN conferences, permission to participate can be given on an ad hoc basis, without requiring an official ECOSOC accreditation. Indeed, this is the case overall for access to UN grounds and buildings. Taiwanese civil society members have reported being turned away from, or facing barriers to, entry to meetings of the UN on labour, health, and human rights—even when their advocacy is focussed on individuals detained in China, a UN member state (Focus Taiwan 2017).

Because of the risks of retaliation against them by the government, many human rights defenders in China are reluctant to participate in the UN at all. Defender Cao Shunli, who was detained en route to Geneva to contribute to China's rights review and later died from lack of medical care while in detention, has become a potent symbol of the cost of undertaking advocacy (CHRD 2013; Kaiman 2014). In theory, they could still 'attend' meetings virtually, or review documents and provide input. But the final and perhaps most widespread barrier is the lack of information in Chinese language. Budgetary battles over the most core functions of the human rights system are perennial, so 'minor' issues of translation or additional live streaming end up far down on the list of demands, or are the first items to get reduced in a budget negotiation.

China's efforts to leverage political and economic pressure, meddle in or obstruct procedure, and raise the costs for NGOs to gain access to the UN are mutually reinforcing. They seem to point to a policy of remaking the UN—and particularly its human rights bodies—in China's image, one based on mutual respect, cooperation, and intergovernmental dialogue. In this version of the United Nations, legitimate scrutiny of violations is dismissed as 'interference in internal affairs' and the essential voices of civil society are constrained or even silenced.

Despite this multipronged assault on the human rights system, the UN has nonetheless shown its ability to be resilient and to reflect the concerns of individuals working on the ground—and in a handful of cases, actually impact the lives of those detained for their activism.

UN experts on torture included forced conversion therapy as a form of torture or cruel treatment throughout the review of China (UN Committee against Torture 2015 and 2016). Their recommendations to the Chinese government not only provide legal commentary to inform domestic lawsuits, but also help build international jurisprudence on the issue.

In the summer of 2016, UN experts expressed concern about the health, treatment, and detention conditions of free speech activist Guo Feixiong, after he began a hunger strike against ill-treatment and refusal of access to adequate medical care. This was the third time they had spoken up—and, apparently, this time it worked. The pressure from these experts, in addition to social media and direct actions and diplomatic requests, made a difference: Guo was able to see his sister, gain access to books, and was eventually transferred to another prison (ISHR 2017).

Finally, Chinese lawyers working to support victims of domestic violence discovered, through engaging with UN experts on violence against women, that there are international best practices in restraining orders. As this is an area lacking detail in the current Anti-domestic Violence Law, the potential for constructive legal advocacy is promising.

The withdrawal of the US from the Council should not be an excuse to disengage. The absence of the US' ability to put China under the spotlight at the Council will be strongly felt, but it is critical that we not paint all efforts to counter China's attempts to remake at the Council as anti-China, or allow responses to be bi-polar and, as the Chinese delegation often reminds us, politicised. This does not help those of us who see the Council as an important space for victims' testimony and solidarity, and who believe that the risks posed by Chinese government strategies at the Council are serious.

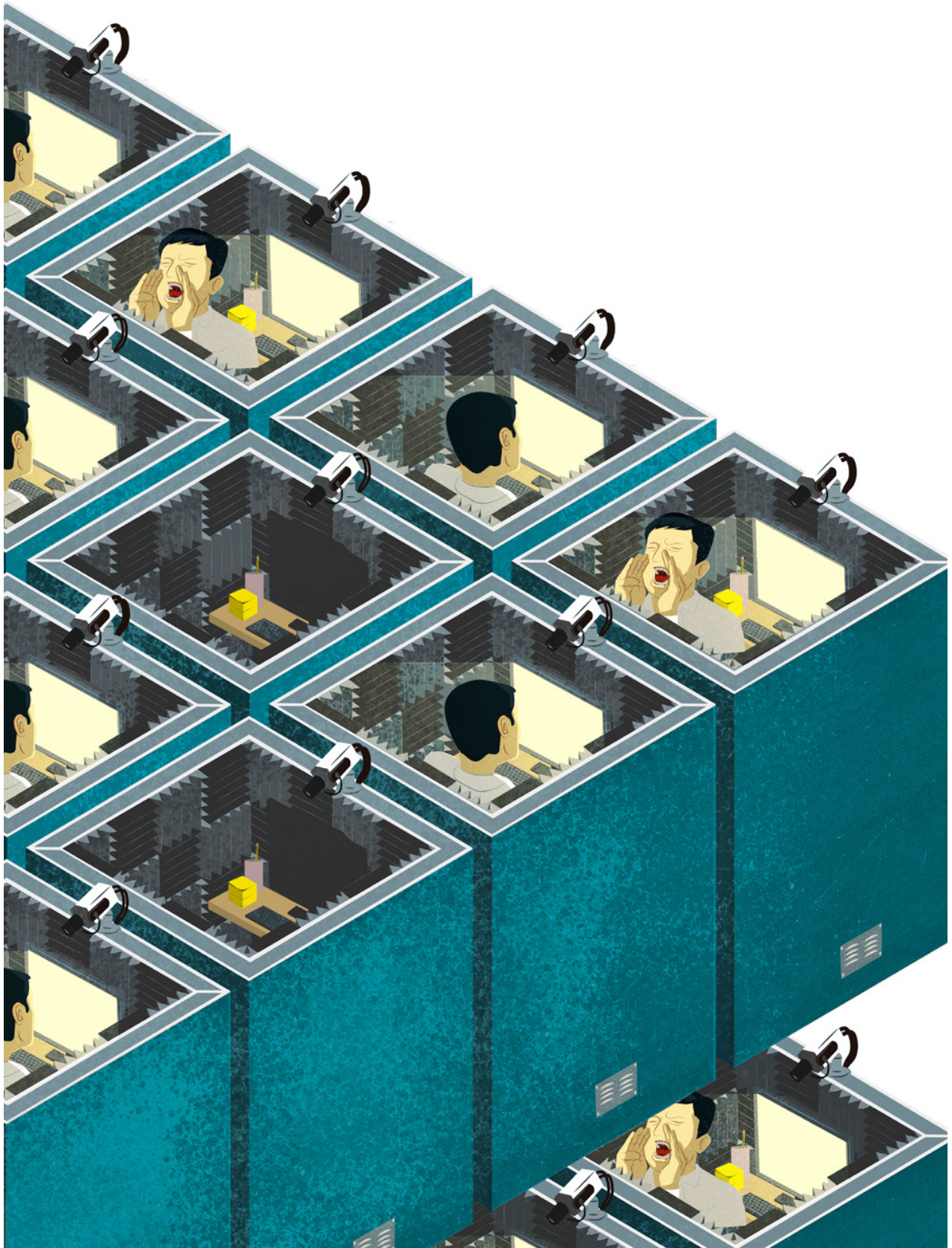
In a joint statement delivered on 19 June (available on www.webtv.un.org), these risks were made perfectly clear. China, backed by the Likeminded Group, set out a long list of ways in which the current head of human rights and his team had proven 'dissatisfactory'. This was followed in short order by a clear set of criteria that they expected of that office in the future. This included a statement urging that 'ensuring transparency in OHCHR work is of paramount importance'. In a somewhat ironic twist, neither the statement nor its list of signatories had been made public at the time of writing this article. Even this small example demonstrates exactly why a human rights system 'with Chinese characteristics' is entirely incompatible with the demands of the human rights movement—and why the current system, despite its flaws, is nonetheless worth fighting for. ■

A human rights system 'with Chinese characteristics' is entirely incompatible with the demands of the human rights movement. The current system, despite its flaws, is nonetheless worth fighting for.



ANYBODY OUT THERE?

The Chinese Labour Movement
under Xi





Changes and Continuity

Four Decades of Industrial Relations in China

June 2010, workers at Foshan Fengfu Auto Parts Co. a supply factory to Honda Motor's joint-ventures in China, strike to demand higher wages. PC: People's World/AP.

Chris King-Chi Chan

China's economic reforms started exactly forty years ago. Labour scholars today are debating the extent to which labour relations and the labour movement in China have changed, and where they may be heading. Positions are polarised between pessimists who emphasise the structural power of the market and the authoritarian state, and optimists who envision the rise of a strong and independent labour movement in China. In this essay, Chris King-Chi Chan advocates for a different approach.

The year 2018 marks the fortieth anniversary of the beginning of China's economic reform programme initiated in 1978. The rise of migrant workers' strikes since early 2000s and the efforts of the Chinese government to rebalance and re-regulate workplace relations have created fertile ground for labour studies and labour activism in China. One of the key debates in this scholarly/activist community concerns the extent to which labour relations and the 'labour movement' in China have changed, and where they may be heading. Pessimists highlight the structural power of the market and the ability of the authoritarian state to undermine worker solidarity and collective action, while optimists

envision the ongoing emergence of a strong and independent labour movement in China, supported by labour NGOs and international civil society.

In the midst of this debate, on 3 December 2015 there was a major crackdown on labour NGOs in Guangzhou and Foshan. Between 2012 and 2015, most of the affected NGOs had been active in assisting the collective struggles of workers by promoting collective bargaining. Some labour lawyers and academics referred to this new type of NGO as ‘labour movement-oriented NGOs’ (*gongyunxing* NGOs) to distinguish them from ‘social service-oriented NGOs’ (*fuwuxing* NGOs) and ‘legal rights-oriented NGOs’ (*weiquanxing* NGOs) (Duan 2015; see also Franceschini and Lin’s essay in the present issue). This crackdown was a major setback for Chinese activists who had worked to build a labour movement from the ground up. For scholars, by the time their studies on labour movement-oriented NGOs were published, these organisations had essentially ceased to exist.

Does this portend a gloomy future for Chinese workers? To respond to this question, I advocate a Marxian approach built on two observations (see for example Chan 2010 and 2012; Chan and Hui 2017). First, class struggle between capital and labour around the issues of production, which is constrained by global political economy, defines the history of China’s integration into global capitalism. Second, the state remains a contested terrain of class struggle in China. It is only through a worker-centred and historical approach that we can understand the rapidly shifting landscape in contemporary China, and what the future may hold.

Harmonious Labour Relations

Since the early 1990s, China has established itself as a ‘world factory’, with the cities in the Pearl River Delta (PRD) as its powerhouse.

Major ethnographic research conducted in the PRD has found that the politics of place and gender were often exploited by management to maintain class domination and despotism throughout the 1990s (Lee 1988; Pun 2005). But labour relations have undergone change in the new millennium. Politically, after President Hu Jintao and Premier Wen Jiabao took office in 2002, a series of socioeconomic reforms were introduced in the name of building a ‘harmonious society’ (*hexie shehui*). Social challenges related to farmers, rural areas, and agriculture—the so-called ‘three rural problems’ (*sannong wenti*)—have since become a greater concern for the Party-state. Economically, since 2003, China has surpassed the United States as the country with the largest foreign direct investment inflow in the world. China’s GDP also shocked the world, with an average annual growth rate of 10.5 percent from 2001 to 2011 (National Bureau of Statistics of China 2012).

The dramatic changes in China’s urban and rural economies since 2003 has given rise to a shortage of labour (*mingonghuang*)—a situation in stark contrast with the labour surplus (*mingongchao*) of the early 1990s. Within this context, rising waves of strikes and protests have taken place in the PRD since 2004. This unrest has forced the government to increase the minimum wage and introduce new labour laws, culminating in the 2008 Labour Contract Law. This law was intended to stabilise and regulate labour relations by making written contracts a legal obligation for employers. Workers were entitled to double pay if their employers did not sign a contract with them and, after they completed two consecutive contracts or were employed for ten continuous years, the employer was required to give them a permanent contract. Employers had to pay severance of one month’s wages for each year of service if they wanted to dismiss a worker. This was an important step to the formalisation of employment relations for the migrant workers, who had previously existed in a precarious state (Lee 1988; Pun 2005).

Class Struggle Intensified

The global economic crisis of 2008 had a major effect on the Chinese economy. In 2009, China's total exports decreased by 16 percent (National Bureau of Statistics of China 2010). Many factories in South China faced closure or bankruptcy, but the Chinese economy recovered quickly due to the government's huge stimulus investment in infrastructure and social spending. In 2010, the GDP growth rate returned to double digits (10.3 percent). Concomitant with this economic revival was the reemergence of labour shortages. Against this backdrop, a more significant wave of strikes led by Honda workers in June 2010 attracted global attention. These industrial actions gave impetus to the process of trade union reform (Chan and Hui 2014), and the All-China Federation of Trade Unions (ACFTU) began to promote a policy of wage bargaining and trade union direct election.

The next turning point for labour relations in China came in 2012, as President Xi Jinping took power. Unlike the Hu–Wen administration which emphasised harmonious society and pursued reformist social and labour policies, Xi's government has adopted a hard-line policy to pacify labour activism. The foundation of this political change has been the economic slowdown since 2012, with many factory closures and relocations. The GDP growth rate decreased from 10.1 percent in 2011 to 8.1 percent in 2012 and 6.7 percent in 2016—a situation that Xi has called the 'new normal' for the Chinese economy (National Bureau of Statistics of China 2016).

Since 2012, many factories announced their relocation plans with minimal or no compensation to workers. In response, workers increasingly took collective action. During this period, pension insurance became one of the main demands of migrant workers on strike. This demand was encouraged by the Social Insurance Law, in effect since 2011, and was also pressing because many migrant workers had

reached or were nearing retirement age. The strike at the Yue Yuen shoe factory in Dongguan in April 2014 was the most influential collective action concerning pension issues (Chen 2015). More than 40,000 workers went on strike for more than 10 days, gaining global attention. The strike ended with the company agreeing to pay the social insurance owed to the workers (Chan and Hui 2017). Another successful case took place at the Lide shoe factory in Guangzhou in August 2014. Lide workers were able to receive compensation and social insurance before the factory's relocation with the help of the Panyu Migrant Workers Service Center, one of the major 'labour movement oriented NGOs' (Froissart 2018).

Since then, in the face of the economic slowdown, the Party-state has lowered the standard of labour rights protection. For instance, in February 2017, Guangdong province announced that the minimum wage now would be adjusted every three years, rather than every two years, in order to lower operation costs of enterprises. Thus, the minimum wage in 2018 would remain at the 2015 level (Caixin 2017). At the same time, police intervention in labour protests escalated, strikes that affected public order could be directly shut down, and worker leaders risked arrest. Wu Guijun, one of the leaders of a strike in Shenzhen in 2013, was detained for 371 days (Mitchell 2015). Labour NGOs were also targeted by the government. This had dramatic negative repercussions for the development of labour NGOs in China, with many organisations becoming severely constrained in the ways they were able to support workers' collective actions.

The Future

The latest developments show that some labour NGOs seem to have reduced capacity to support workers in their struggle due to the shrinking political space for civil society—particularly civil society working in the labour sphere. But challenges to labour activism do

not put an end to class struggle. Therefore, in order to understand the trajectory of China's labour situation there are two key points that must be considered.

First, workplace conflict is embedded within the capitalist production regime. Strikes and other forms of labour protests will not be eliminated without structural change in industrial relations. In an attempt to smooth over the contradictions and strengthen the existing system, in recent years the Chinese Party-state has made great effort to reform local trade unions, and to strengthen their capability to intervene in workplace conflict and promote collective bargaining. One example is the pilot project of the Shenzhen Federation of Trade Unions to establish community-based worker service centres and worker training programmes (Dou 2017). If these projects are successful, an authoritarian hegemonic labour regime will emerge in some sectors and regions, but at least workers will enjoy slightly better protections. If, on the contrary, the state-led reformist policies are not well implemented and detrimental working conditions remain, the workers' struggle will carry on.

In fact, the dramatic growth of the service sector in China has resulted in surging labour unrest in relevant industries. Workers' collective actions in the service industries have accounted for 21 percent of all collective action cases, surpassing the manufacturing industries for the first time in the third quarter of 2016 (China Labour Bulletin 2016). Information about labour strikes and protests are generally more difficult to access. Still on May Day of 2018, the *Global Times*, an official Chinese newspaper, reported that crane operators in the construction sector had launched protests across China demanding better pay and an eight-hour working day. In the city of Chengdu alone, at least 10,000 workers joined the protest (Yin 2018).

Second, regarding the role of NGOs, it should be noted that they are a tool, rather than the goal, of civil society in supporting workers. Historically, labour NGOs in the PRD were initiated by Hong Kong labour organisations,

activists, and academics (Chan 2018). In the late 1990s and early 2000s, with the more relaxed policies of the Party-state, labour activists and intellectuals in mainland China began to establish their own organisations. In this way, the existence and organisation of labour NGOs can be seen as emerging from a particular historical and political moment. As long as intellectuals and social activists maintain their concerns for labour issues, the measures they take to support the workers struggle can vary across time and space. For instance, eight university students from Beijing were detained or wanted by the government as they organised a reading group with workers in a university campus in Guangzhou (Chuang 2018). This instigated an enormous outpouring of support from Chinese scholars and other intellectuals. It illustrates that the struggle around labour rights between pro-labour civil society actors and the state is far from dead. It is ongoing, developing, and changing. Under a new political context, new strategies have been created to support workers and resist pressure from the state. ■



A map of workers' strikes in China in 2018 provided by The China Labour Bulletin (<http://maps.clb.org.hk/strikes>).

China's Labour Movement in Transition

Geoffrey Crothall

In the first five years of Xi Jinping's rule, China was characterised by slowing economic growth, the decline of traditional industries, a rapid growth in service industries, and the increasing use of flexible or precarious labour. This has had a clear impact on Chinese workers. In this essay, Geoffrey Crothall illustrates the latest trends in labour activism in China, examining the workers' main demands, the types of protest, the number of participants, and the responses of the local authorities and police.

For China's workers, the first five years of Xi Jinping's rule (2013–2018) were characterised by slower economic growth, the decline of traditional industries such as manufacturing and mining, a rapid growth in service industries, and the increasing use of flexible or precarious labour.

This led to a commensurate change in the nature and scale of worker protests, with the focus shifting away from factories in Guangdong, the traditional heartland of worker activism in China, to a more broad-based response to economic hardship across a wide range of industries around the country. In the vast majority of cases, collective action during this period was triggered not by demands for better pay and working conditions but rather by the failure of employers in both traditional and new industries to comply with even the most basic provisions of labour law.

To better understand the changing face of worker activism in China, this essay will use China Labour Bulletin's (CLB) Strike Map to illustrate the geographical and sectoral distribution of worker protests in China between 2013 and 2017. This allows for an examination of the workers' main demands, the types of protest, the number of participants, and the response, if any, of the local authorities and police.

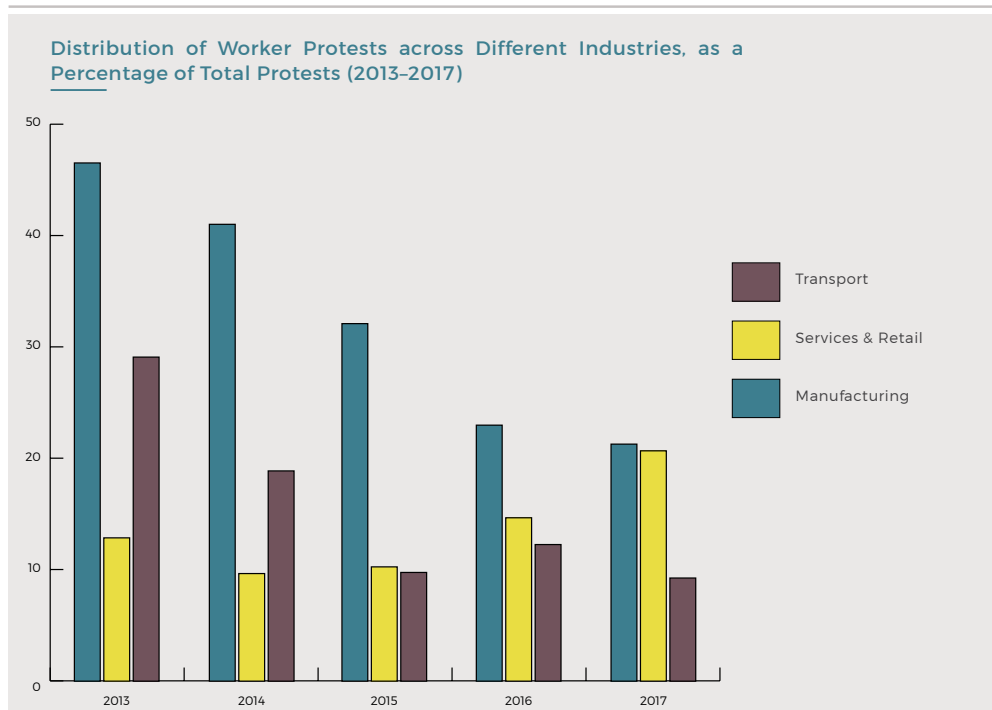
The CLB Strike Map recorded a total of 8,696 collective worker protests from 1 January 2013 to 31 December 2017. This, of course, is not a definitive record of all the strikes in China; it is merely the incidents posted on Chinese social media and occasionally in the official media that we were able to collect during key word searches. Our sampling rate has varied over the five years but we estimate—based on the occasional and partial statistics issued by the national and local governments in China—that the CLB Strike Map accounts for about five to ten percent of all incidents of worker collective action in China during this period. The sampling rate was likely higher in Guangdong and major cities in 2013, but coverage has since been more universal.

