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**HELPING THE CCP TO FIND ITS OWN  
WAY TOWARD MODERNITY: THE  
CASE OF NGOs PROVIDING SUPPORT  
TO MIGRANT WORKERS IN CHINA**

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**Grupo de Investigación Inter Asia**

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# **Helping the CCP to Find its Own Way Toward Modernity: The Case of NGOs Providing Support to Migrant Workers in China.**

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## **Resumen**

Este artículo aborda la sociedad civil china a través del estudio de las organizaciones de apoyo a los trabajadores migrantes. En primer lugar, se analiza cómo las ONG tratan de superar un marco legal muy restrictivo y reconfigurar así la relación con el Estado. En segundo lugar, se analiza la socialización de los migrantes a través de las ONG y, finalmente, se discute cómo estas asociaciones representan los intereses de los migrantes e influyen en las políticas públicas.

## **Palabras clave**

ONG, migración interna, derechos civiles, China

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## **Abstract**

This article aims to analyze the civil society in China throughout the study of the organizations supporting migrant workers. Considering first how NGOs try to overcome a highly restrictive legal framework and reconfigure the relationship with the state in more beneficial terms; second, how they socialize migrants; and finally, how they represent migrants' interests and influence public policies. This paper highlights how NGOs contribute to redefine state-society relations and to change the system from inside, while also help the CCP to adapt and to maintain itself in power, hence to find its own way toward modernity.

## **Keywords**

NGO, domestic migration, civil rights, China



# HELPING THE CCP TO FIND ITS OWN WAY TOWARD MODERNITY: THE CASE OF NGOs PROVIDING SUPPORT TO MIGRANT WORKERS IN CHINA<sup>1</sup>

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Market reforms in China have created a space for the rise of a third sector; they also triggered the largest rural-urban migration-flow in the world history. Rural-urban migration is one of the major challenge that the Chinese Communist Party has to face: today, between 140 and 160 million peasants have left their villages to seek employment and a better life in urban areas, but appear as second-class citizens in the cities of their own country. This situation is mainly due to the resilience of the household registration system –also called residency system– (*hujū zhīdù* or *hukou*), on which the state always relied to control migration and the urbanization process, especially during the Maoist period when it prevented any social and spatial mobility. This system denies the right to anyone away from his/her place of registration to belong to the place where he/she immigrates, and strictly divides the population into rural and urban categories, the latter being granted privileges denied to the former. It gave birth to a hereditary status system in contravention of the Chinese Constitution that states every citizen's equality before law. Since the reintroduction of markets at the beginning of the 1980's, freedom of mobility has greatly increased thanks to the changes in the mode of resource allocation and employment, as well as the relative and *de facto* easing of control over migration, but migrant workers are still

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<sup>1</sup> Publication of this paper has been authorised by CIDOB-Barcelona Centre for International Affairs.

mainly treated as strangers in urban settings. While driving the Party –which now claims its will to promote a “rule by law”– into a legalization project, market reforms hence gave birth to a new social category denied full citizenship rights, but that is also more immune to social control despite all the Party’s efforts to regain control over this part of the population.

Unlike peasants and state workers, migrants’ claims for rights protection are supported by Chinese so-called NGOs that first appeared toward the end of the 1990s and the beginning of the 2000s. Migrant workers indeed represent a particularly desirable target for these organizations. They face numerous hardships, including unequal and inadequate access to justice, housing, social welfare, medical care and education for their children. Because of their lack of professional qualifications and the segmentation of labor market due to discriminative policies against them, they do the dirtiest, most dangerous and badly paid jobs. They work in the industrial sector, but also in the construction and service sectors, where they usually face severe exploitation and abuse at the hand of managers who take advantage of their semi legal status and their dependence of the workplace for basic need such as food and housing.

