Judgments of Legitimacy and Illegitimacy: Normative Life in the New Chinese Workplaces

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Judgments of Legitimacy and Illegitimacy: Normative Life in the New Chinese Workplaces

ABSTRACT

This article analyzes the emergence of labor regulations in the new types of businesses being developed in China today. It studies both the internal codes and regulations established by employers and the legitimacy and illegitimacy judgments expressed when these regulations are implemented. The information collected pertains to privately operated Chinese factories, Chinese factories under contract to foreign businesses, and factories whose owners come from Hong Kong or Taiwan but have handed over factory management to an entirely mainland-Chinese workforce. These three types of business have in common the fact of not fitting into either the industrial system that has been in place for several decades in state and collectively run Chinese businesses or the various but well-established management modes imported by foreign businesses into China. Two ways were observed of legitimating the highly detailed but often unstable prescriptions that make up these internal regulations: political categories are used to try to legitimate factory managers’ authority and what is expected of employees; the validity of certain rules is affirmed by merely citing their efficiency, i.e., that they help keep the business running smoothly, though what that means is not further explained. However, interpretation and implementation of these prescriptions give rise to highly diverse judgments of illegitimacy, judgments based on moral principles. These judgments are expressed by migrant employees –many of whom have acceded to supervisory posts and are therefore called upon to apply the rules– and they foster the emergence of shared ways of doing things. Rules and regulations are thus gradually being developed in the observed factories, determined not only by unilateral prescriptions of the sort some bosses seek to impose, but also by the validity-testing that migrant employees practice on a daily basis.

Employees hired to work in the new Chinese workplaces that have come into existence since the “economic reforms” often have to respond to contradictory expectations of them: encouraged to follow the model of workers as “factory masters” that was operative during the Maoist period in the state or collectively run sector, they are also called upon to show absolute obedience to their employer. This contradiction points up the difficulty of developing labor regulations, as this development caught between a specific labor experience in China that was not founded on any conception of power as bilateral—in theory, the state or collective acted as mere representatives of the employees, who were understood to be the true factory owners—and the unilateral conception of power prevailing in these new businesses, where all power goes to the workers’ superiors.
While the official figures available do not allow for a detailed, accurate view of the employment situation in China, it can nonetheless be affirmed that more than 100 million employees are now being hired in businesses whose configuration and legal status are highly variable and occasionally obscure: individual or private businesses, mixed-capital companies, and “diverse economic entities”. These new industrial and commercial businesses rely heavily on a new workforce, rural or urban migrants who do not belong to the working class glorified since the early 1950s; i.e., those who worked in the state and collective-sector. Some of these migrants have changed official residence locale and many of them are living temporarily in a locale other than the one they are officially registered in. Often their job in these businesses is their first job ever.

Normative life in these workplaces thus cannot count on already constituted bodies, tried and tested work rules or shared ways of doing things. There are no experts or seniors to evaluate the legitimacy of certain practices or affirm the validity of a given rule. Life in these workplaces cannot be based on any form of organization likely to diffuse regulation modes that are recognized elsewhere, since the only union organization tolerated in China is not very present in these places and has quite limited influence on the factory or workshop regime. In contrast to town authorities’ management of village affairs, where rules and arrangements anchored in a variety of temporalities and sources of legitimacy can be mobilized to deal with the problematic situations that the reforms have generated, the issue here is not to reinterpret or fit together old regulations but indeed to create new ones.

This article analyzes a particular aspect of the process through which labor regulations are emerging in China, studying the types of judgments of legitimacy expressed in companies during implementation –and denunciation– of company rules. Rather than trying to describe the situations these employees encounter or their ways of resisting or contending, we focus on the codes, statutes and internal rules established by employers and the debates they elicit, observing situations that imply “intersecting illegitimacy judgments, unilateral prescriptions imposed but rejected as unfair, and practices justified because they are considered ‘within the rights of the concerned parties’” (Cottereau, 1999).

The material collected concerns privately owned and operated Chinese factories; Chinese factories under contract to foreign companies; and factories whose owners are from Hong Kong or Taiwan but have turned over production management to an entirely mainland-Chinese workforce. These businesses have in common the fact of not fitting into either the industrial system that has been in place for several decades in state and collectively run Chinese businesses or the various but well-established management modes imported...
by foreign businesses into China. They employ between 50 and 500 workers, and their areas of activity range from textiles to electronics and include ready-to-wear clothing, printing, and toy, electrical equipment, lamp and shoe manufacture.

We also make use of the records of the authorities charged with workplace conflict resolution, either administrative organs such as the “letters and visits bureaus”, where individuals and groups can file complaints, petition, and register their criticisms, or legal ones such as arbitration committees. In 1999 and 2001 we conducted approximately 100 interviews with rural migrants and 30 with urban migrants; they are manual and office workers, foremen or factory managers. In 2001 and 2002 we observed factory shops and dormitories of four companies in Shenzhen and the town of Nanhai (province of Guangdong, southern China). In two of these factories, administrative documents such as internal regulations, notices posted on factory walls, and personal “worker record booklets” were made available to us by factory officials.

**Bases on which internal regulations can claim to be legitimate**

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*Excerpt from the internal regulations of privately owned and operated Chinese factory X, Shenzhen (Guangdong province), November 2001.*

1) From their first day on the job, workers must act with the spirit of a factory master, doing everything to defend the interests of the company, sparing no effort. It is also their duty to make proposals for rationalizing production.

2) No one except officially approved workers may participate in labor organizations or their activities in the factory’s name.

3) All workers must accept with absolute obedience the workstations and workstation changes determined by management. Under no circumstances may they engage in such actions as work stoppages or strikes.

4) Tasks and responsibilities as well as work organization have been determined according to the real situation at the factory. Each worker must follow these instructions entirely [...].

6) Workers must work in a civilized manner, obey the rules of morals and courtesy, remain united, defend the common property of the company; they must not create factions on the basis of geographic origin or get into fights or engage in other actions of the sort. Any person contravening these rules will be punished and fired.

7) All workers with at least three months’ seniority in the factory will receive a bonus of 30 yuans on their birthday [...].

9) No one may make sweaters on our premises for any other economic entity or individual without factory authorization. Offenders will be severely punished.

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**Detailed but unstable prescriptive rules**

The above set of regulations is typical of the codification encountered in the factories studied. It brings to the fore the important fact that these formal codes and rules do not pertain to how work is actually organized, operation modes, or result assessment but rather to the work relations that should prevail, and more specifically the norms of submission expected from workers both in and outside the workplace, since most workers are housed by the employer. Prescriptions pertaining to the production process do exist but often only orally, not in writing. Since those prescriptions are thought of as a matter for the authority and competence of the various production heads, they change as production heads move from company to company. Factory shop foremen and production team leaders who move from one factory to another are themselves very likely to be migrant workers who have been promoted; they thus carry with them rules and customs followed elsewhere, or propose new prescriptions, as the only employees able to identify certain problems and find appropriate remedies for them. Paradoxically, an authoritarian-style work organization coexists with the opportunity offered to many migrants to set up new rules within the groups they come to manage in the course of their occupational careers.

Formal rules and prescriptions may be more or less numerous depending on the company. There is always at least one set of rules, posted in a location in the factory where workers are highly likely to be present, and this is often supplemented with “notices”, *i.e.*, brief directives likewise posted in factory shops and other strategic spots. The rules may be extremely developed, and they take highly diverse forms, including “dormitory management” systems, “work and rest hours”, “worker code of conduct”, “code of conduct in civilized dormitories”, personal “employee record booklets”, “dormitory officials’ tables” “criteria for living in the dormitories”, “collective dormitory statutes”, etc. By our observation, the length and number of such regulations in a given company tends to increase every year. In one company observed, there were 2 documents for orienting life in the dormitories in 1999, 5 in 2000 and 14 in 2001. Moreover, internal codification is sometimes standardized by way of a scale of punishment in the form of different fines, revised each year and applicable to all specified types of misconduct.