Distribution across Industries

In the early 2010s, the manufacturing sector was by far the most important locus of worker activism in China. Factory workers first started organising to demand higher wages, social insurance payments, and then, as the factories started to close down or relocate, compensation for the termination of their employment contracts. As the decade progressed, however, the proportion of factory-based protests declined as the manufacturing industry consolidated and protests in other sectors, particularly in services, increased. The proportion of protests in the manufacturing sector declined from around 47 percent in 2013 to just 21 percent in 2017, roughly the same proportion as collective protests in the retail and service industries that year. See chart below.

The growing number of protests in the service and retail industries were spread out over a vast array of businesses, including shops, bars, restaurants, hotels, gyms, IT companies, banks and finance companies, medical facilities, kindergartens, as well as other private education facilities like driving schools, golf courses and amusement parks, television stations, and other local media outlets. Public sector teachers also took collective action over a wide range of issues from low pay, pensions, bonus payments, and wages in arrears. Many service sector workers were hired as informal service providers rather than formal employees and when disputes over payment of wages or severance pay broke out they often had no idea who their actual employer was.

One of the most active and effective groups in this period were sanitation workers, who accounted for 8 percent of all service sector protests (CLB 2014b). Sanitation workers across China faced low pay, lack of benefits,



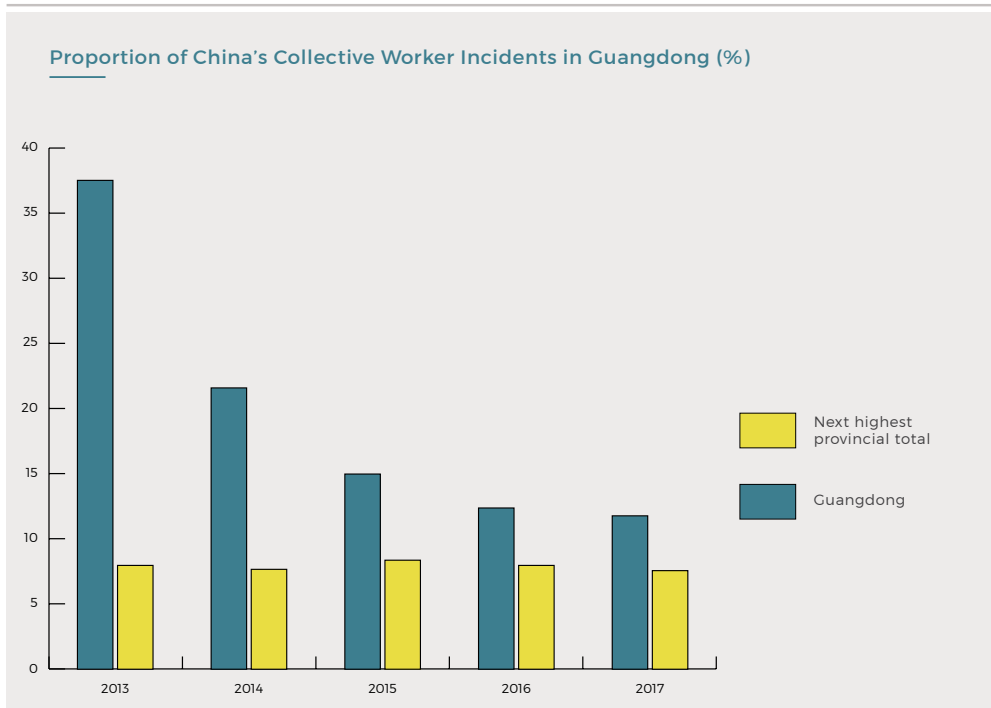
insecure employment, and hazardous working conditions. The only way to improve their situation was through collective action.

During this period, the transport sector also became a more precarious profession as the market for traditional taxis declined with ride-hailing apps gaining a larger market share. At the same time, the job security of bus drivers and conductors was threatened by increased competition from internet-based services, and couriers and food delivery workers, nearly all of whom had little or no job security, became an integral part of the urban economy. In 2013, the majority of protests in the transport sector (105 out of 188) were staged by traditional taxi drivers complaining primarily about high vehicle rental fees and competition from unlicensed cabs. By 2017, of the 117 incidents recorded in the transport sector, only 43 were by traditional taxi drivers, 10 incidents involved drivers with the main ride-hailing service Didi Chuxing, and 28 incidents involved delivery workers.

Broader Geographic Distribution of Worker Protests

In the first year of this study, more than a third of all worker protests recorded on the CLB Strike Map occurred in the southern province of Guangdong, and most of those incidents were concentrated in the manufacturing districts of the Pearl River Delta. Five years later, in 2017, the proportion of incidents in Guangdong had fallen steadily to stand at just under 12 percent of the total. See graph below. This may be partially due to a higher sampling rate for the CLB Strike Map in Guangdong in 2013 but sampling rates alone cannot explain such a dramatic shift.

This dramatic fall was the result of two concurrent and related trends: the closure of low-end manufacturing facilities in the



Pearl River Delta, and the development of construction, manufacturing, and service industries across the whole of China.

The majority of labour disputes in Guangdong, especially from 2013 to 2015, were directly related to the decline of manufacturing in the region. As the economy faltered and more factories closed down, an increasingly elderly workforce realised they would have to take action if their legally mandated social security benefits and housing fund contributions were to be paid in full before their factory closed its doors for good, or the owner simply skipped town owing them months of unpaid wages. In some cases, factory bosses did pay their workers what they were owed before closing down the factory (CLB 2016a) and protests were thus avoided. In many other cases however management dragged their feet or refused payment outright, leading to long, drawn out, and bitter disputes such as the Lide shoe factory workers' campaign for relocation compensation, which lasted from August 2014 to April 2015 (CLB 2015).

By 2017, tens of thousands of factories in the Pearl River Delta had closed, while those that remained tended to be more stable and economically viable (Tu 2015). In September 2017, the municipal authorities in Dongguan—once known as China's factory to the world—boasted of a 69 percent reduction in the number of collective protests by workers over the year and a 71 percent reduction in the incidence of factory bosses skipping town without paying wages (CLB 2017). The local labour officials claimed the credit themselves for reducing the number of disputes, but it seems much more likely that the majority of problem factories had already closed down or relocated to lower-cost inland or overseas locations by 2017.

In 2017, the coastal manufacturing centres of Zhejiang, Jiangsu, and Shandong—as well as inland provinces like Henan, Hebei, Shaanxi, Anhui, and even Sichuan—all had substantial numbers of worker protests. In the first three months of 2018, Henan had the highest number of protests in China—44 incidents compared with 29 in Guangdong.

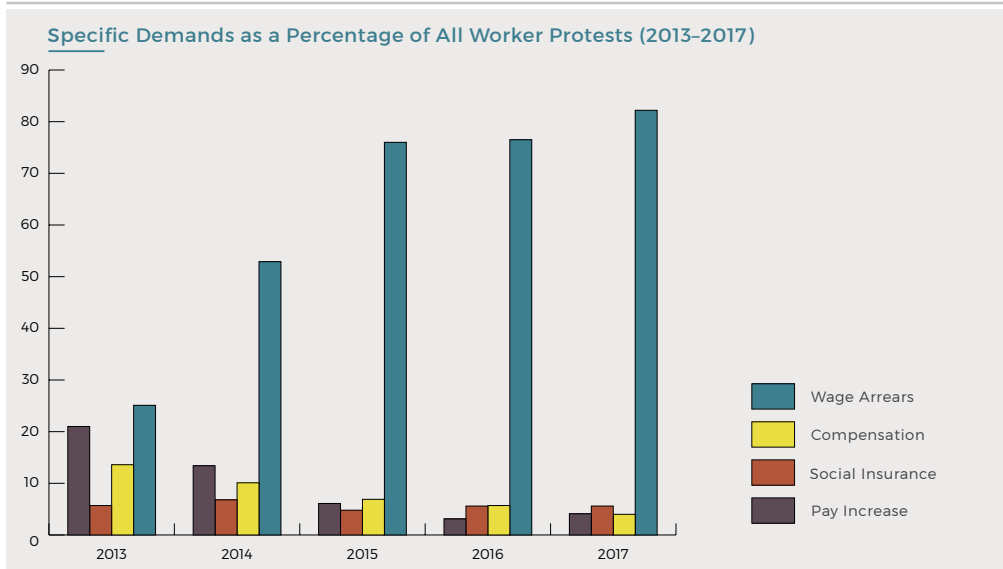
Many inland provinces experienced rapid urbanisation and a boom in infrastructure and property development during this period. This, in turn, led to the creation of new manufacturing facilities and services in these newly urbanised areas. Local governments were keen to attract new investment with the promise of a plentiful labour supply and a business-friendly environment, which usually meant the lax enforcement of labour law. In addition, there was over-investment in unsustainable sectors of the economy, leading to numerous business failures, lay-offs, and wage arrears. Typically, disputes in inland areas tended to be relatively small-scale and short-lived, but occasionally larger protests did break out, such as when 2,000 workers at a toy factory in Luoning, Henan, went on strike in June 2015 over non-payment of wages.

It should be noted that the rapid spread of smart phones and social media platforms across much of China during this period probably contributed to the greater visibility of worker disputes in smaller cities that might have previously slipped under the radar.

Workers' Demands

In the early 2010s, China's factory workers, exemplified by the Nanhai Honda auto workers in Foshan, launched a series of strikes demanding better pay and working conditions. These strikes were a direct response to rapidly rising living costs and a long period of wage stagnation during the global economic crisis. Wages in the manufacturing sector did increase significantly in the first few years of the decade although wages in service industries tended to lag behind. As economic growth slowed in the mid-2010s, however, wage increases started to level off and the problem of wage arrears came more and more to the fore.

As the chart above illustrates, workers' demands for pay increases steadily declined during the five-year period of this study. At the



same time, demands for payment of wages in arrears shot up from 25 percent of all protests in 2013 to 82 percent in 2017.

The non-payment of wages has been a perennial problem in China’s construction industry for decades. Construction workers are separated from the main project developer and financier by numerous layers of sub-contractors and, in most cases, they are only paid on completion of the job. Every year, in the run-up to the Lunar New Year, millions of migrant workers are forced to stage desperate protests just to get paid in time for the holiday.

As noted above, the issue of wage arrears has persistently dogged the manufacturing sector, with factories suddenly closing and the boss vanishing. However, the deliberate non-payment of wages is increasingly spreading to other industries as well, particularly services and new start-up enterprises. Of the 1,033 wage arrears cases recorded on the CLB Strike Map in 2017, just under half (507) were in the construction industry, while 212 were in manufacturing, and 223 were in services and retail.

The growth of new industries in China has created new problems for workers. Many of the jobs in service industries, such as couriers, food delivery, and telecom sales, are insecure, low-paid with little or no benefits, and place excessive demands on the time of individual workers. The Chinese government, and in particular Premier Li Keqiang, has placed excessive faith in the ability of start-up enterprises to generate decent and stable jobs (China Daily 2015). Many start-ups fail within a year or so of being established, and when they do collapse or get into financial difficulty, their employees simply do not get paid.

Worker Organising and Participation

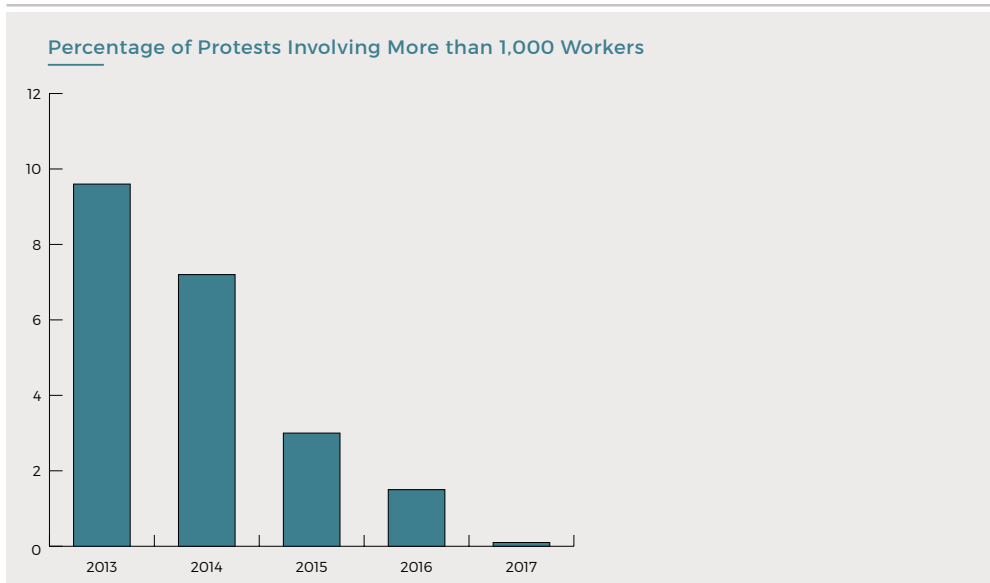
One of the most obvious trends discernible from the CLB Strike Map over the last five years has been the decline in the number of major protests. In 2013, nearly 10 percent of all protests involved more than 1,000 workers. The following year, the proportion had dropped to 7.2 percent, even including five massive protests

with more than 10,000 workers, such as the Yue Yuen shoe factory strike in Dongguan in April 2014, which saw up to 40,000 workers out on strike for two weeks. In the next three years the proportion of major protests dropped dramatically to the point last year where we recorded just one incident involving more than 1,000 workers (see graph below). So far this year, we have recorded another 7 incidents with more than 1,000 participants. Please note, however, that CLB takes a quite conservative approach to protest size and we are more likely to under-estimate than over-estimate the number of participants.

This steady fall is partly explained by the fact that the traditional sources of major protests, such as large-scale factories, have been in decline and no longer provide the huge numbers of workers in one place who can rally around a common cause. It perhaps also indicates the authorities' determination to pre-empt large-scale protests that have the potential to threaten social stability China. Following the high-profile protest over wage arrears by coal miners in Shuangyashan,

Heilongjiang province, which occurred during the 2016 National People's Congress, the authorities went to great lengths subsequently to ensure that laid-off workers in the state sector were paid in full and adequately compensated during the closure or contraction of major state-owned enterprises (Financial Times 2017).

While the number of static large-scale protests has fallen significantly, this does not necessarily mean that workers are no longer organising on a larger scale. In 2016, for example, tens of thousands of Walmart workers joined online groups in response to the company's attempts to impose a flexible working system on its roughly 100,000 employees in China. The online groups created a sense of solidarity among Walmart workers across the country and allowed them to share information and strategies that could be used to resist management attempts to erode their benefits (CLB 2016b). Workers in other service industries also used social media platforms to organise simultaneous small-scale protests in different cities. For example, on 27 June 2016,



sales staff at Neutrogena organised coordinated protests outside the company's offices in Beijing, Guangzhou, and Shanghai.

Government and Police Response

Most collective labour disputes in China are short-lived and are resolved or dissipate without the need for government intervention. It is difficult to gauge exactly how often local governments do get involved in labour disputes because such actions are not often detailed in social media posts about collective protests. When local officials do turn up it is clear that their primary concern is to contain and resolve the dispute as quickly as possible. Local government officials will often attempt to mediate or intervene by putting pressure on both labour and management to make some concessions and compromise so that production can return to normal. However, these quick fixes rarely address the fundamental grievances of workers and do little to mitigate the tensions in labour relations that gave rise to the workers' collective action in the first place.

If there is a trade union branch at the enterprise at the centre of a dispute it is usually a passive bystander or it will sometimes side with management in its attempts to get the employees back to work. Just about the only exception during this period was Huang Xingguo, the head of the Walmart store trade union in the central city of Changde, Hunan province, who led staff in a month-long dispute over severance pay in 2014 (CLB 2014a).

District trade union officials do sometimes get involved in labour disputes but, like the local government officials they are associated with, their primary concern is to get striking employees back to work. That said, the municipal trade union federations in Shanghai and Shenzhen have taken some steps in the last two years to help organise food delivery

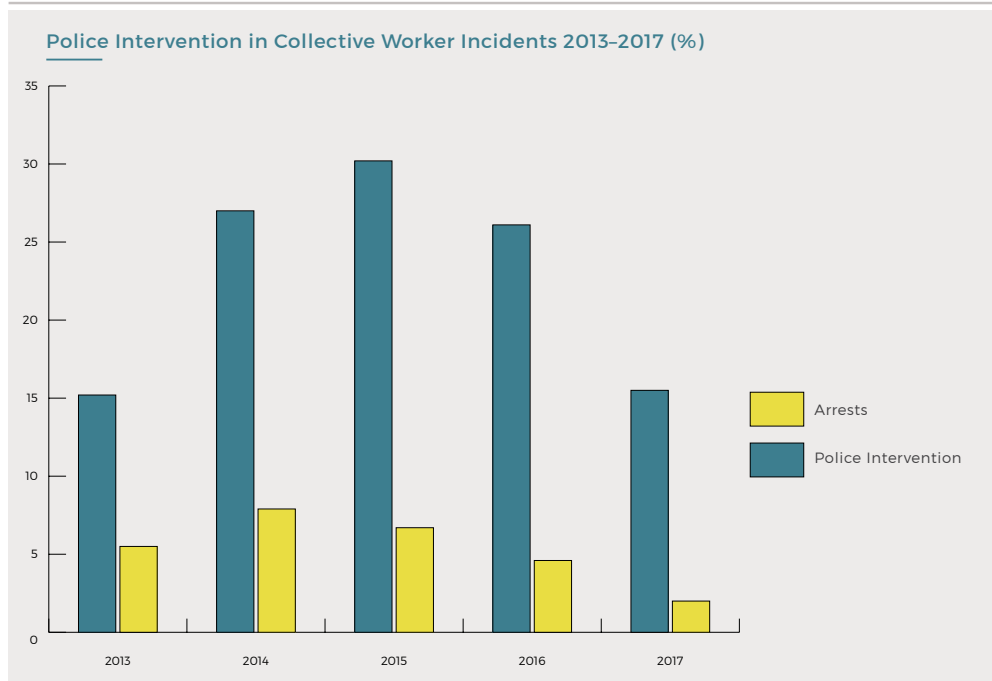
workers and support Walmart employees in their campaign against the unilateral imposition of flexible working hours.

Police do not normally get involved in labour disputes unless the incident is deemed a threat to public order or the business owner specifically requests police assistance. Police officers intervened in about a quarter of all incidents recorded on the CLB Strike Map during the five-year period from 2013 to 2017. As indicated in the graph in the next page, there was a spike in police interventions in 2015, which coincided with an intense period of worker activism in Guangdong but also elsewhere, and directives from Beijing to take a tougher stand against civil society in general. As might be expected, the police were far more likely to get involved in larger-scale protests. In collective protests involving more than 1,000 workers, for example, police intervened in about 50 percent of cases and made arrests in 20 percent of them.

It is clear from the data that a police presence does not necessarily lead to the arrest or detention of worker activists. In most cases, the main concern of the police is to contain the protest as much as possible and prevent it from causing a disruption to public order or traffic. If arrests are made, they are nearly always related to offences such as 'gathering a crowd to disrupt public order' rather than simply going on strike, which is not technically illegal in China. In most cases workers are only detained for a few days, but occasionally well-known labour activists are sentenced to longer terms, such as veteran activist Meng Han who was sentenced to 21 months in jail in 2016 for his role in the Lide shoe factory the previous year (CLB 2016c).

Challenges Ahead

The last five years have been a period of rapid transition for China's workers as they adapted and responded to a new economic



and political reality under Xi Jinping. Workers were challenged by the decline in traditional industries and the emergence of new and precarious patterns of employment in the service industry.

The lack of an effective trade union that could represent workers in collective bargaining with management and the absence of institutions or accepted practices that might help resolve collective labour disputes peacefully and constructively meant that workers had little option but to resort to strikes and other forms of collective action to air their grievances.

Although we do not have any definitive data on the number of collective worker protests during this period, we can conclude with some confidence that while large-scale factory protests probably reached a peak around 2015, smaller-scale protests over a much broader range of industries and regions continued to erupt on a very regular basis across the entire country.

