

Human Rights Issues in China's Internal Migration:
Insights from Comparisons with Germany and Japan

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Introduction

Soon after the post-Mao regime of Deng Xiaoping launched the Chinese nation on a heady course of what was to become steadily intensifying marketization in 1979, the commune structure in the countryside was permitted to crumble, trading in the cities was legitimized, urban construction exploded, and, as a function of all these shifts, a “floating population” was born. This is a group comprised of those peasants lured to the towns and cities, and away from the rural communities to which they had been confined for some 20 years by the promise of work and higher earnings. Varying accounts estimate that as of the mid-1990’s the total numbers of such transients may be ranging anywhere from 60 to 100 million.

But the increasing degree of freedom granted them to travel away from their original residence has not so far been matched by any meaningful right, once ensconced in the municipalities, to acquire what amounts to urban “citizenship.” In fact, the hereditary distinction between those with a rural and those with an urban household registration (or hukou) remains nearly unscathed despite the passage of over a decade since the first relaxation of restrictions on movement.¹

Thus a distinction that in effect amounts to delineating the boundary between urban citizenship and noncitizenship, by assigning all the rights and entitlements of urban life only to urban household registrants, is by no means erased just by moving. Urban citizenship, that is, is not defined simply by residence--or, indeed, even by virtue of birth in the city--but is instead officially acquired with only minor exceptions by descent.

It is important to note immediately that, under the reign of the socialist system in China, urbanites, especially urban workers in state-owned and large “collectively”²-owned factories were the recipients of a wealth of state-bestowed benefits, including full labor insurance, generous retirement and medical packages, housing and life-time job tenure, at a minimum.³ In addition, all proper, permanent urban residents received dwellings at exceedingly low rents; almost gratis public transportation, home

heating and water; guaranteed jobs; and heavily subsidized grain, oil, and many other daily necessities.

Moreover, the cumbersome and uncertain procedure even for attaining temporary residence in the city (and, as implied above, this alone would not confer citizenship) lends perhaps up to half the internal migrants (those who fail to register their presence in the city)⁴ a status that partakes of a legal limbo. Their consequent vulnerability in the face of local police and both domestic and foreign employers⁵ often renders their existence precarious to say the least.

This brief recital of the disadvantages suffered by Chinese peasants in the metropolises of their own country demonstrates the three-fold nature of what might be termed human rights abuses to which such sojourners are subjected: that is, there are questions surrounding (1) their freedom of movement or migration and residence (Article 13 of the Universal Declaration of Human Rights); (2) their possession of such civic or citizenship rights as the rights of assembly, association, and the vote (Articles 20 and 21), social security (Article 22), and a standard of living adequate for health and well-being (Article 25); and (3) their obtaining rights of employment, such as just and favorable conditions of work, equal pay for equal work, and reasonable limitation of working hours (Articles 23 and 24).

Phrased differently, freedom of movement; the right to citizenship and accompanying civic and social rights in one's place of residence; and the right to decent treatment at work--each of which are usually issues just where questions of international migration are at stake⁶--are all challenged in the case of China's domestic urban transients. Simply put, the very fact of barriers to admission (or constraints on freedom of movement) implies difficulties in achieving first legal residence and later full citizenship.

Those so pushed into impropriety by their very presence are then barred from benefits when they pursue employment. This is the case because the illegality attached to their entry and/or their non-citizenship severely limits their recourse to the law and so makes migrant labor vulnerable to exploitation and ill-treatment.

This paper highlights the nature of the problems involved as well as pointing to pathways for their possible resolution. A comparison of the plight of Chinese internal migrants with their international counterparts in Japan and Germany facilitates this task considerably. Most fundamentally, such a comparison reveals the intractability of the problems, as it underscores the extent to which in China, as in these other two states, the chance to become a genuine "citizen" (in China's case, a true urbanite) rests practically entirely upon descent.

Additionally, a focus on these two other cases of (effective) ius sanguinis determination of citizenship⁷ not only permits an analysis of the roots of the problems in the Chinese case; it also suggests some modes of solution. Moreover, it demonstrates that in several ways foreigners in these other two places--societies that by no means

welcome outsiders--receive significantly better treatment, and stand in possession of more rights, than do the transient nationals of the "People's Republic."

Similarities

The most fundamental similarity between the three cases is what one might term an "ethnocentric" underpinning for belonging and membership in all of them. If we extend Emily Honig's conception that--based on linguistic, lifestyle, custom, and self-perceptual grounds--ethnic Chinese native to the various regions of China are in effect members of separate ethnicities,⁸ we might say that, at least as a social construction, urban Chinese generally view rural Chinese as ethnically distinct, to stretch the usual meaning of the term a bit.

If we then go on to consider the package of benefits, privileges and entitlements of the city-born to be the equivalent of the rights of urban citizenship, from which the country-born are excluded, we can say that the Chinese government uses an ethnocultural foundation for granting this urban citizenship and denying it to ruralites, just as, grossly speaking, Japan and Germany do in the case of their own citizens and against foreign nationals.⁹

For even as Japan and Germany ground citizenship on the principle of ius sanguinis--that is, the notion that one can be a citizen only on the basis of descent¹⁰ (sometimes called "blood")¹¹--so in China urban household registration is passed down hereditarily, in this case just via the maternal line. As expressed by two anthropologists,

The distinction between rural and urban dwellers has been made the basis for classification into two caste-like civic status groups, a higher status group called "urban personnel," and a lower status group called "rural personnel." Membership is inherited from the mother, assigned at birth, and cannot be changed except under the most extraordinary circumstances. The result is a system of birth-ascribed stratification which, considered as a whole, displays caste-like features.¹²

Indeed, Germany (along with Switzerland) stands at an extreme pole among Western European nations in this regard, not counting even third-generation immigrants as citizens until they have themselves lived in the country for at least 10, or sometimes even as many as 15 years.¹³

Another element of this racist stance is manifested in ethnic discrimination. One scholar of German immigration holds that an antipathy to the cultural otherness of the outsiders rests at the core of German aversion to foreign inhabitants in the country;¹⁴ perhaps this appears most blatantly in the bigotry against those clearly identifiable as Turks in their appearance, conduct, and language.¹⁵

In Japan, a strong, historically derived ideology emphasizing racial homogeneity shores up the national bias against outsiders. This ideology, which boasts of the virtues of Japan's "single-race nation" or its "sage" society,¹⁶ has bolstered the nation's disinclination to open its labor market. The source of the opposition lies in fears of polluting the cultural integrity of Japanese society.¹⁷ Indeed, official documents prepared as recently as the late 1980's go so far as to attribute the country's economic miracle to its "one ethnic group, one language" society.¹⁸

This sense of cultural superiority and exclusivism finds expression in the mandatory triennial fingerprinting of the descendants of those Koreans who were compelled to migrate to Japan during the days of the empire, a practice only terminated in 1992. In a practical present-day incarnation, employers in the retail and service sectors shrink from employing foreigners in highly visible jobs because of the likely offense this would cause their customers.¹⁹ And perhaps most remarkably, the two countries share a specific idiosyncrasy: both welcome as citizens foreigners whose ethnicity matches that of their nationals, even when these foreigners come in not knowing the language, culture, or habits of the country.

In China historically, even in the very cosmopolitan port of Hankow, domestic migrants in the form of squatters, whether laborers or beggars, were denigrated as rootless, people who summoned up distaste and even alarm among the town's permanent residents. According to William Rowe, the local hostility they attracted resulted

in part because their unsettled status made them appear prone to criminal and deviant behavior [but] most basically they were outsiders who, by staying, had violated the rules of the game.²⁰

In contemporary China, the traditional discrimination for the outsider persists, probably at an even higher peak than in the past, given that cities must adjust sometimes to a few million rustics suddenly residing within their midst. Urban elitism typically identifies the rural stranger by recognizing the tasteless garb of the bumpkin, or the peasant's sun-darkened skin, or, as one urban woman in Wuhan depicted it, his/her "flavor of muddiness."²¹ The following quotations illustrate urbanites' scorn, and also indicate their certainty that these country people do not deserve the same rights that they themselves enjoy:

"Local people treat outsiders as second-class citizens, see them as the snatchers of local peoples' interest."²²

“Their [migrants’] thinking, morality, language, and customs are all different, their quality is inferior. The places they inhabit are very likely dirty places...They lack a concept of public morality...so that behavior that harms prevailing social customs occurs time and time again. City residents are dissatisfied because they disturb normal life and livelihood.”²³

“City people are biased against them...they disdain their words and behavior, hate their enjoying advantages that originally only should be enjoyed by locals.”²⁴

Similarly, a public security officer in Beijing is actually said to have pronounced that, “These out-of-towners are no better than animals.”²⁵

Besides this ethnocultural bias with which the natives of all three places view outsiders--a bias that certainly undermines any sense that such people have distinct rights--the three societies enjoy another important commonality: They have also all been the site for “economic miracles,” the Japanese and the Germans in the postwar period, the Chinese just since economic reforms began in 1979.

Thus, in Germany from the 1950’s to the early 1970’s, and in the Chinese special economic zones during the 1980’s, rapid growth has been openly acknowledged to be the result of the cheaply-recompensed drudgery of outsiders. In Germany, at the height of immigration in 1972, over 12 percent of the workforce has been said to have “made possible the remarkable economic recovery and expansion.”²⁶

In China’s Guangdong, the province made most prosperous by special governmental regulations meant to attract foreign capital, according to two traveling journalists who journeyed there in 1989,

At all levels of the Guangdong party and government, right down to the heads of the town and village enterprises, everyone highly praised the contribution of the peasant workers. Provincial Party Secretary [as of 1989] Lin Ruo said, “Without the peasant workers, Guangdong’s prosperity wouldn’t exist.”²⁷

In Japan, granted, the postwar “miracle” emerged from the unstinting toil of the native people themselves--so much so that one scholar has even commented that, “The traditional Japanese practice of working long hours and putting in lots of overtime served to delay the entry of foreign workers into some firms and job categories.”²⁸ But once the new boom of the mid- to late-1980’s brought in outside laborers and built up a definite dependence

upon them, that same author concluded that there emerged within the country a growing recognition that foreign workers are supporting vital sectors of the Japanese economy and that their removal would have adverse economic impacts on businesses and communities.²⁹

So in all three countries the response to outsiders--those from other countries in the case of Germany and Japan and those from the countryside in Chinese cities--starts from highly exclusionary, culturally-superior, ethnocentrically-informed stances. The heavy reliance of these places upon the brawn and the backbone of these outsiders, while somewhat pushing aside native distaste for their presence, still only marginally tempers a persisting and fundamental disdain for their persons.

Indeed, for all three, one could justifiably advance the claim that, combined with ethnocentrism, the economically-driven and overriding demand for cheap workers shared by the three societies has seriously interfered with concern for the rights of migrant labor in them all. As a reporter has noted,

To get their chance, migrants typically mortgage their human rights...Many countries can't live without foreign workers--but don't want to live with them. The message to unskilled migrants is almost always: get the job done and get lost; citizenship is out of the question.³⁰

Relatedly, China has claimed that protection of rights includes guaranteeing people's right to subsistence and development³¹; since the cheap labor of peasants speeds up the course of such development on a national scale, oppression of urbanized farmers could be justified as a temporary step on the road to rights that will be tendered later on.