Organizations supporting migrant workers function as substitute for official trade unions from which these workers were long excluded and that are now increasingly deemed inefficient and sometimes illegitimate means of representation. NGOs also lobby authorities to improve migrant workers’ condition and thus appear as social structures capable of organizing migrants’ resistance and interacting with the state on a sustained basis. The development of these organizations indeed coincided with migrant workers stepping into the political arena:

First, the years 2002-2003 symbolize a turning point in the attitude of the Chinese government towards migrant workers. Until then, the central government had mainly turned a blind eye on the way urban authorities had taken advantage of the residency system not to grant any rights to migrant workers, and had increased the economic and administrative hurdles to prevent a “blind flood of migrants” into urban areas. In January 2003 however, the State Council issued a Document no.1 on *Successfully Managing the Employment of Rural Workers in the Cities and their Access to Public Services* (Guowuyuan bangongting, 2003) that calls for the eradication of any kind of discriminative regulations or practices against migrant workers. This decree was followed by a number of important policies for the protection of migrant workers’ “legal rights”.

Second, although migrants are known as a new working class whose rights are commonly violated, they long kept themselves out of popular contention: they were rather inclined to identify themselves to the status of second-class citizens and saw the state as unfavorable or even predatory to them (Solinger, 1999; Li, 2003). They therefore generally avoided contacts with authorities and, aware of being unwanted guests in the cities, were rather wary about voicing out claims. However, since the government acknowledged their right to have rights, migrant workers have been increasingly resorting to conciliatory bodies and tribunals along with strikes and demonstrations to settle labor conflicts (CLB, 2005; Froissart, 2006).

Examining the role played by NGOs in this turning point, this paper argues that Chinese organizations contribute to create a civil society “à la chinoise” both combining top-down and down-top dynamics and based on a pragmatic cooperation between state and society. Considering first how NGOs try to evade a highly restrictive legal framework and reconfigure the relationship with the state in more beneficial terms, second how

they socialize migrants and finally how they represent migrants' interests and influence public policies, this paper highlights how NGOs contribute to redefining state-society relations and to changing the system from inside while also helping the CCP to adapt and maintain itself in power, hence to find its own way toward modernity.

Albeit the concept of “civil society” is derived from Western history, it has been increasingly used in China since its reintroduction at the beginning of the 1980s and went through different attempts by Chinese scholars to adapt it to Chinese reality (Ma, 1994; Deng, 1997, 1999; Cui, 2004). NGOs we surveyed often claim to be part of an emerging civil society: this paper thus aims to characterize Chinese civil society –or at least one of its multiple aspects– by analyzing the discourse and practices developed by these organizations supporting migrant workers. In order to understand what civil society means for NGOs, we need first to clarify what we ourselves understand by this term. To put it simply and overcome the historical and theoretical vagaries this concept went through, we can broadly distinguish two conceptions of civil society, one political and another one sociological.<sup>2</sup> The political conception of civil society refers to its liberal definition as developed by classical theorists in the 17<sup>th</sup> and 18<sup>th</sup> century. Locke for example understands civil society as a sphere in which people achieve political equality, moral integrity and autonomy regardless of the social differences in terms of status and property. Civil society is thus a political community that exists through the legal and institutional guaranty of individual rights understood

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<sup>2</sup> We follow here the distinction proposed by Gordon White, Jude Howell and Shang Xiaoshuang in their book *In Search of Civil Society. Market Reform and Social Change in Contemporary China*. Oxford: Clarendon Press, 1996, pp. 3-4.

as being natural, inherent and inalienable. The sociological conception of civil society is referred as to “an intermediate associational realm that is situated between the state and [the private sphere], populated by social organizations which are separated (...) from the state and are formed voluntarily by members of society to protect or extend their interests and values”.<sup>3</sup> This definition enables civil society to exist outside the realm of a democratic polity provided that these associations enjoy some degree of autonomy from the state and that their main function is to protect their members’ values and interests. Number of East-European scholars and activists linked these two conceptions together by assigning civil society the goal of promoting liberal democratization. Civil society was thus mainly defined by its functions: controlling the state by assigning limits to its power and possibly opposing it in order to promote alternative norms and values that directly contribute to define group identities and interests (Michnick, 1985; Havel, 1985; Seligman, 1992: 15-36). We can hence first hold the capacity to produce new, alternative norms and values, as well as to assign certain limits to state power as the main criteria defining civil society. A set of questions can be derived from this definition:

-To which extent do NGOs supporting migrant workers tend to gain more autonomy from the state and manage to limit state control and penetration?