These persistent protests have presented the authorities with a serious challenge as they struggle to fulfil Xi Jinping’s pledge to improve the lives of ordinary working women and men in China. In particular, the increasingly casual and precarious nature of employment in China today will make it very difficult for local government officials, who are already notoriously lax in enforcing labour law, to guarantee that labour rights are adequately protected. ■



Gongyou, The New Dangerous Class in China?

Chinese workers
in Shenzhen.
PC: jordanpouille.com

Yu Chunsen

For decades, labour scholars have been debating the transformation of the identity of Chinese migrants from ‘peasants’ to ‘workers’ in an attempt to assess the extent of their class consciousness. In this essay, Yu Chunsen examines a new identity—framed as ‘gongyou’, or ‘workmate’—that is developing among the new generation of migrant workers in China.

After four decades of rural-to-urban migration, the class identity of more than 280 million rural migrant workers in China remains ambiguous. Many scholars have attempted to capture the transformation of their identity from ‘peasants’ to ‘workers’ by resorting to such labels as ‘new industrial workers’ (*xin chanye gongren*), ‘semi-proletariat’, ‘full proletariat’, ‘precarious proletariat’ (*buwending wuchanzhe*), and even ‘Chinese new workers’ (*zhongguo xin gongren*) (Lee 2007; Lü 2012 and 2014; Pun and Chan 2008; Pun and Lu 2010; Smith and Pun 2017; Standing 2016; Swider 2015; Woronov 2016; Xie 2005; Yang 2010).

Drawing on semi-structured interviews with 164 rural migrant workers in six high-tech processing and assembly manufacturing factories in Chongqing and Shenzhen conducted between 2014 and 2016, in this

essay I contribute to this debate by discussing how rural migrant workers I have encountered during fieldwork in China describe and identify themselves. In particular, I examine a new identity—framed as *gongyou*, or ‘workmate’—that is developing among the new generation of migrant workers in China. I argue that organically forming identities such as this one have the potential to transcend divisions of gender, industry, and geographic area, and could thus provide a means of challenging the state and capital going forward.

A New Gongyou Identity

The term *gongyou* is widely used by migrant workers in the manufacturing, construction, and service sectors in both Chongqing and Shenzhen. In Chinese-English dictionaries, *gongyou* is usually translated as ‘maintenance worker’, ‘workmate’, ‘factory worker’, ‘workfellow’, or ‘working partner’. The fact that migrant workers in labour-intensive industries with precarious employment and limited social security refer to themselves as *gongyou* instead of using the official designation *nongmingong* (literally, ‘peasant-worker’)—a term that often carries derogatory connotations—indicates a willingness to challenge the official discourse, and suggests the development of a new type of collective identity.

While this self-identification is common in both Chongqing and Shenzhen, the term *gongyou* can also be found among different types of rural migrants with precarious jobs elsewhere in urban China. Interestingly, this *gongyou* identity does not include what is traditionally considered the Chinese proletariat, i.e. those workers who enjoy stable employment and social security in state-owned enterprises. Although Hurst (2016) has pointed out that, since 2008, China’s fragmented working class has shown increasing solidarity, those identifying as *gongyou* remain nonetheless detached and differentiated from the traditional working class by the

precarity of their employment. The *gongyou* identity, therefore, is distinguished by its rural origins, and should not be seen as forming an integrated class with the traditionally secure urban proletariat, nor with the whole spectrum of the insecure precariat with formal rights to the city—including, for instance, members of the urban middle class and urban laid-off workers. From this point of view, the household registration system (*hukou*) still constitutes a formidable obstacle to the development of a unitary class consciousness among Chinese workers at large.

However, in spite of these barriers, my fieldwork suggests that the *gongyou* discourse seems to be emerging as a unifying factor for those precarious rural migrants, numbering in the hundreds of millions, who constitute one of the main groups within the precariat in China. As Owen et al. (2010, 478) have suggested, ‘identities that guide social action can come from role relationships, affiliation within social groups, identification with social categories, or personal narratives.’ According to them, class consciousness is also primarily based on individual identity and group membership-based identity, which stem from individuals themselves, and the group as a whole (Owen et al. 2010, 479). In other words, collective identities are an important catalyst to form class consciousness. In this sense, the fact that most precarious rural migrant factory workers that I spoke with in both Chongqing and Shenzhen refer to themselves and their colleagues as *gongyou*, indicates that there is potential for the future development of a unified class identity.

The Diffusion of Gongyou

There is no English or Chinese study that focusses specifically on the *gongyou* identity and discourse. The term has been used in Chinese literature since the 1920s. For instance, writer Ye Shengtao in his novel *Zai minjian* (*Among the People*) referred to factory labourers as

gongyou (Ye 1925). Lu Xun also used the term in his essay *Zai zhonglou shang* ('On the Clock Tower'), this time with a more specific meaning of handymen or manual workers, such as janitors and cleaners, in schools and other public institutions (Lu 1927). Another famous Chinese writer, Yang Shuo, also used *gongyou* specifically to refer to railway construction workers in his work of prose *Yalujiang nanbei* (*North and South of the Yalu River*) (Yang 1950). However, in spite of this widespread diffusion in Republican China, *gongyou* lost currency during the Maoist period, dying out in the 1950s.

It was not revived until the 2000s when rural migrant workers seem to have taken up the term *gongyou* due to its neutral connotation, preferring it to the derogatory *nongmingong*. The term *nongmingong* has thus gradually been replaced by *gongyou* and other terms even in official state discourse. For instance, the Hubei Federation of Trade Unions and the Shandong Federation of Trade Unions respectively launched a *Gongyou Magazine* (*gongyou zazhi*) and a 'Gongyou Action to Start a Business' (*gongyou chuangye xingdong*) (SFTU 2006). These branches of the official trade union have recognised the use of the term *gongyou* to refer to blue-collar workers, especially rural migrants in the mining, construction, manufacturing, and service industries.

Civil society has also played a role in reviving the *gongyou* discourse. Since the early 2000s, several labour NGOs in China have begun calling rural migrants in different industrial sectors *gongyou* while helping them to pursue legal rights and labour protections. According to my interviews, these organisations have taken up the *gongyou* discourse, and even included the term in their names, in order to create a common identity among migrant workers and boost a sense of belonging. Examples include the Beijing Workers' Home (*beijing gongyou zhijia*) and the Pearl River Gongyou Service Centre (*zhujiang gongyou fuwu zhongxin*). A member of the research staff from the Beijing Workers' Home has even written two books about the 'Chinese new

workers' (*zhongguo xin gongren*), outlining the working and living conditions of rural migrant workers in different cities, including Chongqing, Shenzhen, Suzhou, and Dongguan (Lü 2012 and 2014). According to her research, rural migrant workers identify and call themselves and their colleagues *gongyou* as a means of asserting a collective identity.

Beyond Boundaries

Both the male and female rural migrant workers whom I interviewed in the high-tech sector in Chongqing and Shenzhen commonly refer to themselves and their colleagues as *gongyou*, explaining the meaning of the word in terms similar to those that can be found in Chinese literature from the 1920s. More specifically, all 82 rural migrants whom I interviewed in Shenzhen called themselves *gongyou*. In Chongqing, over 80 percent of my 82 interviewees used the term. When they transfer between different industries, these migrants maintain the name and identity of *gongyou*, indicating the potential for widespread diffusion due to the high levels of worker mobility.

Wang and Wang's research (2013) on the living and working conditions of the new generation of rural migrants in Shenzhen suggests that rural migrants tend to belong to a similar social stratum, united by their rural *hukou* or by their village backgrounds and customs. Due to these circumstances, they more easily forge a common identity based on closed and fixed social networks (Wang and Wang 2013, 64). Over 90 percent of the rural migrant workers I interviewed feel that the *gongyou* term builds a sense of closeness and solidarity. Most of them believe that, as members of the *gongyou* group, together they can help each other when labour disputes occur, because they share a common identity.

Considering how often these workers change jobs, and even industries, this self-identification as *gongyou* is clearly not linked

solely to manufacturing or factory work. In fact, this identity goes well beyond the high-tech sector and appears to be linked to the core features of the ‘precariat’, such as the precarity of employment and low wages, which binds them together as a potential ‘class in the making’. Extending beyond boundaries of gender and industry, the *gongyou* identity spreads beyond one single geographical area. As stated above, my research finds that the use of the term *gongyou* is significant for rural migrants in both Chongqing and Shenzhen. Although rural migrants in Shenzhen use the term more actively and spontaneously, those in Chongqing report having been influenced by interactions with their colleagues who have previously worked in Shenzhen, indicating direct identity transfer and diffusion.

A typical case was that of a 28-year-old migrant woman from rural Chongqing, who worked in a high-tech manufacturing factory called Pegatron in the Liangjiang New Area. She explained that she had worked in Foxconn Shenzhen for four years before returning to Chongqing. She spontaneously called her colleagues *gongyou*, exactly as she had called her previous colleagues in Shenzhen. After working in Chongqing for four months, she reported that many of her colleagues had begun to call themselves and others *gongyou* too. She did not want to identify herself as *nongmingong*, because this term made her feel like a subordinate citizen, a symbol of backwardness.

Forming a Dangerous *Gongyou* Class?

While the household registration system remains one of the main barriers to the formation of the precariat as a ‘class for itself’, the *gongyou* identity represents a social status specifically embraced by migrant workers engaged in urban industries. The use of this term among this group is also an empirical example of the emergence of a nascent

collective class consciousness in an important segment of the Chinese precariat. That many new-generation migrant workers in Shenzhen spontaneously express their collective identity by organising members of the *gongyou* group together to protect their legitimate labour rights can be regarded as a potential signal of a rising collective class consciousness facilitating future class struggles in high-tech manufacturing in China.

The Nanhai Honda strike in Foshan of 2010 is an example of a successful class struggle between rural migrants identifying as *gongyou* and factory owners. It was an important event for rural migrants pursuing their own labour protections in terms of increasing their basic salaries in Guangdong province, and at that time it deeply influenced the struggles of other rural migrants for higher wages and better labour protections across different factories, industries, and regions (Friedman 2012; Lau and Choi 2010). According to Chinese labour NGO and media reports, the striking Honda workers called each other *gongyou*, a fact that highlights the importance of this identity for the ensuing worker mobilisation (China Labour Bulletin 2010; China News Weekly 2010; The Economic Observer 2010).

Since then, strikes have been widespread in various industries (see Crothall’s essay in the present issue). From an analysis of news reports, it can be seen that the *gongyou* identity has contributed to solidarity in mobilisations. This type of cross-sector, cross-region identity formation has the potential to present a significant challenge to both the state and capitalists in China.

Through their increasing willingness to undertake collective action in order to seek more stable employment and better working conditions, these precarious workers may play an important role in shaping the future direction of Chinese society. As those taking on collective identities with their fellow workers—such as the *gongyou* identity—grow larger in number, their voices will be increasingly hard to ignore. ■



Reconfiguring Supply Chains

Transregional Infrastructure and Informal Manufacturing in Southern China

Urban landscape of Guigang, Guangxi province, where the Wongs set up their secondary factory.
PC: Nellie Chu.

Nellie Chu

In recent years, rising labour costs and unstable market conditions in coastal areas have prompted former migrant workers and small-scale entrepreneurs to move their manufacturing activities to interior provinces. While this has been made possible by China's infrastructural upgrade, in this essay Nellie Chu shows how infrastructure projects that link China's interior and coastal manufacturing regions have ended up intensifying key aspects of the country's informal economy.

In recent years, rising labour costs and unstable market conditions characteristic of China's garment manufacturing sector in the Pearl River Delta (PRD) region have prompted former migrant workers and small-scale entrepreneurs to move their wholesaling and informal manufacturing activities to interior provinces. Their entrepreneurial activities restructure global supply chains by using logistical and transport systems that connect interior regions to major industrial and trading hubs historically built along the coastal Special Economic Zones. These transregional linkages,

as I will show, have been accompanied by an expansion of informal entrepreneurship and manufacturing, practices that are primarily driven by early generations of migrant workers who arrived in Shenzhen, Dongguan, and Guangzhou in the early 1980s, and who have relocated back to their native places in smaller cities or in the countryside. After relocating, they typically establish satellite factories and small-scale warehouses that support the manufacturing capacities of larger factories in the metropolitan regions and traditional manufacturing areas.

This cross-regional movement of labour and capital highlights the reconfiguration of the country's industrial base away from the coastal regions to the interior provinces. At the same time, these infrastructure and economic developments underscore the tenacity and initiative of China's migrant population, whose entrepreneurial activities impact China's informal manufacturing sector. In this essay, I show how infrastructure projects that link China's interior and coastal manufacturing regions have intensified key aspects of the country's informal economy. In particular, I examine the labour conditions of temporary wage workers, as well as the extractive practices of landowners and government officials in the interior regions through their collection of fees and other forms of rent-seeking. These place-based and informal extractive practices remain part and parcel of migrants' experiences of small-scale entrepreneurship as they reconfigure garment supply chains transregionally across China.

In what follows, I draw from my anthropological research in Guangzhou's garment district, where I have conducted extensive ethnographic fieldwork since 2010. First, I trace the historical linkages of this informal industrial hub to transnational export and trade; I then elaborate on the current PC conditions that have compelled migrant labourers to establish secondary markets of garment manufacture and trade in their native places. By focussing on the case study of a migrant family who has extended their

garment manufacturing operations to their hometown in Guangxi province, I will highlight the challenges that migrant entrepreneurs face in light of the central government's ambitions for industrial upgrading and engagement with world markets.

Migration, Informality, and Cross-border Trade

Transnational connections initially fuelled the emergence of informal manufacturing and the export of low-cost clothes in what would become Guangzhou's garment district in the early to mid-1970s. Before Deng Xiaoping's market reforms beginning in 1978, the area's proximity to Hong Kong facilitated the cross-border smuggling of leftover fabrics and second-hand clothing to and from the former British colony. Since then, garment manufacturing and export operations have mushroomed in this working-class district, which was formed from several neighbouring urban villages. This growth compelled traders and brokers from the Middle East, Southeast Asia, Africa, and Euro-America to bypass Hong Kong as an intermediary port of exchange, and to source goods directly from manufacturers in Guangzhou.

The cross-border flows of commodities and capital impacted generations of migrants who floated in and out of the garment district. Migrants from the coastal regions of Fujian, Wenzhou, and Chaozhou—who comprised one of the first groups to engage in the mass-manufacture and trade of low-cost garments during the 1980s and 1990s—gradually elevated their social standing to that of the rentier class by leasing small-scale industrial spaces and market stalls to the subsequent generation of migrant entrepreneurs. In the late 1990s to early 2000s, new waves of migrants from the interior provinces of Sichuan, Henan, Hunan, and Guangxi settled in this district in order to take up piece rate labour in the informal

garment workshops, as well as to experiment in running their own small-scale factories and wholesale business ventures.

Since the onset of the reform era, the financial success of these migrant entrepreneurs has been highly uneven and unpredictable. While some migrants have managed to accumulate modest amounts of wealth in the early years of market reform, the majority of middle-aged migrant men and women today can only find temporary piece rate work by moving in and out of the garment factories in the area. Others float between running their own businesses in the fabric markets during the day, while taking up piece rate work in informal garment workshops in the evening. Elderly migrants struggle to maintain a livelihood by collecting scrap metal and other recyclables from the nearby factories and fabric markets, and by delivering passengers, fabric bolts, and raw materials to the surrounding garment workshops. Here, the average lifespan of a migrant-owned business is only two or three years.

Speculation and Surveillance

Recent speculation surrounding rising labour costs in Guangzhou and across the PRD region, as well as increasing competition from low-cost garment manufacturing in other developing countries, has intensified the sense of financial insecurity and precariousness among migrants. Indeed, since my arrival in the city's garment district in 2010, migrant bosses (*laoban*) in the garment district have blamed the 2008 global financial crisis for curbing foot traffic and slowing market growth in Guangzhou's garment sector. They have predicted that the fashion industry in southern China will soon be eclipsed by developing economies in Thailand, Cambodia, and Vietnam, where labour costs are lower, clothes are cheaper, and styles are more appealing to transnational clients.

At the same time, since 2010 migrant entrepreneurs in Guangzhou are facing stricter surveillance and disciplinary measures by local enforcement agents who are exerting tighter controls over the flows of people, commodities, and cash in the interest of extracting fees. At the same time, they have been curbing cash-based market activities not falling within the regulatory purview of the state. Prior to 2016, migrant women, both young and old, would set up outdoor tables and racks full of clothing, accessories, and other novelties for sale along the narrow alleyways of the urban villages during the evening hours. Over the last two years, however, unlicensed business activities have largely been prohibited along the main pedestrian roads. Some garment factories and wholesale stalls have been ordered to close, attesting to the tighter regulation of production and other economic activities within the district.

Outside of the geographic boundaries of the garment district, uniformed officers are stationed along the major intersections. At certain times of day, officers collect parking fees from truckers and other drivers entering the area, and they prohibit pedicab drivers from riding anywhere within the district. Those caught driving pedicabs at certain times of day are arrested and fined. Such regulatory controls by municipal government agencies have led to dwindling business activities that rely critically on the foot traffic of their overseas clients, resulting in increasingly precarious livelihoods for migrant labourers there.

In response to such PC uncertainties, migrant entrepreneurs in the garment district have begun to extend their businesses from Guangzhou to their native places in the countryside and in smaller cities. There, they attempt to establish secondary wholesale shops or small-scale factories in their homes so that they can tap into the local labour markets. While some migrants move their entire factory or wholesale operations to the interior regions, others establish satellite industrial and retail sites in their native places.



(Left) Typical street scene in an urban village in Guangzhou. (Right) A sewing machine in a makeshift garment assembly space in Guangzhou's garment district. PC: Nellie Chu.

These business developments have been made possible by the proliferation of high-speed railways and other transport systems connecting major metropolises with more marginal areas all over the country. By moving or extending their business endeavours to the interior, 'less-developed' regions in China, migrant entrepreneurs exploit labour markets which offer lower costs, while bringing their manufacturing skills, knowledge of global consumer markets, and transnational client networks to these newly-developed frontiers of accumulation and extraction.

Informal Manufacturing across Local Economies

In the course of extending their production links across local economies, however, some migrants face unreasonable demands for

various payments and bribes, thus adding administrative burdens and capital costs to their entrepreneurial endeavours. As a case in point, a migrant couple I interviewed in the garment district had recently opened a satellite factory inside their new five-storey house in a smaller city in Guangxi province. Since labour costs are lower in Guangxi than in Guangzhou, the Wongs maintain their small-scale workshop in Guangzhou, where Mr Wong receives production orders from domestic and transnational clients who pass through the garment district. Meanwhile, mass manufacture takes place in Guangxi, where Mrs Wong manages and oversees the entire production process. After the garments are manufactured, the finished products are delivered overnight via the newly built high-speed train that connects the interior regions of Guangxi to Guangzhou in a matter of three to four hours. Mr Wong and his employees in Guangzhou then package the finished



(Left) Informal street vendor in Guangzhou before these markets were officially prohibited in the city's urban villages. (Right) A row of informal garment factories in Guangzhou. PC: Nellie Chu.

garments before sending them to their clients. These cross-region linkages of labour, capital, and commodities are spatially segmented and temporally coordinated by the Wongs to serve the 'just-in-time' delivery and export of fast fashion.

The scheduled cycles of cross-region production and delivery worked seamlessly when the Wongs began their operations in Guangxi in the summer of 2016. However, in the weeks leading up to my visit with Mrs Wong in the summer of 2017, a number of public utility officials asked the family to pay a certain amount in fees for setting up the electricity line in their house in Guangxi. She informed me that they had visited their home and demanded a few hundred to a few thousand yuan here and there. 'It's so corrupt over there,' Mrs Wong told me. 'In Guangzhou, once they get the electricity line, they just asked for a few hundred yuan, and that would

be it. They find reasons to ask for more money [in Guangxi]. That's not how they do it over there [in Guangzhou].'

The Wongs paid officials up to 20,000 yuan over the course of the two years that they had been in operation in Guangxi. 'Initially, they asked for only a few hundred yuan to complete jobs. As soon as they figure out that you are building a house, more and more people come by and demand various forms of payment from you. Now I have to deal with the bills.' As Mrs Wong explained her dilemma to me, I realised the particularities of how a commercial land or industrial space was governed and managed. Through Mrs Wong's broad comparisons between doing business in Guangzhou and in her native place in Guangxi, I surmised that networks of patron-client relationships—presumably between landowners, lessors, and other interested people or third parties—were implicated in a division of profits and rents

that were collected through the extension of infrastructure, such as electricity lines, in and across particular locations.