But, as we will see, a set of socioeconomic and political factors which differentiate our three countries--the place of labor in politics, the timing of immigration in relation to economic development in a country, and a nation's integration into certain inter-national networks--appears in the long run to diminish the negative impact that ethnocentrism and developmental pushes place on granting rights. We hypothesize that these factors may ultimately make a difference for the treatment of migrants, and, it appears, for human-rights consciousness concerning them.

We continue by reviewing what I will call the "migration regimes" in each country: the rules about entry (movement rights); the extension of civic and social privileges (citizenship rights); and the treatment of migrant workers (labor rights). Following that, we explore the variation among the three societies that emerges from this account, and speculate about its effect for the human rights of migrants.

Migration Regimes in Germany, Japan, and China

Germany

Rules about entry

“We are not a country of immigration,” a slogan that is more a normative maxim than a descriptive statement, has been a repetitive theme in official German postwar policy toward foreigners.³² The very term used to refer to nonnative workers, “guestworker,” exposes the underlying belief that these people will be with the Germans only temporarily, never to become fully one of themselves. Even a more recent incarnation, the label “foreign fellow citizens,” continues to communicate a sign of otherness.³³ And yet, we will find, of the three migration regimes to be considered in this paper, Germany’s is the most hospitable.

Rogers Brubaker traces the descent-based approach to citizenship and migrants at least to a 1913 law of citizenship--if not to an 1842 Prussian law--which made domicile contingent on “membership” in the community, a status that was itself based on descent, marriage, or naturalization.³⁴ He attributes the motives behind this stance to early 19th-century desires in the German states to protect themselves against the newly mobile poor, and, later in the century, to “a concern to protect the German domain against the influx of eastern Poles and Jews.”³⁵

In the postwar period, reflecting this exclusivist posture, a minimum of 10 years’ residence is the usual span needed for naturalization; one must also give up one’s prior citizenship.³⁶ Besides these conditions, in order to naturalize, one must satisfy all of the following prerequisites: have accommodation and demonstrate the ability to maintain oneself and one’s family; show a positive orientation toward Germany, including mastery of the German language; possess knowledge of the political system and be loyal to the basic liberal democratic order; exhibit irreproachable conduct in the country for at least 10 years; and, in addition, pay a \$300 application fee. Even after fulfilling all of these conditions, an applicant is still subject to the discretion of local authorities, who may determine if the naturalization is “in the interest of Germany.” To make matters even worse, these officials frequently reject the request without explanation.³⁷

The first postwar outsiders admitted into the country were mainly German refugees and displaced persons, encouraged to come for the purpose of working. Though with the erection of the Berlin Wall after 1961--when the flow from the eastern part of the country was cut--foreigners from further away (Turkey, Italy, Spain, Portugal, Yugoslavia) were admitted during the 1960’s and ‘70’s, the recession--and accompanying unemployment--brought on by the oil crisis of 1973, along with wildcat strikes and threatening signs of permanent settlement led the government to call a halt to recruitment.³⁸ At first, the government tried working with the sending countries to enforce suspension through repatriation agreements.³⁹

Since that time, the state has been pursuing a three-pronged policy: strict limits on further immigration, encouraging the voluntary repatriation of migrants, and integrating second-generation immigrants.⁴⁰ This tightening up shows up in the law: though a new Aliens Law in 1990 and a decree in 1993 liberalized some of the rules on

naturalization for children brought up and educated in Germany, the early '90's also saw harsher provisions on asylum, plus limits placed on the numbers of ethnic Germans to be admitted.⁴¹ Administrative measures taken since 1989 to bring in foreign workers, such as seasonal worker programs and firm-to-firm subcontracting, exhibit the same thrust: they are all geared specifically to prevent settlement.⁴²

At the popular level as well, in recent years, with the rise in Muslim inflow and renewed recession--with its attendant steady and ominous unemployment--a threateningly xenophobic strain has appeared in the reactions to outsiders, especially ones newly arrived. This has taken the ugly and frightening form of a nationalistic outburst, exemplified in the shockingly massive number--some 50 to 100 per day--of incidents involving attacks on foreigners in 1992 and 1993.⁴³ And yet, as of the early 1990's, there were just seven million foreigners living in Germany, equal to a mere eight percent of the total population.⁴⁴

Civic and social privileges

The Basic Law of West Germany,⁴⁵ its constitution, reserved a few rights that would apply for citizens alone, such as the right to hold public meetings and form associations. But legislation--admittedly not as powerful as rights specified in the constitution--later granted most of these to resident foreigners as well. Fundamental legal rights, such as equality before the law, due process and appeal, however, were universally granted from the outset in the Basic Law.⁴⁶ Indeed, Turks in Germany have appealed to the courts on behalf of their rights for decades.⁴⁷

The next step, the Aliens Law of 1965, promised no freedom of occupation, place of work or place of education, though gradually foreigners did receive these rights.⁴⁸ But the vague restrictions the law placed on foreigners' political activities--in the interest of public security and order--made Germany one of seven out of 19 Western European states that limit basic civic freedoms.⁴⁹

And yet, by the 1960's, pressure from the trade unions brought foreign children into the schools, obtained social services for them, and pressed for an end to discrimination.⁵⁰ Many foreign periodicals can be found in Germany.⁵¹ And while the Federal Constitutional Court affirmed that giving local voting rights to non-citizens was unconstitutional, foreigners may at least join local advisory committees which local authorities can consult, and are members of unions and work councils in the factories.⁵²

Foreigners are also in principle eligible for welfare money, though applying for it may be risky.⁵³ As of the early 1990's, they were owning their own businesses and homes, renting government-subsidized apartments, forming political associations, and organizing protests; the lack of formal channels for interest representation (because of not having the franchise) would appear to be the only significant barrier to their effective, if not actual, citizenship.⁵⁴

Treatment of migrant workers

The lot of the foreign worker in Germany would seem to be reasonably favorable. Though the government has focused more on his/her living conditions and on wages and fringe benefits, and not specifically on integration, this effort has so far surpassed that of the other two states.⁵⁵ Moreover, as noted above, since the early 1960's, laborers from elsewhere were permitted to become members of factory works councils and even to serve as shop stewards.⁵⁶ Their degree of unionization (about one-third of them were members as of 1989) was more or less on a par with that of native workers;⁵⁷ they have also been included in the apprenticeship system, which provides training for youths of 16 to 19 years of age.⁵⁸ Foreign workers amounted to about five percent of the workforce as of the early 1990's.⁵⁹

In general, then, the stigma of not belonging hangs heavily on the noncitizen in Germany. But at least s/he can eventually (after a decade) hope to become a member. And while s/he waits and works--provided s/he escapes the frustrated wrath of the new violence-prone xenophobes--life is more than tolerable.

Japan

Rules about entry

Like Germany's, Japan's official policy toward outsiders is explicitly exclusivist. Its three key provisions, though observed more in the breach than in reality, bear this out: to admit foreigners solely as a last resort; to prohibit the entry of the unskilled; and to keep all immigration purely temporary.⁶⁰

The historical background to Japanese antiforeignism is unmistakable. Numbers of foreigners--for decades almost entirely Koreans and Taiwanese dragged in as forced labor under the reign of the empire, who themselves were compelled to take on Japanese nationality at that time, and later their descendants--remained low and stable until the late 1960's, when only moderate inroads took place. Those who entered were usually just people with special talents lacking in the country. Not only was foreign immigration modest, it was actively resisted.⁶¹ Indeed, in the years between 1950 and 1988 foreigners only represented 0.6 percent of the population.⁶²

Starting in the late 1980's, however, a veritable surge of movement into the country--mainly composed of migrants from Japan's South, East, and Southeast Asian neighbors--appeared: the numbers of foreigners overstaying their tourist visas to take up employment shot up (to about 280,000) at the same time that the ranks of legal immigrant workers doubled between 1986 and 1991.⁶³ The demand was fed by domestic labor shortages driven by demographic trends unable to match a sudden economic boom, as well as by a revaluation of the yen which only served to increase the already sizable gap in income-earning potential between Japan and other Asian nations.⁶⁴ As of the early 1990's, however, foreign workers, both legal and illegal, accounted for a mere one percent of the total workforce (500,000 to 700,000 of 65 million).⁶⁵

The official response was an Immigration Control and Refugee Recognition Law (1990), whose aim, with its employer sanctions--despite lackluster enforcement--is clearly to limit the inflow of the un- and the semi-skilled. While it allows professionals and descendants of Japanese to work and live in the country legally, it prohibits temporary labor and denies ordinary students the right to work. Some unskilled labor may enter, however, under the guise of "company trainees," and students of post-secondary institutions may labor a limited number of hours--though in fact this often led to off-the-books full-time employment.⁶⁶ Matching the mood of this legislation, the numbers of apprehensions of illegal residents and forced deportations rose at this time, and a rotation system was used to cut down on the number settling down.⁶⁷

Civic and social privileges

The situation for foreigners resident in Japan is not so fortunate at this point as it is for those in Germany. In the first place, the Constitution does even not address the issue of the status of foreign workers.⁶⁸ There appears, however, to be a general sense that foreigners have, among other rights, the rights to petition, of religious belief and assembly, and to reside where they wish, as well as freedom of thought and conscience, and are considered equal before the law. But the social consensus is that voting rights, and the rights to subsistence, education, and to work apply to citizens alone.⁶⁹ Though in many localities, schools have in fact opened their doors to foreigners, this is not done by law, and housing discrimination is still serious.⁷⁰

Treatment of migrant workers

The crux of the problem of treatment for migrant workers in Japan is that most of them are present against the law. This means that unfair treatment and abuses (by employers, the labor brokers--the yakusa, who dominate the underworld--who often manage them, immigration officers and the police) are commonplace. This is the case for two reasons: firstly because there is no protective law to which the workers could appeal, and secondly since bringing charges would expose their existence and thus probably bring about their deportation. Nor is there any guarantee given them that they will be receive decent working conditions.⁷¹

The discrimination that fuels the situation is revealed in the following statistics: in a 1989 survey of 266 Tokyo firms, a mere three percent of employers expressed a belief that foreign workers should be treated like Japanese ones. Furthermore, a full one third claimed they would prefer not to hire foreigners in order to avoid linguistic and cultural problems.⁷² As for unions, even native temporary workers were not admitted into them historically, though they did organize their own separate unions in some instances, and finally got some support toward regular status from the permanent workers in the 1950's.⁷³

Though specific programs have been designed to entice foreign workers into the country, these are generally not especially favorable to the workers. For instance, a

1990 corporate trainee program provides only a below-market “living stipend,” rather than a wage, plus employer-supplied housing in the first year; only if the employer keeps the worker on for a second year and s/he passes a certifying exam can s/he receive the standard benefits and protections due regular workers. In addition, actual training is minimal if not nonexistent.⁷⁴ Still, those who make it to the second year do receive fair treatment.

An April 1993 Ministry of Justice initiative, entitled the “skills work-training system” for the first time permits foreigners to do real work and to have their rights as workers guaranteed. Yet even here there are limitations: these workers may not be accompanied by their families; the program offers just a few months’ training; and it allows for stays of only two years.⁷⁵ Nonetheless, this system is clearly an improvement for the recipients over what went before.