-Do NGOs foster migrants’ emergence as an autonomous self-conscious group, both protecting their negative freedom vis-à-vis the state and contributing to redefine their identity in order to promote their interests?

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<sup>3</sup> *Ibid.*, p.3.

-To which extent do NGOs appear as capable to negotiating a new social contract in China by both promoting alternative values and contributing to shift the power balance in favor of the society?

## **Growing Out of the State?**

### *Imposing a Leninist control over social organizations*

Contrary to Eastern Europe, the impetus for creating social organizations in China first came from the state. Following the deepening of market reforms and the dismantlement of the social and administrative units –such as the work units and the rural cooperatives–, that were previously dispensing social welfare as long as playing a key role in controlling the population, the state encouraged the rise of a “third sector” to assist it in those tasks. Laws were published in 1989 and 1998 that enabled the creation, on the one hand, of associations based on membership (*shetuan*), mainly professional, business, cultural or sport associations that are meant to represent the interests of their members while also being an indirect means of social administration and control; and on the other hand social non-profit organizations (*minban feiqiye danwei*), without membership, that are supposed to relieve the state of part of its social burden by developing social service activities (Wang and Liu, 2004; CDB, 2006). In law, organizations supporting migrant workers come under the second category. The rise of a “third sector” hence originated in the Party-state’s acknowledgement of its own limitation and in its call for social forces to help it perform its traditional functions.

The principles of cooperation, control and cooptation are indeed at the core of the legislation regulating these organizations. They are submitted to a dual track registration system according to which they first have to find a

“professional leading unit”, that is a governmental or Party agency, before registering with the Ministry of Civil Affairs or its local bureaus. The sponsor –that has no statutory obligation to accept applicant– is responsible for providing “direction and supervision” –including of its financial sources and spending– and for conducting an annual review of the organization’s activities. The sponsor must be of a “relevant” sector, which prevents the organization from diversifying its activities. Finally, these organizations should not oppose the basic principles set out in the Constitution –that is, basically, Communist Party’s rule and official ideology–, endanger national security and unity, harm national interest nor go against social morality. The legislation thus provides that these organizations should be an extension of the state or at least serve as its auxiliaries (Guowuyuan, 1998a, 1998b).

*Negotiating a more beneficial relationship to the state and a broader scope of activities*

Whereas the law provides that “civil society” should not be separated from the state, many organizations enjoy, in practice, much more autonomy. Out of the five organizations I surveyed, only one truly complies with the law. These organizations actually have very different sociological profiles and can be ranged into four categories according to their degree of legality/autonomy and the profile of their founders.

There is first the West China Sichuan Relief Centre for Migrant Workers (*Sichuan Huaxi nongmingong qiuzhu zhongxin*) that truly falls into the category of “Government Operated Non-Governmental Organization” (GONGO). These organizations are initiated by government staff, are supervised by their relevant state agencies and generally receive public funds. This centre was founded in 2003 in Chengdu (capital of Sichuan province) by one of the leaders of the provincial government

agency for the development of the work force linked to the Sichuan Province Bureau of Agriculture, and is supervised by this Bureau. This organization, which receives public funds, can thus be considered as an extension of the state.

Second, there is Migrant Women's Club (*Dagongmei zhi jia*) that was founded in 1996 in Beijing by the chief editor of the National Federation of Women publishing house and is supported by a famous representative of the Beijing Municipality People's Congress who is a member of its management committee. Despite its closed connections with high-ranking officials, this organization is not a GONGO: it is registered as an enterprise with the Bureau of Industry and Commerce and is financially independent.

Third can be distinguished NGOs set up by urban residents and not directly related to a state organization, although they often have many governmental connections. Beijing Cultural Communication Center for Facilitator (*Beijing shi xiezuozhe wenhua chuanbo zhongxin*) is one of those. It is registered as an enterprise and receives its funds from foreign foundations. It was set up in 2003 by two defectors from Migrant Women's Club who also were previously working for the National Federation of Women publishing house and thus are well connected to officials and the media. The founders said they wanted to promote a more democratic organization relying to a greater extent on migrants' active and direct participation. They also claim to be closer to the people and more legitimate as representative of migrant workers since part of their family members are peasants and themselves lived in the countryside during their childhood that coincided with the Rusticated Youth Movement (*xiangiang yundong*). Practically however, these two organizations do not differ much in the way they function.

