

## Mapping the Contested Terrains of Precarious Labor in China

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### 勾勒中国不稳定劳工的论争图谱

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#### Abstract

This commentary develops an analytical framework for studying precarious labor as relational struggles on three contested terrains: recognition, regulation, and social reproduction.

#### Keywords

precarious labor, recognition, regulation, social reproduction, relational struggles

#### 摘要

本文通过对识别、规制和社会再生产三个争夺地带的讨论,构建了一个将不稳定劳工工作为“关系型抗争”的分析框架。

#### 关键词

不稳定劳工、识别、规制、社会再生产、关系型抗争

Much of the scholarly literature on labor in China and elsewhere in the world has until recently singularly focused on a narrow segment of the work force—full-time workers in the formal economy. This collective intellectual bias is partly due to the monumental impact of Karl Marx's theorization of the transformative and revolutionary role of the proletariat in modern factories under capitalism (van der Linden, 2008: 17–37). But it has also to do with the dominance of a style of “modernization theory” thinking that sees workers' fate in the Global North as the harbinger of that in the Global South. The mid-twentieth century “standard employment” model prevalent in advanced industrialized

countries has therefore been misrecognized in labor scholarship as the generalizable norm rather than a historical anomaly. Today, when non-standard work has returned as an increasingly permanent fact of life in the developed world, academic focus has finally turned toward informal and precarious labor on a global scale.

In this context, the articles in this special issue are welcome contributions to this emergent and essential research area. The significance of Chinese informal labor studies goes far beyond filling a lacuna in the academic literature. As the Chinese economy enters a new normal of slow growth and overcapacity, its 800 million strong labor force has been subjected to a creeping but intensifying informalization of employment and the related precarization of livelihood. In recent years, the Chinese government's ardent promotion of "mass entrepreneurship" (i.e., self-employment) and "flexible employment" (i.e., casualization) represents an attempt to manage the expectations of the working population, especially among young educated university graduates, steering them away from stable employment to risk-taking entrepreneurship. Politically, informal labor also presents a unique challenge to the state because it is less easily incorporated, co-opted, and controlled by institutions such as trade unions and nongovernmental organizations. Its politics has the potential to be more disruptive and unpredictable. We only need to remember how a humble Tunisian fruit-seller's self-immolation provided the trigger for sweeping revolutionary uprisings in the Middle East to appreciate the volatility of informal worker politics.

In this commentary, I will use the six articles in this issue as springboards to develop an analytical framework for studying informal/precarious labor. Rather than defining precarity or informality as a thing-like phenomenon with a number of characteristics (e.g., Guy Standing's list of forms of labor insecurity), and precarious labor as a particular group of workers under specific terms of employment (e.g., workers without a written contract and social insurance), it may be more productive to conceptualize "informality" and "precarity" as "relational struggles." This means two things. First, the content and meanings of informality and precarity cannot be fixed as some objective universally applicable indicators but are always relational and relative, culture- and context-dependent. What is deemed precarious and informal in the United States could very well be considered secure and formal in Africa or China. Just as class is not a structure but a relationship that happens and changes over time among workers (Thompson, 1963), and among workers, employers, and the state, to specify the meaning of precarious labor is to specify the kind of relationships entered into among workers, employers, and the state (and perhaps other social actors). Second, these relationships are always the subjects and outcomes of struggles and ongoing negotiations in response to changing political, economic, and ideological conditions. The question of "struggle" calls for analysis of the interest and capacity of workers, capital, and the state, and the processes and institutions that embed them.

The six articles here usefully shed light on three major contested terrains on which relational struggles defining precarious labor in China are playing out. These terrains pertain to the struggles for, respectively, the recognition, regulation, and reproduction of labor. My commentary offers a critical appreciation of the findings and arguments of these articles according to this conceptual scaffolding and suggests further questions for research.