She then further explained: ‘At first, we thought that the intermediary agent who helped us submit our payment was trustworthy, but then the problems [the demands for payment] kept coming.’ While the Wongs assumed that hiring workers in Guangxi would save labour costs, they did not anticipate the extra costs of bribes and other fees. To be sure, the movement of labour and infrastructure involves negotiations and compromises that, at times, might hamper the seemingly smooth and seamless movement of people, commodities, and production facilities. Having operation facilities both in Guangdong and Guangxi might have offered them flexibility, but keeping machines and employees idle imposed unforeseen costs. In light of these financial demands, Mrs Wong explained that she could not provide work and pay for her current seven or eight employees in Guangxi. She simply informed them that she needed to return to Guangzhou without a precise date of return and rehire. At the time of writing, her employees in Guangxi remained unemployed.

global experiments in cross-border scaling and industrial upgrading are increasingly connected. These dual developments have PC impacts on the mobility and labour of rural migrants. Though the successes (or failures) of China’s infrastructure projects remain ambiguous to many observers, China’s migrant population is definitively being displaced through the ongoing shifts in the extraction and accumulation of capital, even when they return to their native places. As these policies and investments continue to unfold, attention must be focussed on the migrant labour population within China’s informal economies, many of whom remain vulnerable to the societal effects of large-scale displacement and dispossession. ■

Infrastructure Projects and the Informal Economy

The central government’s plans for industrial upgrading and increased engagement in global markets calls for attention to infrastructure projects that restructure global supply chains across China’s interior and coastal regions. It should also prompt us to examine the ways in which these domestic projects link up with various aspects of the nation’s informal economy. Indeed, the practices of informal and precarious labour, as well as various forms of rent-seeking, within China’s rural spaces and smaller cities have intensified as China’s



The Struggles of Temporary Agency Workers in Xi's China

Changchun FAW-Volkswagen assembly line. PC: Wang Yuwen

Zhang Lu

In China, temporary agency workers often receive as little as half the pay and none of the benefits enjoyed by their 'regular' counterparts, which has resulted in high-profile struggles across sectors. This essay examines their recent collective actions in the automotive industry, pointing to the challenges and potentials for future labour activism in contemporary China.

In recent years, there has been rising activism among temporary agency workers—workers who are hired through labour agencies and are now a main component of the Chinese workforce across sectors. Several high-profile struggles by agency workers in the automotive industry have highlighted their grievances and their ability to mobilise. This includes collective actions from workers at FAW-Volkswagen (FAW-VW), Guangzhou Ai Paike Auto Parts Co., Ltd (APAC), and Guangzhou NHK Spring Precision Co., Ltd (NHK) for equal pay and unpaid benefits. What is the nature of their grievances and the extent of their bargaining power? What strategies do agency workers use to protest and to make their claims to employers? What are the trends and implications of agency workers' struggles for labour relations and worker activism in Xi's China? This essay seeks to address these questions by taking a close look at the recent struggles by agency workers in the automotive industry.

Labour Dispatch and Contested Regulation

The growth of precarious work has come to characterise a significant global trend over the last few decades. One of the fast-growing forms of precarious work in many countries has been temporary agency work (TAW), better known as labour dispatch (*laowu paiqian*) in the Chinese context. The core feature of TAW is a triangular structure that separates employment from the actual use of labour: a temporary agency worker is employed by a temporary staffing agency (TSA), and then dispatched to work at the user company. TAW has attracted much public and scholarly scrutiny, as it challenges the conventional definition of employment relationships and complicates the legal and financial obligations employers have to their employees (Gonos 1997; Vosko 2010).

In China, the dramatic rise of labour dispatch since the late 1990s has had far-reaching consequences for Chinese workers and labour relations. Although China does not provide official statistics on labour dispatch, according to a survey conducted by the All-China Federation of Trade Unions (ACFTU), the country's agency workers reached 37 million in 2011, accounting for 13.1 percent of the total actively employed population in China. Moreover, instead of being confined to temporary, auxiliary, or substitute positions, agency workers are increasingly being used in permanent positions or on a long-term basis in a wide range of industries. In fact, 39.5 percent of the surveyed agency workers had worked for the same client firms for more than 6 years. In particular, state-owned enterprises (SOEs) had the highest percentage of agency workers, accounting for 16.2 percent of their total workforce (ACFTU 2012). Agency workers have been subjected to discriminatory treatment at work, including lower pay, fewer benefits, harsher disciplinary action, and lack of job security and advancement opportunities compared to regular employees at the client firms. The ambiguous triangular employment

relationship, combined with the lack of regulation, has led to rampant violations of workers' rights.

It was against this backdrop that the 2008 Labour Contract Law (LCL) devoted 12 articles to the regulation of labour dispatch. However, the lack of specific, enforceable measures, led to an explosive growth of agency workers since the passage of the LCL. In 2013, the LCL was amended to close the loophole and address the rampant use of labour dispatch. On 1 March 2014, the Interim Provisions on Labour Dispatching took effect, which requires companies in China to reduce the use of agency workers to 10 percent of their total employees by 1 March 2016. Faced with stricter regulations, many employers responded by laying off agency workers or continuing to use labour dispatch under the guise of outsourcing or subcontracting to bypass the 10 percent limit (Peng 2016). To defend their employment and legal rights, temporary agency workers across a range of industries have been protesting, petitioning, and filing lawsuits against layoffs and unequal treatment at work. The year-long struggles by FAW-VW agency workers for 'equal pay for equal work' highlight the plight of agency workers and their determination to defend their legal rights.

The Struggles of AFW-VW Workers

The use of temporary agency workers has proliferated throughout the automotive industry since the mid-2000s, along with the restructuring and rapid expansion of the industry (Zhang 2015). There were around 3,500 agency workers at FAW-VW Changchun plant as of 2016, and many of them had been working at the company for more than 10 years in skilled core production positions. Despite doing the same work as regular workers, the agency workers were only paid half as much and did not enjoy the same benefits. Emboldened by the new regulation, in November 2016

several thousand temporary agency workers in FAW-VW's Changchun plant began their struggle for equal pay for equal work, when the two-year transitional period for compliance with the 2014 Interim Provisions on Labour Dispatching expired and their employer had still not made the legally required adjustments to limit the use of agency labour (China Labour Bulletin 2017a).

The agency workers at FAW-VW demonstrated tremendous determination, persistence, and unity throughout their struggles. They first filed a complaint with the ACFTU, demanding compensation for years of unequal pay and the signing of formal employment contracts with FAW-VW. The workers then elected three representatives, alongside trade union officials, engaged in collective bargaining with the management of FAW-VW and their labour agencies between December 2016 and January 2017. After several failed collective bargaining sessions, the workers filed a collective dispute case with the Changchun labour dispute arbitration committee, and later brought the FAW-VW to court. After the court rejected their case, the agency workers organised several demonstrations between February and May in 2017 (China Labour Bulletin 2017a). However, their protests were met with police harassment. In May 2017, the three worker representatives, Fu Tianbo, Wang Shuai, and Ai Zhenyu, were arrested for 'gathering crowds to disrupt public order'—an accusation commonly used by local governments to quell labour and social unrest. While Wang and Ai were released, Fu has remained in custody and was officially charged in early June 2017 (China Labour Bulletin 2017b). The agency workers continued their struggles for equal pay and for the release of Fu Tianbo from prison. In July and August 2017, they issued public letters to the Volkswagen Group and Volkswagen's works council in Germany, asking for their intervention in the legal violations in the Changchun plants and for the release of Fu. However, VW decided not to intervene (China Labour Bulletin 2017c). On 18 August 2017, the workers wrote a jointly

signed letter to the local Public Security Bureau demanding the unconditional release of Fu (Ruckus 2018).

At the same time, management and the local government took various measures to break up the agency workers' protest: the workers' posts on social media were blocked and management cooperated with the police to criminalise the worker representatives. In addition, in April 2017 FAW-VW made a concession by announcing 2,400 new regular jobs for its agency workers who had worked at the company for more than 10 years. However, only 500 positions were to be located in Changchun. Moreover, if the agency workers accepted the new contract, they would have to give up their demand for compensation for years of unequal pay. About 1,500 agency workers took the offer. Although not all of the workers who signed the new contract gave up their demands for back pay, they basically withdrew from the protest. On 21 December 2017, FAW-VW launched a second round of recruitment and offered all the remaining agency workers in the Changchun plant five-year regular contracts, on the condition that the agency workers would give up their claims on all the remuneration issues. Workers who would not sign the new contracts would be terminated and sent back to the labour agencies. The workers were only given one day to accept the new offer. It was clearly a management strategy to quell the agency workers' protest. Under this pressure, all but five agency workers eventually signed the contract. The five workers who did not give up were dismissed by FAW-VW at the end of 2017. They included worker representatives Fu Tianbo and Ai Zhenyu, who decried the contract as illegal and were determined to continue their struggle until justice was served (Xia 2018).

As of writing, the agency workers have not achieved their demands for open-ended contracts and compensation for the unequal pay since 2008. It is fair to say, however, that the agency workers' tenacious struggle was one of the main reasons for the FAW-VW decision to stop using labour dispatch in the Changchun

plant at the end of 2017. It is also important to point out that the agency workers involved in the struggles at FAW-VW tend to have more workplace and marketplace bargaining power than in other sectors. For one, FAW-VW and other automakers have been rapidly expanding production capacity alongside the construction of new manufacturing facilities across China in recent years. These new plants require a large number of workers, especially skilled and well-trained ones like this group of temporary agency workers who already had ten years of experience working at the company (Xia 2018). Meanwhile, FAW-VW started using more outsourced workers on production lines to increase staff flexibility shortly after it stopped using agency workers. Yet, it did not take long for the outsourced workers to begin their protest against unequal treatment as well. According to my interviews conducted at the FAW-VW Changchun plants in June 2018, over 400 outsourced workers have been involved in struggles against unequal pay and the illegal practice of ‘fake outsourcing, real dispatching’ at FAW-VW since early 2018.

As many employers resort to outsourced/subcontracted workers to evade the 10 percent limit on the use of dispatch labour, a growing number of outsourced/subcontracted workers have joined agency workers to demand equal pay, the signing of regular contracts, and mandatory insurance payments and public housing funds in back pay. This has been demonstrated by the ongoing struggles at the auto parts companies such as APAC and NHK in Guangzhou.

Shaping Labour Relations

On the one hand, agency workers have deep grievances after being subjected to years of unequal and substandard treatment, and they have become increasingly restive and emboldened by the stricter regulations on labour dispatch. They have demonstrated great determination, persistence, and unity in

their struggles for equal pay, regular contracts, and mandatory insurance payment and public housing funds required by the laws. On the other hand, it has proven extremely difficult for agency workers to defend their legitimate rights through formal legal channels, given the power asymmetry between workers and employers, and the fact that local authorities often side disproportionately with employers in labour disputes.

Furthermore, the CCP under the new leadership of Xi Jinping has moved towards tightened political and ideological control, and an increasingly repressive approach to worker activism. Strikes are often treated as ‘social stability maintenance’ (*wei wen*) incidents, the police is frequently called in, and criminal charges are filed against striking workers, rights lawyers, and labour activists (Pringle 2016). In addition, central leaders have taken steps to curb increases in the minimum wage and cut social-security burdens on companies. A recent government-led consultation on revising the LCL to improve ‘labour market flexibility’ and to roll back some job-security protections for workers is widely seen as a harbinger of more business-friendly policies to keep companies afloat as China’s growth continues to slow (Wong 2016).

Thus, it is likely to become even harder for agency and outsourced workers to defend their rights through official legal channels. Still, recent battles partially won by the agency workers at NHK and other auto parts companies in Guangzhou suggest there is potential for this group of workers to successfully bargain for their rights. Considering the sheer scale and far-reaching consequences of labour dispatch for the employment terms and conditions of millions of Chinese workers, further research into the strategies and tactics of agency workers’ struggles in different industries and regions is essential to understanding the current and future trends of labour relations and worker activism in the era of Xi. ■



Robot Threat or Robot Dividend?

A Struggle between Two Lines

Huang Yu

With China being the world's largest market for industrial robots, robotisation has become a hot topic in the Chinese public discourse. While media reactions have been polarised between those who fear large-scale displacement and those who emphasise the rise of newly created jobs, there has been little solid research looking into the impact of robotisation on labour market and shop floor dynamics. In this essay, Huang Yu assesses both the 'robot threat' and the 'robot dividend' discourses, offering some views on how workers should react to the ongoing technological revolution.

Robotisation shortens the training period of cutting bicycle helmet venting holes from six months to only three days. PC: Huang Yu

Since 2013, China has become the world's largest market for industrial robots, recording record sales of 87,000 units in 2017. With the publication of the 'Made in China 2025' plan in 2015, robotisation has become a hot topic in public discourse. While media reactions have been polarised between those who fear large-scale displacement and those who emphasise the rise of newly created jobs, there has been little solid research looking into the impact of robotisation on both the labour market and shop floor dynamics. Based on fieldwork conducted in the Pearl River Delta (PRD) since late 2015, in this essay I try to assess both the 'robot threat' and the 'robot dividend' discourses, offering some views on how workers should react to the ongoing technological revolution.

From ‘Workerless Factory’ to ‘Robots Create Jobs!’

China’s robotic revolution took off against the backdrop of periodic labour shortages much bemoaned by companies. Soon after the publication of the ‘Made in China 2025’ plan, official media enthusiastically applauded the ability of robots to reduce the labour force. Two news stories were widely circulated at that time. The first regarded the debut of a ‘workerless factory’ (*wuren gongchang*) in Dongguan in 2015, a mobile phone module manufacturer which claimed that an industrial robot could replace up to eight workers while reducing the product defect rate by over 20 percent (Xinhua 2015). Significantly, the firm was awarded a subsidy by the Dongguan government under the policy of ‘replacing humans with machines’ (*jiqui huanren*), underlining how a coalition between government and industry planned to overcome the labour shortage problem.

The second focussed on how the Foxconn factory in Kunshan, Jiangsu province, retrenched 60,000 workers, over half of the total work force in 2016 (Zuo 2016). The public could still remember how, a few years earlier, just after the notorious spat of worker suicides (Pun and Chan 2012), Terry Gou—the CEO and founder of the company—had haphazardly announced the plan to use one million robots to replace its human labour force. He unabashedly praised the advantage of robots over humans, stating that ‘human beings are also animals, to manage one million animals gives me a headache’ (Kwong 2012).

Although most media reporting embraced the discourse of the ‘workerless factory’, a minority of reporters criticised the motivation behind local governments’ robotisation initiative. For instance, writing for *Beijing qingnian bao*, Lijian Xing stated:

After robots were introduced to replace humans, local governments did not need

to take up the responsibility of offering job retraining to the displaced workers. When tens of thousands, hundreds of thousands, and ever more migrant workers sullenly left, local governments could enjoy a significant cut in their budgets for security, education, healthcare, housing, and other public facility provision (Xing 2016).

As media coverage began to highlight the risks of large-scale unemployment as a potential social threat over the last couple years (Guo 2016; Zhou and Jiang 2016), the public discourse has begun to shift from robots replacing workers to robots creating jobs. Media reports have either been tracing historical cases to downplay the threat of new technologies, or have cited research to demonstrate how Artificial Intelligence (AI) and/or robotics can generate more jobs than they eliminate. For instance, several reports have backed the notion of the ‘Luddite fallacy’ (*lude miulun*) by arguing that new technology does not lead to higher overall unemployment. One journalist contended that when horse-drawn carriages were phased out by automobiles, film cameras by digital cameras, or pagers by mobile phones, more jobs were created than culled (Wuhua 2017).

More recently, a report issued by the International Federation of Robots (IFR) has been widely cited, as it determined a job-creation ratio of 3.6 jobs for every robot deployed (Tian and Cai 2018; Zheng 2017). After the State Council rolled out the ‘Next Generation AI Development Plan’ (*xin yidai rengong zhineng fazhan guihua*) in July 2017, media further focussed on the positives. One report claimed that in England AI had eliminated 800,000 ‘low-end jobs’, but had simultaneously created 3.5 million new positions (Jin 2017). Another suggested that the trend of job shrinkage caused by robots would end in 2019, as after 2020 AI would become a positive force generating 2 million new jobs (net) in 2025 in the United States alone (Xia 2018).

The Robot Contradiction

In the Chinese media, AI and robotisation are largely portrayed not only as an inevitable trend but also as a boon for society. However, the damaging effects of robots on the labour market should not be overlooked. A recent study reviewing employment in the United States from 1997 to 2007 found that each new robot added to the workforce meant the loss of between 3 and 5.6 jobs in the local commuting area, not to mention a decline of between 0.25 percent to 0.5 percent in local wages (Acemoglu and Restrepo 2017). Since China's robotic industrialisation has just begun its dramatic expansion, there has not been much aggregate research on the potential impacts of robotisation on workers. However, my research has found that, among the four firms that possessed comparative employment data before and after automation, the workforce reduction rate in the production line ranged between an alarming 67 and 85 percent (Huang and Sharif 2017). Moreover, although media and firm representatives have tried to downplay automation's impact on the workforce, with talks of a 'labour shortage' already under way, it is important to note that by early 2017 Dongguan's subsidy plan had already culled 190,000 workers, a figure that far outnumbers the estimated labour shortage of 100,000 reported in 2015 (Huang and Fu 2017).

Still, so far we have not witnessed the kind of widespread use of robots that throws workers onto the streets in great numbers. Although robot demand has continued to soar in the last five years in China, in 2016 a total of 87,000 robots were sold in the country while robot density remained at only 68 units per 10,000 employees (IFR 2017 and 2018), a minor number in comparison with China's 282 million migrant workers in that year. This is largely because technological upgrading itself is not a linear and smooth process, but is subject to gaps and disruptions. For instance, despite the initial hype over robotisation in

its Kunshan plant, Foxconn failed to put its 'Foxbots' into widespread application on the assembly line due to frequent problems and breakdowns (Jianxiaoqiao 2017). Part of the reason is that since their invention, industrial robots have mostly targeted the automobile industry for heavy-duty tasks such as welding and painting, but robots that excel in light-duty, flexible, and versatile tasks are relatively recent additions. The first collaborative robots that are designed for versatile tasks and can work around humans debuted in 2014, and their demand is expected to increase roughly tenfold by 2020 (Trobe 2016).

Therefore, we will likely see a shrinking labour market in the manufacturing sector in the coming decades, and many migrant workers in China will either have to shift to the service industry or return to the countryside. In fact, employment in the service industry has already exceeded manufacturing since 2011. However, labour conditions in the service sector have been identified as even more precarious and deregulated than in manufacturing, with opaque labour relations, low contractualisation rates, and inconsistent payment of overtime in several sub-sectors (Worker Empowerment 2017). Moreover, robots have also found their way into the service industry and might have a significant impact on labour even there (Youshino 2017). What about going back to farming? The prospect that agriculture can sustain a living is not very promising. The Ministry of Agriculture recently announced that 35.1 percent of the country's farmland has been transferred from small farmers to rural elites or agribusinesses (Ministry of Agriculture 2018). If workers are displaced by robots but have no land to return to, China might soon see the rise of urban ghettos and mounting social problems. However, the national government has not yet conducted a comprehensive study of the impact of automation on workers, nor has it offered any prospective solution to the potential problems (Butollo and Lüthje 2017). Local governments are reluctant to treat migrants as permanent residents

and are unwilling to shoulder the negative consequences that industrial upgrading might pose for those workers.

Deskilling or Upskilling?

Unlike the debate on the effect of robots on employment, the media's attention on how automation impacts workers' skills is relatively scant. Although the issue today is largely overlooked, decades ago this used to be a hot topic that captured much scholarly attention. Sociologists who explored the processes of industrial automation in the United States and Japan from the 1960s to the 1980s revealed how the introduction of numerical control machines rendered machinists deskilled by separating concept from execution. As automatic machines forced workers to surrender the control of the labour process to the management, managers quickly replace unionised, skilled machinists with non-union, white-collar employees as a way to curb labour activism (Braverman 1988; Morris-Suzuki 1988; Noble 1979). My research has found that for sectors that used to rely on manual skills, such as woodwork, clothing, and metal processing, the impact of deskilling is very obvious. For example, in a factory that manufactured bicycle helmets, robotisation shortened the training period of cutting venting holes from six months to only three days. Similarly, in a door-making factory, automation rendered carpenters de-skilled and replaceable by novice workers. Here, the deskilling effect brought on by automation might have some potential for promoting common interests between veteran and young workers. However, with the government's restriction on collective labour rights, combined with more and more stringent control of worker organisation and activism, the chances of seeing a broader base for labour solidarity seems to be slim.

Still, the lack of a skilled workforce has been identified as a main obstacle to China's drive for 'intelligent manufacturing'. In December 2016, the central government issued

the 'Development Planning Guidelines for Manufacturing Talents', in which it projected an alarming gap—3 million in 2020 and 4.5 million in 2025—of skilled personnel for numerical control tools and robotics (Ministry of Industry and Information Technology 2017). The guidelines also suggested that by 2020, apart from the 22 percent college-educated 'talents', the majority (78 percent) should be skilled blue-collar workers able to handle robots and automatic equipment, and coming from two sources: job retraining or vocation schools.