Fourth, there are NGOs run by migrant workers who think that migrants should only rely on themselves to defend their rights. They are registered as enterprises and are financed by foreign organizations. Home of Fellow Peasants (*Nongyou zhi jia*) was founded in 2002 in Beijing by a music teacher coming from the countryside and who became somehow famous chanting migrants' condition. Shenzhen service centre for industrial security and health (*Shenzhen dagongzhe zhiye anquan jiankang fuwu zhongxin*) was set up in 2003 in Shenzhen by an injured migrant worker with the support of a Hong Kong right defense group that still supervises it.

All these organizations but the first one –which case will be discussed thereafter– managed to circumvent the law in many ways. First, they are registered as businesses and are financially completely autonomous, regarding both their sources of funding and the way they spend their money. The dual track registration system constrain is indeed very often evaded in the reality: as state agencies are held responsible for the activities of the organizations they sponsor, they usually refuse to serve as their guarantor, and the organizations themselves are reluctant to seek such support to preserve some freedom of activity. Out of the three million NGOs counted by the Ministry of Civil Affairs in 2005, only 280.000 were registered as social organizations, others were known as enterprises.<sup>4</sup> Registration as a business operation requires a minimal management structure with a high degree of autonomy. In return, organizations are supposed to pay taxes but most of them actually do not or run a subsidiary business activity –this is the case of the Shenzhen organization that sells industrial security devices–. Their half-legal status is tolerated as long as they prove their loyalty to the Party and their contribution to public

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<sup>4</sup> *Kaifang* (Open Magazine), June 12th, 2005.

good. NGOs hence manage to circumvent the principle of direct control that is at the core of the legislation and cannot be considered as an extension of the state despite the CCP efforts to ensure a Leninist kind of control over them.

NGOs also managed to broaden the scope and aim of their activities beyond what is provided by the law. As mentioned above, popular non-profit organizations are expected to develop social activities to relieve the state social burden and most of them are indeed philanthropic or charity organizations. NGOs supporting migrant workers however appear as rights defense groups.

As the authorities are very hostile to organizations that might represent the interests of disgruntled workers and compete with the All China Federation of Trade Union, NGOs often present themselves as organizations that promote recreational or educative programs, as stated by their names –Cultural Communication Center for Facilitator, Migrant Women’s Club etc.– They indeed offer a space of sociability to workers away from their home, professional training, general and health education, advice on urban life and organize artistic and cultural activities. These programs are meant to help migrants better integrate both culturally and professionally into the cities, and to prevent them to feel excluded by lack of social ties. But NGOs gradually put an emphasis on providing legal training and defending migrants’ “legal rights”. They offer free conciliation with employers or facilitate migrants’ access to administrative arbitration and tribunals by giving procedural advice, helping build up a judicial record, providing free or low rate legal services. NGOs filled up a vacuum: as a temporary workforce that was not considered as full-fledge workers, migrants were in practice long excluded from trade unions. Local officials also did not feel responsible for protecting the rights of non-residents and were rather inclined to collude with

employers who need cheap labor force, deprived of any social or labor rights. As a result, a growing number of migrants started to claim back their wages, organizing demonstrations or publicly threatening to commit suicide. Faced with growing discontent, the government launched in 2003 a campaign to urge migrant workers to join trade unions (Quan zonggonghui, 2003). However, as many migrants work in the informal sector, they remain out of the reach of the trade unions and those who are newly enrolled tend to see them as beholden to the management and useless (Froissart, 2005; CDB, 2005). Meanwhile, assuming that migrants' going onto the streets was a sign of their "backwardness" and lack of legal culture, the Centre also fostered migrant workers' legal training and called local governments to facilitate their access to state institutions and tribunals. All these new policies were launched in an attempt to channel grievances into legal redress and preserve social order, but were not really effective in improving migrants' rights (Guowuyuan, 2006). NGOs hence anticipated the Center's changing policy toward migrant workers and later claimed to strictly enforce it, while also operating as a substitute of distrusted official trade unions. Migrants are more confident that NGOs can better defend their rights, not only since they perceive them as independent from the capital and different from Party and state agencies, but also because these organizations try to mobilize the media and their personal connections within the elite to make injustice and unfair trials public as long as to put pressure on state institutions so that they take workers' grievances into account. NGOs also publish journals in which they document and analyze difficulties commonly faced by migrants.<sup>5</sup> These journals seek not only to