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### I. Regulations on arriving late to work or absenteeism (privately owned and operated factory Liaomeng, Shenzhen, November 2002)

1. Being ten minutes late will be sanctioned in proportion to length of absence. Being late twice incurs sanction D.
2. Being between 11 and 30 minutes late incurs sanction C.
3. Being absent from work half a day incurs sanction B.
4. A worker absent three days in one month will be fired.

### II. Sanction calculation rules

1. All sanctions accumulated over the year will be calculated on December 30.
2. Five level-D sanctions equal one level-C sanction.
3. Four level-C sanctions equal one level-B sanction.
4. Three level-B sanctions equal one level-A sanction.
5. Two level-A sanctions implies cancellation of all bonuses and wage increases.
Despite the formalization process occasionally observed and despite how detailed the rules are, regulations in most of the companies studied are unstable and internally inconsistent. Because there are no already acquired notions shared within the factory to base regulations on, regulations are disorderly combinations of major and minor prescriptions; work rules mixed with calls for moral behavior; mentions of general, obvious aspects of normative conduct mixed with localized instructions. They are changed in response to unanticipated events in the company, events perceived as harmful for it, and this is one reason that the lists of forbidden actions get longer. Successive transformations of the rules thus reveal some of the history of the factory, i.e., the advent of situations considered problematic because unfamiliar; such situations that are resolved at first by announcing a new prohibition. Lastly, regulations are often personalized, influenced by factory managers’ individual biographies and experiences. Given the absence of recognized procedures for determining how to formulate new rules, any person in a position of some authority can actually amend the texts. A factory head relates:

I’m in charge of writing up rules on discipline in the factory. Where do those rules come from? First, they are rules that existed in companies where I worked before and that everyone accepted. Then, rules that existed at the factory when I arrived. Lastly, my own ideas. (Ma Mingjie, Shenzhen, November 2001).

A company head who had visited a foreign country then modified the rules of conduct in the canteen; another who was interested in sociology organized a monthly questionnaire survey of company workers, thereby discovering that 76% of his employees listened to the radio at least ten hours a week, 42% said they were fairly satisfied with their dormitory, 68% thought the particular procedure for designating a “model worker-of-the-month” in each workshop –i.e., awarding that worker a bonus of 20 yuans to be deducted from his or her fellow-workers’ wages– was unfair.

Internal rules in search of legitimacy

Despite their diversity and instability, these rules, which are often presented as labor regulations because they contain explicit clauses affirming that employees “owe absolute obedience to the law and the company’s internal regulations” or that “laws great and small dictate how work must proceed”, make use of all Chinese action verbs expressing obligation. The first among them is yao, meaning “have to” but also “want to” or “be on the verge of doing”; this verb is understood by V. Alleton (1984) as the most appropriate equivalent of the French se devoir de [“be duty-bound to”]. They also use bixu, expressing the obligation that arises from a necessity, in the sense of “it is necessary to”; dei, which refers to submitting to an obligation or necessity; yinggai, which indicates how things are supposed to happen; yingdang, meaning “it is right that” or “it is reasonable to”; you yiwu meaning “have the duty to”; bu de, meaning “not be able to”; as well as conditional “if... then...” forms accompanied by statements of positive or negative sanctions. (4) The variety of verbs and complexity of grammatical constructions

(4) On translation of these terms into French, see Viviane Alleton’s extremely interesting study (1984).
used—sometimes incorrectly—bring out the difficulties encountered in expressing obligation without clearly identifying a qualified authority. We observed two ways of grounding the validity of these different expressions of obligation.

First, political categories not specific to the area of work but dominant during the Maoist period since at that time the political sphere invaded all situations of any sort are cited to try to legitimate both factory owners’ authority and their expectations of employees. Here the idea is to make use of familiar concepts endowed with political legitimacy, identifying certain types of behavior as valid and claiming they are relevant for orienting norms for employees’ relation to their work. For example, employees are enjoined to show “unity” (tuanjie), to act like factory “pillars” (gugan) or factory “activists” (jijifenzi). It is claimed that “propaganda” (xuanchuan) needs to be made stronger within the company in order to “educate” (jiaoyu) and “rectify” (gaizheng) employees, to help them become “civilized” (wenming) and “progressive” (xianjin). The model of the state work unit (danwei) and the principles on which owner-employee relations are based are sometimes invoked: workers and private companies are called upon “not to transgress the danwei system” (bu weibei danwei zhidu). Echoing this type of vocabulary, many internal rules work to posit the principle that obligations toward society and obligations toward the company are identical. The company, its machines, raw materials and finished products, are considered matters for the common or shared sphere, called gong. This concept, which originally emphasized the necessity of granting priority to the whole over its parts, acquired by extension the meaning of “common, shared” but also “public”. Employees are thus required to “be concerned about the company’s common (or public) goods” and to protect “the order of the factory in the same way they protect the order of society”. These are categories where, to use Schütz’s language (1987), typifications anchored in political-type discourse are imported into the new workplaces. The point is to claim that the commandments contained in the regulations were generated by a qualified authority and legitimate particular work norms. The move from one frame of reference to another, motivated by the quest for an answer to the fundamental question of what form of sovereignty and legitimacy a private Chinese company can lay claim to, implies transforming the meanings attached to those categories. And yet, paradoxically, the categories themselves are never taken up in the discussions and debates around implementation of prescriptive rules, as if there were no point in specifying their meaning, either in order to propose a particular interpretation of them or contest them.

By contrast, the second means of endowing internal regulations with legitimacy is mentioned repeatedly in interviews by persons in charge of drawing up those regulations. This may be characterized as an organic or rational type...

(5) The word danwei, often translated “work unit”, designates Chinese state companies, i.e., workplaces that can also be considered an extension of the state apparatus and that were in charge of social and political as well as economic functions.
of legitimacy: the validity of certain rules is affirmed merely by citing their efficiency, *i.e.*, that they help keep the business running smoothly, though what that means is not further explained. This idea pertains to rules that specify conduct that must be abstained from rather than conduct judged fair or acceptable, rules that are justified because they enable each system component to work correctly toward a common goal. The absence of these rules would mean either anarchy or bankruptcy for the factory, and this would affect those working in it; the question of the social, moral, or political validity of the rules therefore does not come up. It should be stressed that despite the great diversity in codes from one factory to another, rules legitimated in this way generally serve three major purposes: providing a foundation for demands for absolute employee obedience; securing employee loyalty—*even by force* (*i.e.*, keeping personal documents at the time of hiring, deducting a security deposit from first pay, or linking certain bonuses and leaves to seniority); and reducing company expenses as much as possible (by preventing foreigners from circulating in the factory, demanding that finished products be placed far from windows at night to combat theft, or trying to limit all “excessive” expenses for raw materials or water and electricity).