As for benefits and protections, Japan did ratify the U.N. Agreement on Social Rights and pledges to guarantee the rights of social insurance and social security. There is also a pledge to all workers of a right to accident compensation.⁷⁶ While illegal workers are theoretically allowed these benefits, they would surely risk deportation if they tried to demand enforcement.⁷⁷ Unemployment benefits are officially available to legal foreign workers but even for them they are rarely granted; the illegals are not even eligible.⁷⁸

A range of welfare benefits are supposedly open to illegal workers, such as child welfare, disability, and mental infirmity, but their application is spotty. Also, illegals cringe from even applying for medical insurance, because, again, of their fear of exposing their presence. And though in principle even those in the country illegally are entitled to enroll in pension plans, there are severe practical difficulties in receiving the pensions, even as most foreign workers are forced to pay into the schemes.⁷⁹ As with education, some local governments have taken it upon themselves to offer basic social services, including assistance with medical bills, though this is by no means national policy.⁸⁰

In sum, Japan’s migration regime, while less humane than that of Germany, is at least informed by a sense of--if not yet a fulfillment of--rights and benefits. There has also been a development of potentially more humane work programs.

China

Rules about entry

While permanent residents of Chinese cities may historically have been hostile to sojourners--at least to those of the lower, working classes--governments prior to the Communist one by and large if anything encouraged rather than restricted migration. Indeed, privately organized geographical mobility tended to predominate in both the late imperial and Republican (1911-1949) periods, though most imperial rulers, at least, had the power to relocate their peoples if they so chose.⁸¹ The most fundamental projects of the two regimes at their limiting edges--the fulfilment of imperial aspirations, versus the

stark survival of ruling parties, respectively--each meant that officials had other concerns, and so tended to allow the populace to move where it would. Furthermore, in both eras, movement was common, widespread, and frequent.⁸²

By contrast, under the P.R.C. until the reform era beginning in 1979, statist choices about population location prevailed in all but a very few years. No one at all moved freely, most of the time, at least not legally. The state struggled to check population movement beginning in the early 1950's, even if it did not succeed fully until 1960. By that point everyone in the countryside was harnessed tightly into a commune and the wherewithal for subsistence in the cities was locked securely in the grasp of the regime.

Moreover, during the course of the 1950's, the first decade of Communist Party rule on the Mainland, ironically enough in light of its Marxist pretensions,⁸³ the state drove a wedge between city and country that was novel in Chinese history.⁸⁴ In so doing, it made of the peasantry, those people its policies had locked onto the land by 1960, a potential underclass, ready to be exploited to fulfil the new state's project of industrialization.

In effect, the Party achieved this step by creating "boundary markers" around the peasantry⁸⁵ by the middle of the decade,⁸⁶ enabling the state to draw upon this group as an industrial reserve army,⁸⁷ much in the manner that Marx had predicted that only capitalist states would do.⁸⁸ This remaking of the Chinese farming class, crucial for the formation of what was, much later, labelled the floating population, was thus one of the chief effects of a major transformation of the nature of migration in China and of the state's relationship to migrants and their movement.

For the new state was prepared, as monopolist employer and owner (after coming into the possession of all of China's land, commercial and industrial assets in the mid-1950's), to industrialize the cities ruthlessly; consequently, it was industrialization and its fiscal demands that dictated the pace of migration.⁸⁹ Its leaders' vision of unimpeded modernizing economic development brooked no compromises; indeed, none were necessary. For it no longer had any competitors, whether political or economic.⁹⁰

According to the plans of the leaders, this mission of modernization soon came to mean closing off the cities and essaying to keep them quiescent. This quiescence they hoped to achieve, in the face of generally strong and at times even acute pressure from peasants wanting to enter,⁹¹ by limiting city populations and supplying those within with the wherewithal for fairly comfortable subsistence.⁹² For this it was necessary, insofar as this could be knowable, to calibrate the number of legal residents in accord with the amount of grain and the number of jobs available.⁹³

By barricading the cities against the peasants, the state rendered them available for the big spurts of industrial growth, and disposable in tighter times.⁹⁴ Though earlier constitutions permitted movement,⁹⁵ that right has not appeared in any version since 1975.⁹⁶ Thus, the larger economic aspirations of the authorities overrode any concern for the rights of ruralites to move about.

To realize its goal, the regime drew what two anthropologists adjudge to be “the most important social distinction in modern China”--that between urbanites and peasants.⁹⁷ The legal basis for this division was laid by a State Council directive of June 1955 on establishing a system of household registration,⁹⁸ a set of rules which were further elaborated in a set of January 1958 regulations on household registration.⁹⁹

With the order on household registration of mid-1955, each individual was required to register his/her place of residence officially, with records maintained by the public security offices at the brigade level (at that time) in the countryside and in the neighborhood in cities. Thenceforth, the individual’s residence status became an ascribed, inherited one, determining his/her entire livelihood and welfare simply on the basis of where the registration was located.

In accord with the industrialization imperative alluded to above, the system’s rationale was to ensure that peasants remained on the land, producing the food that would enable the cities’ residents to industrialize and modernize urban China.¹⁰⁰ Throughout the 1950’s, the hukou system gradually developed into an intricate ranking order. To illustrate the extremity of the lifestyle distinctions involved, a ditty has it that, “It is better [to have] a bed in the city than a house in the suburbs.”¹⁰¹

With the onset of the reform era, successively more and more permissive state policies on movement into urban areas were accompanied by a gradual relaxation of the state’s control over the resources essential to daily life--namely, grain, housing, and employment. These developments made it possible for peasants to relocate, even into cities, in search of a more comfortable standard of living. Nonetheless, to be licitly resident in a city, a peasant is compelled to undergo a cumbersome process of seeking approval and credentials, one which, as suggested above, probably fewer than half actually observe.¹⁰²

Drawing on the 1958 NPC ruling, the regulations specify the appropriate procedures to be followed in establishing one’s presence legally in a place that is not one’s site of hukou. According to Article 13, citizens migrating to a new locality have three days in which to report and register their migration. And Article 16 states that,

If citizens leave their permanent address and go to another region on private business and at that new place reside for three months or more, they must apply for an extension of their residence visa ...If there is no valid reason to grant an extension or no basis for an application for permanent residence, they must return to their permanent residence.¹⁰³ (emphasis added)

Beyond the fact of getting transients to make known their presence in the city, as for foreign workers in Western Europe not just residence but also labor permits are a major concern of the localities.¹⁰⁴ It is probably the case that, as economic “reform” increasingly enshrined market values, and as, in consequence, profit considerations began to throw urban workers’ jobs into

question, the legitimation for infringing rural migrants' rights (if any were perceived to exist) was more and more the protection of the posts of city laborers. By early 1995, the Ministry of Labor was even considering establishing "a system similar to international passport and visa requirements, which will aim at curbing 'transprovincial migration,'" expressly for this purpose.¹⁰⁵

Despite much discussion and debate, and even talk of fundamental reform (mainly in 1994),¹⁰⁶ the hukou policy itself hangs on. The only notable alterations have been the availability of a new, "temporary" household registration in the cities since the mid-1980's, (zhanzhuzheng);¹⁰⁷ and a widespread resort to the sale of the urban hukou, both on black markets by the late 1980's,¹⁰⁸ and, by the early 1990's, openly by the city administrations themselves, in the form of a "blue hukou."¹⁰⁹

This new, blue kind of registration was available in larger cities for up to 10,000 yuan as of early 1993.¹¹⁰ This clearly is a measure that, as its application proliferated, was to milk both the wealthier peasantry and the countryside as well for the benefit of the cities. Its possession offered all the same rights as urbanites enjoy, except for rationed, low-price grain and oil and the right to join the army.

The snobbish xenophobia that characterizes urbanites' attitudes toward the peasantry is illustrated by this: Even advocates of household registration reform were proposing in 1993 that the holder of this new type of registration, beyond disbursing this hefty fee, should yet have to wait a full 10 years before becoming the city's permanent resident, or "citizen," in my terms!¹¹¹ For the most part, though national leaders welcome the peasant workers for their contribution to economic growth and their provision of services for the cities, the official viewpoint up through the mid-1990's has been that additional farmers in search of work should stay away from the municipalities and instead seek their livelihood in the vast countryside--by setting up township enterprises, by creating new small towns, by engaging in more intensive agricultural development, or by performing works of capital construction. For instance, in mid-1994, Qiao Shi, then Chairman of the National People's Congress and a Politburo Standing Committee Member, and generally considered a member of the more liberal camp among the leadership, made just such a recommendation.¹¹²

There has often been in official rhetoric as well a strong focus on dominance over and control of the rural intruders in the cities. Such language springs from a view that unmanaged migrants are a sure recipe for havoc, as in the following quotation of a "senior responsible person from the Ministry of Public Security," who warned ominously,

If we let go completely, i.e., give a green light to the free choice of employment, blind and disorderly flow of population, and free migration within the country, we will see nothing but chaos.¹¹³

As for the managers and bosses who handle the migrants, this comment, casting aside a notion of rights, is illustrative:

Construction team leaders say the work of the laborers in their own team is more bitter than that of peasants, sometimes the living conditions at their worksites are inferior, what they eat is also inferior, but although it's like this, if you pay them and the wages come on time, workers can all tolerate it. Team leaders aren't concerned about the regulations in the [1994] Labor Law, since they think what their own workers are most concerned about is making more money.¹¹⁴

And yet there are signs of something else as time goes on: beginnings of mentions of rights, law, and protection for the migrants. For instance, just to give one example, by the middle of 1995, Beijing City was proclaiming its policies in the form of laws (instead of "regulations," as in the past), pronouncements produced after deliberation by the Standing Committee of the Municipal People's Congress.¹¹⁵

This "Beijing City Regulations on the Management of Transient People Seeking Jobs in Beijing" required employers to secure not just employment permits but also temporary dwelling places for their charges. Perhaps in order to provide greater transparency, it also listed services migrant workers were to perform, protection they should enjoy, the fees they would be expected to pay, and the legal responsibilities to which they would be held accountable in the event of violating regulations.

And at the national level as of the mid-1990's, the deficiencies of the old system, relying on administrative intervention alone to push peasants in and out of cities, began to be tacitly acknowledged. At the end of the 1993, the Ministry of Labor set forth an "Urban-Rural Employment Coordination Plan," which called for the exporting localities consciously to organize their efforts in guiding the rural labor exodus and in composing "legitimate channels" for the movement. It also challenged the importers "to formulate necessary labor market rules and management systems to manage laborers and services" for them.¹¹⁶

The coexistence of these disparate stances toward rural Chinese in the cities is evident in this mid-1995 statement by Ren Jianxin, director of the Central Commission for Comprehensive Management of Public Security, a man who also at that time was serving

as the secretary of the Political and Law Committee of the Central Committee, and as President of China's Supreme People's Court:

More should be done to intensify controls over residence and public order concerning the population who work in places other than their long-term residences. In addition, such work should be linked to government efforts in educating and providing services for these people, which should be included in rules, regulations, or laws that relate to this population.¹¹⁷

Civic and social privileges

As one Chinese critic of the present system writing from overseas characterized it in 1995,

Peasants in the city lack laws to protect and recognize them, so they become second-class citizens or despised people, exploited. The city will not admit that they are legal persons.¹¹⁸

Thus, like illegal foreign workers in Japan, many countryfolk who come to town in China are forced to cobble together a coarse existence among the cracks and crevices of proper, permanent urban life, and even--if they fail to register--on the lam, just by virtue of their presence.