## Recognition

Like many publications on this topic, Sarah Swider's article begins by defining what exactly is "informal" and "precarious" work, and whether they are interchangeable or distinct concepts (Swider, 2017). For readers unfamiliar with the literature, Swider's review of existing definitions of these terms is at once useful and bewildering. While she does not explicitly define these two concepts, I gather that the formal-informal divide is defined by the presence or absence of legal recognition by the state, whereas precarity pertains to stability of employment, working conditions, terms of service, pay rates, etc., and "is relative and cannot be compared across nations." She argues that these two concepts should remain distinct because "informal work is a type of precarious work, but *not* all precarious work is informal." Whereas formal precarious workers have legal standing and are at least recognized as workers by the law, informal precarious workers are not recognized and are disadvantaged in their fight for protection. She then applies this distinction to China, showing that informal work is not new, but has existed in the pre-revolutionary and revolutionary periods in China, but new forms of "formalized" precarious work (e.g., dispatched workers) have appeared in the reform period. She ends with a plea for more research on informal and precarious workers' collective resistance.

Evoking the notion of recognition struggle provides a promising point of departure for grappling with the question of precarious labor in China and elsewhere. But Swider unnecessarily confines this to the legal classification of workers as a precondition for precarity and workers' political capacity. In fact, relational struggles over recognition entail at least two broader questions. The first concerns actors and interests: who is doing the classification and in whose interests is a certain schema of classification being set up? The second concerns the symbolic leverage associated with a particular classification status: what moral, material, and ideological claims-making are made possible by a given classification status in a specific context?

Swider, like many other writers on the subject, points to the central role of the state in recognizing certain groups of workers and certain kinds of employment relations. But state classification and labor legislation are results of contestations, which call for analysis of the variety of state actors and capital, their interests and capacity behind the making of different schemas of classification. How, why, and by whom are workers now differentiated into the classification of "workers" (directly employed by legal entities) as opposed to "employees" (e.g., dispatch

workers), each endowed with different rights and entitlements? Answering these questions would account for shifting classifications over time and identify the configuration of power relations that make some workers more precarious than others.

The second set of questions implicit in the notion of recognition struggle is the repertoire of moral and material claims made possible by a socially and legally recognized classification status. Swider usefully reminds contemporary readers of the existence of a spectrum of informal workers in the pre-revolution and state socialist periods. But she neglects to point to a prominent characteristic of informal worker politics in the pre-reform period that historians have identified (White, 1976; Perry, 1996). It is that the marginalized informal proletarians (e.g., apprentices, temporary workers, rural migrants, and “social youth”) were at the forefront of working-class rebellion, drastically different from their political acquiescence today. Why? It had to do workers’ symbolic leverage. The centrality of ideological domination in the Mao era and the glaring contradictions between the socialist ideology of equality and protection for all and the reality of discrimination and inequality fueled working-class discontent and resistance. On the other hand, in the de-ideologized reform era, the hegemony of market competition and individual responsibility has deprived workers, especially informal workers, of the ideological and material recognition they were able to make claims on under state socialism.

I read Jieh-min Wu’s article on migrant citizenship regimes as an analysis of classification struggles and their material consequences for migrant workers, widely considered a subordinate and precarious group of laborers (Wu, 2017). Wu identifies the varying configurations of local economic development, the interest and capacity of the local state vis-à-vis capital in different regions of China where distinct regimes of citizenship entitlements have emerged under market reform. In other words, he shows that subnational variation in the citizenship classification of migrant workers is the outcome of local politics in response to national state policy on migrant workers. The Pearl River delta’s segregative exclusionary regime makes migrant workers conditions more precarious than those under the hierarchical-segmentary regime found in Shanghai and Beijing. Both regimes are inferior to southern Jiangsu’s and northern Zhejiang’s porous-incorporative regime in terms of social insurance protection, health care, and educational opportunities for migrant workers.

This analysis has the merit of disaggregating the state whose outsized role in shaping labor precarity has been emphasized by Swider and other writers, but Wu unpacks the uneven financial capacity and differentiated interests of the state in different regions, depending on the history of local economic development. The tension between central and local government interests has been a prominent theme in China studies and Wu rightly applies this insight to how hierarchies of precarious labor have been constructed. Like the state, capital is also differentiated into labor-intensive and technology-intensive types, and has different

interests and bargaining power against the local state with more or less fiscal capacity.