Given China's past development path that has hinged on labour-intensive and low-skill manual work, a lot of manufacturers were either slow or even reluctant to take up labour retraining. Among the eight manufacturers that I studied in Dongguan, only one invested in training workers, and this was because the company engaged in high precision metalwork that requires substantial levels of skill in the production process. Mr. Zhou, the owner who used to work in a state-owned enterprise, had set up an in-house apprenticeship programme to train skilled workers who could handle tasks such as changing fixtures and jigs, adjusting computer numerical control machines to new tasks, and who could, eventually, participate in designing the production process (Sharif and Huang 2019). He understood that while technology was important, the true value of the machines could only be harnessed if the technology was combined with the relevant and appropriate human-embedded skills. In his words: 'Machinery is something everybody can buy, but a good production process (*gongyi liucheng*) needs to be designed. One component is hardware and the other is *software*.' As a small and medium enterprise, the case of Mr. Zhou's company is quite exceptional. Given the high turnover rate, very few employers in Dongguan are willing to invest in worker training. Recently, a survey has identified that in the PRD from 2010 to 2013, the percentage of migrant workers who ascended to management or technician positions dropped from 24.85

percent to only 12.86 percent, while those who remained operators increased from 75.15 percent to 87.14 percent (Xu 2016).

The contradiction between the high demand for robot operators and the manufacturers' low initiative in offering in-house training has prompted the emergence of market-based job retraining programmes operated by labour recruitment agencies. In 2016, I visited one of these programmes in Dongguan to assess the upskilling potential of robotisation. Is it possible that through training, factory operators who were replaced by robots could ascend to be controllers of advanced equipment? This programme offered two kinds of courses: one primary programme charging 6,000 yuan either for full-time instruction lasting two months or for part-time weekend learning lasting five and a half months; and one advanced programme running for four months for 15,800 yuan. However, most of the students were not low-skilled, assembly line operators, but trained workers equipped with electrician and machine maintenance knowledge who sought to improve their skills. One of the students I interviewed had a senior high school diploma, had worked as an electrician in a metal processing company for four years, had taught himself programmable logic controller (PLC) programming when he worked in elevator maintenance in a home appliance company, and eventually found a position as an engineer in a firm that supplied abrasive blasting equipment. In 2016, he decided to quit his 7,000 yuan-a-month salary job and signed up for the robotics-training programme after observing the large-scale robotisation in some of the client firms of his company. The director of the vocational school assured students that their salary could jump to over 10,000 yuan per month one year after completion of the programme. While some media coverage touted the potential of robotisation for upskilling the labour force, they have generally concealed the fact that only those with certain skills in electrical circuits and PLC programming could

advance to become robotic engineers. For the vast majority of assembly-line operators, the chances remain very slim.

Vocational schools might serve as the most viable source to supply skilled workers for a roboticised manufacturing sector. In China, the projected demand for vocational labour in 2020 is expected to reach 79 million despite a supply of only 63 million, leaving a gap of 16 million—a staggering 20 percent shortage (Chen et al. 2013). While both the state and enterprises agree on the need to expand technical and vocational training (TVET), the question of who should take up the responsibility remains a hotly debated issue. Recently, China released the 'Modern Vocational Education Development Strategy (2014–2020)', a document that outlines a roadmap for TVET. Here, the government has called for companies to be a key provider of TVET and has pushed forward the privatisation of the TVET sector, requiring that 80 percent of the large- and medium-sized enterprises become 'providers of TVET services' by 2020. The government will reward this act of 'corporate social responsibility' with tax relief (Kloer and Stepan 2015; Liu 2014). However, pundits question whether support of vocational training by large corporations through privatisation measures will lead to systematic improvement, especially considering that small and medium enterprises suffer from a severe shortage of talent, and that their size and financial constraints render them unable to enter into cooperation agreements with vocational colleges.

At the same time, the TVET privatisation drive has also attracted the investment of firms not specialised in manufacturing. Recently, I visited a vocational school located in a poor province in western China, a newly established institution that has adopted a policy of 'being run privately with public support' (*minban gongzhu*), a model in which the local government sponsors the salary of teachers, while the owner, a real estate developer, covers the other expenses necessary to maintain the school's operation. In fact, the developer decided to invest in vocational education in

order to grab land cheaply to build commercial apartments. When we visited the school, we could see that an upscale residential block was under construction adjacent to the campus. To respond to the state's poverty reduction initiative, this province has sought to become a big data hub and has encouraged local vocational schools to set up related programmes to meet the labour market demands. In 2017, this school started to offer programmes on big data, intelligent product development, and industrial robot technology. However, as these new concepts and technologies still look unfamiliar to most parents who live in this mountainous region, each programme recruited less than 10 students. Now, the students have almost finished the first year of instruction, but the practical training lab is still under construction. Having little confidence in their ability to become proficient programmers after they graduate, many of them are planning to work in sales of these high-tech products.

A Struggle between Two Lines

The discursive transition from 'workerless factory' to 'robots create jobs!' seeks to downplay the effect of job displacement that industrial automation brings to the most populous country in the world. These two terms both echo the notion of 'robot dividend' that designates machines, rather than human labour, as the source of value, further marginalising the position of workers in society. In light of this, it is unsurprising that the Guangdong government froze the minimum wage for three years from 2015 to 2017. However, since technological upgrading helps many firms reduce costs and increase profits, workers should fight to get a proper share of the 'robot dividend'. At least that was the main agenda that trade unions in the United States adopted, as a way to acclimate the workers to the new modes of production 'when the capitalist drive for a greater intensity

of labour oversteps the bounds of physical and mental capacity' (Braverman 1998, 104). Now, for firms in China that have already established collective bargaining—especially those in the profitable automotive sector—increased wages and the shorter working hours should be key agendas. For the vast majority of small and medium enterprises, this demand might be harder to achieve. Still, once, after I presented my preliminary findings to some workers at the end of 2015, they started to question why the Dongguan government only offered subsidies to firms but not to displaced workers. Raising workers' awareness of their entitlement might be the first step towards devising suitable strategies.

Workers need to be aware of the long-term impacts that industrial automation might have on labour. Such awareness can be gained by examining previous cases. Back in the 1970s, Harry Braverman unveiled how increased labour productivity and levels of working-class consumption have the potential to leave a negative legacy for the labour movement, as the unionised working-class 'increasingly lost the will and ambition to wrest control of production from capitalist hands and turned ever more to bargaining over labour's share in the production' (1988, 8). Similarly, under a drive to maximise profit, firms in the Soviet Union pursued a strategy of shrinking the labour force and increasing work intensity, resulting in severe unemployment nationwide (Writing Group for 'Socialist Political Economy' 1976). Learning from Soviet lessons, Maoist policy emphasised that workers, rather than machines, should be the main propagator of the technological revolution. In the Mao era, it was believed that industrial upgrading could only be accomplished through 'mass movements', rather than the reign of technical experts. Overall, workers should understand that technological change is never a neutral process but a site of struggle between two lines. As capital further consolidates its position through investment in roboticisation, workers must seize the moment and struggle for their rights and positions. ■



A 'Pessoptimistic' View of Chinese Labour NGOs

Ivan Franceschini
Kevin Lin

In the wake of the 2015 crackdown on labour NGOs, pessimism about the future of Chinese civil society has been unavoidable even for the most assured optimists. Still, pessimism and optimism in discussions of Chinese labour NGOs have roots that go far deeper than these latest turn of events. In this essay, Ivan Franceschini and Kevin Lin take stock of the existing literature and reconsider the debate in light of the latest developments, proposing a possible synthesis between 'optimistic' and 'pessimistic' views.

Sola, Alone.
PC: Alexandra Antonini.

'We've entered a grey area: we're not organisations anymore, and maybe in the future we'll be reduced to only a few individuals.'

This was the ominous prediction of one Chinese labour activist in Shenzhen in 2016. If we consider that these words were proffered in the midst of the worst crackdown that labour NGOs had experienced since their appearance in China two decades before, his pessimism was warranted. A few months earlier, with little warning, the police in Guangdong province had arrested a couple dozen labour activists in various organisations, bringing charges against five of them. At the time of the interview, it was still unclear what would happen to the detained activists—only later would they be sentenced to detention for 18 to 36 months, suspended in all cases but one—and tension was running high within the community of Chinese labour NGOs. In addition, there was widespread concern that the enforcement of the Foreign NGO Management Law the following year would restrict or even cut off foreign funding for these organisations and, thus, jeopardise their very survival (Franceschini and Nesossi 2017).

At such a bleak time, pessimism was unavoidable even for the most assured optimists. Still, pessimism and optimism in discussions of Chinese labour NGOs—either among activists or among scholars—have roots that go far deeper than these latest turn of events. Proponents of negative and positive views of labour NGOs have been sparring with each other for at least a decade. In the latest addition to the discussion, Chris Chan (2018) has critiqued both mindsets. In his opinion, ‘over-optimism or over-pessimism can be harmful in hard times’, with optimists ‘preferring not to face the mistakes of their strategies’ and pessimists accusing labour NGOs of undermining worker solidarity and arguing that they are no longer needed, when this is, in fact, not the case. However, it is important to acknowledge that labour NGOs are not static entities, but rather dynamic institutions that change over time, adapting to the shifting political context. For this reason, any analysis of labour NGOs should take into account the changing environment, and evaluations of their ‘effectiveness’ must necessarily vary markedly over time.

In this essay, we take stock of the existing literature and reconsider it in light of the latest developments. In the next section we begin by outlining the main features of the scholarly debate over labour NGOs. This is followed by a description of how in recent years some organisations have attempted to adopt a new approach. We conclude the essay by offering some remarks on the prospects for the survival of these organisations going forward.

A Polarised Field

The earliest labour NGOs appeared in China in the mid-1990s, benefitting from an inflow of foreign funding in the wake of the Chinese government’s more open stance towards civil society (Chan 2013; Howell 2008; Pun and Chan 2004). Since the beginning, these organisations have focussed on four kinds

of activities: a) the establishment of worker centres, which usually include a small library and offer special interest classes, educational classes, and recreational activities; b) the provision of legal consultation services and, in some rare cases, legal representation; c) outreach programmes on labour rights; and d) the social surveys and policy advocacy (Chan 2013; Xu 2013). It has been this choice of limiting themselves to such non-confrontational activities, adopting a strictly legalistic conception of rights—instead of focussing on promoting the interests of the workers or aggressively pushing for new progressive laws and regulations through collective struggle—that has attracted scrutiny in the existing literature.

Most scholars have maintained a positive assessment of these organisations’ focus on community building and legal mobilisation. For instance, Xu Yi has contended that the legal mobilisation strategy of many labour NGOs has important political implications, since ‘through legal mobilising, labour NGOs foster consciousness and the skills of organising [among the workers]’ (2013, 250). Diana Fu has argued that these organisations are actually resorting to ‘disguised collective actions,’ which she defines as ‘a form of *organised* activism in which civil society groups play a vital but under-the-radar role in coaching citizens to advance rights claims’ (2017b, 501). In this way, labour activists ‘rather than mounting the scale of disruption... guide citizens toward direct but individual confrontation with the state,’ assisting workers in claiming their rights without engaging in potentially perilous protests (2017b, 502). While admitting that from this perspective labour NGOs may be seen as unwitting tools of state domination, Fu believes this strategy still helps ‘[lower] the cost of coordinating contention in a repressive state that forbids these organisations from operating,’ allowing their survival and fostering the collective consciousness of the workers through a pedagogical process.

Other scholars have remained more sceptical. Among the earliest and harshest critics, Ching Kwan Lee and Shen Yuan have accused labour NGOs of being an ‘anti-solidarity machine’, with their individualistic approach to labour rights allegedly undermining the emergence of a collective consciousness among Chinese workers (2011). On a similar note, back in 2005 Chloé Froissart observed that labour NGOs are ‘also working for the benefit of the Party-state, to which they adhere, minimising social conflict and orienting reforms in a direction that can help the Party to maintain its power. While an integral part of the social movement of migrant workers, these organisations also delimit this social movement in their own way. These limitations are why some migrants question these NGOs’ legitimacy to represent them’ (2005, 11). Chan (2013), meanwhile, has noted that not all workers can benefit from the assistance of these organisations, as most NGOs rely on funding coming from overseas foundations that prefer to support the most vulnerable or exploited social groups, and thus overlook the issues faced by ordinary workers. Finally, Ivan Franceschini has argued that labour NGOs in China are undermined by a significant lack of ‘social capital’, which can be seen, among other things, in their difficulties to gain the trust of workers who ‘believe that anybody who offers voluntarily to help them must have an ulterior motive’ (2014, 485).

These criticisms have managed to polarise the field of Chinese labour studies, with ‘optimist’ and ‘pessimist’ scholars criticising each other, respectively, for wishful thinking or lacking long-term vision. Yet, in most cases ‘pessimist’ scholars have also acknowledged the importance of labour NGOs in assisting Chinese workers who otherwise would have been left entirely to their own devices; similarly, ‘optimist’ scholars do not refrain from acknowledging some shortcomings of these organisations. We believe that the two views are not necessarily in conflict. Labour NGOs are not static entities, they respond to opportunities and constraints. While some criticisms—and expectations—might hold true

for a certain kinds of labour NGOs in specific times and places, the situation is varied and continually shifting. For instance, in recent years some organisations have changed their approach in a bid to overcome their limitations, thus transforming their relationship with the workers from one of subordination and dependency to one of partnership (A. Chan 2018).

From Legal Mobilisation to Collective Struggle

In the early 2010s, some labour NGOs started abandoning their traditional legalistic approach, and instead began promoting a new strategy focussed on the interests of the workers, articulated around the concept of ‘collective bargaining’ (*jiti tanpan*). Writing before the latest crackdown, Duan Yi (2015), a prominent labour lawyer based in Shenzhen, argued that Chinese labour NGOs were in the process of transforming from traditional ‘service-oriented’ (*fuwuxing*) and ‘rights protection-oriented’ (*weiquanxing*) organisations to real ‘labour movement organisations’ (*gongyunxing zuzhi*). Academics provided ample evidence of NGO intervention in collective disputes. In 2014, Chih-Jou Jay Chen followed the (attempted) involvement of Chinese labour NGOs in a protest by more than 40,000 workers in the Dongguan plant of Yue Yuen, a Taiwanese footwear company that had failed to pay social security to its employees (Chen 2015). We ourselves have tracked the involvement of labour NGOs in a case of collective mobilisation over several months between 2014 and 2015 at Lide, a footwear company based in Guangzhou that had decided to relocate production.

Some scholars have attempted to build a more comprehensive framework to account for these changes. In a recent study, Chen Feng and Yang Xuehui have argued that the new ‘movement-oriented’ labour NGOs promote a kind of ‘displaced unionism’—

where ‘unionism’ indicates ‘certain union-like roles these groups play, in contrast with many of their counterparts operating mainly as service providers, social workers, legal advisors, or advocates’, and ‘displaced’ denotes the ‘actual social location of these groups and where they perform their roles’ (2017, 159). In another study, Froissart has provided an impressively detailed account of the role that labour NGOs play in promoting an authentic ‘worker-led collective bargaining’—in contrast to state-sponsored ‘collective negotiations’ (*jiti xieshang*)—helping workers to design strategies to engage with employers, trade unions, and local authorities so that they can ‘[exercise] their rights before they are granted and by putting pressure on authorities to act as real authorities rather than representatives of a rogue state’ (Froissart 2018, 13).

An Interrupted Transition?

Most likely, it was the shift of these few organisations from atomised legal mobilisation to union-like collective struggle that prompted the Chinese authorities to harshly clamp down on them. While repression was never far from the surface, with activists having to deal with harassment and surveillance on a daily basis (Fu 2017a), the latest attack poses a more fundamental challenge to labour NGOs for at least two reasons: first, it was not a local initiative, but in all likelihood part of a nationwide campaign supported by the highest echelons of the Party-state. Second, in coordination with the new Foreign NGO Management Law, this latest crackdown has threatened to cut off access to foreign funding vital for the survival of domestic labour NGOs.

However, we should not underestimate the ability of labour NGOs to adapt. It is true that some have simply stopped operating, prevented by a combination of state repression and declining financial support. Others have scaled down their activities, limiting themselves to

realms deemed acceptable to the authorities, such as community building and, in some instances, individual legal mobilisation. In both cases, this has led activists—including the one cited at the beginning of the article—to go underground in the hope of keeping up their work under the radar. However, a few organisations are still continuing to support workers in collective bargaining, even if much less directly. But they are more careful in screening their cases, warning the workers about possible consequences, and staying away from politically delicate situations (Franceschini and Nesossi 2018). In the meantime, in conversations with labour NGOs, it is clear that this crisis is also forcing some activists to rethink and reinvent their strategies. Where does this leave us in the debate between pessimistic and optimistic views of labour NGOs? While the current situation does not warrant the optimism of those who see labour NGOs as the spearhead of a broader labour movement in China, we agree with Chris Chan that ‘we should not simply describe or understand these organisations and their members as “being mollified” ’ (2018). It is undoubtedly true that the space of collective bargaining has narrowed, to the point that some scholars have argued that collective bargaining as a political project is dead (Friedman 2018). Still if the experience of the past two decades teaches us anything, it is that Chinese labour NGOs, in spite of their shortcomings, are resilient entities, apt at navigating the vagaries of the Chinese political landscape and taking advantage of any political opening. In following Lee’s (2016) suggestions for the study of labour activism in China, we should now, more than ever, adhere to Gramsci’s dictum: ‘I’m a pessimist because of intelligence, but an *optimist* because of *will*’ (1963, 310). ■





WORK OF ARTS

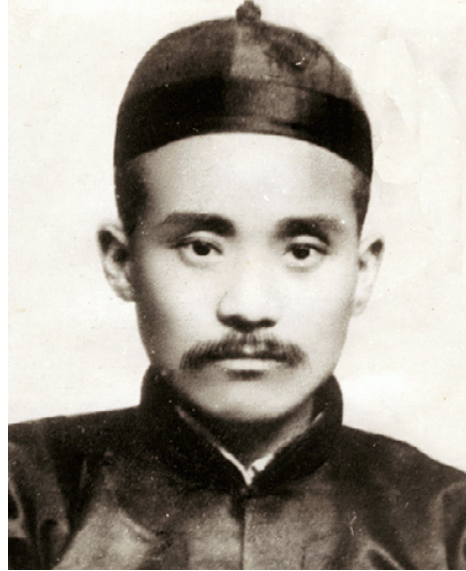
The Last Days of Shi Yang

Ivan Franceschini

What follows is a fictionalised account of the last days of Shi Yang (1889–1923) based on the prison diaries included in the commemorative volume Shi Yang jinian wenji (Museum of the 7 February Massacre, Wuhan 1988). Shi Yang was a weiquan lawyer ante litteram, and to this day he remains an inspiration to many labour activists in China. The Chinese Communist Party (CCP) celebrates him as a martyr of the revolution, the irony of which will not escape those who are aware of the plight of human rights lawyers and labour activists in the country today. That in April 2018 the Chinese government passed a new law to protect the reputation and honour of ‘its’ heroes and martyrs can be seen as further adding to the irony.

When they knocked at his door on the afternoon of 7 February 1923, Shi Yang had just come home after a day in court. Guns in hand, a dozen uniformed policemen rushed into the room, led by a detective in plain clothes. The officer was the first to break the silence: ‘The boss of our department wants to meet you for a chat. Hurry up!’ An experienced lawyer, Shi Yang was not easily intimidated: ‘Who is your boss?’ ‘The head of Hankou police, don’t you understand? Stop talking and follow me!’ ‘Since the director of such an important department has ordered you to come in person to fetch me, I will obviously come. Just please don’t be so aggressive. There is no need.’ Compliant, he followed them outside, despite the protests of his wife who insisted on accompanying him. ‘And why would you do that? Go back inside. I didn’t violate any law: wherever they take me, there is nothing to worry about,’ he reassured her.

Actually, Shi Yang was well aware that the situation was not that simple. Tension had been mounting in the city for days, since the previous week, when the police in Zhengzhou had blocked the founding congress of a trade union that would have represented all railway workers along the Beijing-Hankou line. Rumour had it that the order had come directly from Wu Peifu, the warlord pulling the strings of the government in Beijing, a shady character who fancied himself a poet. This decision had come completely by surprise, considering that until the previous day Wu had posed as a staunch supporter of worker rights. Embittered, the railway workers had decided to hold their congress anyway, which had led to a wave of arrests. Further enraged, union leaders had decided to launch a general strike along the whole railway line, putting forward a series of demands that included the firing of the general director of the railway, the reimbursement of all expenses incurred by the workers to organise the congress, the clearing of all union spaces by the police, and—why



Shi Yang (1889-1923), lawyer by trade and a member of the Chinese Communist Party. He was one of the early leaders of the Chinese labour movement.

not?—one day of paid leave a week and a week of holiday for the Spring Festival. The strike had started at noon on 4 February.