Politically, migrant workers, as residents of the People's Republic, are, like any other workers free to join trade unions, at least insofar as the regulations go. But just as for China's other laborers, trade unions in the P.R.C. have until recently been heavily dominated by party officials and far more responsive to party directives and policies than to the workers themselves. In the case of the migrants, however, despite a national trade union law of 1992 demanding that all firms set up branches of the trade union,¹¹⁹ the factories where they tend to concentrate, the foreign-funded firms, have been notoriously flagrant in not installing unions.¹²⁰

Perhaps in response to this lack of unions--as well as to the unrepresentative nature of the official unions--unauthorized unions, set up outside the party's aegis, had emerged in Guangdong province by early 1994. According to a Hong Kong journal, more than 800 such groupings existed at that time. But defenseless peasant workers feared openly joining them, because of the likelihood of being laid off as a result.¹²¹

True, the most recent version of the PRC Constitution grants the freedoms of speech, the press, assembly, association, procession, and demonstration to all citizens of the country, urban and rural alike, in its Article 35 (the right to strike, present in the prior, 1978 version as Article 45,¹²² having been struck from this latest edition).¹²³ Yet in point of fact, many, if not most attempts at staging processions and demonstrations even by regular workers and proper urban residents--not even to mention the precariously

situated urban “peasants”--do not receive the requisite advance approval from the authorities and, if carried out nonetheless, are therefore decreed illicit.

Thus, a State Council report prepared in early 1994 on demonstrations, strikes, assemblies, and “disturbances” that were held in 1993 uncovered more than 6,300 “illegal” strikes (including go-slow actions), more than 850 illegal parades and demonstrations, over 1,210 illegal assemblies (including both sit-in demonstrations and petitions), over 440 disturbances, and over 210 riots.¹²⁴ Moreover, ever since the shutdown of June 1989 and the demonstrations that preceded it, all efforts at organization outside the party have been declared *ipso facto* illegal.

Given this official posture toward even the mildest forms of assembly and protest by even the permanent residents of cities, it should be obvious that participation in such activities by temporary inhabitants would be all the more prohibited. As for voting (a practice which until the past few years has been without practical content or consequences even for those who have the right to engage in it), just as foreigners (non-citizens) are denied the franchise in Germany and Japan, anyone--even a Chinese national--residing in a Chinese city without official household registration there may not take part in elections.¹²⁵

If we turn to other civic/social rights and prerogatives, such as the right to subsistence, education, dwelling, employment, and medical care, we find that migrants in the cities are officially denied these as well. A document prepared by a researcher from the public security sector in the 1980's notes that “citizens” not in possession of a local hukou are barred from receiving education, gaining [state-provided] employment, health care treatment...[and are] ineligible for state-allocated housing and grain allocation.¹²⁶

Certainly these various deprivations and denials were experienced far more keenly in the pre- and early-reform eras than they were by the late 1980's and thereafter. For by that time, bustling open markets in grain and produce were available to all takers alike and the low-quality rationed grain was rarely the choice of anyone; urban schools began admitting outsiders, if for increasingly steep fees as the size and prestige of the city rose; and peasants in town found shelter in rentals let by permanent residents, in newly-opened guesthouses and hostels, and in the dormitories of the firms that hired them.

Also, a wider and wider non-state labor market opened up as the 1980's progressed, with private entrepreneurs, self-employment, and foreign firms providing opportunities that never before existed in the PRC, even as state-owned firms began employing peasants as temporary labor in far larger numbers and with more regular procedures than had been the case in the past. Private doctors also set up practices, and some of the state firms made medical care--if of a very rudimentary nature--available to their peasant workers.¹²⁷

It must be pointed out, however, that of these five components of basic city living, four (grain, schooling, rentals, and health care) were provided either gratis or at exceedingly low cost to ordinary urbanites in the past, and the fifth of which (employment) was generally guaranteed for them. Even now (late 1996), the situation

for urbanites has not changed substantially, costs having appeared or risen only slightly. But for the peasant outsiders, the first four are obtainable only at relatively substantial cost, and the fifth must be arranged by the migrant him/herself, and is by no means certain.

Thus, as compared to foreigners in Germany and Japan, peasants in Chinese cities have a double disadvantage: Firstly, like all Chinese nationals, they are subject to the authoritarian rules and regimens of the still-party-governed polity; and secondly, they can only acquire at prices much elevated above those available to locals the basic necessities of daily urban living.

Treatment of migrant workers

For simplicity's sake, it is more or less accurate to state that peasant workers in Chinese cities are slotted into the same tier of the labor market as migrant labor anywhere--that "secondary" niche where work is dirty, dangerous, debilitating, and insecure. In many cases, it is also less well paid.¹²⁸

But, for accuracy's sake, there are at least two twists to the story that should be specified. In the first place, migrant labor in state-owned factories in Chinese cities appear to have received fairer treatment, better pay, shorter hours, and more welfare benefits than those in foreign-funded firms. It appears that they work regular eight-hour days, are generally housed in factory dorms (though placed up to 20 to a room, unlike the regular workers, each of whom gets at least a room to her/himself), and are often eligible at a minimum for some basic medical care, sometimes for other benefits as well.¹²⁹

In the foreign firms, often invested at the behest of local governments anxious for the taxes that will accrue to them, state regulations are frequently slighted if not ignored altogether. There have been numerous reports, both in the Chinese and foreign presses in recent years, of the litany of abuses suffered by migrants in these overseas-financed enterprises. These range from 16-hour days to an absence of toilet breaks, kicking, lock-ins, and even to being penned up in a dog cage and being made to stand in the rain for penalties.¹³⁰

The second aberration from the stereotypical secondary sector of the labor market is that it is not uniformly wretched in China. For those with skills, capital, and connections (either to government or party officials--presumably via blood or common place of origin--or to other countrysiders from their native-place who have already established a foothold), it is possible to become a well-to-do private entrepreneur in the retail, service, or garment manufacturing sectors.

In some ways this chance for forming connections that bridge the barrier between local and outsider (possible, of course, because the Chinese migrants are, after all, natives) may actually privilege the Chinese migrant laborer in comparison with his/her fellow marginal in Germany or Japan. For it is not impossible in this way, at least for the fortunate minority, to gain an entree into the world of wealth and privilege.

To summarize, it would appear that Chinese farmers come to town in their own country have been subject to at least as rigorous rules of entry, and have lesser formal civic and social privileges than their counterpart foreign migrant laborers in Germany and Japan. And for the most part, as migrant laborers, they probably fare about the same as foreign migrant workers in Japan, and not as well as those in Germany.

But there are a few exceptions to this dreary picture: The first is that, as native Chinese, at least some do have affiliations with people among the settled urban population. In that case, these few might be better off, at least in their careers, than their otherwise similarly-placed confreres abroad. The second is that, at least as long as the specifically socialist regime held sway in the state-owned factories (before marketization pushed the firms to be ever more profit-conscious), benefits and treatment for outsiders in the better-endowed of these firms were relatively humane. And the third are the inklings of change--the move toward laws and protection (now mainly at the rhetorical level) noted above--on the horizon.

Explaining Differences

Three sets of conditions, or variables, that distinguish the political economies of these three countries, as of the mid-1990's, can each be shown to contribute to an explanation of the differences in the respective migration regimes of the countries. The first of these, broadly, is a set of issues connected with developmental patterns and the associated timing of demand for labor. Second is the place of (regular/native) labor in the political system, a variable that encompasses the pattern of management-labor relations, the type of labor movement and the role(s) of unions, and the extent of labor's influence in national politics.¹³¹ And the third has to do with the geopolitics of location, including the impact on policy lent by the given state's siting, the parties with which it interacts, and relatedly, by the source of its migrants.

Development and timing

An important distinction between Japan and Germany is that, when the massive postwar recovery thrust took off, almost half of the Japanese labor force was yet in the agricultural sector; by 1970, this figure had dropped to just 19 percent. In the single decade between 1960 and 1970, the three major metropolises of Tokyo, Osaka, and Nagoya had raised their combined populations by a total of 10 million.¹³² Germany, on the other hand, which had already begun to empty out its countryside much earlier, saw only about 3.5 million workers abandon the fields for the factories in the two decades between 1950 and 1970.¹³³ This meant that, in addition to Japan's reliance on automation, the pool of ruralites migrating to the towns relieved the country from having to turn to foreigners for several decades.¹³⁴

Germany, by contrast, was compelled to call in outsiders, albeit ethnic German resettlers at first, as early as the 1950's, as noted above. In the case of China, the

stringent hukou policy outlined above, designed explicitly to reserve the cities for workers and their offspring alone, consigned peasants to the land. There their sole function was simply to stay in place, producing the provisions that kept the urbanites going. Thus, it was not until the early 1980's, just before Japan's surge of immigration took off, that Deng Xiaoping's new market reforms ushered in an era of rural movement. As a result, policymakers and their municipally-based publics in both China and Japan are only lately coming to terms with outsiders mixing into their fold.

Another difference in this category of developmentally-governed timing has to do with unemployment figures in the 1980's. As part of the Western Europe recession of the 1980's, unemployment in Germany--which had lingered in the range of two to three percent on average into the 1970's--suddenly shot up to eight to 10 percent in the 1980's.¹³⁵ Indeed, beginning as early as the mid-1970's, following the oil price shock of 1973, high unemployment became the excuse for restricting immigration.¹³⁶

Thus, despite renewed labor shortages in particular sectors--plus a new structural demand for labor, as better-educated native workers spurned menial jobs¹³⁷--the Germany of the '90's began cutting back some of its more generous policies and its more open stance.¹³⁸ But its relatively liberal migration regime was born in the early 1950's, when the economy craved migrant workers, long before these problems came to the fore, and it was by no means fully dismantled with this new thrust.

In Japan, to the contrary, unemployment rates remained around two to three percent into the 1980's.¹³⁹ Accordingly, for a full four decades after the war, as indicated earlier, Japanese themselves filled their industrial system's demand for labor. Then, the mid-1980's saw a virtual economic boom that lasted into the first years of the 1990's, one that cried out for, and coincided with, the initial entry of foreigners there. This sequencing meant that even though the issue of competition in the labor market between outsiders and insiders had not emerged by the mid-1990's, neither did modes of integrating foreigners into this market evolve over what was still at that point a very brief span of time.

In China the pre-reform socialist system's pledge to grant a job to every urban worker held good in the main through the 1980's, in large part because the labor market was kept manageable in size by excluding peasants.¹⁴⁰ Moreover, post-1980 economic liberalization stimulated the growth and legitimated the birth of brand new components of this market, especially marketing and private and foreign business, all of which begged and bidden for hands, both "native" and peasant.

It was only in the years since the late 1980's--first because of a regime-engineered economic recession from 1988 to 1991, and then because of an acceleration of market reforms after 1992--that city laborers actually began losing their positions. This latest bout of economic "reform" especially has led state firms, suddenly forced to be cost- and profit-conscious, to shed their permanent workforces.

So not only did a regime of incorporation for transient labor fail to take root in China in the few short years between 1984 (when peasants first began populating the

cities in sizable numbers) and 1988 (when recession and reform first joined in dispelling labor). Just on the heels of the entry of countryfolk in significant numbers into the urban industrial workforce, urbanites under threat of loss of their jobs began to perceive--rightly or wrongly--a sense of competition with them.

At the same time this encouragement to the incursion of market principles has seen increasing numbers of foreign investors and periurban communities open firms. These are enterprises for the most part drawing on the "secondary labor market"; they are also generally operating outside the regimen of state-decreed benefits and fair treatment for migrant workers.