Yet, Wu describes a top-down story of recognition politics but slights workers' collective resistance from below. Actually, in Wu's study, which spans twelve years (from 2003 to 2015), workers' protests and strikes have contributed to the central government's implementation of the Labor Contract Law and the Social Insurance Law prescribing higher levels of protection. Swider also suggested that informal workers have participated in disturbances and riots. But the concept of recognition struggles will lead researchers not just to note resistance but to probe how resistance is made, i.e., how social and legal statuses constitute and fragment workers, draw and dissolve boundaries, enable and silence claims-making. Finally, recognition politics is not just about resistance but also acquiescence. In other words, we have to understand how symbolic domination may prevail and preempt collective resistance, perpetuate misrecognition by precarious workers who accept precarity as normal, producing a deeper form of precarity.

## **Regulation**

State regulation of production relations in the workplace has been at the center of labor studies worldwide, China included. The Marxist notion of the "politics of production" encompasses both class relations between employers/management and workers as direct producers, and state regulations (e.g., labor law) shaping their respective capacity at the point of production and in the labor market. The articles by Jenny Chan and by Lulu Fan and Hong Xue take us into this "hidden abode" of relational struggles by informal workers at opposite ends of the skill spectrum—unskilled student interns and highly skilled worker-subcontractors—revealing some surprising sources of informal workers' subordination and capacity. Besides the state and the law, what other actors and factors regulate class relations involving informal workers in the labor market and the workplace?

Chan's article examines a Chinese instance of a global phenomenon—the rise of interns as a cheap and vulnerable source of labor for capital in almost all economic sectors (Chan, 2017). Vocational school students, including those as young as 14, are required to labor for a fraction of regular workers' pay in factories (e.g., Foxconn, Honda, but also many smaller workshops and offices) for long hours (10–12 hours a day, 6–7 days a week) and long periods (3 months to 1 year), as part of the educational curriculum no matter how irrelevant the internship is to their field of studies. What is striking is that the local governments, vocational school administrators and teachers, and the local education departments, sometimes mediated by private labor agencies, conspire to organize the labor market supply of intern workers to manufacturers sought after by local officials. This puts into sharp relief a common conceptual error in the literature that defines informal labor by the absence of state regulation. As Irene Peng's insightful work has pointed out, "the state is, in fact, central to structuring and reproducing conditions

of precarity through legal and regulatory institutions” (Pang, 2016: 1). In many countries, including China, the labor laws formally define who is a casual worker, and thereby legalize casual labor but accord such workers inferior rights and entitlements. For instance, as Chan describes it, when the Ministry of Education in Beijing tries to crack down on the exploitation of student interns perpetuated by its local agents, it does not ban the use of students but merely issues stipulations formalizing the inferior treatment of student interns—e.g., “wages should be at least 80 percent of those of employees during the probationary period” and interns should constitute “no more than 10 per cent of the labor force at any given facility.” What remains unclear in this article is the politics of intern workers at the point of production. At one point, Chan mentions in passing that vocational school teachers accompanied the students during the entire internship. Are employers able to leverage teachers’ authority and use it to control and discipline workers on the shop floor? How do informal workers interact with formal workers when they labor side by side? Divide and rule by creating segmented labor markets is a standard strategy of employers to break worker solidarity, but the blatant everyday inequality experienced at work can also generate acts of active or passive resistance by intern workers, impeding production. How has this played out in Chinese factories? Under what circumstances do student interns forge joint action during strikes with regular workers, like the example of a 2010 Honda strike cited in the article? And under what conditions do they play the role of strike breakers, undermining the capacity of striking formal workers?