The worker leaders who had organised the mobilisation had no experience in handling a strike of that size. Shi Yang was one of them. Now 34, the son of a poor family from the countryside of Hubei province, he had studied law and became a lawyer, eventually managing to open his own law firm. A member of the newly established Chinese Communist Party since 1922, he had never joined the secret work of the organisation, preferring to carry out his activities in the light of day. He worked ceaselessly to defend the poor and marginalised, representing workers and trade unionists without any concern for the threats coming from the rich and powerful. As a legal consultant for the Beijing-Hankou railway worker association, Shi Yang had played a

fundamental role in the organisation of the Congress of 1 February, as well as in the ensuing events. When the skirmishes had started, he had joined a secret meeting in which trade union leaders had decided what to do. Together with Lin Xiangqian, he had been put in charge of the coordination of the strike in the Hankou area. That very night he had taken a train back to Wuhan.

The general strike had lasted only three days, before being drowned in blood. 35 workers were killed, including Lin Xiangqian, who had been decapitated in front of his colleagues on a platform of the railway station in Hankou after refusing to give the order to go back to work. Three more worker leaders had shared the same fate, their horribly disfigured heads left hanging from telegraph poles as a warning. Shi Yang was certainly aware of all this—the whole city was abuzz with sordid rumours about the violence of those days—but he still decided to lie to his wife, to spare her a few more hours of relative peace before what he suspected would come.

Along the way the policemen started to drag him as if he were a common criminal. ‘Whatever law I violated, I am available to follow you to the local court to go through judgment according to the law. I will not come to the police station just to have my rights violated,’ he kept saying. The response was always the same: ‘We have our orders. It is not up to us.’ Once at the police station, they entered from a side door. Inside, a couple dozen fully armed officers surrounded him. Another official in plain clothes took him to a small room, where they both sat down.

Shi Yang then asked the man: ‘What law did I violate for you to drag me here?’ ‘We summoned you because of the strike. We want to discuss things with you in order to find a solution.’ ‘The government is really giving me too much importance! Who am I to solve a wave of strikes that is propagating worldwide? Still, there is always one reason why the wind blows. If you want to solve the problem, you have to consider its fundamental roots. These protests have four causes: the horrible working conditions in the factories, the lack of freedom

of association for the workers, low wages, and long working hours. Do you want to solve the problem? Then improve the conditions in the factories, allow the workers to join trade unions, raise the salaries, and shorten work hours. Is it that hard? What need is there to ask for my advice?’

The lawyer spoke for more than one hour and a half, until dinnertime. Since he had also skipped lunch, he was hungry. An official went to fetch him some food, but suddenly other policemen arrived to take him to a military court on the other side of the Yangtze river. ‘Wait until he eats something,’ somebody remarked. But Shi Yang got impatient: ‘Let’s cross the river immediately. What’s the point of eating if the time of death is close?’ Once outside, he found himself in a corridor formed by over two hundred armed policemen standing in two rows. Thirty more officers surrounded him, while two detectives held him by his arms and shoulders.

A huge crowd had gathered along the road to the pier. They were people with tense and severe looks, boiling with rage at the thought of a recent betrayal. The men who were escorting him knew that it would take only the smallest spark to trigger a riot. They loaded Shi Yang on the small steamboat that would take him on the other side of the river. On the short trip across the water, the lawyer began to harangue his captors: ‘Many poor people live in misery, the workers deserve our pity, all Chinese—whether poor, rich, noble, or humble—are under the yoke of international imperialism. All Chinese people should unite to fight against this threat. We should stop killing each other and put an end to exploitation by the foreigners!’ Many a guard lowered his eyes, and when he finished talking one of them was crying: ‘If only we did as this man says, China would prosper and be at peace in less than three years!’

At the military tribunal, Shi Yang was searched and forced to strip. Among the officials, he saw a familiar face, but there was no hint of recognition in the other person’s eyes. After a while, he was taken to the military jail, where his hands and feet were cuffed and



A photo that Shi Yang (third from the left) and his colleagues took in Wuhan in 1922 to celebrate the establishment of an association of workers and traders.

he was thrown into a cell along with other common criminals, one of whom had already spent five years in that place. Now that the irons impaired his movements, it was this other prisoner who helped him to get on his bed. By that time, it was already 11pm, but he could hardly sleep. He did not worry for himself, but for his family: without him his wife, his daughter, and his younger brother would have no source of livelihood.

The following morning, on 8 February, after a basic breakfast that he found hard to digest, he was taken to the military court. There he told the judge all about his experiences in the patriotic movements that had erupted in China in 1919. Questioned about his ties with the trade unions, he said that as a lawyer he had indeed assisted workers and unionists, but always within the boundaries of the existing laws, as professional ethics demanded. The judge then

asked: 'It is true that it is legal for lawyers to represent workers and unionists, but in Wuhan there are so many lawyers. Why do these people always come to you?' Shi Yang then replied: 'Actually, there are many other people out there who are doing the same job as I do.' 'Then explain why official bodies pay attention only to you!' 'The reason is simply that I have taken part in every patriotic movement since 1919. I have done so openly, putting my face on it, and presenting countless complaints and petitions to the authorities. Now officials and bureaucrats in many departments deeply hate me and want my demise.'

The judge showed some sympathy: 'I don't really get many of the things you say, but you can give your testimony and then we will investigate. In any case, even if this case has been opened on the initiative of several government departments in Wuhan, you are

famous and therefore society will pay a lot of attention to your trial. Moreover, I myself have studied law, so you can rest assured that I will judge you with equanimity and fairness. But you also have to consider that this is a military court, so unlike an ordinary tribunal it just follows orders. When you provide your testimony, don't voice any complaint: if someone wants to accomplish great things in this world, he must be ready to suffer, there is no choice. Accept a few days of mistreatment, wait quietly, and everything will sort itself out.' But Shi Yang was too stubborn, and as soon as the judge had finished talking he went on a tirade against the Chinese tradition of keeping prisoners in irons inside their cells, which he deemed a barbarian custom that civilised countries had abandoned a long time before.

The session lasted the whole morning and most of the afternoon. At about 5pm, the lawyer was led back to his cell. He had just been cuffed, when a young official came down and gave the order to release him from his restraints: 'Mister Shi Yang is a man of culture, take off the irons and take care of him. From now on, he will not be subjected to these methods.' He also ordered the transfer of his two roommates to another cell and a change of blankets, not only for him, but for all prisoners. That evening, Shi Yang wrote a couple of letters, one to his family, another to a friend in Shanghai who had been arrested for an unspecified reason. After that he went to sleep.

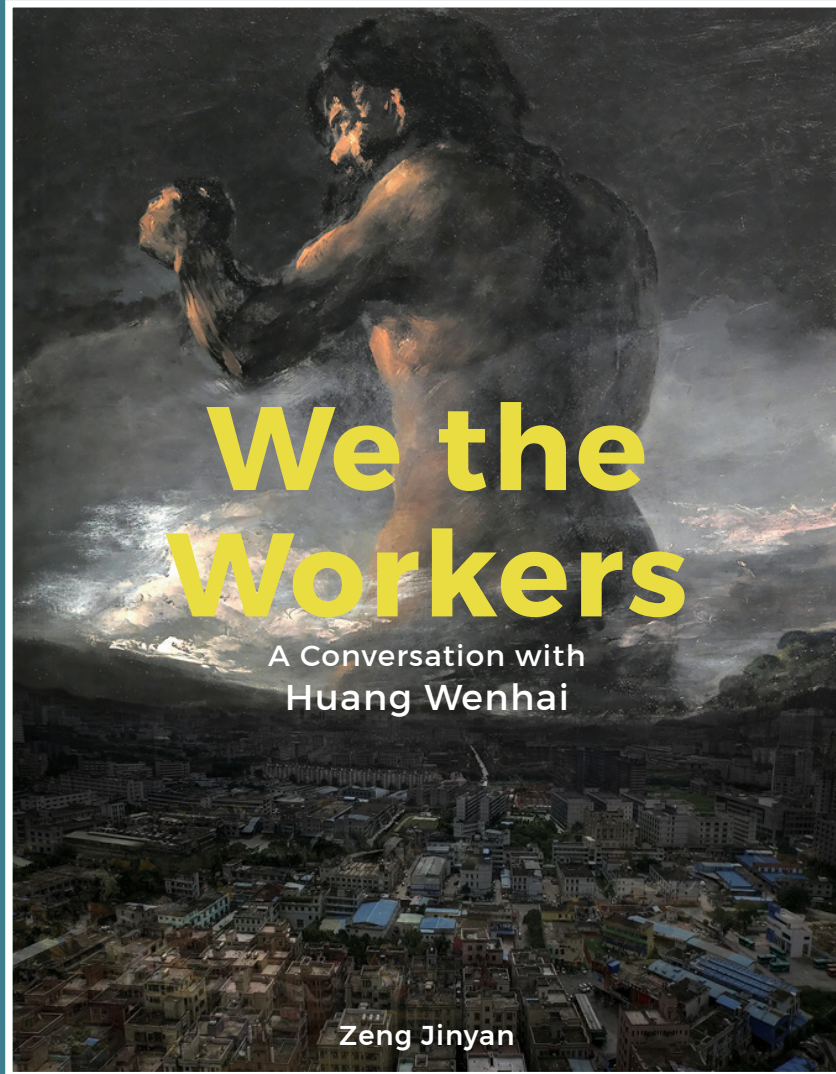
He spent the following day in his cell, drafting his own testimony. The day was over soon and before he could even realise it, it was already 10 February. On that day, Shi Yang drafted a petition on behalf of all inmates to demand better living conditions in the prison. At 1pm, he received a package with some food sent by his family and at 4pm they came to deliver clean clothes and to change bed sheets. In the evening, he wrote some letters and then he went to sleep.

We do not know how Shi Yang spent the following two days, which turned out to be his last hours on earth. His final thoughts are contained in the last page of his prison diary,

dated 13 February. On that grey winter day, Shi Yang woke up at 7am, had breakfast, and then went back to lie down. Having nothing better to do, he picked up the pen and started writing the first few verses of a poem entitled 'The Joy of Prison':

Everybody says that prison is suffering
On the contrary, I am sitting here happy
I have free food to fill my belly
I have free food to cover myself.

We will never know whether Shi Yang planned to complete the poem. Two days later at dawn he was taken to the prison yard, where an officer put a bullet in his head. Although the trial was still under way, a telegram from Beijing had demanded his immediate execution. And orders from Beijing could not be questioned. ■





Huang Wenhai

Shot over a six-year period (2009–2015) mainly in the industrial heartland of south China—a major hub in the global supply chain—the 2017 film *We the Workers* (*xiongniang zhi pan*) follows labour activists as they find common grounds with workers, helping them to negotiate with local officials and factory owners over wages and working conditions. Threats, attacks, detention, and boredom become part of their daily lives as they struggle to strengthen worker solidarity in the face of threats and pressures from police and their employers. In the process, we see in their words and actions the emergence of a nascent working-class consciousness and labour movement in China. What follows is a conversation between Zeng Jinyan, producer of the movie, and its director Huang Wenhai.

Zeng Jinyan: *We the Workers* made its debut at the International Film Festival in Rotterdam on 31 January 2017, and since then it has been screened in multiple languages in more than 10 countries. Could you please tell us what inspired you to shoot this film and how you made it?

Huang Wenhai: I wanted to make this movie for a long time. Back in 2008, I started to curate a film-making series *The Golden Era* (*huangjin shidai*). Before that, I shot *Floating Dust* (*xuanhua de chentu*, 2003), documenting the people—the so-called ‘masses’ (*yunyun zhongsheng*)—living in small towns in Hunan province. I then started to film marginal artists and finished *Dream Walking* (*mengyou*, 2005), before shifting to China’s underground intellectuals and former high-level politicians, an effort that culminated in my documentary *We (wo men)*, 2008). Afterwards, I also shot a Buddhist-themed film, *Reconstructing Faith* (*xifang qu ci bu yuan*, 2010). For me, filmmaking is a process of constant searching, during which I keep asking myself how things have turned out to be as they are. All the characters and stories in my documentaries come from my own surroundings and, therefore, are quite familiar to me. Sometimes, the storylines are even based on things that I did with the characters, who are also my friends. Once I finished shooting all these films, however, I did feel very empty inside.

During that time, I tried hard to search for other topics, for instance issues concerning workers and farmers, but farmers seemed too distant from me. I was born into a military family and did not have a rich life experience. I knew that I really wanted to make movies with a theme related to the economy. In October 2008, after coming back from the Venice International Film Festival, I went to Foshan, Guangdong province, and my friends there took me to visit some factories. However, we could not actually go inside those factories. Even if we had managed



We The Workers, Huang Wenhai, 2017.



Still from *We The Workers*.

to enter, we could have only looked around, for filming was forbidden. These factories were deemed a private sphere, and, with several guards safeguarding them, they had become like independent kingdoms.

In 2009 and 2010, I got two opportunities. First, I was allowed to shoot inside the premises of a shipyard in Zongyang, Anhui province. That place had a very impressive background: it was a listed company in Singapore that exported its ships to Europe. Now the shipyard has shut down, but at that time it had secured nearly ten orders, each worth ten million euros. What I saw inside the factory was stunning, but its publicity personnel followed me all the time. I did want my film to include more details, but the factory only gave me 15 days. The workers there, including youths between 16 and 22 years of age, toiled for 12 hours a day and felt extremely exhausted. They had worked various jobs and this one in the shipyard turned out to be a relatively stable position, where they stayed longer. The pay—approaching 4,000 to 5,000 yuan per month—seemed acceptable to most of the workers.

I gave up shooting my film in the form of interviews, because everyone was saying almost the same thing. But there were some remarkable people there. One young guy, who left home when he was about 14, taught himself really good martial arts. He wanted to work to save some money and then use his savings to learn Kung Fu at the Shaolin Temple. Aged 18 at the time of the interview, he said that after practicing Kung Fu at the Shaolin Temple for another two years, he could join Wu Lin Feng, a martial arts competition organised by Henan Television. In the last scene of the first part of the documentary, set in the overcrowded and gloomy shipyard where workers were always filthy or exhausted after toiling for 12 hours, the young guy suggested performing martial arts for us one night. He took off his clothes, his figure being just perfect, and did his performance for us between two rows of bunk beds in a cramped dormitory. His strength burst forth from his moving body, which was neither restrained by the cramped dormitory spaces, nor by the frame of camera.

The same year (2009), I was invited along with another 20 artists or so, to visit some top Japanese enterprises, which left a profound impression on me. Take Toyota for example: its factory was almost as spacious as a football pitch, and it only took 59 seconds on average to manufacture a car, which was then exported to Europe with a value of almost 400,000 yuan. Toyota's assembly lines, according to its managers, saw the workers come up with approximately 20,000 inventions, which allowed them to perform essentially no redundant actions while working on assembly lines. This means that every single activity had added value. When a worker turned around, for

example, the motion itself was used to finish a separate task on his/her way to another place. All actions at Toyota were broken down into units with an added value—an accomplishment that must have been achieved by frontline workers. These workers must take part in all production processes within one to two years, so they were fully aware of the activities preceding and following theirs, as well as of the connections between these activities, their own tasks, and final products. What I saw in Toyota's factory left a deep impression on me.

During my visit to the shipyard in Anhui Province, they were building a ship for a German company. The Germans told me that they were impressed by the beautifully-curved ships built by Chinese workers. They added that Chinese workers would never have got the opportunity to undertake these shipbuilding jobs had their craftsmanship not reached such a high level, for such jobs had previously been done by Japanese and Korean workers, and were only offered to Chinese workers later on. That being said, the haphazardness, disorganisation, and heavy reliance on manual labour inside the shipyard made it resemble the countryside. The shipyard was also dangerous, and numerous incidents had occurred resulting in injury. Almost all the jobs in the shipyard involved welding, with thousands of welders required for a single ship and many of them working in a confined space. Unable to handle the heat inside that space, I had to stop filming shortly after starting. Incidents tended to occur in the summertime, when the workshop felt like an oven where people could easily lose their lives due to smoke inhalation and workplace fires that left them as if they were roasted ducks. I made a video installation about my visit to the shipyard and named it *'Shell'*, part of which is used in the opening of *We the Workers*.

I then started to collaborate with a French television channel on a project about globalisation. I was responsible for shooting the part of the film in China, and the French channel was responsible for the part in France. The French side, at that time, had this idea that Normandy had the best flax worldwide, but all its flax was transported to Jiangsu province to be manufactured into linen or simple clothing, and these made-in-China products were then exported back to Europe to be further processed into high-end clothing. My French counterpart once joked that heavy rain in Normandy could cause deep anxiety among Chinese workers. Why? Because the rain might hinder the growth of flax, which would in turn weigh on both wages and orders in Chinese factories. These connections epitomised the impact of economic globalisation.

I also spent some time doing fieldwork before starting to shoot this film. My fieldwork started around 2007, but the filming of the flax factory actually began in 2010. I visited many flax



Still from *We The Workers*.

factories, including some in Shandong, Jiangsu, and Zhejiang provinces, achieving a deeper understanding of the impact of globalisation. I also noticed that workers in these factories were all female. My ideas had taken shape by the time I finished filming the two sections that later became, respectively, the first and fifth chapters in *We the Workers*. My life was, nevertheless, largely disturbed by the police in 2010 because of the release of the documentary *We*, which centred on China's underground intellectuals and former high-level politicians. I was detained and had some footage confiscated, and was monitored and investigated for a long time. Under such circumstances, I could by no means remain in Beijing. These changes to my private life actually allowed me to spend the following two years in Yunnan province where I collaborated with director Wang Bing to shoot documentaries on rural China. With all the source materials, we only managed to produce a film entitled *Three Sisters* (*san zimei*, 2012), but I lived in Qiaojia village, in rural Yunnan, for almost two years. Such experiences deepened my understanding of rural China. It helped me understand why Chinese workers had such a strong belief in fate, why they headed for cities at such a young age, and why they were still reluctant to go back—or could not go back—despite having to work under such extreme conditions. Throughout rural China, the economy has already collapsed, and despair prevails at grassroots levels, where economic production has no way to continue. Children and the elderly are normally the only two cohorts that stay in the countryside, and those who do not have the ability to go to the city for whatever reason. The harvests in villages today could not be smaller. The main agricultural product in one village we visited was potatoes, whose price stood at roughly 0.60 yuan per kilo for an annual production of 10,000 kilos. The gross annual income in that village was, thus, a mere 6,000 yuan in cash, which needed be used to cover production expenses, such as seed costs, but also to support the entire village. In addition, villagers not only had to labour for almost the whole year to earn such a meagre amount of money, but, even worse, also had to pay for their own health care and education, among other things. Under such circumstances, they had no other choice but to be resigned to their fate.



Still from *We The Workers*.

All the experiences that I have mentioned laid the foundations for *We the Workers*. Having moved to Hong Kong in 2013 and having befriended people like labour activists Cai Chongguo and Han Dongfang, the famous labour rights lawyer Duan Yi, and yourself (Zeng Jinyan) I got even more inspired to document Chinese workers. It was on 27 September 2014 that I started to comprehensively conceive the script for *We the Workers*, a documentary featuring labour rights activists. I had been to Guangdong province twice before, participating in the



Still from *We The Workers*.

celebration organised by the Foshan Arts and Crafts Factory (also known as Tongxin Jewellery). Workers organised themselves with support from labour activists for collective bargaining. After about three months of protest and negotiation, the factory promised to pay into the workers social security fund dating back to 1994, the housing fund dating back to 1999, overtime salaries dating back to 2008, and also to cancel and return all unreasonable penalties based on the company's staff manual. Cai told me that this factory was very important, so I decided to go there in person. It was there at the factory that I first met Duan Yi and Peng Jiayong, and I was deeply moved by what I saw. Those workers' performances, including the way they spoke, were really impressive. One worker told me that he had never imagined that he could turn into such a person who could lead many co-workers in doing all these things, i.e. collective bargaining. He himself, he added, had completely changed. He was indeed totally different from 'the silent majority' that I had met before, and I believed that it was through his own actions that he had become another type of person. The following day we also attended the meeting of street cleaners working at the Guangzhou University City, who had organised themselves to defend their working rights and ask for compensation while facing relocation and/or unemployment. They, in fact, only wanted to host a celebration party for the successful outcome of the collective bargaining with their employers, but were still prevented from doing this at the place of their choice. These workers, thus, had to move to another place, where the police had been stationed at the gate. Despite such harsh conditions, these labour rights activists continued to deliver speeches to mobilise workers.