The rules developed are regulatory rather than “qualifying”; they prohibit rather than prescribe certain behavior; above all they are coupled with numerous sanctions. The second section of the set of regulations presented at the beginning of this article reads as follows:

<table>
<thead>
<tr>
<th>System of bonuses and sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Anyone who denounces bad individuals or actions, who protects the security of the company and the factory and its goods, will receive a bonus of at least 500 yuans.</td>
</tr>
<tr>
<td>2. Those who offer advice making it possible to improve production or management, workers and supervisors whose ideas make it possible to significantly increase the company’s profits, will receive a bonus.</td>
</tr>
<tr>
<td>3. Damaging machines and other public goods will be punished by a fine of ten times the value of the damage done. Theft will be punished by a fine of 500 to 1000 yuan per sweater, and 300 to 500 yuan per pound of woolen yarn stolen.</td>
</tr>
<tr>
<td>4. Fighting—meaning inflicting injuries on someone else—shall be punished as follows: the guilty party will have to pay all medical fees incurred by the physical aggression as well as the wages paid to the injured party by the factory during leave of absence. Each party will have to pay a fine ranging from 100 to 500 yuan (even if the fight is between husband and wife).</td>
</tr>
<tr>
<td>5. Those who do not arrive at work at the appointed time will be fined in accordance with the length of their absence. Should this be repeated three times in one month, it will be understood that the worker has quit. Before leaving he will have to turn in tools, uniforms and other goods belonging to the factory and pay a sum to compensate for the harmful consequences of disorganizing production work.</td>
</tr>
<tr>
<td>6. Workers who have used the factory to obtain a temporary residence permit will have to turn in the permit if they leave before their contract has expired. Fired workers will also have to turn in their permit before leaving.</td>
</tr>
</tbody>
</table>
The meeting of these two ways of claiming legitimacy makes it possible to understand how it is that prescriptive rules coexist with commandments that are not really instructions but rather mere injunctions to obey. It explains the existence of both negative and positive sanctions, the frequent use of self-critique and the publicity given to certain exemplary cases—all practices borrowed from a particular political experience rather than related to labor regulation. Employees who have committed errors can in fact be called upon to write a self-critique that is then posted on the factory walls or indirectly cited in a public “notice”, as in the following examples:

**Example 1**

To protect the interests of the workers and those of the personnel management office, I acknowledge that in the past I sometimes left my workstation without notifying the management office comrades. Several times they were unable to find me. Starting today, I pledge to be at my workstation without interruption from 7am to 1pm, and if I leave, I agree to have my salary reduced proportionally to the time I am away. (worker Chen Lijun, July 6, 2003; private factory, Shenzhen).

**Example 2**

On July 7, the management department security head discovered when inspecting room 405 that the worker Chen Xiaofeng was hiding an individual named Du Guilin who had no documents permitting him to stay in Shenzhen. It was decided to inflict a fine of 100 yuan on Chen Xiaofeng. (private export-goods factory, Shenzhen, October 2001).

**Example 3**

Workers Du Lanming and Chen Kaiping of the packing station and worker Li Desheng of the delivery team did not show up at their stations at the appointed hour. According to document GM980328-I of our factory, they are considered absent from work for three days and have therefore been fired. Worker Li Kehong of workshop number 1 failed to come to his workstation for two days. He must pay a level-A fine. (private factory, Nanhai, November 2001).

These rules and codifications inform us about the type of unilateral prescriptions being developed today in these companies, marked by absence of reciprocity in the established relation of subordination itself, and therefore by iniquity because there is no coupling of employee obligations with any kind of formal pledge of protection by the employer, contrary to what we find in the following excerpt of work regulations in nineteenth-century Alsace, quoted by A. Cottereau (2002):

In return for the protection and paternal care that all spinning mill employees can confidently expect from their masters, they must prove their attachment and loyalty. Above all, they owe it to the masters to confess anything that might come to their knowledge that goes against the proper order and the interest of the establishment.

Chinese prescriptions rarely pertain to labor law strictly speaking since they do not reflect any contract-determined reality, define no mutual rights
and obligations and do not seem to involve any commitment from a clearly defined authority. They work instead to affirm a legitimacy for which no real basis can be found often made up of declarations and commandments that cannot really be made to substitute for rules that would limit arbitrary decision-making and actions. These instances of codification also inform us about the subordinate position that new employees in China are explicitly placed in and the reasons put forward quite publicly for trying to legitimate such work relation norms. Still, these documents cannot be equated with observed conduct: they affect but do not determine how workshops and factories operate.

Contrary to what might be assumed, employees do not seem very curious about these rules when they are being hired. “Why ask to read them? All rules say about the same thing: don’t steal, don’t beat each other up, and work hard!” says one worker (Mai Siling, whose assertion was echoed by the owner of the factory he works in, Li Meilian, Shenzhen, October 2000). Though these texts are similar from one factory to the next, a number of workers and factory managers evoke the existence of a kind of local culture—“Each factory has its ambiance, its way of doing things” (Liu Meilin, Shenzhen, November 2001)—and they even prefer internal promotion over external hiring in the interests of preserving that culture. More generally, employees—especially those who have acquired a certain experience—cite other practices than the ones presented in rules, practices that seems fairly stable in that they are the basis for certain expectations. A skilled woman worker named Xu Lan explains:

The rules usually say that if you leave sooner than a year after coming to the factory, you will not collect the security deposit they took at the beginning. Either you pay this deposit all at once or it’s deducted from your wages over several months. In reality today most of the factories give it back to you when you want to leave; only the bad companies refuse. (Nanhai, November 2001).

Factory manager Li Meilian clarifies:

Except in cases of serious misconduct that justify a fine, we generally give the deposit back, though according to the rules we shouldn’t. It’s not in our interest to see workers leave, but what’s the use of keeping them by force, keeping their bodies but not their hearts? The important thing is to act reasonably (heli), and I couldn’t work for a boss that wouldn’t want to listen to reason (bu jiang li). (Canton, October 2001).

Trying to grasp what this insistence on the notion of reason or reasonable action really means—an idea which may also be conveyed by the expression “consistent with shared principles or common arguments”—implies using an approach that does not attribute automatic efficacy to norms or prescriptive rules but instead resituates the question of normative demands, and therefore of meaning and judgment, at the heart of analysis of norms and justice. Rather than speaking of “legitimacy” in terms of the different meanings that the sociological tradition has attributed to this word, we follow analyses of the sort used in Alain Cottereau’s sociology of evaluation or Luc Boltanski and Laurent Thévenot’s “justification”, which make it possible to attend to operations of legitimation and delegitimation by actors positioned at the sources.
and nodes of these operations, and to the actual practices and ways of operating that they give rise to, without denying existent relations of domination and power and being careful also to analyze the effects of legitimacy constraints.

**The power and impotence of migrant workers**

Normative life in the companies studied, specifically the regime by which stated prescriptions are validated or contested, cannot be grasped without understanding the particular circumstances of the manual labor force, circumstances due to internal migration flows.

*Linking rules and particular situations: actions taken by migrant employees themselves*

The companies observed primarily hire employees considered “migrants” according to existing public definitions and arrangements, even though these persons are involved in a variety of kinds of mobility. Individuals who do not reside where they are officially registered, *i.e.*, where their “residence booklet” (*hukou*) is registered, are counted as migrants.(6) There are many constraints involved in transferring one’s *hukou*, including obtaining official approval from the authorities at both the home and receiving locales. New workers have to leave their *hukou* in the village or city they start out from.(7) In the last two decades, a series of reforms, including the end of authoritarian job assignment, the 1992 abolition of ration tickets, and redistribution of collective lands to peasant households, have given rise to unprecedented levels of mobility. When the 2000 national census was taken, nearly 145 million persons were not living where they were officially registered, a figure that obviously does not include migrants who escaped being counted or those

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(6) The *hukou* system was officially instituted in 1958. Every household has a booklet with the names of its members and the following information on each: name, date and place of birth, relation to “head of household”, sex, educational level, date the individual was officially inscribed in the household booklet, date at which he or she may have been crossed out. There are two other indications: name of the locale the *hukou* is registered at and status of the booklet: either “agricultural” or “non-agricultural” (see Kam Wing, 1994).