This may be comparable in effect to the case in Japan, where it is principally the small and medium construction and manufacturing firms, which derive their work from subcontracts with large corporations, that engage foreign labor.¹⁴¹ These smaller firms handle their casual workforces, also in the secondary labor market, according to frameworks totally at odds with the regime of life-tenured, enterprise-trained employees that obtains in the major combines for which Japan is famous. In Germany, on the contrary, though foreign workers may stir antagonistic feelings among resident labor, the outsiders still enter the same factories with native labor, and so are subject to similar rules of treatment.¹⁴²

In sum, then, unlike in Germany, the presence of substantial rural reserves in China and Japan, along with extremely low urban unemployment rates (both of which conditions were regime-manufactured outcomes in the Chinese case) delayed the importing of outside labor for decades, so that issues of competition were kept at bay. Moreover, when migrant labor did appear, it was often shunted into firms that function in a realm set apart from, and so immune from, the comparative beneficence of the mainstream, primary labor market regulatory regime.

The place of labor

Perhaps surprisingly, the place of native labor in the larger political economy has definite implications for the reception accorded migrant labor. The features that have this impact include the pattern of management-labor relations, the type of labor movement and unions present in the country, and the extent of labor's influence in national politics.

As we will see, some of these features are interrelated. The summation of these variables is that, where labor is coordinated at the national level by a powerful federation of unions, and where it is bonded to a political party that is truly a player in national politics, migrant labor stands a better chance of receiving good treatment. A look at these variables in the German, Japanese and Chinese cases will elucidate these relationships.

In Germany, workers lay claim to two distinct channels for the representation of their interests: first is via the works councils at the enterprise level, which are compulsory in private companies where there are at least five workers. These councils,

in which foreign labor is also permitted to participate, deal on an equal basis with management--via the practice of codetermination--on a range of important matters related to their own employment. And secondly, there are the unions, also open to foreigners, where workers can engage in collective bargaining.¹⁴³

On the face of it, these avenues could have--and sometimes have indeed--worked against the interests of migrant workers. Works councils, for instance, have been instrumental in forcing their firms to restrict recruitment from the open labor market as unemployment climbed after the early 1980's.¹⁴⁴ But the presence of this double-stranded influence is indicative of the clout possessed by labor and the respect accorded its views.

It is not just that regular workers are recognized. They have sometimes utilized their clout, paradoxically, for the benefit of the migrants: It was actually unionists who laid the foundation for the institution of migrant workers' rights and benefits in the 1950's and 1960's. Thus, native workers fought migrants' early fights for them, out of fear that the outsiders could potentially organize themselves into a competing, and, presumably less demanding, union of their own.¹⁴⁵ Also, beginning in 1986, the DGB (Federation of German Trade Unions) campaigned--if, so far, fruitlessly--for voting rights for migrants at the local level.¹⁴⁶

Respect for labor is probably enhanced by the concentration of its power in one mammoth federation at the federal level.¹⁴⁷ This manifest strength, combined with the federation's close tie to a political party which is a genuine contender for power (the SPD, the socialist party),¹⁴⁸ have probably together been responsible for the "relative equality in the distribution of power among [the] different actors" as between labor and business.¹⁴⁹

In Japan, labor--labor within the mainstream, large-scale corporations, that is¹⁵⁰--is the beneficiary of the renowned life-time employment system, is treated as valuable "human capital," is trained and educated on the job within the firm,¹⁵¹ and has been protected against the downsizing that might otherwise attend recessions, at least into the mid-1990's.¹⁵² But while incorporated at the level of the plant, drawn into consultations with its own management there, and sheltered and promoted over time within long nourished "internal labor markets," this participation has essentially been one that is based just in the firm.

It is thus workers in the guise of members of enterprise unions--workers limited to the bounds of their own companies--that have had a role in the Japanese industrial relations system. From the late 1940's until at least the late 1980's, when a national-level Japanese Trade Union Confederation (Rengo) was formed,¹⁵³ labor as a whole has been instead decentralized, fragmented, and scattered.¹⁵⁴ Even after the formation of Rengo, one scholar writing in the early 1990's still concluded that,

In short, although labor unions can and do participate in the policy process, their participation still falls short of being formalized in a neocorporatist structure involving the summit organs of functional interests.¹⁵⁵

This is in contrast to the situation in Germany, where workers' power is bolstered by their participation in unions that have been amalgamated for decades for larger political gains in the policy process at the central level.¹⁵⁶

The other significant weakness of Japanese labor is its historical marginalization. This can be traced to the nature of its linkage with the party system. Unlike in Germany, Japanese labor has been split in its allegiance to not one, but two, parties of the left: the Japanese Socialist Party for public-sector labor and, after 1960, the Democratic Socialist Party for the private sector.¹⁵⁷

After a burst of energetic involvement at the core of power just following the war, Socialist Party mismanagement, combined with the U.S. "reverse course," quickly shut off a space for the left at the top all the way until 1994, when the socialist party was arguably no longer leftist at all. Following that early taste of political centrality, the JSP's militancy and DSP's accommodating irrelevance over the years excluded both--along with their charges among labor groups--from the inner circles of power and policy.¹⁵⁸

The disparate stances of the two parties--and of the labor groups attached to them--each of which stances was inimical to the amassing of influence within the political system--only added to the divisiveness inside "the labor movement" (if one can use that label to characterize labor's politics in Japan). This was a fragmentation already lent labor by the enterprise-centeredness of activism.

The upshot of these deficiencies from a political point of view was that, at least until the advent of Rengo, labor was relatively isolated at the top, its interests taken at best as secondary,¹⁵⁹ certainly by no means "equal" as they were in Germany once the postwar era began. When foreign labor finally arrived in Japan in large numbers around 1986, it therefore entered a labor movement very different from the one that greeted the early "guest workers" of West Germany.

For this one was a movement at once too incoherent to accommodate this outside labor; and yet, with the foreigners entering only the subcontracting firms in the secondary labor market, it was also one whose own members were not really threatened. Thus, this movement was without a need to shackle foreign workers within some larger, home-grown union structure--a structure which, in 1986, was not yet even to exist for another three years. As of the mid-1990's, some smaller labor unions put forth the minimal call for legalizing unauthorized foreign workers. But Rengo, the new federation at the top, had so far failed to endorse this request, as of 1994.¹⁶⁰

In the Chinese case, the dominance of the Communist Party (CCP) and its own agenda over both individual laborers at the micro level,¹⁶¹ and over the labor movement as a whole, since its takeover in 1949 meant that there was hardly a question of any

genuine representation of labor's interests, either within the individual firm or via the national-scale All China Federation of Trade Unions. There is, thus, a corporate federation at the top, but it has no independent power of its own.

Granted, this dominance did not always prevent labor from protesting and even striking.¹⁶² But it by and large either kept labor quiescent or else rendered its protests short-lived and generally fruitless--with the exception perhaps of the period of the Cultural Revolution, when upheaval characterized the behavior of every possible social grouping. Certainly party power emasculated any possibility of an interchange between any even marginally autonomous labor or capital interest.¹⁶³

Even in recent years, when urban workers from the state firms have taken to the streets in outrage at their diminishing benefits or over the dismissal of workers, the party's usual response has been either to arrest the perpetrators¹⁶⁴ or else to encourage the firms of the protestors to find private-sectoral jobs for them, rather than in any way reversing its larger policies.

Again, because of the monopoly of power exercised by the CCP, it is so far meaningless to speak of a linkage between labor and one or another other party. Even the efforts of underground labor organizers to mobilize independent unions among the peasant workers not only are devoid of an iota of influence within the present system, but their efforts have only led to arrests of the activists.¹⁶⁵

Bringing these thoughts together, we can conclude the following: Where the power of permanent, resident labor is strong and its place more or less secure, both within the plant and at the apex of the political system, the fate of migrant labor is more promising.

Geopolitical location

One last variable we want to consider is the influence of several facets of a country's geographical location upon its migration regime. Here we are interested in the impact its connections with its immediate neighbors might have on its policies; there may also be a relationship between the regime in place and the source of the migrants reaching its labor markets.

Several scholars have pointed to what they see as the effect of the progressively pervasive culture and conventions surrounding human rights internationally.¹⁶⁶ According to them, the spread of values attached to human rights has begun to render the concept of "citizenship" nearly irrelevant in the granting of rights and privileges. Instead, citizenship is being replaced with a borderless "personhood," whereby entitlements are granted without regard to territory.¹⁶⁷

Notably, however, among our three countries, such a movement appears to have taken root only in Germany. And indeed, it is Germany alone which has become gradually incorporated into the increasingly encompassing liberal, rights-based regime germinating in the European Union. As far back as 1957, in establishing the Union's

predecessor, the European Economic Community, the Treaty of Rome guaranteed the citizens of all the member states the right to work in any EC nation beginning in 1968.

In the early years, since Europe was unifying in other ways, receptivity in West Germany to foreign labor--virtually all of which there was from Europe itself, if not always from EEC countries--was undoubtedly eased.¹⁶⁸ As time went on, a growing harmonization of the judicial systems of the member states emerged, to which Germany, but not China or Japan, falls subject.¹⁶⁹ This entails, among other matters, the laws governing both foreign as well as intra-EU labor.¹⁷⁰

On the other hand, in Japan's case, the migration flows came from South, East, and Southeast Asian countries, and, more recently, China,¹⁷¹ a result in part of the Japanese economy's own internationalization, which involved much interaction of various sorts with its neighboring economies.¹⁷² Not only is there no liberal human rights regime impinging on this interchange; if anything, the societies from which the migrants hail--the Philippines, South Korea, Bangladesh, Pakistan, and Thailand¹⁷³--have certainly all been known to entertain human rights abuses of their own. Thus, neither Japan's location nor the homes of its sojourners exert a beneficial influence on its treatment of migrant workers. To the extent that liberal values are beginning to have an effect, this must be the result of the country's exchanges with places further away.

In China, we are talking not about workers coming from the outside. So we are at present not considering the effect of the value system of some foreign country or grouping on the migration regime that interests us here. Rather, the incoming masses are the peasants from China's own countryside. Since the countryside has been denigrated and its inhabitants downgraded for decades, there is no larger force involved here that could impose any more humane values than those held by China's own urbanized rulers and managers. There is, then, at this stage no legitimating framework coming from the country's immediate surroundings, or from the homelands of its transients, that would counter the dominant paradigm within which most urban politicians are operating.

Insofar as location and the interaction with neighbors, trading partners, and homelands of migrants are concerned, it would appear from these examples that countries such as Germany, situated in and involved with Western European liberal and largely law-abiding regimes (and with the EU itself) are the ones most susceptible to the power of the international human rights regime that is pervasive on that continent.

Conclusion

In this paper we have explored the similarities and differences in the migratory regimes of three states, each of which adopts a posture toward outsiders--who are at the same time enthusiastically attracted as low-paid, low-skill workers--which is highly exclusionary and xenophobic. We have found disparities among these countries in three

categories: in the timing of their absorption of migrant laborers, and its connection with the health of the economy (because of the negative impact high rates of native unemployment have upon receptivity toward migrant workers); in the role played by resident labor in the larger political arena; and in their geopolitical situations.

We went on to point to ways in which these dissimilarities might be linked to differential outcomes in migration regimes. This analysis permits us to suggest the following relationships: given relatively healthy economic conditions, the longer a society has had to cope with outsiders, the more likely it is that it will come to assimilate them¹⁷⁴; the stronger, better organized, and more involved in governmental policymaking domestic labor, the more prone it will be to assist outsiders to gain a foothold, and the more capable of doing so; and the more entwined in exchanges with other liberal regimes, the more legalistic and rights-conscious states will become, with beneficial consequences for sojourners as well as for other minorities.