On the night I rushed back to Hong Kong, the Hong Kong police fired over 80 shots of tear gas to disperse the crowds, and that night witnessed the beginning of the Umbrella Movement. I felt the labour movement in China and the Umbrella Movement in Hong Kong had something in common, which was fascinating. Since I had the opportunity, I decided to continue documenting Chinese workers. We had no funding at that time, but the filming had already begun in September. I formally moved to Guangzhou in November to live with the workers while shooting the documentary. The filming lasted for almost one year, and the protagonists included labour activists Peng Jiayong and Deng Xiaoming, among others.

When I was shooting the film, it was said that the most glorious and successful days for these labour rights activists had already passed, or that their labour movement was drawing to an end. While chatting with them, I could tell the differences between these workers and the smooth-talking intellectuals in the film *We*. Peng Jiayong, the protagonist of *We the Workers*,

Still from *We The Workers*.

was very young and good at speaking and writing. He told me that he even wrote a long novel on the ancient Chinese beauty Wang Zhaojun when he worked as a chef in his hometown many years ago. He shared with me his past experiences, which I found really refreshing. He seemed to have read few books and learnt little theory, but had very precise hands-on experience and intuitive judgement, and he wrote many things himself, including reports on the labour movement. I read his writings, all well-written, and this left a favourable impression on me. I ended up living with him near the urban villages where many of the workers lived, and we became intimate friends.

My initial intention with making the documentary *We the Workers* was to show the audience the current situation of Chinese workers, to prompt them to rethink the image of these workers, and to show the awakening of the Chinese working class as moulded by those workers who are taking the initiative. I can be critical of labour: why do we work? In this socialist nation, we have been educated, since we were children, that to work is glorious. It, in fact, depends on what kind of work you are doing. The Surrealism Movement in France had such comments on work: if work can help us to achieve neither self-improvement nor a healthy mind, work then has only one function—to feed the pigs that have been exploiting you.

ZJ: The documentary *We the Workers* features many characters. In the final 174-minute version, for example, protagonists include labour activists Peng Jiayong, Deng Xiaoming, Zhang Zhiru, Jian Hui, Duan Yi, Lin Dong, Zeng Feiyang, Zhu Xiaomei, Wu Guijun, Meng Han, Bei Guo, and so on. Some of them used to be workers, but others did not. While all of them are leading labour activists, they seemed to be at different levels: they had distinct personalities and work styles, woven into a network of labour movement in the Pearl River Delta Region. Why did you choose Peng Jiayong as the main protagonist? You devoted much attention to Deng Xiaoming as well. Through Xiaoming's stories, the audience also learnt more about his rural hometown and the urban living conditions of his parents, who were second-generation migrant workers who had left their rural home decades ago. This plot of the film was ingeniously conceived, I feel. Could you please tell us why you chose Peng Jiayong as the main protagonist instead of already famous labour rights activists like Zeng Feiyang and Duan Yi?

HW: At the beginning I was mostly introduced to labour activists Chen Huihai and Zeng Feiyang, among others. I became acquainted with Feiyang a long time ago: he visited the University of Hong Kong in 2013, and I was already in touch with him at that time. When I was making this film, Huihai had just left the Panyu Workers Centre and set up the Haige Labour Centre, where Jiayong was a staff member. Jiayong liked to chat with me, and I had already moved into the urban village by that time. While conversing with Jiayong, I found him quite

interesting, including the way he spoke and the way he shared his own experiences, such as his divorce. His writings were really down to earth, had no empty talk, and were all about his own experiences and personal feelings. He was honest and frank with me, both qualities that are highly regarded by filmmakers. Once our mutual trust was built, Jiayong started to talk openly with me, together with Xiaoming. Xiaoming was a bit younger, while Jiayong was older and more experienced.

What Jiayong conveyed to me could not simply be labelled as leftist, rightist, or intellectual: his theories originated from his own surroundings. I already engaged in this kind of inquiry in the film *We*. ‘Political animals’ such as the protagonists Li Rui, Yin Zhenggao, and Zhang Chaoqun, all had writings that pertained to their own life experiences. From this point of view, they were similar to each other—their writings and self-reflections all started from their own setbacks and personal experiences. Jiayong actually shared this feature with them, but displayed it in a more concrete way. I once remarked about *We*: thinking and writing are actions, but such actions are limited to thinking and writing only. This was the very situation facing the intellectuals in *We*. By contrast, Jiayong not only could speak articulately, but he also used to be a migrant worker in Guangdong province, where he established a trade union in his factory, and later came into conflict with a French enterprise due to the establishment of this trade union. All of these were highly practical processes in which he strove for his own rights. On the one hand, I felt that he could speak eloquently; on the other, I witnessed the outright directness and bravery of his actions. He was always on the front line, as shown in videos that I watched in which he convened meetings with workers and tried to mobilise them. All of this left a deep impression on me, and I really considered Jiayong incredible.

My first edited version of this film was very straightforward; the four-hour-long documentary was almost all about Jiayong, because I wanted to concentrate on a single person. After numerous characters were arrested in December 2015, however, I had second thoughts and decided to change the film. In fact, I felt that the first version would have been a better choice for the film festival. Why did I revise the film anyway? Because, in the wake of the arrests, I believed that the story had to be put into the wider social context. For this reason I added more background information, including many more characters, resulting in the documentary featuring quite a few protagonists. Jiayong was, of course, still the main protagonist from the beginning to the end of the documentary.

My consideration at that time was very simple: to choose the people who took action in the labour movement, such as Jiayong and Xiaoming. Such people also included Bei Guo,



Still from *We The Workers*.

Meng Han, and their leaders, namely Zeng Feiyang and Chen Huihai. They were like an organic whole. But why did I also include lawyer Duan Yi in the documentary? Because I believed that he functioned as a middleman who could link the others together. He seemed to be an intellectual, but at the same time maintained very good relations with workers. In the film, he was almost drunk when giving his talk, but I felt this was, on the one hand, his dream and, on the other, his authentic way to encourage the workers in that cramped hotel room. For me, he played the role of a middleman who, with his social resources, could settle certain issues.

In terms of structure, I chose to put different parts of the film together. Among all the protagonists, Jiayong was the most important character, whose story ran through the film and was the most complete. Besides, the first and foremost consideration in a documentary is to present characters in situational contexts. The final version of the film consists of five parts, which are organised in the following order: the factory in the mist; the daily reality of labour NGOs; solidarity as power; protests; and the smile of a female worker. This is a composite film. Its first and last sections are more abstract, whereas its other parts involve concrete figures and events. This is a movie, not a news report, so I did not neglect the wider social context or the mishaps experienced by those labour rights activists. Censorship is still prevalent in China, and all the people and events presented by independent film directors are those avoided deliberately by mainstream media. Independent film directors, therefore, have the obligation to 'let us see each other'. That said, we still rely on films to demonstrate what we have seen, so balancing between the abstract and the concrete is one of my priorities.

ZJ: In a context of strict censorship, Chinese independent filmmakers have to consider two key issues. One is about letting local audiences see hidden realities by showing process and detail, while effectively expressing the director's impulse for social change from a position of empathy. The other is about achieving cinematic impact, which requires production support, public understanding, and a critical engagement in order to develop a particular cinematic language and style. We can see transnational funding is rarely willing to support independent films that raise the most critical and sensitive social political issues in a direct style, due to their concerns about film distribution and the Chinese market. And some of the best films merely have western and film festival audiences, and do not have the opportunity to interact with local Chinese audiences. How do you balance these conflicts in *We the Workers*?

HW: *We the Workers* is made as a non-fiction film rather than a journalistic documentary. Films are best suited for presenting situational contexts and the people they involve; in other words, films are artistic illustrations of characters in

specific situations. These situations can be seen in rooms and other spaces. I personally feel that the spatial layouts presented in these rooms, workshops, and images of ships and bodies are of the utmost importance. Many situational contexts are self-explanatory, as revealed in people's interactions with their surroundings.

The Chinese character 'gong' (labour) in the word 'gongren' (worker, literally 'labour person'), I feel, can be omitted; that is, we only keep the character 'ren' (person). In the film *We the Workers*, Duan Yi says: 'If we participate in this action, we are humans; if not, we are simply nothing.' I believe that his remarks reveal the purpose of the documentary. People cannot really see each other in China: this is a country with rigid social hierarchy and stringent censorship, where many things have yet to be unveiled. The documentary intends to convey the very concept of 'humanity'. Those labour activists managed to become 'humans' by committing themselves to a particular course of action, and in so doing they demonstrated that the attainment of humanity is possible.

ZJ: Could you please discuss why there is not an equivalent representation of female and male labour activists in *We The Workers*?

HW: Every movie has its own topic and structure, which makes it impossible to cover everything. Although they are not among the main characters, this film does also present some female characters—for instance, a worker who had been beaten and another who had joined the celebrations after a victorious labour struggle. As planned at the beginning of our collaboration, we wanted to make a series of films about workers in China, with *We the Workers* being only the first feature. In 2018, we made a new movie with two versions, respectively entitled *Outcry and Whispers* (*hanjiao yu eryu*) and *Women/Workers* (*nügong*), in which the fate of women in a globalising totalitarian China is investigated from the perspective of Chinese women and female workers themselves. These movies will include some new elements—for instance some animations that have been realised in collaboration with an Irish 3D animation team. I hope these films will be watched in conjunction with *We the Workers*, and seen together as a complimentary whole. There is still a significant amount of work to do before they are ready for the world premiere, but we will keep the public posted regarding any further developments. ■

translated by Nan Liu

A scenic view of a river, likely the Mekong, with a person on a boat in the foreground. The background shows a lush, green hillside. A teal rectangular overlay is centered on the image, containing the text 'WINDOW ON ASIA' in large white capital letters, a small yellow horizontal line, and the word 'Mekong' in white capital letters below it.

WINDOW ON ASIA

—
Mekong



Mekong River, Cambodia



China and Development Aid

The Case of Anti-trafficking and Seafood in Southeast Asia

Mekong River, 'Life on the Water', PC: Daniel Hoerd, Flickr.com

Sverre Molland

Chinese-funded aid to developing countries does not require either mitigation strategies or environmental and social impact assessments. In this essay, Sverre Molland looks at the Mekong region and assesses the impact of China's increasing influence in the area on the attempts to introduce humanitarian and human rights standards in labour migration.

Back in the early 2000s, I had an informal conversation with a social impact advisor from the Asian Development Bank (ADB) regarding the impact of Chinese aid in Laos. The advisor told me that she was concerned about the increasing influence of China on the Lao government, as it made ADB's development strategy ineffective. As Chinese-funded infrastructure did not require either mitigation strategies or environmental and social impact assessments, it made it harder for ADB (and others) to insist on such measures. Due to China's increasing prominence, she alleged, ADB risked cancelling itself out of the competitive market of infrastructure

development contracts in Laos, thus losing any ability to safeguard basic social, environmental, and human rights standards.

In this essay, I use this anecdote as a point of departure to consider China's impact on another important issue within the Mekong countries: labour migration. The predicament of this ADB advisor highlights the difficulties of imposing development-led social and environmental conditionalities within a context of increasing dominance of Chinese aid. Furthermore, although infrastructure projects constitute state-led development, they take place within a neoliberal aid environment where market mechanisms structure how development actors project human rights-based conditionalities. I suggest that current efforts to introduce humanitarian and human rights standards in labour migration—commonly through discourses of anti-trafficking and modern slavery—signal a shift away from state to market actors in development. Although it may seem to bypass state-centric responses to labour exploitation, this new strategy may face a similar dilemma to the ADB consultant mentioned above due to China's growing role in the region. This, as we will see below, can be seen in the seafood industry.

Development-migration Nexus between China and the Mekong Region

One of the central changes to development aid in the Mekong region has been the ascendance of China as a bilateral aid actor. This is particularly pertinent in countries, such as Laos, where Chinese-led infrastructure, commercial agriculture, mining, and extraterritorial casinos have received considerable scholarly attention (Baird 2011; Diana 2018; Nyiri 2012; Tan 2014). The construction of a Chinese railway connecting mainland China with its Southeast Asian neighbours is one of the latest steps within this larger trend. In a country

like Laos, it is a well-known fact among aid practitioners that although western-based development assistance may have been dominant in the recent past, it is increasingly looking like a sideshow compared to Chinese aid and investment.

Parallel to this shift, given the strong focus of ASEAN and Mekong countries on infrastructure development—especially road construction—and the liberalisation of trade and mobility, labour migration has also become a central pillar in the region's development efforts. For this reason, the aid sector has given increasing attention to the development-migration nexus in the Mekong region. Partly dovetailing with the European Union, ASEAN recently introduced an internal skilled migration mobility programme under the auspices of the ASEAN Economic Community (AEC). Still, the number of skilled migrants who can now travel freely thanks to this initiative is dwarfed by the huge amount of unskilled migrants who form the backbone of key economic sectors, such as agriculture, construction, and seafood processing. Although numbers are imprecise, in Thailand alone the unskilled labour migration population is estimated to be several million (Auethavornpipat 2017).

To date, labour migration from China to Mekong countries has been limited and primarily concerned with the Chinese labour exodus in the context of Chinese-backed investment. In fact, the main connection between China and the Mekong countries in relation to migration has arguably been through more sinister sides of migration, in particular human trafficking. For example, the United Nations has pointed to the considerable outmigration of young women from Myanmar and Laos to China, where concerns are being raised about possible trafficking and forced marriages (UNIAP 2013). Anti-trafficking has also been a central conduit for China's multilateral cooperation with Mekong governments, such as the Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (COMMIT), which has served as the main vehicle for

multilateral engagement on anti-trafficking among Mekong countries since its conception in 2004.

Yet to fully grasp the importance of China in relation to migration and development in the Mekong region it is important to grasp how anti-trafficking discourses and practices have changed in recent years.

From State to Market Anti-trafficking Discourses

In the Mekong region, the earliest anti-trafficking interventions by development aid actors emerged during the 1990s, with the first interventions being framed as poverty-reduction strategies. However, in the subsequent decades the sector followed a global trend to include a strong law enforcement focus, coupled with awareness-raising efforts and support for victims (Molland 2012). In other words, anti-trafficking became heavily state-centric as law enforcement and immigration authorities came to play central roles in anti-trafficking responses.

Yet, anti-trafficking has faced sustained criticisms both from academics and practitioners who point out that interventions often are counterproductive, tend to prioritise border control agendas, and—partly as a result of the latter—end up working against the very people they aim to assist (Anderson 2012; Keo et al. 2014). In Mekong countries, these criticisms are paralleled by a notable donor and programme fatigue within the anti-trafficking sector. Other nomenclatures, such as ‘modern slavery’, have gained momentum. In contrast to anti-trafficking interventions, modern slavery places stronger focus on consumers and the corporate sector’s possible complicity in exploitative and ‘slave-like’ labour, and enjoys considerable financial backing from philanthro-capitalists such as Australia’s mining millionaire Andrew Forrest and eBay’s

founder Pierre Omidyar. Rather than an explicit focus on border control and police, modern slavery broadens activities to focus on ‘supply chain governance’ and consumer ethics. Governments too, such as Australia, the United Kingdom, and California, have all promulgated legislation that mandates companies to report on their efforts to clean up their supply chains.

While the modern slavery discourse has also been forcefully critiqued (Gallagher 2017), it is notable how it broadens activism from the state to market. Although this discourse has only recently crept into Mekong-based NGOs and UN agencies, it is striking how in that context a previous concern with ‘sex trafficking’ has been largely replaced with concerns regarding slavery-like work conditions, with particular attention to the Thai seafood sector. It is also here that we see the discourse of supply chain governance opening up a space where it becomes possible to think about consumer boycotts. In Thailand this has become a political reality, with the European Union threatening a boycott of Thai seafood on environmental (overfishing) and humanitarian grounds (abusive labour). In contrast to ongoing political pressure from the United States government through its annual Trafficking in Persons Report—where Thailand has been routinely poorly ranked—a potential seafood boycott has a far larger impact: the former is primarily a question of losing political face; the latter will seriously affect the Thai economy. As such, it is precisely this kind of action that advocates of ‘modern slavery’ suggest can have a positive impact on the work conditions of poor, unskilled migrant workers in the Mekong region and beyond.

China and Seafood

At first glance, China appears entirely absent from these developments. Although the Chinese authorities engage with the region on human trafficking issues, they do not seem to have picked up on the emerging modern slavery agenda in dealing with their neighbours. Nor is



Fish Market in Suzhou, China. Today China accounts for 30 percent of global fish consumption. PC: chrisUK, Flickr.

China a central consumer of Thai seafood. Yet, this can all easily change, and for a very simple reason.

Today, China accounts for 35 percent of total global fish production and 30 percent of global consumption (World Bank and FAO 2013). Although China has a substantial domestic seafood production, it is already the third largest importer of seafood in the world. Its role as a seafood consumer is set to increase significantly in the next few years, as the country is the fastest growing consumer of seafood globally (World Bank and FAO 2013). Given the regional proximity of Southeast Asia, countries like Thailand may become a growing market to cater to China's seafood consumption.

To date, there is no notable human rights discourse or insistence on human rights-based conditionalities relating to Chinese consumer markets and imports. Yet, there seems to be a surprising lack of reflection amongst United Nations agencies and NGO practitioners regarding how China can influence their

strategies. Soon, anti-trafficking and modern slavery abolitionists may find themselves in a similar situation to the ADB consultant mentioned at the beginning of this essay: either pursue a strategy of imposing conditionalities, thus effectively locking yourself out of the very market you attempt to impact, or simply abandon any attempt to impose ethical conditions.

Two Lessons

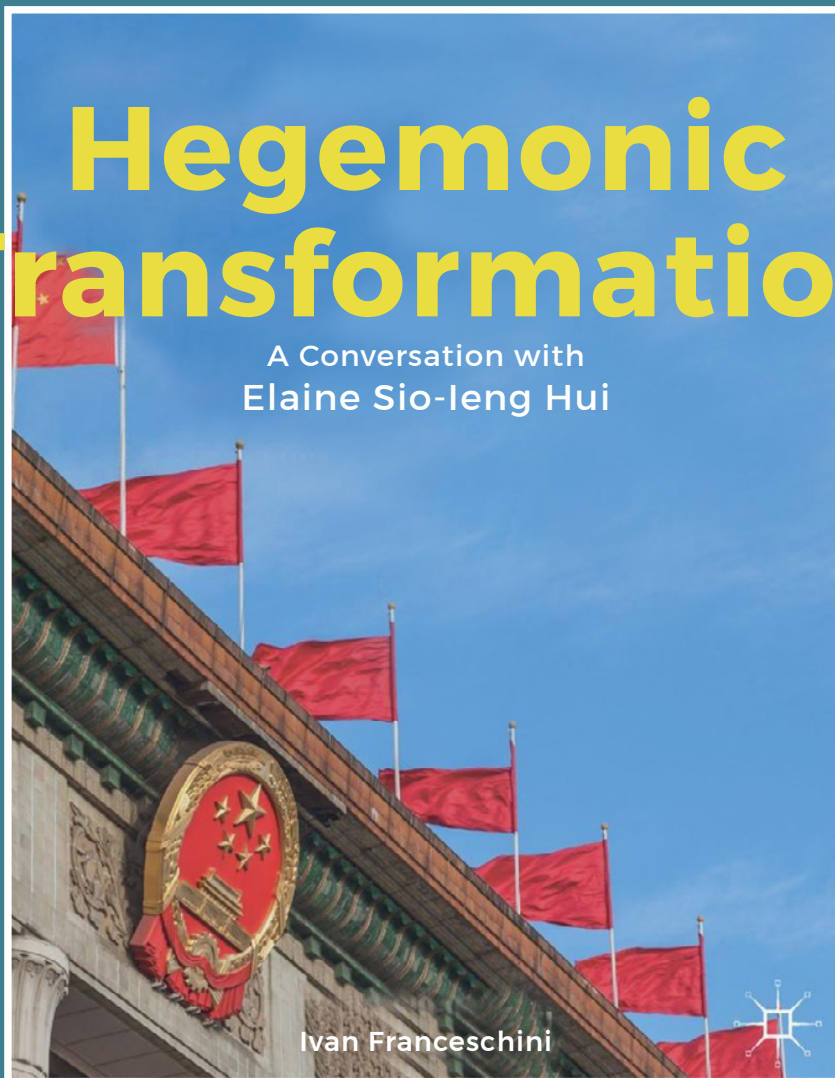
There are two main lessons to be drawn from all this. First, tragically, the end result may be similar to what has been observed in the fair-trade movement more broadly: moulding markets into humane emancipatory projects which ensure fair prices is hard to achieve in practice. Yet, one thing such market-based initiatives *do* achieve is to commodify social movements. Hence, despite an official claim of aid actors to be transforming markets into ethical practices, the reverse is actually taking place: markets transform aid actors.