Informal labor’s bargaining power in the workplace is the subject of Fan and Xue’s article (Fan and Xue, 2017). They show that experienced but contingent female workers in the garment industry in the Yangzi River delta were empowered by the shortage of skilled workers. Forming themselves into cooperative production teams, typically consisting of six to eight members, groups of highly skilled female workers subcontract an assembly line or insert themselves as “rush order work groups” in garment factories. Working outside the purview of state regulation, independent worker collectives were self-regulating in that they were not subjected to the strict disciplines of factory management, were able to negotiate higher pay rates due to their speed and skills, and enjoyed more control over the labor process and the timing and duration of work. According to their field data, these worker cooperatives were organized on the basis of gender (women-only) because men’s ambition and resources were geared toward entrepreneurship or craft (tailoring), and on the basis of kin and native place affiliations, which also nurture solidarity and mutual help in the workplace.

Fan and Xue are careful to point to the limitations of this kind of worker power. First, they note that when multiple cooperative teams work side by side in the same factory, they do not cooperate or share information about job rates even with each other. Second, only women workers of less affluent villages are compelled to work as autonomous cooperatives as a source of income. In villages where residents can rebuild and rent their homes to generate rental income, women worker

cooperatives do not exist. Third, as the national economy slows and demand contracts, informal worker cooperatives also lose their market niche.

One can quibble over whether what is described in this article constitutes informal workers' "associational power" as the authors argue, or "marketplace bargaining" power as I would suggest. What is indisputable is that no matter how informal, labor is still needed and flexible labor is essential in some sectors of the economy. Yet, this island of informal worker power is as unexpected as it is precarious and derivative of capital's organization and needs at the point of production, and subjected to capital's strategy of divide and rule. An important question for future research is how and under what circumstances can informal workers combine marketplace bargaining power with associational power. Second, we need more refined studies of the mechanisms of regulation at work when the state is absent. Absent law or public authorities, what mechanisms or players shape class relations? Other studies have pointed to violence by employers or thugs working for them, trust between workers and employers, gender norms, and occupational norms, etc. How can workers leverage these non-state mechanisms and resources to empower themselves? Last but not the least, Fan and Xue's comparison between villages with and without these informal worker cooperatives alludes to a third contested terrain of informal labor—the social reproduction of labor, viz., the social and economic conditions outside of waged work that shape informal workers' livelihood, interests, and capacity.

### **Social Reproduction**

Informalization and precarization of labor in the current period occur not just in the world of work or production, but are deeply tied to the world of care and subsistence provisioning, or "social reproduction," the third analytical terrain of contestation on which the nature and conditions of precarity are constituted. In this symposium, the articles by Ellen Judd and by Jialiang Huang and Yongsheng Wang spotlight this issue in different ways.

Taking place mostly outside the market and in various forms of non-wage labor, "social reproduction" consists of activities that sustain human life on a daily and cross-generational basis, performed in private homes, urban neighborhoods, rural communities, kin and social networks, civil-society associations, and public institutions (e.g., schools and hospitals). How social reproduction is organized directly impacts the interest and capacity of the working population, formal or informal. For two decades after World War II, whether under capitalism or socialism, many states and large corporations around the world provided varying degrees of welfare to their citizens and employees, buffering them from shocks and adversities originating in the labor market. Since the 1980s, however, neoliberal reform has witnessed the disinvestment of the state and corporations from social welfare. As Nancy Fraser argues, "Externalizing carework onto families and communities," the present era of financialized capitalism entails a "dualized organization of social

reproduction, commodified for those who can pay for it, privatized for those who cannot" (Fraser, 2016: 104).

State socialism notwithstanding, the changing organization of social reproduction in China since the mid-twentieth century has by and large reflected the global transition from a regime of state management and collective provision to one of individualized, contribution-based insurance schemes. Those who cannot afford to buy care, or contribute to insurance accounts, either by themselves or with help from employers, to cover medical expenses, will have to fall back on the unpaid, affective labor of family members and kin and social networks in times of sickness and old age. Ellen Judd's article highlights what Nancy Fraser has called a "crisis of care," with a particularly pernicious impact on women. She offers several poignant personal stories to highlight the multiple and contradictory demands on migrant domestic workers. These women's unpaid labor is needed by their families to fill the care gap left by the meager coverage of the government's health system, but their poorly paid precarious employment as care workers in the cities is also needed to sustain the family economy. For Judd, the solution lies in cultural critique—using the Maussian tradition in anthropological thought to rethink and recuperate value in care work and sociality as the offering of oneself in a relationship (Judd, 2017).