(7) It is important to know that the *hukou* system is linked to a series of economic and political directives that privilege city-dwellers in matters of social security, access to employment, and consumption, and that therefore establish a hierarchical ordering of urban and rural residents, engendering quite different ties between the state and these two groups. Persons with a non-rural *hukou* — until the reforms of the late 1970s, the vast majority of employees— were placed under state responsibility for questions that extended far beyond work, whereas persons with a rural *hukou* paid by way of “work points” and depending on accumulated collective resources, had no such relations with the state nor any of the associated rights and benefits.
who were able to transfer their hukou to the locale they are now settled in.\(^{(8)}\) To handle this unanticipated mobility, the hukou was adjusted in various ways, the most important one being the 1985 creation of a temporary residence certificate, valid one year, which migrants must apply for from the authorities of the receiving locale if they mean to stay there more than three months. This document legalizes migrants but does not grant them the same rights as individuals officially living in the village or municipality. Some of the new employees in this study possess a temporary annual residence certificate for the receiving locale; others do not have this document because they haven’t yet found a job or are between two jobs, though they may have left their original locale long ago. These workers are in breach of law.

Migrants include persons who used to be not only distant from each other but unequal; \(i.e.,\) farmers and city-dwellers. Observed migration flows seem quite complex; 27\% of migrants counted in the census in 2000 had a non-rural hukou (Cai and Wang, 2003). Despite this complexity, the rural exodus model dominates. Whatever the migrants’ origin or occupational experience, they are readily grouped together in a single category, the mingong: farmers who occasionally and temporarily take jobs as industry workers.\(^{(9)}\) But this category confuses rather than clarifies our understanding of the new strata of employees. It gives an image of migrant workers as relatively uneducated and unskilled, people whose only work experience has been working the land. In fact, though it is difficult once again to provide national figures because criteria and calculation methods vary by survey, the reality is both different and more complex. Many of the new manual and office workers actually come from small or medium-sized towns or cities; some migrants of rural origin long worked in collective companies and generally have a higher educational level than members of the same group who remained in the village or town; and many of them began moving around immediately after finishing their studies.\(^{(10)}\)

\(^{(8)}\) Figures are from Shenzhen’s economic newspaper, Shenzhen Shangbao, September 13, 2002. Two-thirds of these migrants remained within the borders of their province.

\(^{(9)}\) The term mingong was used during the Maoist period to refer to farmers residing temporarily in cities to work on major urban development projects. The other term currently used to designate the new employees is dagongcai; \(i.e.,\) a young worker who does a great deal of work for others. The verb dagong, used here as one of the possible meanings of the verb “to work”, disappeared during the Maoist period. But it was often used by farmers during the Agrarian Reform in sessions aimed at “exposing the past bitterness”, meaning that before 1949 they had worked either occasionally (da duangong) or continuously (da changgong) for a landowner boss or owner. The word therefore implies subordination.

\(^{(10)}\) A survey done in late 1996 in Shenzhen (Guangdong) of 2,789 migrant employees, locally referred to as “service-performing employees”, illustrates the profile diversity of these workers: 53\% were women; men’s average age was 27, women’s 23; 44.1\% came from villages, the others from urban locales of varying size; 1.7\% had a primary school certificate only; 28.3\% had the equivalent of a middle school certificate; 13.2\% a technical high school diploma; 16.3\% a higher education degree. (Survey done in 1996 by the Shenzhen labor bureau and reported on in an internal document).
At the social level this internal mobility has made it necessary to redefine the collectives responsible for these individuals, since they are no longer in their original locales. National directives have been implemented to extend unemployment, health and retirement insurance to this unprecedented workforce, but in reality—and despite the fact that certain numbers are rising—a major proportion of these migrant workers have none of the rights once reserved for city-dwellers. The right of migrant workers of rural origin to work and draw sustenance from collective village land is often cited as a kind of social protection that justifies refusing or making it otherwise difficult for them to accede to rights that city-dwellers enjoy. The current period is therefore characterized by the absence of any clear identification in social and occupational terms of the authorities responsible for this particular group, and a multiplication of more or less formal types of work groups which end up taking on certain responsibilities, which remain extremely vague—a situation which intensifies the vulnerability of the new employees.

At the individual level, the often temporary rights granted migrants diminish rather than lengthen the time they spend moving around.\(^{(11)}\) They also encourage individual rather than family mobility, preventing many migrants from turning to a spouse or other relatives to survive between jobs or when wages are paid irregularly\(^{(12)}\)—in a situation where those wages in fact represent an extremely high percentage of domestic resources: non-farming income, including rural migrants’ wages, now represents half the net income of rural households in China (Aubert, 2002).

\(^{(11)}\) Among the 130 migrants of rural and urban origin we met with, 63.5% had left their official place of residence less than 7 years earlier and 30% less than two years earlier.

\(^{(12)}\) 65.3% of the 130 migrants interviewed did not live with relatives in the receiving locale; most lived in collective dormitories, and married workers were likely to have emigrated alone.
The uncertain distribution of responsibilities in regard to migrant workers

The village authorities are still responsible for collecting income and property taxes; i.e., for property held by anyone in the region they officially administrate, including that of migrant wage-earners. They are also responsible for distributing collective profits to everyone with permanent resident rights. Lastly, if resources are available, they have to provide assistance to elderly migrant workers who have returned to their home locale but cannot support themselves.

At the higher echelon, provinces and districts from which many persons have migrated often create offices in receiving locales so that their migrants can be represented with the local authorities. In the same spirit, certain rural towns encourage their migrants to register with the local branch of the pan-Chinese union federation, the only union organization tolerated in China, so that in case of conflict, organization officials can appeal to the union of the locale these migrants were hired in.

In the receiving locale, the general principle that urban power structures are not responsible for migrant wage-earners is today being called into question, and new limited responsibilities, for managing the migrant population, are being granted to neighborhood bureaus and resident committees.

Alongside these official collectives, whose functions must now be redefined, new collectives have been created. In the city of Beijing alone approximately 500 private schools have been established by migrants for their families, in response to the fact that receiving municipalities have long imposed much higher enrollment fees on migrant families than local residents. These schools are often on the sites of organizations also created by migrants to defend migrant workers, giving them advice and providing them with legal information, organizing theater skits to teach them how to defend themselves against abuses in the workplace, etc. After a phase during which no one felt responsible for these “spontaneous” migrants, different collectives both outside and inside their places of employment are today manifesting a will to take on certain responsibilities in regard to them.

Despite these constraints, the greater part of the workforce in the companies studied has been made up of migrants since the late 1990s. This means that employees of this kind are charged with identifying the situations to be covered by internal regulations and with determining links between rules and particular cases. A shoe-manufacturing company in the Pearl River delta (Guangdong province) that we visited in 2001 illustrates this point. The 401 company employees (evenly divided between men and women) officially resided at the time in 14 of China’s 24 provinces. While 41 were originally from Guangdong province, only four had a hukou in the town of Nanhai where the factory is located: two women cooks, an administrative clerk and a manual worker. All the other employees, officially residing in Guangdong province or elsewhere, were supposed to have a temporary year-long residence certificate to work in Nanhai. This identical institutional situation in fact involved significant distinctions: 75% of the migrant workforce at the factory had a rural hukou; 2.5% had a primary school certificate; 42.5% a middle-school certificate; 21.3% a technical high school diploma; 12.5% a general high school diploma; 6.4% a higher technical institute diploma; 1.8% a university degree. Despite these differences, certain members of this

(13) The geographical origins of the workers: Hunan (105 persons), Henan (59), Jiangxi (49), Hubei (44), Guangdong (41), Guangxi (37), Sichuan (24), Guizhou (15), Jiangsu (11), Anhui (9), Shanxi, Hebei and Yunnan (2) and Shangdong (1).