These conclusions, if correct, imply the following: first, over time, the Chinese floating population should be treated more benignly than it has been heretofore; there are already signs that this is underway. Secondly, if, probably under a new, post-Deng regime, the regular, permanent workforce gains new rights (and there was already in 1994 promulgated a Labor Law with many promises, though few yet realized in its first several years on the books),¹⁷⁵ this will have positive side-effects for the migrants as well. And third, the more that Western, law-based states engage China in their economic activities, the more the people of China, including the peasants in the cities, are likely to gain good treatment.

Endnotes

¹The first State Council directive liberalizing peasants' right to be in towns came in October 1984. See "State Council Notification on the Question of Peasants Entering Towns and Settling," published in Zhonghua renmin gongheguo Guowuyuan gongbao [State Council Bulletin], No. 26 (447) (November 10, 1984), 919-920. It was aimed at those who could raise their own funds, supply their own grain, and find a place of abode in the market towns. It was also narrowly targeted at those who had the ability to run a business or who had served in rural enterprises.

²"Collectively"-owned factories were originally formed in the mid-1950's socialist transformation campaign through the merger of several private factories but were not, technically speaking, brought under state ownership. Frequently they remained under the jurisdiction of urban neighborhoods. In fact, however, as time went on particularly the larger ones were governed and managed much in the manner of state-owned firms. For more information on this topic, see Andrew G. Walder,

Communist Neo-Traditionalism: Work and Authority in Chinese Industry (Berkeley: University of California Press, 1986).

³See Walder, *op. cit.*, 40-3, 56-68.

⁴Failure to register has many causes. In some cases the public security are lax; in others they refuse to sell the certificate, preferring to extort fees for peasants' nonpossession of the registration card to collecting the lower fee for the registration itself. There are also many peasants who lack the fixed address or job in the city requisite to registering.

⁵But the problems are especially severe in the foreign-funded firms. On this, see my "The Chinese Work Unit and Transient Labor in the Transition from Socialism," Modern China 21, 2 (1995): 155-83.

⁶On these, see James F. Hollifield, Immigrants, Markets, and States: The Political Economy of Postwar Europe (Cambridge: Harvard University Press, 1992), 3; Rogers Brubaker, Citizenship and Nationhood in France and Germany (Cambridge: Harvard University Press, 1992), 21; and Haruo Shimada, Japan's "Guest Workers": Issues and Public Policies [trans. Roger Northridge] (Tokyo: University of Tokyo Press, 1994), 40, 48.

⁷In fact, Chinese "nationality" is defined quite liberally. See Legislative Affairs Commission of the Standing Committee of National People's Congress of the People's Republic of China, Laws of the People's Republic of China, Volume 3 (Beijing: Science Press, 1990), 182-83. But that is not relevant to the discussion here.

⁸This is the theme in her book, Emily Honig, Creating Chinese Ethnicity: Subei People in Shanghai, 1850-1980 (New Haven: Yale University Press, 1992).

⁹Brubaker, *op. cit.*, 51 uses the term "ethnocultural understanding of nation-state membership," to describe the restrictiveness and the rootedness in descent of German policy on citizenship. In *ibid.*, 123, he states that, "An ethnonational self-understanding is one in which the nation is understood as an ethnic or ethnocultural community independent of the institutional and territorial frame of the state."

¹⁰In Germany, only "ethnic Germans," those whose German parents or grandparents lived in the German Reich on December 31, 1937, can immediately become

German citizens upon entering the country for residence. This is in Philip L. Martin, "Germany: Reluctant Land of Immigration," in Wayne A. Cornelius, Philip L. Martin, & James F. Hollifield, Controlling Immigration: A Global Perspective (Stanford: Stanford University Press, 1994), 216; and Brubaker, op. cit., 82-84 and 176, on Germany. In Japan, under the nationality law in effect up to 1985, Japanese nationality was handed down only through one's paternal lineage. But in that year, the government amended the law to permit nationality to be passed down through either parent. This is in Cornelius, op. cit., 396.

¹¹This is in contradistinction to ius soli, or soil, meaning birth within the national territory. See Hollifield, op. cit., 16; Brubaker, op. cit., 32; and Yasemin Nuhoglu Soysal, Limits of Citizenship: Migrants and Postnational Membership in Europe (Chicago: University of Chicago Press, 1994), 25-6. According to Brubaker, op. cit., 122-23, "ius soli defines the citizenry as a territorial community; ius sanguinis as a community of descent."

¹²Sulamith Heins Potter and Jack M. Potter, China's Peasants: The Anthropology of a Revolution (Cambridge: Cambridge University Press, 1990), 296.

¹³Brubaker, op. cit., 34, 81; and Martin, op. cit., 196. Soyal, op. cit., 25 shows that the rate of naturalization in Germany was just six percent of total foreigners in the country, almost half the rate even in Switzerland, another ius sanguinis state.

¹⁴Brubaker, op. cit., 176; on this same point, see also Hollifield, op. cit., 173.

¹⁵Ursula Mehrlander, "Federal Republic of Germany: Sociological Aspects of Migration Policy," in Daniel Kubat, ed., The Politics of Migration Policies: Settlement and Integration--The First World into the 1990s (New York: Center for Migration Studies, 1993), 196.

¹⁶Saskia Sassen, The Global City: New York, London, Tokyo (Princeton: Princeton University Press, 1991), 33; Chalmers Johnson, "Studies of Japanese Political Economy: A Crisis in Theory," in Japanese Studies in the United States, Part I: History and Present Condition. Japanese Studies Series XVII. (New York: The Japan Foundation, 1988), 109.

¹⁷Shimada, op. cit., 47.

¹⁸Wayne A. Cornelius, "Japan: The Illusion of Immigration Control," in Cornelius, Martin, & Hollifield, op. cit., 396.

¹⁹Ibid., 385.

²⁰William T. Rowe, Hankow: Conflict and Community in a Chinese City 1796-1895 (Stanford: Stanford University Press, 1989), 231.

²¹Comment of a Chinese friend, June 1992.

²²Zhang Youren, "Respecting 'Outsiders' Should Become Social Public Morality," Shehui [Society] (hereafter SH), 6 (1987), 25.

²³Wang Jianmin and Hu Qi, "Pay Attention to Policy Research on Adjusting the Structure of the Outsider Floating Population," Zhongguo renkou kexue [Chinese population science] (hereafter ZRK), 6 (1988), 72.

²⁴Ge Xiangxian and Qu Weiyong, Zhongguo Mingongchao: "Mangliu" Zhenxianglu [China's Tide of Labor: A Record of the True Facts about the "Blind Floaters"] (Beijing: Chinese International Broadcasting Publishing Co., 1990), 34.

²⁵South China Morning Post, (hereafter SCMP) (Hong Kong), October 9, 1991, 10, reprinted in U.S. Foreign Broadcast Service, China Daily Report (hereafter FBIS), October 10, 1991, 22.

²⁶Wayne A. Cornelius, Philip L. Martin, and James F. Hollifield, "Introduction: The Ambivalent Quest for Immigration Control," in Cornelius, Martin, & Hollifield, op. cit., 18. See also Martin, op. cit., 198; Hollifield, op. cit., 50, 58; and Ruth Mandel, "Ethnicity and Identity among Migrant Guestworkers in West Berlin," in Nancie L. Gonzalez and Carolyn S. McCommon, Conflict, Migration, and the Expression of Ethnicity (Boulder: Westview Press, 1989), 61.

²⁷Ge and Qu, op. cit., 175.

²⁸Cornelius, op. cit., 378.

²⁹Ibid., 394.

³⁰Gary Silverman, "Vital and Vulnerable," Far Eastern Economic Review (hereafter FEER), May 23, 1996, 60-61.

³¹One example of many is in Xinhua, September 19, 1996, translated in Summary of World Broadcasts, FE/2725 S2/2, 24 September 1996.

³²Brubaker, op. cit., 174.

³³Zig Layton-Henry, "The Challenge of Political Rights," in Zig Layton-Henry, ed., The Political Rights of Migrant Workers in Western Europe (London: SAGE Publications, 1990), 7-8.

³⁴Brubaker, op. cit., 52, 70-71.

³⁵See ibid., 53, 64, 136.

³⁶Brubaker, op. cit., 77; Soysal, op. cit., 26. Yet, whether mistakenly or not, Martin, op. cit., 196 claims that 15 years are required.

³⁷Gerard de Rham, "Naturalisation: The Politics of Citizenship Acquisition," in Layton-Henry, op. cit., 162-63; and Martin, op. cit., 209-10.

³⁸Martin, op. cit., 198-98, 202; Brubaker, op. cit., 75, 172; and Catherine Wihtol de Wenden, "The Absence of Rights: the Position of Illegal Immigrants," in Layton-Henry, op. cit., 31.

³⁹Hollifield, op. cit., 82.

⁴⁰Brubaker, op. cit., 76.

⁴¹Brubaker, op. cit., 78; Soysal, op. cit., 26; and Cornelius, Martin, & Hollifield, op. cit., 18.

⁴²Martin, op. cit., 194, 218-20.

⁴³Ibid., 72; Martin, op. cit., 189.

⁴⁴Martin, op. cit., 202, 190.

⁴⁵After Germany unified in 1990, the migration regime of West Germany became the common regime of the whole of Germany.

⁴⁶See Tomas Hammar, “The Civil Rights of Aliens,” in Layton-Henry, op. cit., 83; and Soysal, op. cit., 129. Hammar, op. cit., 79 notes that the right to assemble and demonstrate was granted foreigners in 1953, in 1964 they could form their own associations, and in 1967 join political parties--but could still not create any of their own.

⁴⁷New York Times, May 15, 1996 and December 14, 1995, A6.

⁴⁸Soysal, op. cit., 122, 130.

⁴⁹Hammar, op. cit., 84-85.

⁵⁰Uwe Andersen, “Consultative Institutions for Migrant Workers,” in Layton-Henry, op. cit., 116-17.

⁵¹Hammar, op. cit., 90.

⁵²Soysal, op. cit., 128-29; Layton-Henry, op. cit., 24.

⁵³Soysal, op. cit., 124.

⁵⁴Ibid., 166, 88; 107-08.

⁵⁵Jan Vranken, “Industrial Rights,” in Layton-Henry, op. cit., 57; Hollifield, op. cit., 205.

⁵⁶Vranken, op. cit., 57.

⁵⁷Ibid., 61; and Hollifield, op. cit., 205.

⁵⁸Hollifield, op. cit., 208.

⁵⁹Martin, op. cit., 190.

⁶⁰Cornelius, Martin, & Hollifield, op. cit., 26-27.

⁶¹Susumu Watanabe, “The Lewisian Turning Point and International Migration: The Case of Japan,” Asian and Pacific Migration Journal 3, 1 (1994), 134-35; Sassen, op. cit., 300; and Matsatoshi Muto, “Japan: The Issue of Migrant Workers,” in Kubat, op. cit., 348.

⁶²Cornelius, op. cit., 375.

⁶³Sassen, op. cit., 308; Watanabe, op. cit., 135; and Kiriro Morita and Saskia Sassen, "The New Illegal Immigration in Japan, 1980-1992," International Migration Review 28, 1 (1994), 154. Shimada, op. cit., states that in 1990, there were only 80,000 foreigners officially employed, less than one-third the number estimated to be there illegally.