Second, if consumers of seafood are meant to be a central actor in the eradication of 'modern slavery' in Thailand's fishing sector through ethically based conditionalities within seafood trade, it is difficult to see how this will be effective within the context of China's emerging role as a seafood consumer. Philanthro-capitalist initiatives, such as the modern slavery agenda, may unintentionally open another space within the aid sector where China will be able to dominate just as it already does in other spheres. In the long run, a 'modern slavery' agenda in the Mekong region may end up marginalising its own space of humanitarian consumer activism, and China's growing importance in the region is at the heart of this process. ■

Hegemonic Transformation

A Conversation with
Elaine Sio-leng Hui

Ivan Franceschini





Elaine Sio-Ieng Hui
Pennsylvania State University

Discussions of Chinese labour are generally dominated by stories of exploitation. Relatively little attention has been paid to the fact that over the past two decades the Chinese authorities have developed an impressive body of labour laws and regulations. There has been even less notice of the fact that this legislation was widely disseminated among the Chinese public through the official media, or of how these laws have regularly elicited widespread domestic discussion. But how to reconcile these notable legislative achievements with the global image of a government that apparently does not care for the wellbeing of its workers? In *Hegemonic Transformation* (Palgrave Macmillan 2017), Elaine Sio-Ieng Hui addresses this paradox.

Ivan Franceschini: The Chinese Communist Party (CCP) today still presents itself as the ‘vanguard of the Chinese working class’ and the Constitution describes work as a ‘glorious duty’. How should we interpret such claims?

Elaine Sio-Ieng Hui: It is interesting that, despite its lack of genuine concern for workers’ well-being, the CCP still presents itself as representative of the working class. What makes the situation more perplexing is that since 2003 when Jiang Zemin advocated for the Three Representatives (*san ge daibiao*)—namely, the idea that the Communist Party ‘must always represent the requirements for developing China’s advanced productive forces, the orientation of China’s advanced culture, and the fundamental interests of the overwhelming majority of the Chinese people’—Chinese capitalists have been eligible to join the CCP. My book seeks to understand this complication associated with the Chinese state, capitalist class, and working class through the concept of ‘relative autonomy of the state’, which was put forward by Nicos Poulantzas, a neo-Marxist theorist. Comparing feudalism and capitalism, Poulantzas saw the relative separation between the state and the economy as an inherent characteristic of capitalism. This is to say that, although the state under capitalism is inclined towards the capitalist class, it enjoys a relative autonomy from this social group. It can even force short-term concessions from the capitalist class for the subordinate class so that the latter will not revolt against the capitalist system, thus helping reproduce the capitalist class’s long-term dominance.

In Maoist China, the Party-state directly organised production and the economy. After its transition to capitalism, the overlap of the political and the economic has given way to a relative separation of the two spheres. The Chinese Party-state has disengaged itself from direct employment relations, constructing a labour market wherein workers are turned into



Elaine Sio-Ieng Hui, *Hegemonic Transformation. The State, Laws, and Labour Relations in Post-Socialist China*, Palgrave, 2018.

'free' sellers of their labour power. Additionally, it has put the process of production and the organisation of productive forces into the hands of capitalists, allowing them to be regulated only by market forces and laws. During state socialism, workers were supposedly the masters of the country. However, the 1982 Constitution was made less antagonistic in terms of class politics, spelling out that all 'citizens' are equal before the law. Jiang Zemin's advocacy of the Three Representatives further marked the Party-state's detachment from the working class and its closer alliance with the capitalists. However, the Party-state attempts to conceal the regime alliance with capitalists by appealing to juridico-political means that give all 'citizens' formal equality, regardless of their differing economic statuses, and by retaining the socialist rhetoric that describes the CCP as the 'vanguard' of the Chinese working class. Due to its occasional pro-labour appearance, some workers have been led to regard the Party-state en bloc or the central government as friendly to labour, believing that it is autonomous from the capitalists.

IF: In the book, you describe the labour law system in China as a form of 'double hegemony'. Can you explain what you mean by that?

ESH: My book has drawn on the insights of the Italian theorist Antonio Gramsci. It contends that Chinese economic reform inaugurated in 1978 was a top-down passive revolution driven by state-engineered effort and coercion. However, after three decades of reform, the role of the Chinese state has changed from steering the country's passive revolution to actively establishing capitalist hegemony, i.e. the ethico-political, moral, and cultural leadership of the capitalist class. My book argues that the labour law system is a vital vehicle through which the Chinese Party-state has secured working class consent to the leadership of both the CCP and the capitalist class. In other words, the Chinese labour law system has produced a *double hegemony*, which deflects workers' radical opposition against both the market economy and the Party-state, and thus pre-empt their rebellion.

In the book, I distinguish between four mechanisms through which hegemony is exerted. Concerning capital-labour relations, the *normalising* mechanism embedded in the labour law system has legitimised market principles such as waged labour and private property rights. Many workers have taken labour laws as a yardstick for measuring employer behaviour. Even though they are not completely happy with their jobs, they consider their bosses to be fair if the latter are legally compliant. Moreover, despite its pro-capital essence, the labour law system provides aggrieved workers with a platform



Antonio Gramsci, (1891-1937).

for resolving labour disputes. Many workers, therefore, believe that the market economy is not structurally exploitative and that labour laws are useful tools for remedying misbehaviour occurring in the economic realm. This reveals the *countervailing* mechanism incorporated into the labour law system.

Concerning state-labour relations, the abundance of labour laws has convinced some workers that the Party-state protects workers, and that the political regime is 'autonomous' from the market economy and is willing to curb economic misdeeds. Hence, they do not fundamentally challenge its legitimacy. This reflects the *concealing* mechanism of the labour law system. Furthermore, owing to the decentralised politics of China, local governments are delegated the task of capital accumulation, while the central government is preoccupied with maintaining political legitimacy and social harmony. With the mediation of the labour law system, some workers perceive government corruption and its pro-business bias as being the fault of local governments and do not criticise the central government or the Party-state as a whole. This demonstrates the *transmuting* mechanism of the labour law system, which shifts the target of workers' contempt from systemic state-capital collusion to individual officials and/or local governments.

IF: In the book, you write that 'comparatively speaking, the worker-interviewees that never ran into labor disputes viewed labor laws in a more positive light, and they were quite receptive to legal hegemony.' Since most workers in China have never had any direct experience of a labour dispute, should we assume that the majority of Chinese workers are falling into the trap of this legal hegemony, rendering active consent to worldviews promoted by the CCP?

ESH: My book argues that this double hegemony has influenced Chinese migrant workers in an uneven manner. Affirmative workers approve of the official legal discourses and labour law practices, and have readily rendered active consent to capitalist leadership through the mediation of the labour law system. The indifferent, ambivalent, and critical workers have only rendered passive consent to capitalist leadership—i.e. they have neither completely assented to it, nor fundamentally challenged it. The indifferent workers are unmotivated to gain legal knowledge and have submitted themselves to the economic and political status quo. They feel detached from the cities and consider their working life there transitory. Therefore, they see labour laws and socioeconomic development as irrelevant to them. Both the ambivalent and critical workers do not place full trust in the labour law system because of the gap between their work experiences and official legal rhetoric. However, the labour law system is still able to elicit passive consent from them as reflected by how their discontent is 'contained by the



Chinese workers on strike.
PC: libcom.org

pre-existing categories of the dominant ideology'. Although critical workers discredit the labour law system and ambivalent workers partially disapprove of it, their criticism usually targets implementation issues rather than asymmetrical power relations embedded within the system. Many of them maintain that the central government holds good intentions to protect workers and attribute the failings of the labour law system to local governments. Only radical workers have formulated radical challenges to both the capitalist economy and the Party-state. They refuse to accept the capitalist values and practices normalised by the labour law system. They understand that the legal and the economic spheres are not independent of each other, and that the law-making process and legal content are biased towards capitalists. They also see through the intricate relations between government and businesses, and do not construe the Party-state as autonomous from the capitalist class.

Going back to the question of if we should assume the majority of Chinese workers, who do not have labour dispute experiences, are falling into the trap of this legal hegemony, it should be emphasised that the double hegemony in China does not only have an uneven impact on workers, it is also fragile and precarious. Although workers that have no labour dispute experiences may more readily render consent to the ruling bloc, their susceptibility towards the double hegemony may change overtime or abruptly due to their changing life and work experience. The affirmative workers' endorsement of the legal-political and economic system is based on the coherence between what they have been indoctrinated into and the legal reality. If the ruling bloc is unable to produce legal working experience for them, they may shift into the ambivalent, critical, or even radical mode. For the indifferent workers, who often may not have any labour dispute experiences due to their sense of apathy and irrelevancy concerning the labour law system, it is possible that they will take extra-legal means to fight for their interests if they become extremely agitated. This is because the Party-state-constructed legal discourses and legal knowledge have not yet become common sense for them, and the belief that legal channels are the most appropriate means for settling disputes has not taken root in their minds.

IF: The last chapter of your book is dedicated to those 'radical' workers who refuse to consent. What venues do they have to express their dissenting views in today's China?

ESH: The radical workers have formulated fundamental criticisms of the systemic problems connected to uneven economic development, the political regime, and the labour law system. They are aware that the legal system is manipulated by

the Party-state, and that the capitalists and government have a symbiotic relationship. They do not acquiesce to capitalist leadership and have managed to transcend capitalist hegemony. The radical workers have developed stronger class and political consciousness. Therefore, these workers cannot be placated by merely creating legal working conditions for them or by making employers legally compliant. They do not simply demand legal minimum wages, but wages in fair proportion to the labour that they put in. Hence, they represent a serious threat to capitalist dominance. It is very likely that the radical workers would resort to extra-legal means, such as strikes and protests, to express their dissenting views, rather than appeal to the mediation, arbitration, and adjudication systems promoted by the Party-state. ■

A nighttime photograph of the Oriental Pearl Tower in Shanghai, China, illuminated against a dark sky. The tower's distinctive spheres and spire are lit up. In the background, other skyscrapers of the city are visible, including one with 'MIRAE ASSET' signage. The lights from the buildings and the tower are reflected in the water in the foreground.

End of an Era

A Conversation with
Carl Minzner

Elisa Nesossi

China's post-1978 era of 'reform and opening up' is ending. China—a country that claims to shape the global order—is closing down and its future remains uncertain. This is the key message from Carl Minzner's *End of an Era: How China's Authoritarian Revival Is Undermining Its Rise*, an engaging, provocative, albeit sobering, analysis of contemporary China.

Elisa Nesossi: Reform is one of the key topics in your book. You argue that China is entering a new era: the counter-reform era. What do you mean by counter-reform specifically? And, can you please explain what could be both the positives and the negatives of counter-reform?

Carl Minzner: I do not really like the term 'reform' (*gaige*). It has become so overused both by Chinese officials and observers alike as to be virtually meaningless. Literally, it means 'to make change'. But building a skyscraper can be a change. So can tearing one down. When China's one-child policy was instituted in the late 1970s, it was presented as a reform. And when it was altered to a two-child policy in 2016, it was also labelled as a reform. I prefer to talk about China's 'reform era'—that is the period that began in the late 1970s, corresponding with the Deng Xiaoping policies of 'reform and opening up' (*gaige kaifang*). It was marked by three factors: a) rapid economic growth; b) a certain degree of ideological openness to the outside world; and c) relative political stability, characterised by partial political institutionalisation.

Since the early 2000s, China has entered a new era—the 'counter-reform era'. Economically, China is slowing down; ideologically, it is closing up; and politically, China's leaders are ripping up the written and unwritten norms that had characterised the reform era, with the centralisation of power in a single leader being simply the most obvious example. Sure, there are some positives. For example, the halting abandonment of the growth-at-all-costs model of development has led to increased official support for environmental protection. But I tend to think that the risks are massive, particularly when you consider politics. In the 1970s and 1980s, Chinese leaders adopted political norms such as decentralisation of power, abandonment of one-man rule, and avoidance of anything resembling a cult of personality in order to steer China out of the turbulence and instability of the Maoist era. But as Beijing steadily reverses those norms, there is a real risk of repeating history. Processes and practices thought to have been dead and buried are already beginning to push themselves—zombie-like—back to the surface again.



Carl Minzner

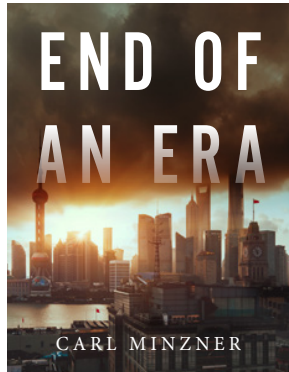
EN: When you talk about reforms in China, you describe it as a 'one-step-forward, one-step-backward cycle'. Would you mind explaining this 'depressing cycle'—as you define it—and its implications for China's future?

CM: That quote is specifically taken from the section of the book discussing changes to China's political and institutional system. After 1989, Beijing ruled out any alterations that might call into question the Communist Party's leading role. But during the 1990s and early 2000s, Chinese leaders nonetheless continued to experiment with a range of reforms lower down in the bureaucracy, such as village elections, administrative law reforms, intra-Party democracy, and so on. All were aimed at addressing very real problems caused by the overconcentration of power in the hands of local officials—issues like corruption, abuse of power, and wilfully ignoring directives from Beijing. Their shared feature was the opening of some kind of channel for citizen input to check local authorities. Back in the early 2000s, you could sort of imagine a world in which—even if real democratic reform was totally off the table—such innovations might eventually mature into meaningful institutions for citizens to voice their concerns in the Chinese political process. Perhaps the hard edges of the political system would be slowly sanded smooth. And perhaps citizens and officials alike might gradually and organically grapple their way towards building new institutional mechanisms to address classic governance problems of social conflict, political voice, and supervision of power.

That did not happen. As each of those reforms was instituted, citizens rushed to use them, first to criticise local officials, and then to make deeper political claims. And at each point when such things happened, Party leaders saw shades of 1989 and Tiananmen Square, and moved to pull the rug out from under their own reforms. That is the one-step-forward, one-step-backward dynamic that I mentioned. As a result, China's own tentative institutional reforms have been smothered in the cradle one after another. This has robbed officials and citizens alike of the opportunity to gradually shift the underlying political dynamics at the heart of the Chinese system.

EN: In your book you introduce two alternative models of Chinese governance that Chinese leaders can choose between using the symbolism of the contemporary Three Gorges Dam and the ancient Dujiangyan water diversion and irrigation project. How do these massive projects symbolise different forms of governance in China today?

CM: Ah, good question! Short answer: Dujiangyan was what could have happened, the Three Gorges Dam is what is happening now.



Carl Minzner, *End of an Era: How China's Authoritarian Revival is Undermining its Rise*, Oxford University Press, 2018.

Over the past four decades, China has experienced some of the most rapid changes in world history. Urbanisation and economic change have generated a host of latent tensions—migrants seeking a place in urban China, educated youths dissatisfied with their job prospects, laid-off workers demanding back wages. The key question is effectively a hydraulic one: how to channel the pressures that these changes are producing?

Dujiangyan—the third-century-BC irrigation system in Sichuan—represents a more natural, organic approach. It does not rely on manmade dams to stem the pressure of the waters. Rather, by using the natural topography of the land, it both steers the rising river levels into irrigation channels for the fields of the Sichuan basin and avoids any risk of catastrophic flooding caused by dam breaches. Notably, this differed dramatically with the approach pursued with regard to the Yellow River in the north, which historically was always more dependent on large levees prone to regular breaching. Something like a political version of the Dujiangyan approach—a more organic institutional evolution responding to rising social pressures—was one option that Chinese authorities had before them during the reform era. It was not chosen.

Now, if you reject such an approach, do social (or water) pressures simply disappear? No. Rain keeps falling. Society keeps changing, and you are forced to rely on other measures to respond. Like sinking millions of tonnes of concrete into the ground to build a massive physical dam—such as the Three Gorges Dam or the northern Chinese levees along the Yellow River—or similarly throwing massive amounts of resources into constructing parallel projects to manage rising social pressures, whether it be the Great Firewall, social credit monitoring system, or an extensive network of re-education camps in Xinjiang. In the short term, this buys you a degree of stability, at least as long as you have the money and resources to continually throw at the problems or raise the height of the manmade levees. But if you look just below the surface, you realise the weight of the social pressures that they are straining to hold back. And then you start thinking through exactly what happened to those northern Chinese levees holding back the Yellow River levees once the Qing dynasty passed its peak and political (and physical) erosion set in.

EN: You start your book confidently and depressingly (for a law scholar) stating that 'law is becoming less and less relevant to China's future'. This is not what President Xi Jinping claims as he puts, at least at the rhetorical level, *yifa zhiguo* ('ruling the country in accordance to the law') at the centre of his governance strategy. Are Xi's statements about *yifa zhiguo* mere empty words? Or, if not, why is the Xi regime putting so much emphasis on this concept?

CM: Xi Jinping certainly intends for law to play some role in managing Chinese society. But it is important to remember that the full slogan is actually *yigui zhidang, yifa zhiguo* ('rule the Party according to internal regulations, rule the country according to law'). That is a vision of two separate systems—the first being the internal one applied to the Party itself, the other being the external one applied to the state and society.

Now, those slogans have been around for a while, and back in the late 1990s, there was somewhat more Party emphasis on the 'law' bit. Back then, it was possible to read internal Party documents and think that—just maybe—there was the potential for the 'law' bit to expand. That is precisely why all of those public interest lawyers and scholars had visions for the steadily expanding role of the constitution and its laws.

That has come to a grinding halt. First, Party leaders have clearly signalled that those visions are politically incorrect. Things like repoliticising the Chinese bar association, shutting down academic discussion of broader rule-of-law issues, or altering the constitution to expressly mention the leading role of the Party within the text itself (and not just the preface)—all of those are big red flags to everyone within the law community that, just as with other areas, Party leadership is supreme. But there is a second, and deeper dynamic at work as well. It is not just that there are simply limits to how far rule-of-law norms will be permitted to go. Rather, the Party norms are actually beginning to *cannibalise* the legal ones. For example, take a look at the new National Supervisory Commission or the 2018 government reorganisation plan. What you see there is that previous legal norms and institutions (like the functions of the state procuracy) are being absorbed—Borg-like—into Party ones (such as the Party disciplinary commissions).

And, of course, this is merely a reflection of a much broader trend in China today—the reassertion of Party political power across the board. You see precisely the same dynamic in corporate China with the reassertion of the role of Party cells in firms. Reform-era market forces, legal principles, civil society institutions—all of these things are being steadily marginalised in the face of the deepening pressure to strengthen Party power and uphold social stability.

EN: You describe China today as 'a modernised, updated version of the traditional authoritarian-bureaucratic imperial system'. Can you please elaborate on this statement? Does this imply that China's circumstances are somehow unique—as many within China often remind us—and cannot be compared with those of any other country?

CM: Well, Chinese citizens are people like in any other country in the world, and they have desires and hopes and

fears like everyone else. So I do not buy the whole idea that there is something culturally specific about China that makes it totally alien to outsiders. But in searching for an answer to how to structure their political system, China's Party leaders are steadily pivoting back to their own past—both the twentieth century, i.e. hard-line Leninist one-Party authoritarianism, and its yet earlier roots, i.e. the imperial authoritarian-bureaucratic regime that extensively co-opted and controlled social forces such as religion and commerce.

If you are careful, you can still draw comparisons and contrasts with other regimes—imperial Russia is interesting because it has some similar strands, Taiwan under the Nationalist Party is interesting because it followed a different path. However, it is really important to look at institutions and history. It certainly seems odd to draw facile conclusions on the direction of China today based on the experience of say, nineteenth-century Britain or twentieth-century America, when the underlying political structures are so different. And I certainly think there need to be more comparisons today with China's own past—looking back at what happened, for example, in the Qing dynasty when internal political decay began to set in, or in the early Communist period, when Beijing's leaders regularly relied on periodic campaigns to purge the Party itself.

EN: A final question about the format and tone of the book. As a China-legal scholar, why did you choose to write a non-academic book? Are you subtly encouraging academics to write in a format more widely accessible to the general public?

CM: That is exactly right. Academics face immense pressures early in their careers to write narrowly specialised books and articles targeted primarily at other academics. There is some benefit to that—you have to develop expertise in a particular field, and you have to argue convincingly to other experts. But if that is all we do, it is a real problem. China is at the heart of the most important global issues of the twenty-first century, whether in economics, environment, or foreign policy. If the people who have devoted their lives to trying to understand all the complex nuances of what is taking place in China do not take part in trying to explain them to the general public, it virtually guarantees that role is going to be filled by fly-by-night pundits who are willing to fill the void with glib generalisations and inflammatory rhetoric. And the cable TV channels are more than willing to fill the air with those guys. However, since us professors are always defensive about any suggestion that our books aren't 'academic'—you have no idea what goes on in faculty workshops!—I would hope my readers find I did write a thoughtful academic book, just an engaging and readable one that a broader audience can appreciate too! ■



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