(14) Company officials did not know the educational level of 13% of the workers.
migrant group, in the same insecure situation as all the others, were in charge of ensuring that discipline was followed and of organizing production in the company. Though employees in this type of company have little maneuvering room—and we are not claiming they are linked together by mechanical solidarity simply because they share the same institutional status—normative life in these workplaces cannot be grasped without taking into account this shared experience. A foreman explains:

There are rules, and then there is the workers’ situation. Their situation is like mine: they are far from home, they want to work more and earn more because in any case they have no house to rest in and no family life; we have no close relatives near us and no one we can rely on. Whatever anyone says about it, the rules are made to control these people. Quite often it would simply be unjust to obey them. (Ma Lesheng, Nanhai, October 2001).

Clearly normative life in these companies cannot be understood without analyzing social relations among migrants. The scope of this article does not permit that, but we can underline a few essential points. Those relations are marked by the existence of weakly stabilized hierarchies; certain migrants were promoted to supervisorial positions, and some even became factory managers after a few years working in the company. In the ready-made clothing sector, for example, the vast majority of today’s factory managers began as unskilled workers. Not only may they be removed at any time from the positions they have obtained, but it is hard for them, to “act arrogant toward workers with more seniority who have approximately the same technical skills” (factory manager Deng Limeng, Canton, December 2001). Moreover, a tension exists between the interacquaintanceship ties that some employees made several years earlier and the regular arrival of new workers. Personal ties are important because they facilitate access to certain jobs: relatives let each other know about job opportunities and recommend members of their family or home town; foremen offer certain workers whose skills they have tested the opportunity of going with them to a new company; factory managers exempt workers that they know from another factory from the hiring exam. (15) Meanwhile, the arrival of new workers continually blurs the contours of the group. Normative life in these workplaces is affected by the highly diversified relations obtaining among employees, from the closest to the furthest removed, and by the likewise diverse identity and membership issues attaching to this situation. It is also influenced by employers’ and factory managers’ concern to reduce worker mobility, particularly that of the more experienced workers, whatever their official position in the local hierarchy. A great number of arrangements included in the rules thus aim to reward workers who stay in the company, and most importantly to encourage the more experienced among them to remain. A factory manager explains:

I make a lot of decisions in reference to the “old workers”. To get them to stay, they have to accept, or rather tolerate, the way things are done here; they have to find their wages acceptable and the way they’re treated. (Wang Shiling, Canton, December 2001).

(15) Contrary to what is often claimed, only a minority of employees were recommended by a relative already working in the factory. In the factory in question, only 8% of manual and office workers were hired after such a recommendation.
This explains the remark made by many employees that workers with a great deal of seniority are both “gods and demons” for the employer, playing an important role in signaling to him that the limit of what is tolerable has been reached or is not far off, and using more and more overtly confrontational means to do so. (16) Lastly, as mentioned, these new companies generally house most of their employees. This forced togetherness, considered unpleasant because there are no private moments or places and also a constraint on migrant workers’ bargaining power because if they get fired they may immediately find themselves without a roof over their head, nonetheless allows for moments of discussion outside the workplace and work hours. It facilitates the expression and circulation of legitimacy and illegitimacy judgments, recognition of the validity of certain norms, and coordination of common actions such as work stoppages.

Migrant wage-earners up against institutions that keep silent on disciplinary rules

For migrant workers, who are both the target of disciplinary rules and in many cases in charge of applying them, it is not easy to find bases outside the company to support their judgments of legitimacy or illegitimacy. Though the law on labor that went into effect in July 1994 contains important clauses on employees, length of working hours, and protection of minors and women, and though it is increasingly cited by employees in collective actions or complaints addressed to the administration, that law is completely silent, imprecise or equivocal on many issues such as discipline within the company and internal regulations (see Morin and Pairault, 1997). Article 4 merely states that “employers must define and improve their system of instructions and protect the rights that workers are endowed with and the duties they perform”, while Article 8 notes that “in compliance with the legal measures in effect, and by the intermediary of the employees’ assembly or that of their representatives or any other intermediary, workers shall participate in democratic management or else negotiate as equals with the employer to protect workers’ legal rights”. This doctrine of negotiating among equals who reach mutual agreement and thus mutual consent is present in many articles of the law. Specifically, it is associated with the notion of work contract, placed at the heart of the new arrangements. (17) But though contract obligations are

(16) “Skilled workers, workers with the greatest seniority, are gods and demons for the boss. He knows them, speaks with them, and has to ‘give them face’, because he needs them. So when there’s a problem, they’re the ones who go see the boss to explain the situation to him. On the pretext of helping him, they get him to understand that things could take a bad turn if nothing is done. They’re also the ones who give us information and let us know when the moment is right for stopping work because a delivery’s coming up...” (Li Xumei, Shenzhen, March 2001).

(17) Work contracts made their appearance in the early 1990s to orient employer-employee relations in foreign companies operating in China. They were then gradually extended to other types of companies. Though we cannot measure the spread of this reform because the Chinese authorities stopped publishing figures on the question in 1998, the work contract is today a theoretically indispensable procedure for establishing an employer-employee relationship.
considered extremely important, this has not gone together with the setting up of specific measures that would allow for a genuinely constructive meeting of the wills. The imbalance due to the preeminence granted to a contract made between two individuals plus the absence of stable norms and rules, legal practices and occupational organizations is particularly pronounced—and therefore constitutes a major source of uncertainty and arbitrariness—in the industrial sector. This explains the fact that employee consent is largely fictitious. The same is true for internal regulations: while internal regulation clauses are sometimes read to new employees, their consent is usually just assumed at the time of hiring.

In recent months, local initiatives to resolve labor conflicts have been increasing. In Shenzhen a neighborhood committee has created an informal group made up of employer, employee and administration representatives to resolve points of contention in the twenty or so factories it covers; in Tianjin a migrants’ association has trained three mediators, themselves day-employees, to help workers in negotiations with employers. But the organisms officially charged with handling labor conflicts are not likely to intervene in matters of discipline. In 1993, shortly before the labor law went into effect, arbitration committees were established to resolve labor disputes. Though employees increasingly turned to these committees—from 1993 to late 2001, 3,200 committees of this type resolved more than 688,000 conflicts—the committees keep to a fairly narrow interpretation of what a workplace dispute is. (18) Conflicts arising around employee resignation or firing qualify as labor disputes, as do conflicts around application of national directives on wages, insurance, social protection, training and work safety and the drawing up of work contracts. But disputes between two parties not linked by a work contract or where the stated issues do not correspond to those listed above are judged non-admissible for arbitration. It is therefore not surprising that in a study of 60 cases resolved in Shenzhen by such committees, plaintiffs were contesting what were judged invalid firing practices (58%), unpaid wages (25%), low compensation for work accidents (10%) and low-paid maternity leaves (7%) (see Thireau and Hua, 2003). None of these cases mentioned problems related to work organization, work evaluation or imposed discipline.

Up against these constraints, employees are likely to turn toward an administrative organism, the “bureau of letters and visits”, linked to the local labor bureau and sometimes charged with the tasks assigned to the work inspection department that was set up in 1989. These bureaus have been massively used by employees for more than ten years. In 2001, for example, 24,500 complaints were addressed to Shenzhen city’s “bureaus of letters and visits”; half of them concerned workplace disputes involving primarily migrant employees. (19) The grievances presented to these administrative bodies generally concern recurrent unfair situations experienced by all members of a

(19) These administrative services themselves handled most of the complaints; only 1,650 cases went before arbitration committees (*Source: Shenzhen nianjian* 2000, p. 528).
workshop or factory; they therefore sometimes mention the unacceptable nature of certain internal regulations or the sanctions legitimated by those regulations. But usually this institution is used in connection with the difficulties caused by unpaid wages, rather than questions of discipline; the same is true for work stoppages, quite frequently used. These administrative bodies pay no attention to the content of internal regulations or the type of discipline imposed on employees. On forms conceived by the “letters and visits bureaus” in ten or so towns and distributed to workers during work inspection visits, none of the twenty categories for identifying observed violations concerns internal company regulations or regulation discipline clauses. Of the 123 cases collected and handled in the late 1990s by the “letters and visits bureau” in charge of labor questions for the city of Shenzhen, only one file included a handwritten note mentioning these rules. “The internal regulation X on employee resignation is contrary to the law”, reads the note, but unfortunately it does not cite the incriminated article.