⁶⁴Ibid., 377-78; Muto, op. cit., 348.

⁶⁵Cornelius, op. cit., 382.

⁶⁶Morita and Sassen, op. cit., 160-61; Shimada, op. cit., 164; and Cornelius, op. cit., 390-400.

⁶⁷Sassen, op. cit., 309; Cornelius, op. cit., 387.

⁶⁸Shimada, op. cit., 161.

⁶⁹Ibid., 162.

⁷⁰Ibid., 167-8.

⁷¹Morita and Sassen, op. cit., 162; Muto, op. cit., 348; and Shimada, op. cit., 40, 42, 48.

⁷²Sassen, op. cit., 311-12.

⁷³Andrew Gordon, "Conditions for the Disappearance of the Japanese Working-Class Movement," in Elizabeth J. Perry, Putting Class in its Place: Worker Identities in East Asia (Berkeley: Institute of East Asian Studies, Center for Chinese Studies, University of California, Berkeley, 1996), 36.

⁷⁴Cornelius, op. cit., 399; Morita and Sassen, op. cit., 161.

⁷⁵Shimada, op. cit., 73-7.

⁷⁶Ibid., 158-59.

⁷⁷Ibid., 164.

⁷⁸Ibid., 165.

⁷⁹Ibid., 168-69.

⁸⁰Cornelius, *op. cit.*, 406.

⁸¹James Lee, "Migration and Expansion in Chinese History," in William H. McNeill and Ruth S. Adams, Human Migration: Patterns and Policies (Bloomington: Indiana University Press, 1978), 20-47; F. W. Mote, "The Transformation of Nanking, 1350-1400," in G. William Skinner, The City in Late Imperial China (Stanford: Stanford University Press, 1977), 101-153; and Gilbert Rozman, Urban Networks in Ch'ing China and Tokugawa Japan (Princeton: Princeton University Press, 1973).

⁸²Kirkby, *op. cit.*, 34.

⁸³Marx held out the elimination of the distinction between city and countryside as one of the chief goals of the future communist society. See Maurice Meisner, "Utopian Socialist Themes in Maoism: The Relationship Between Town and Countryside," in Maurice Meisner, Marxism, Maoism and Utopianism: Eight Essays (Madison: University of Wisconsin Press), 33-34; and "Manifesto of the Communist Party," in Lewis S. Feuer, ed., Basic Writings on Politics and Philosophy: Karl Marx and Friedrich Engels (Garden City, NY: Anchor Books, 1959), 28.

⁸⁴Mote, *op. cit.*

⁸⁵On this concept, see Fredrik Barth, "Introduction," in Barth, Fredrik, ed., Ethnic Groups and Boundaries: The Social Origin of Cultural Difference (London: George Allen & Unwin, 1969), 9-38; Mandel, *op. cit.*, 71-2; and Honig, *op. cit.*, 9, 36. In *ibid.*, 9, drawing on Mandel, Honig notes that the setting of these boundaries among groups, "the defining of social categories...could...be extrinsically determined [as opposed to self-selected] for purposes of subordination and domination."

⁸⁶According to Tiejun Cheng and Mark Selden, "The Origins and Social Consequences of China's Hukou system," The China Quarterly (hereafter CQ) 139 (1994), 644-68, by 1956, the hukou system, in combination with the compulsory sale of grain to the state, grain rationing for urbanites, and the restriction of peasants into the cities, had "produced a deep division between urban and rural areas."

⁸⁷Both Deborah Davis (in "Urban Job Mobility," in Deborah Davis and Ezra F. Vogel, eds., Chinese Society on the Eve of Tiananmen: The Impact of Reform, (Cambridge, MA: The Council on East Asian Studies/Harvard University, 1990), 101) and R. J. R. Kirkby, in Urbanisation in China: Town and Country in a Developing

Economy, 1949-2000 A.D. (London: Croom Helm, 1985), 27) use the concept of “labor reserve” to refer to the use of peasants as temporary workers in state factories.

⁸⁸For a discussion of the use of international migrants for this purpose, see Hollifield, op. cit., 75-76, 215-16.

⁸⁹For instance, Zhang Qingwu, “A Sketch of Our National Migration Policy,” ZRK, 2 (1988), 36; Chaoze Cheng, “Internal Migration in Mainland China: The Impact of Government Policies,” Issues & Studies (hereafter I & S) (Taipei) 27, 8 (1991), 56; and Kirkby, op. cit., 14-21 and 154. The most thorough presentation of this argument is in Kam Wing Chan, Cities with Invisible Walls: Reinterpreting Urbanization in Post-1949 China (Hong Kong: Oxford University Press), 1994.

⁹⁰Perhaps this helps to explain China’s extraordinary success in controlling rural-to-urban migration, by international standards. A number of sources highlight this distinctiveness. See Dwight Perkins, “The Influence of Economic Reforms on China’s Urbanization,” in R. Yin-wang Kwok, William L. Parish, and Anthony Gar-on Yeh with Xu Xueqiang, eds., Chinese Urban Reform: What Model Now? (Armonk, N.Y.: M.E. Sharpe, 1990), 87. For comparison on other places’ lack of success, see Kingsley Davis, “The Urbanization of the Human Population,” in Gerald Breese, ed., The City in Newly Developing Countries: Readings on Urbanism and Urbanization (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1969), 18; Harley L. Browning, “Migrant Selectivity and the Growth of Large Cities in Developing Societies,” in National Academy of Sciences, Rapid Population Growth: Consequences and Policy Implications (Baltimore: Johns Hopkins Press, 1971), 311.

⁹¹Desires to leave the countryside varied in their causes over the years, beginning with landlords’ wishes to escape the horrors of the land reform in the early 1950’s (see Lynn T. White, III, Policies of Chaos (Princeton: Princeton University Press, 1989), 90 and idem., Careers in Shanghai (Berkeley: University of California Press, 1978), 150); to the yearnings of peasants, whose chances for earning income in the rural marketplace dried up with closing off of markets and travel routes after about 1954 (Edward Friedman, Paul G. Pickowicz, and Mark Selden, Chinese Village, Socialist State (New Haven: Yale University Press, 1991), 202); to rich peasants’ flight from the terror and upheavals of the collectivization drive of the mid-1950’s (John Philip Emerson, “Employment in Mainland China: Problems and Prospects,” in Joint Economic Committee, An Economic Profile of Mainland China. Volume 2 Washington, D.C.: Government Printing Office, 1967, 420); to a hope to be free of the famine of the Great Leap Forward that affected all groups (Judith Banister, China’s Changing Population (Stanford: Stanford University Press, 1987), 331); to generalized poverty and depressed living standards as compared with the cities in the 1960’s that again touched

many (John Philip Emerson, "Urban School-Leavers and Unemployment in China," CQ, 93 (1983), 7-8).

⁹²Kirkby stresses the importance of the stability and managability of the cities, as on op. cit., 17, 21, and 32. Potter and Potter, op. cit., 302, call attention to the importance of avoiding the unrest that could have occurred had urban unemployment swelled with the addition of too many migrants and not enough jobs. Cheng and Selden, op. cit., see the issue in terms of the new state having taken on a "responsibility" that had never been shouldered by any previous Chinese state of providing jobs, subsidized housing, and low-price food for all those living in cities.

⁹³Zhang Qingwu, "A Sketch," 37, maintains that population controls on urban residence were necessary because "we have to feed the urban population." Thus, "city growth should depend on the production of grain." Andrew G. Walder, "The Remaking of the Chinese Working Class, 1949-1981," Modern China, 10, 1 (1984), 28, and Potter and Potter, op. cit., 467 both explain the inability of the urban economy, as early as the 1950's, to employ on a formal, permanent basis, all of those who potentially would have wished to enter the urban labor force. See also Cheng, op. cit., 56.

⁹⁴An indication of this is the statement that, "Controls over urban mechanical growth [referring to immigration] are lax when economic development speed is fast and large amounts of rural and town population come in; when the economy is tense, controls on urban growth get tight." This is from "Huji yanjiu" ketizu ["Household registration research" task force], "The Present Household Registration Management System and Economic System Reform," Shanghai shehui kexueyuan xueshu jikan [Shanghai Social Science Academy Academic Quarterly] (hereafter HYK), 3 (1989), 86. See also Ding Shuimu, "A View of Our Present Household Registration Management System," SH, 1 (1987), 18: "When the economy develops fast, the spontaneous flow of population is consistent with the needs of construction."

⁹⁵China has had five constitutions since the present regime was created in 1949: the Common Program of 1949, and the constitutions of 1954, 1975, 1978, and 1982.

⁹⁶Ding Shuimu, "The Present Household Registration System and the Direction of its Reform," Shehuixue yanjiu [Sociological research] (hereafter SHXYJ) (Beijing) 6 (1992), 103.

⁹⁷Potter and Potter, op. cit., 297.

⁹⁸This is the "Directive on Establishing a System for Registration of Permanent Households," published in Guowuyuan fazhiju, Zhonghua renmin gongheguo fagui

huibian bianji weiyuanhui, bian [State Council Legal System Bureau, Editorial Committee of the Compendium of Legal Documents of the People's Republic of China, eds.], Zhongguo renmin gongheguo fagui huibian [Compendium of Legal Documents of the People's Republic of China] (hereafter, Compendium), vol. 1 (Beijing: Falu chubanshe, 1956), 197-200, and translated in Zhang Qingwu, "Basic Facts on the Household Registration System," Chinese Economic Studies 22, 1 (1988), 103-06.

⁹⁹This regulation, "Regulations on Household Registration in the People's Republic of China," is published in Compendium, vol. 7 (Beijing: Falu chubanshe, 1958), 204-216, and translated in Zhang, "Basic Facts," 87-92. Michael R. Dutton, Policing and Punishment in China: From Patriarchy to 'The People' (NY: Cambridge University Press, 1992) traces the history of the household register in China on 38-67. He takes special note, on 62, of the Northern Song dynasty reform which for the first time used the old controlling and policing baojia system for registering households, and, on 67, of the Ming-Qing turn to employing it for localized welfare purposes. But the contemporary regime's use of registration to fashion status groups was a novelty in Chinese history.

¹⁰⁰Zhang, "Basic Facts," 74 presents this rationale; See also ibid., 24, 30, and HYK, 83-84.

¹⁰¹HYK, op. cit., 85; Gong Xikui, "A Perspective on China's Present Household Register System," Shehui Kexue [Social Science], 2 (1989): 34.

¹⁰²As of the late 1980's, reportedly as many as 44 percent of those floating in Shanghai had not registered, and up to 70 percent of the laboring migrants in Guangzhou were in that category, according to Beijing City People's Government Research Office, Social Section, "A Comprehensive Report on the Question of the Floating Population in Eight Big Cities," SHXYJ 3 (1991), 21.

¹⁰³Zhang, "Basic Facts," 89, 90.

¹⁰⁴On Western Europe, specifically, France, Britain, and Germany, see Stephen Castles and Godula Kosack, Immigrant Workers and Class Structure in Western Europe (New York: Oxford University Press, 1985) 2nd ed., 100. As in China, the residence permits are issued by the police and the labor permits by the labor market authorities.

¹⁰⁵Robert J. Saiget, "Beijing Exiles Floating Population," *Kyodo*, March 25, 1995, in FBIS, March 27, 1995, 33.