But under what circumstances would such an ideational paradigm shift happen in the state, the corporate sector, and among the working population as well? More fundamentally, is an ideational shift a cause or result of policy and practice, which in turn are responses to political and economic pressures? I think the Chinese government's recent (since the early 2000s) institutionalization of rural pension and health care schemes as well as a minimum income guarantee, after decades of neoliberalization and withdrawal from collective welfare provision, provides a critical window into the politics of social reproduction. What has triggered this reversal? It was not any enlightened shift in theoretical perspective, but systemic crisis in the rural economy and rural society, coupled with widespread, albeit mostly uncoordinated, peasant resistance that compelled the state to reverse its willful neglect of care and welfare in the countryside, toward some form of minimal but universal coverage. In-depth analyses of the politics of welfare policy-making and health care reform will help identify the dynamics of social reproduction struggles due to play out also in cities as state-led urbanization proceeds apace.

Aside from health care, a unique institution in the realm of social reproduction that has always shaped and enabled the availability of cheap and vulnerable migrant workers in China is the subsistence rural economy and its associated collective landownership system. Due to migrant workers' land use right in their birth village, the family subsistence economy and the unpaid care work provided by kin, employers, and the state do not have to bear the full cost of social reproduction. But Huang and Wang's depiction of rural China indicates some fundamental changes that have destabilized this system of migrant labor (Huang and Wang,

2017). First, they show that the major types of informal jobs on which rural residents in Hebei depend for a livelihood are highly vulnerable to the volatility of what they called the “external” market (i.e., the non-agricultural economy). There are four major types of informal labor characterized by low wages, low protection, low welfare, and long hours: long distance migrant workers seeking non-agricultural jobs (e.g., construction and manufacturing), peasant workers in rural workshops (e.g., garments and luggage), part-time peasants combining agriculture and non-agricultural jobs (e.g., sapling harvesting), and the self-employed running low-end service establishments (e.g., breakfast stands, barbershops, and restaurants). In recent years, when what they call the “external” national economy declines, the rural informal economy also suffers, manifested as fewer construction jobs and more returned migrants. But what they mention in passing as the transformation of the “internal” rural economy is actually the most significant factor affecting rural precarity. That is, the *de facto* change in land tenure. The government’s push for forming big cooperatives, in the name of increased efficiency, has led to *de facto* land dispossession. “After reaching scaled operations in rural areas, most people do not have land any more.” A deepening contradiction in the Chinese model of development is aggravating rural precarity. On the one hand, landlessness has augmented the pressure and compulsion among rural residents to find waged employment in the cities, but on the other, the new normal of a slow-growing national economy has forced them to return to the countryside.<sup>1</sup>

To conclude, the rich empirical varieties and conditions of precarious labor presented by the articles in this symposium underscore the need for Chinese labor studies to abandon its almost singular focus on full-time factory workers and to incorporate a full spectrum of labor relations and conditions. I have proposed conceptualizing precarity and informality, not as a static thing-like phenomenon with definitive attributes, but as relational struggles on three inter-linked constitutive terrains—recognition, regulation, and reproduction. Likewise, informal or precarious workers do not constitute an objective status group with fixed boundaries, identities, and interests. These “attributes” should be analyzed as emergent properties resulting from relational struggles in all three moments of labor politics. In China, as well as in many other parts of the world, a new era of economic slow-down, crisis, and stagnation offers many opportunities to trace and compare how structural transformation of the global and national political economies impacts these various dimensions of labor politics for a wide variety of workers.

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<sup>1</sup> For an ethnographic study illustrating the effects of this contradiction on migrant construction workers, see Chuang, 2015.

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