Illegitimacy judgments and legitimate actions

Despite clauses to this effect in legislative texts, there are no procedures enabling workers to participate in the development of internal company regulations and directives. Those regulations are drawn up unilaterally. However, the utility of these prescriptive forms was not called into question by the employees we interviewed: “Without internal regulations, there’s no factory”, said one worker; “Without discipline, there’s no company”, said another (interviews with Sailou, Shenzhen, November 2001, and Li Jinmeng, Nanhai, March 2002). Certain practices, such as publicizing exemplary negative or positive cases, are seldom explicitly contested. A young woman migrant who attained the position of factory manager explains:

Everyone wants to “have face”, so when a worker has committed a fault, we ask them to do a self-critique and we post it on the factory wall. It’s a way of telling that person, and the other workers, what is good and what is not. Because the worker wants to “have face”, they will avoid committing the same fault again. Because everyone wants to “have face” and because they want to avoid getting fined or fired, the other workers will be attentive to the matter. We put up this kind of notice when certain workers violate factory rules, when they get into fights or brawls, for example, but also when they violate unwritten rules like when they organize gambling. But we also put up notices on good actions. During a natural disaster like a flood in a given province, we write up on the blackboard the names of employees who have made the biggest donations. (Li Meilian, Shenzhen, August 1999).

Moreover, judgments of rule illegitimacy may vary depending on the individual. An innovation such as the “individual worker record booklet” implemented in 2002 in one of the companies studied —every month a superior notes the difficulties the employee had, errors committed and efforts made—

(20) For the first time in 2003, the number and vehemence of workers’ complaints in this area led the Chinese government to put pressure on employers to pay off these debts before Chinese New Year, i.e., before migrant workers left for their home locale.
elicits fairly diverse reactions: “There is no point for us to say whether we accept this record or not, because it’s imposed on us, but you have to be careful that the evaluations in it are fair and equitable”; “This is a modern management technique for improving each person’s work”; “When you live in a place where the roof nearly meets the floor, you have no choice but to bend your head”; “The problem is that the record booklet only mentions fines, never bonuses”; “These documents should not include moral evaluations, they should only mention questions of technical skill”.

Unstable moves to legitimate and delegitimate

These regulations and instances of codification are nonetheless judged recurrently and in the same way by different people. In general, the reality that elicits protest is not so much their content but how they are applied. This is expressed in highly diverse ways. Workers may react by criticizing the formal prescriptions explicitly, trying to organize broader actions against injustice, or symbolically fighting injustice by way of such gestures as thieving or sabotaging equipment and finished products:

When you read the internal regulations, when you have to pay fines for every little thing, you feel really angry. My former boss took us for a bunch of machines, he didn’t think of us as human beings. So as soon as I could, I tried to cause problems in production. Bits of needles often get into the sweaters. A responsible worker usually sees them and removes them, because otherwise you can hurt yourself putting on the sweater. I would just leave them in, because I wanted someone to lodge a complaint against the factory, I wanted the boss to get into trouble. Other workers used other means. Some sabotaged the machines just before they left, or they made the sweater collars a little crooked. You can’t see it in packaging, but after the first washing the sweater doesn’t hang right. (Cai Meng, Shenzhen, July 1999).

Above all, however, employees’ discussions and the arrangements they make focus on how regulation texts are applied. Judgments expressed in this connection are oriented by a shared, principle in China –ancient but still a matter of common sense– which holds that a legitimate, or reasonable, action should be based simultaneously on a series of normative markers: laws or regulations decreed by a recognized, qualified authority; social norms and regulations; attention to the particular situation of others and to existing personal ties. Whatever the effective content of the demands –and that depends on the circumstances– the recognized validity of the normative plurality of all situations orients expectations about how regulations in the observed factories will be understood and applied. This explains why employees criticize the fact that these codifications are applied by some while totally ignoring other principles also judged valid; it legitimates mention of norms and customary practices judged equally relevant and understood to be mobilizable conjointly with formal prescriptions. This normative plurality is

(21) Reactions expressed on a questionnaire distributed to workers by the personnel manager.
often explicitly recognized, though in a variety of ways, by the very persons in charge of applying the regulations. A workshop head explains:

As far as I’m concerned, there are big principles and little ones. The big principles are linked to the factory: you work here, the goods have to be produced on time, the company’s got to survive in order for everyone to get paid. That’s why regulations get established. And then there are the little principles, those involving workers’ problems and their personal situations. When a worker has to leave during the night without letting me know because someone in their family has fallen sick, or if they ask me to be able to leave right away, I let it go if possible, and I don’t make them pay a fine, though I should according to the regulations. (Li Helong, Shenzhen, December 2001).

However, migrant employees cannot turn to recognized occupational norms to provide a legitimate basis for this normative diversity or identify what fair, reasonable use of local prescriptions consists in. While the regulations themselves refer to political categories that are external to labor regulations in an attempt to obtain legitimacy, the new workers are more likely to appeal to social norms that are also outside the realm of labor law strictly speaking to provide grounds for their judgments of legitimacy and illegitimacy. Among these norms, the moral one dominates, the norm evoking the need to behave “humanly” toward others. Acting while being aware of the regulations but also taking “human feelings” into account (renqing) and manifesting one’s humanity or renqingwei –this is the “ought to be” level respondents regularly refer to. It implies secondary principles such as the need not to put others into a situation that would threaten their physical survival and not to express such strong contempt as to suggest denial of the others’ humanity. This demand for the “humanness” that is the foundation of morality is used not only to judge the validity of imposed prescriptions but also by the very persons in charge of ensuring that those prescriptions are followed, to orient their decision-making. In other words, it is both the basis for denouncing certain acts and the inspiration for performing others; it is used in grasping certain situations as transgressions but also in identifying “reasonable” gestures and conduct. In the course of this double movement from general to particular, the concept of “human feelings” is reworked and leads to the expression of different and even contradictory meanings.

One interpretation invokes “human feelings” as determining limits to the way one human being may treat another. Overly restrictive regulations, applied so strictly that they endanger employees’ physical and economic survival and put them in a situation of obvious impotence are denounced as inhuman, as contrary to the reasonable conduct of a person who respects renqing. This provides the foundation for judgments of illegitimacy often expressed through such affirmations as “We are not machines (or slaves)!” and that mobilize a fundamental moral notion; namely, the limit of acceptable behavior toward others, a limit identified by the need to leave the other person a way out, not to place him or her in a situation of total vulnerability.

Another interpretation of “human feelings” associates this principle with the family model. It governs an understanding of what is just and unjust in the factory that could be described as paternalist, but that also often evokes the
model of the house or home, which some try—despite all—to introduce into
the factory world. A workshop head explains:

As foremen, we have to show that we are concerned about our workers (guanxin). They
came all the way here, they left their families, their relatives are far away, so we know
they need a family. A factory shop should operate like a family, and a workshop head like
the head of a family. And when the workers are too tired, he should speak to the boss and
tell him that things cannot go on like this, that the regulations cannot be applied too
harshly, that production will be hurt if the workers can’t rest a bit. A good team head
should also be concerned about the group members’ daily life, go visit them when they’re
sick, lend them a little money if they need it. (Du Keling, Nanhai, November 2001).

A woman factory manager points out:

The regulations are not the most important thing, it’s the way they’re applied that counts.
When I scold workers, I don’t do it as if they were my personal enemies, I do it as if they
were my younger sisters and brothers, because they’re younger than me and don’t have the
experience I have. I hope I will be able to teach them something and help them improve
their technique... The most important thing is to treat them like human beings, then they’ll
treat you like a human being too and it will be easier if you need their help or understand-
ing. (Li Meilian, Shenzhen, July 1999).