¹⁰⁶For an announcement of reform that has not to date (October 1995) borne fruit, see FBIS, January 31, 1994, 41, from *Xinhua* of the same date, "Ministries to Reform the System of Household Registration."

¹⁰⁷See Dutton, op. cit., 336. The regulations for Jiangsu province are typical. See Xinhua ribao [New China Daily], March 5, 1994, 5, translated in FBIS, April 11, 1994, 60-63.

¹⁰⁸Anthony Kuhn and Lincoln Kaye, "Bursting at the Seams," FEER, March 10, 1994, 27-8. Journal articles from the late 1980's speak of both black market and official prices with the amounts varying with the prestige of the city. See, for instance, HYK, 85; and Ding Shuimu, "A Preliminary View of the Present Household Registration Management System," SH 1 (1987), 19. As the Peasant Daily noted in mid-1989, "People go on a 'black road' to get an urban hukou; those with power use power, those with money buy it; those with neither write, [and] run back and forth." See Nongmin ribao [Peasant Daily], May 11, 1989. Thanks to Thomas Bernstein for supplying this reference.

¹⁰⁹For instance, Cao Jingchun, "Some Deliberations on Household Registration as Temporary Residence Permit," Renkou yu jingji [Population and economy] 5 (1993): 38-42. According to Cao, op. cit., 38, blue-stamp hukous appeared only in 1991. See also Ma Chenguang, "Cities Set Looser Rules on Residency," FBIS, March 4, 1994, 22, from China Daily (hereafter, CD) of the same date, 3.

¹¹⁰Cao, op. cit., 38.

¹¹¹Qin Qihong, "Reform the Present Household Registration System to Fit the Needs of the Market Economy," Jingji gaige [Economic reform] (Xi'an) 5 (1993), 46.

¹¹²FBIS, May 20, 1994, 32, from *Xinhua*, May 19, 1994.

¹¹³FBIS, January 19, 1995, 27, from Fazhi ribao, [Legal Daily], December 5, 1994, 3.

¹¹⁴Yuan Yue et al., Luoren--Beijing liumin di zuzhijia zhuangkuang yanjiu baogao [The exposed--a research report on the condition of the organization of migrants in Beijing] (Beijing: Beijing Horizon Market Research and Analysis Company, 1995), 35.

¹¹⁵FBIS, April 19, 1995, 15, from Xinhua, April 19, 1995.

¹¹⁶FBIS, April 12, 1994, 58, from Ban Yue Tan [Bimonthly chats], February 25, 1994, 9-11.

¹¹⁷FBIS, June 8, 1995, 17, from Xinhua, June 7, 1995.

¹¹⁸Liang Qiushi, "The Floating Population on the Chinese Mainland and the Means of Solving it," Minzhu Zhongguo [Democratic China], 25 (1995), 41.

¹¹⁹Mentioned in Xinhua September 12, 1994, and translated in FBIS, September 12, 1994, 51.

¹²⁰As of the end of June 1994, only one third of the 52,000-plus foreign firms in the country had established trade unions. This is in CD, October 27, 1994, 3, reprinted in FBIS, October 28, 1994, 31.

¹²¹Reported in Tangtai [Contemporary Times] (Hong Kong), 36 (March 15, 1994), 38-9, translated in FBIS, April 5, 1994, 43-44.

¹²²Published in Beijing Review (hereafter, BR), March 17, 1978, 13.

¹²³Published in BR, December 27, 1982, 16.

¹²⁴Zheng Ming [Contend] No. 198 (1994), 21, translated in FBIS, March 31, 1994, 28-9.

¹²⁵Zhang Qingwu, "Basic Facts," 8.

¹²⁶Ibid.

¹²⁷Much of this material is already described in earlier papers of mine. For instance, see my "The Floating Population in the Cities: Chances for Assimilation?" in

Deborah Davis, et al., ed., Urban Spaces in Contemporary China (New York: Cambridge University Press, 1995), 113-39; “The Chinese Work Unit” (cited above); and “China’s Urban Transients in the Transition from Socialism and the Collapse of the Communist ‘Urban Public Goods Regime’,” Comparative Politics 27, 2 (1995): 127-46.

¹²⁸The classic reference on this stratum of work and worker is Michael J. Piore, Birds of Passage: Migrant Labor and Industrial Societies (Cambridge: Cambridge University Press, 1979).

¹²⁹See my “The Chinese Work Unit” on this point.

¹³⁰For detailed accounts and figures, see Liu Jinghui and Zeng Mingzi, “Rights, Interests, and Dignity Brook No Infringement--Worries About Protection in Foreign-Invested Enterprises (Part 1),” Liaowang [Outlook] (Beijing) 5 (January 31, 1994), 26-29, translated in FBIS, March 3, 1994, 32-36; and Part 2, Liaowang, February 7, 1994, 15-17, translated in FBIS, March 3, 1994, 37-41.

¹³¹Patrick R. Ireland, The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland (Cambridge, MA: Harvard University Press, 1994), 6 and throughout makes this point.

¹³²Sassen, op. cit., 308.

¹³³Jost Halfmann, “Social Change and Political Mobilization in West Germany,” in Peter J. Katzenstein, ed., Industry and Politics in West Germany: Toward the Third Republic (Ithaca: Cornell University Press, 1989), 55.

¹³⁴Muto, op. cit., 350.

¹³⁵Peter J. Katzenstein, “Stability and Change in the Emerging Third Republic,” in Katzenstein, op. cit., 308.

¹³⁶Brubaker, op. cit., 176.

¹³⁷Hollifield, op. cit., 113.

¹³⁸Katzenstein, op. cit., 309.

¹³⁹Watanabe, op. cit., 122; Ronald Dore, Flexible Rigidities: Industrial Policy and Structural Adjustment in the Japanese Economy 1970-80 (Stanford: Stanford University Press, 1986), 87.

¹⁴⁰There are exceptions to this: a limited number of peasants were recruited into the cities in the early 1960's and also in the early 1970's. But this was always carefully controlled, and was arranged by contracts between urban firms and rural collectives; individual migration was strictly forbidden.

¹⁴¹Sassen, op. cit., 315; Morita and Sassen, op. cit., 157.

¹⁴²Katzenstein, op. cit., 350-51 implies that the less well educated and unskilled native workers are vying for the same jobs taken by foreigners, even as another segment of German labor is fitted into new high-skill, high-tech jobs since the 1980's.

¹⁴³Peter J. Katzenstein, "Industry in a Changing West Germany," in Katzenstein, op. cit., 11, and Vranken, op. cit., 68.

¹⁴⁴Katzenstein, "Stability and Change," 351.

¹⁴⁵Hammar, op. cit., 88; Vranken, op. cit., 57-8.

¹⁴⁶Jan Rath, "Voting Rights," in Layton-Henry, op. cit., 133.

¹⁴⁷Katzenstein, "Industry," 11.

¹⁴⁸Vranken, op. cit., 51-2.

¹⁴⁹Katzenstein, "Stability and Change," 348.

¹⁵⁰Yamanaka, op. cit., 413.

¹⁵¹This is in contrast to the more nationally-based system of vocational training that obtains in Germany. On this, see Katzenstein, "Industry," 12.

¹⁵²Johnson, op. cit., 96, 100, 110; Dore, op. cit. is a study of how this has been accomplished in the 1970's and early 1980's.

¹⁵³Yutaka Tsujinaka, in "Rengo and its Osmotic Networks," in Gary Allinson and Yasunori Sone, eds., Political Dynamics in Contemporary Japan (Ithaca: Cornell University Press, 1993), 211 argues that Rengo, the new, national-level Trade Union Confederation, is now joining the establishment. Lonny E. Carlile, "Party Politics and

the Japanese Labor Movement: Rengo's 'New Political Force'," Asian Survey, 34, 7 (1994), 617-19 also views Rengo as a promising new political force. But the formation of Rengo in 1989--not to mention its active politicizing beginning around 1993--was soon eclipsed by the evisceration and, indeed, the effectual extinction of, the socialist party in 1994.

¹⁵⁴Carlile, op. cit., 620; Ikuo Kume, "A Tale of Twin Industries: Labor Accommodation in the Private Sector," in Allinson and Sone, op. cit., 166.

¹⁵⁵Mike Mochizuki, "Public Sector Labor and the Privatization Challenge: the Railway and the Telecommunications Unions," in Allinson and Sone, op. cit., 196.

¹⁵⁶See Katzenstein, "Stability and Change," 348; Dore, op. cit., 88, 105, 123; Eisuke Sakakibara, Beyond Capitalism: The Japanese Model of Market Economics (Lanham: University Press of America, 1993), 16, 19; and Carlile, op. cit., 610, 619.

¹⁵⁷Carlile, op. cit., 609, 611.

¹⁵⁸Gary Allinson and Yasunori Sone, "Negotiating Labor's Role," in Allinson and Sone, op. cit., 156, 157; Carlile, op. cit., 607.

¹⁵⁹Carlile, op. cit., 620; Tsujinaka, op. cit., 211.

¹⁶⁰Cornelius, op. cit., 394.

¹⁶¹On the modes of domination exercised by the party within the individual firm, see Walder, op. cit.

¹⁶²One particularly remarkable, but still ultimately ineffectual, strike wave, see Elizabeth J. Perry, "Shanghai's Strike Wave of 1957," CQ 137 (1994): 1-27.

¹⁶³For a discussion of the incorporation and cooptation of business into the Party, see my "Urban Entrepreneurs and the State: the Merger of State and Society," in Arthur Rosenbaum, ed., State and Society in China: The Consequences of Reform (Boulder: Westview Press, 1992): 121-141.

¹⁶⁴On crackdowns, see FBIS, March 15, 1994, 43, from SCMP, March 13, 1994, 8-12.

¹⁶⁵FBIS, May 17, 1994, 19, from SCMP, May 17, 1994, 1, 8; and FBIS, May 24, 1994, 52-3, from Eastern Express (Hong Kong), May 23, 1994.

¹⁶⁶Two of the most prominent of these are Soysal, op. cit. and Hollifield, op. cit. Cornelius, Martin, & Hollifield, op. cit. also refer to this literature.

¹⁶⁷See, for instance, Soysal, op. cit., 3.

¹⁶⁸Martin, op. cit., 199.

¹⁶⁹Miriam Feldman, "New Citizenship Strategies in Postwar Europe: Nationalist and Post-National." Paper prepared for presentation at the American Political Science Association Meeting, September 2-5, 1993, Washington, D.C., 3-5.

¹⁷⁰Interview, Alec Stone, Irvine, February 15, 1996.

¹⁷¹According to Jonathan Friedland, "Immigration: Traffic Problem," FEER, August 4, 1994, 20, around 36,300 Chinese nationals were then living illegally in Japan, brought in by the yakusa in collaboration with organized criminal syndicates in Taiwan, Hong Kong, and China.

¹⁷²Sassen, op. cit., 32-33.

¹⁷³Morita and Sassen, op. cit., 151.

¹⁷⁴This finding is consistent with a conclusion drawn by a study of American public opinion toward immigration in the twentieth century. That study, published as Rita J. Simon and Susan H. Alexander, The Ambivalent Welcome: Print Media, Public Opinion and Immigration (Westport, CT: Praeger, 1993), states on p. 46 that, "The responses show that immigrant groups who have been in the United States longer tend to receive more positive evaluations than do recent immigrant communities..."

¹⁷⁵This law was adopted on July 5, 1994, at the 8th Session of the Standing Committee of the 8th National People's Congress. The law was translated in FBIS, July 19, 1994.