This interpretation of “human feelings” is the basis for normative disap-
proval and disappointment about overt lack of compassion and attention to
employees; it explains that persons who possess extensive power in the
company are expected to be capable of showing a certain understanding of the
particular situation of migrants, of justifying the efforts demanded of workers,
of performing certain gestures to improve their comfort and attenuate the
distance between family life and life in the workplace.

Yet another interpretation of “human feelings” emphasizes the notion of
reciprocity: “Human feelings are what happen between two persons: if you
are good to me, I will be good to you”. Those who put forward the relational
aspect of the principle think that acting fairly and reasonably toward others
implies taking into account not only a plurality of factors but also the conse-
quences of one’s actions on others and vice-versa:

I’m in charge of making sure that factory regulations get followed. I try to do it in a rea-
sonable way. I take into account what the regulations say, but also the way one should be-
have toward others (I try to be fairly nice, I think one should not do to others what one
would not like them to do to us, and I also think that everyone should be able to have a bit
of maneuvering room), and lastly I observe the situation: why did the worker violate the
rule? Is there a particular reason explaining his behavior or was he only thinking of his
own comfort? (Gao Ming, Nanhai, December 2002).

Another employee, charged with dormitory security, applies the same prin-
ciple but formulates it differently:

My brother brought me to Shenzhen. He has a university degree and a high position in our
factory. When I arrived, he told me to forget our peasant ways and adopt city ways of
working. I never understood what he meant by that, on the one hand, because almost all the
workers here are from the country, on the other because I don’t know what “city methods”
means. Does it mean applying the regulations 100%? I don’t think it’s possible to follow
written regulations like a machine. When I use them I take into account renqing and I think
that renqing is valid everywhere. Renqing means taking others into account when you do
something. (Du Keling, Nanhai, March 2002).
The importance attached to the notion of reciprocity also orients relations among employees and their expectations of each other. Whatever their position, those in charge of ensuring that the written regulations are followed expect the other employees not to transgress those texts in such a way or so often that it becomes difficult to reach compromises and jobs get threatened.

Lastly, respect for “human feelings” is sometimes considered synonymous with respect for human equality:

*Qing* does not pertain to feelings like friendship, it means first of all recognizing that we are all equal. I don’t understand the bosses sometimes. They think that because we’re farmers, we’re not human beings, that we don’t react to cold or heat, that we don’t feel hunger or thirst. On that basis, how can they have “human feelings” toward us, and how can we have such feelings toward them? (Li Boling, Shenzhen, June 1999).

This last interpretation is the basis of demands for work and housing conditions that respect the equality and dignity of all—and the disapproval and disappointment felt towards those “who do not really think of us as human beings”. The same notion is thus mobilized in highly diverse ways: it provides grounds for the legitimacy of particular hierarchical relations, for example, while limiting what the strong can impose on the weak, and is used to posit the preeminence of such principles as reciprocity and equality. Despite these differences, the point each time is to insist on how things should be so as to critique a particular aspect of lived reality—how things are.

The judgments expressed, together with the actual way of operating in the companies observed, are thus influenced by the recognized validity of the principle of normative plurality and the recognized validity of social rules and norms identified as relevant in orienting legitimate actions and decisions. Given the existing constraints, these actual ways of operating are sometimes not openly admitted, as in the following case:

I got fired from the factory one day, and according to the regulations I should have left the dormitory that very night. But the man in charge of security knew how hard it would be for me to find a place to live at the end of the day, so he suggested I stay in hiding in the dormitory until I found a new job. He was a man of “human feelings”. The next day, I was in the room when all of a sudden he came to tell me there was going to be an inspection of the dormitories and that I had to hide. I hid behind the bed. I heard the guard in the corridor say that he was going to check the room. He came in and went back out immediately, saying everything was normal. (Mai Shing, Shenzhen, July 1999).

But these ways of operating also sometimes give rise to inter-individual compromises that foster the emergence of shared practices because they are repeated and locally validated:

The regulations always say you can’t cook anything in the dormitories, but we all know, even when we arrive in a new factory, that you can, on condition that you don’t do it too often, that you do it because you’re tired or feel sick, and that not to many of us do it the same day”. (Li Helong, Shenzhen, December 2001).

This last example enables us to understand better how the different normative bases intersect. A rule, and possibly a formal prescription, can be taken into account on condition that the limit-of-the-acceptable associated with another rule, also judged relevant for the situation, is not overstepped. In this specific case, it is not legitimate to identify an action as transgressing the
prohibition against workers’ plugging in electric appliances in the dormitories, and to act accordingly, if that action prevents some workers from treating their health problems with a therapeutic brew—and therefore threatens their health. Likewise, workers with some experience distinguish between “good” and “bad” factories, underlining that in good ones, the concern to ensure that employees receive a minimum income—and thus the means of survival for self and family—orients how regulations are implemented, namely whether fines are imposed, whereas in bad ones, the employer is said to be interested only in reducing payroll expenses by increasing negative sanctions. It is difficult to grasp the process by which these collective regulations are tested and become stable, if only for a certain length of time. Their existence is nonetheless revealed in commentaries of workers with some seniority, commentaries that identify the expected way of operating in a factory where things are done “reasonably”.

Arrangements that make themselves temporarily felt as valid

These figures of judgment sometimes lead to formulating occupational regulations that go beyond the question of applying internal rules. Thus, paradoxically, the different interpretations just mentioned of the term renqing come together in the demand for equity that they provide a basis for. Any type of favoritism on the part of those in a position of some authority is consistently denounced, and local heads have to combine technical skill, work organization aptitudes, and an ability to act the same toward everyone. This must be done even though not showing partiality (pianxin) in task distribution or sanctions and acting even-handedly (gongdao) when a conflict arises in a shop are skills associated for some with the domestic model—all must be treated equally, as a father would treat his children—and for others with the need to respect the principle of equality or reciprocity. Consequently, not only is workplace influence of particular ties deriving from kinship, friendship, or even shared geographic origin not considered valid, it is denounced as unjust. Normative life in these new companies is thus punctuated with illegitimacy judgments relative to the influence of ties external to the work world. Effects of factory shop geographic composition on choice of “model worker-of-the-month” are denounced. A team supervisor actually fired two employees from his home district after a strike so as to reassert his authority:

A friend introduced me to these two persons, who come from the same district I do. Without really thinking about it, I agreed to hire them for my 20-person team. We transport the merchandise. But very quickly there were problems. They wanted favors on the grounds that they were from the same region. They always took the lightest tasks, they stole a few small things. One day, they initiated a work stoppage to get a raise. I wasn’t opposed to it, but they should have spoken to me about it so I could try first to get something from the boss. In two hours it was taken care of, everyone got a raise, because they decided to stop work at just the moment a great deal of merchandise had to be delivered. But the boss thought I was behind it all, that I had linked up with those two guys because we’re from the same parts, and in the team they began thinking I had no authority, they started listening to the other two. So I fired them”. (Xu Lan, Shenzhen, March 2002).
These kinds of judgments, made in light of the equity principle, encourage the emergence of informal collective regulations such as the principle whereby factory managers avoid as much as possible promoting friends or family members:

If you have a friend or relative go up, it’s harder to say things if a problem comes up. Production criteria can’t be very clear, you may or may not be expecting them. If it’s a friend and it’s a little less, you don’t say anything and it’s still ok. But later the situation could get worse. For a factory manager, it’s important to have good relations with the people you work with, but you shouldn’t be too close to any one of them. (Li Helong, Shenzhen, December 2001).

Such judgments lead in some cases to formulating formal rules. In one of the companies we studied, no one supervising production or working in the administration could suggest any more than one candidate for hiring per year, whereas no such limitation was imposed on ordinary workers.(22)

This demand for equity as formulated in workplaces where different types of proximity co-exist –older close ties, such as relatives, friends, members of the same village, and new types of close ties, which range from workers linked by the same provincial origin to workers who share the same dormitory or work side by side in the same shop– brings other principles into the debate, like the familiar dichotomy between si and gong. The opposition between si, referring to the notion of “private” or “personal”, and gong, designating what frames and exceeds the private and implying in itself a quest for equity –i.e., the “common”, “collective”, “public” –is reworked, similarly to renqing, to specify not only the meaning of the two terms in the context of working life but also the relations that unite them. In other words, coordination in these companies where migrants from different regions in China find themselves working together implies new forms of distancing and rapprochement. The need to distinguish what is a matter of the “private” and what of the “shared” or “common” is thus often reaffirmed, by way of contrasts between such things as leisure time and work time, personal ties and work relations:

I’ve often observed my supervisors, and the best of them were those who made a clear distinction between si and gong. On one hand there’s work, on the other the moments spent together outside work. The rules were the same for persons they knew quite well and persons they didn’t know as well. (Sailou, Shenzhen, November 2001).

Others more readily mention the need to distinguish between situations that involve company responsibility and those that do not:

It’s not easy. Each of us has their own way of trying to establish good relations with the workers. I’ve never really been trained, I do what I can, sort of in keeping with my character, what my parents taught me. That’s why it’s so different from one factory to another. But you can’t really act the way your parents taught you to because here you’re dealing with common matters, so you have to know what’s your business and what isn’t. For example, if someone steals things or repeatedly gets into brawls, that has repercussions on

(22) It should be specified that persons who play this kind of intermediary role are held accountable: if a new employee whom they recommended for hiring causes a problem during his or her three-month trial period, they themselves are usually fined, and if the employee they recommended is fired or quits during the trial period, they are not allowed to make any more recommendations.
everyone, so as a factory supervisor I have to deal with it. But who you live with, whether
you’re married or not—that’s none of my business. If even your parents can’t take care of
your private life, then it’s really not up to me to. (Li Meilian, Shenzhen, December 2001).

But the distinction between *si* and *gong*, judged so necessary, must also
have limits, which should in turn be specified:

That’s surely the most important thing I learned during my stay in Shenzhen: to separate *si*
and *gong*. And yet you can’t separate them too clearly, or else there’s no more “human
feelings”. (Li Helong, Shenzhen, November 2001).

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Normative life in these Chinese workplaces where new workers are being
hired is characterized by a kind of questioning, and lack of familiarity with
the situations encountered. This helps explain why fairness questions are
omnipresent. Validity claims, legitimacy and illegitimacy judgments, are
constantly being expressed and weighed against each other, and this means it
is important to distinguish more carefully than ever between observing a
certain behavior without approving it and recognizing the validity of a norm
or regulation.

Despite the fact that it is hard to obtain institutionalized tests, these
workers from different Chinese provinces, many of whom move from one
company to another and who, as a group, hardly constitute a stable body of
workers, still cannot be described in terms of individual atomization. Collect-
ive regulations are being put in place gradually in the factories studied. They
are often difficult to observe because they do not involve routine and have to
be identified on the basis of expectations expressed by employees, either in
the form of what are considered obvious normative criteria that explain, for
example, why certain questions are not asked at the time of hiring, or of
disapproval and disappointment expressed when these expectations are not
met. While these regulations involve unilateral prescriptions that some make a
point of imposing on others, they are also restricted by validity tests made by
migrant employees on a daily basis, and by practices that gradually emerge
from what are often interindividual solutions to problematic situations
—though those solutions are also sometimes collective. While not yet recog-
nized as exemplary by the institutions, those solutions are supported and vali-
dated by a population that is both highly local and mobile and that constitutes
a form of intermediary public (Cottereau, 2002, 2004). In other words, a
space of questioning has been created that brings together individuals who
feel strongly concerned by the situation of others, especially since they share
certain characteristics with those others. This is not a “professional” public,
but rather a public that shares the same situation, manifesting a certain ability
to take initiatives and impose sanctions to try to determine the boundaries
between acceptable and unacceptable situations. And this is occurring at a
time when it is not yet clear how responsibility is going to be distributed
between the state, which was of course the employer of most workers at this
level during the Maoist period, and the new entrepreneurs. Even in the

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situation we observed, where domination over migrant employees is very strong, it is still never a matter of merely following prescriptive rules but also acting in such a way as to comply as closely as possible with principles judged relevant, or to judge the situations encountered by means of these principles, namely when it comes to implementing formal rules, since this implies at least two actors and the relations between them. This explains the groping search for norms, but also the fact that effective, if unstable, norms are indeed being established on which mutual expectations can be based.

This mechanism may be readily identified in our case because very general principles are mobilized to make up for the lack of customary occupational practices. In the absence of recognized rules in the field of work, categories and principles presented as superior norms and whose legitimacy is anchored in the areas of politics and morals are being imported into companies. There, their relevance for the problems encountered is tested. The concerned parties are in fact developing general points of reference at their own level by bringing them closer to experienced situations; points of reference presented as so many norms to be used in determining new work regulations. Imported into factories and shops, freed of some of their components, these references are being reworked, and they often take on a meaning close to but nonetheless different from the one they had outside the world of work. A process of normative innovation is therefore under way that involves both translation of interpretive schemata from the shared world in order to judge the particular situations encountered, and the appearance and stabilizing of effective norms.

However, it is important to distinguish between the political categories used by some and the moral demands presented by others. The political categories are referred to in the written regulations and codes and are not taken up, discussed, or debated more widely in the workplace. There is no echo of them in discussions in the shops. Still, it would be misguided to conclude from this that they are there for purely rhetorical purposes. They are in fact used to provide a basis for claims to legitimacy that encompass concepts that may be qualified as emblematic since they allow for displaying an approved way of orienting actions and behavior. Their aim is to signal the legitimate and acceptable character—despite all—of activities performed or decisions made, such as when private businessmen say they wish to “serve the population”, thereby both using and modifying the time-honored expression “serve the people”. The normative orientation they designate, or claim to designate, is thus more important than their real meaning. On the other hand we find moral touchstones being formulated with the help of familiar expressions such as “human feelings”. In contrast to the concepts we have qualified as emblematic, these are genuine “intersubjective meanings”, to use Charles Taylor’s term (1997); i.e., concepts whose meaning is important because it is linked to beliefs, aspirations and emotions that partake of the shared world to which everyone refers in a given society at a given time. This is why their meaning is debated, contested, and specified when judgments of legitimacy and illegitimacy are made and certain actions performed. The meaning and normative dimensions of the situations encountered in the new workplaces in
China—and in social life in general—are today being tested at the scale of daily interactions. This process is being founded on the shared resources of “emblematic concepts” from recent historical experience and reworked “intersubjective meanings”.

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APPENDIX

The fieldwork necessary for realizing this study proved quite difficult. Since we had previously conducted surveys in rural areas, we first turned back to the villages we had stayed in to identify the persons who had left and been hired in companies in Shenzhen, Canton and the Pearl River delta. These young migrants, whom we met with several times, then helped us identify relatives and friends who would be willing to answer our questions, persons from the same home village or living in the same dormitory, or former co-workers who had left to work in another company in the region. The presence of migrant employees at different production levels facilitated access to certain factories: thanks to relations between some of the workers we had initially contacted and their supervisor, security officer or factory manager, we were able to interview these hierarchical superiors and gain access to dormitories and shops in some of the factories. The fact that the employees we met with had little leisure time, that they could not know in advance what their work hours would be, and more than anything their state of fatigue made the interviewing go very slowly.
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