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<sup>5</sup> Journals published by Migrant Women's Club include *Dagongmei* (Migrant Women), *Dagongmei zhi jia tongxun* (Migrant Women's Club Journal) and *Nongjianü Baishitong* (Rural Women Knowing All); Beijing

reach a public of migrants but also the whole society in order to raise “public awareness”. NGOs hence organize migrants’ “rightful resistance”, which is defined by Kevin O’Brien and Lianjiang Li as a popular resistance that refers to official policies and the Center’s discourse to curb political and economic power. This kind of resistance operates partly within –yet in tension with– official norms and near the boundary of authorized channel, combining legal action with some kind of political pressure by locating influential allies and mobilizing support from the wider public (O’Brien and Li, 2006). More and more migrants are seeking NGO’s help or are working for them as volunteers during their free time. Many workers interviewed admitted that they would never have obtained or even sought legal redress without the help of these organizations. NGOs also developed advocacy activities that are not stated by the law and managed to assert themselves as new forms of representation and mediation between migrants and the state, as it will be discussed in the last part.

The West China Sichuan Relief Centre for Migrant Workers differs from these organizations not only regarding its institutional status but also its activities. It acts as an itinerant trade union and directly intervenes in different localities with employers and local authorities to settle disputes involving Sichuanese migrants. It also compensates for migrant workers’ lack of social security by granting them a lump sum in case of emergency or in compensation to disability related to an industrial accident. This organization’s professed aim is to

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Facilitator issue *Dagongshidai* (Dagong times), and Home of Fellow Migrants *Nongyou zhijia xinnian tongxun* (Home of Fellow Migrants’ New Year Journal). NGOs also regularly send information letters and e-report like *Women zai yiqi* (We are together) written by Beijing Facilitator volunteers.

compensate government program to enroll migrant workers in trade union by working with hard-to-rich transients and by sharing a social burden that is too large for government to assume alone. It does not offer legal training, does not organize migrant workers on a sustained basis nor has it developed any advocacy activities; as such we will not include it in our study.

NGOs thus evolve in a non-institutionalized grey zone in which they manage to evade the Leninist kind of control the state wants to impose them; they develop activities in the interest of migrant workers, put some pressure on the state and operate on the boundary of what is permitted. However, as their status is very unsecured, they need to provide token of obedience to the Party, seek support among influential officials and try to develop programs in collaboration with public institutions—universities, street committees, neighborhood communities—in the hope to be acknowledged as official partners of the state. On the other hand, the state remains obsessed with the idea that these organizations -that are financed by foreign foundations- could serve a foreign political agenda and stir up a color revolution as in the ex-Soviet Republics (Lawrence, 2003; Ma 2005).<sup>6</sup> It thus try to prevent NGOs from growing more autonomous and developing political activities by combining repression with cooptation: in 2004 Beijing Facilitator won the title of “Outstanding organization for education and social service to young migrants” awarded by the Communist Youth League Beijing Committee, the Training Center for Rural Women that is affiliated to Migrant Women’s Club won the award of the “Best school founded by social forces”, the leader of Home of Fellow Peasants was elected “Nationally outstanding young migrant worker” in 2005 because he had given information to state organs about migrant workers.

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<sup>6</sup> *Kaifang*, no.10, July 2005

NGOs hence manage to negotiate a more beneficial relationship to the state than the one provided by the law. However, the close intertwined relationship some of them have with the state, the threat of being banned at any time and the strategy of cooptation developed by the government lead them to a close embedded relationship with the state thanks to which they acquire viability and legitimacy. This does not mean that they have no role to play in changing the system. NGO's are one of the main channels through which global norms are introduced into Chinese society. Being also accountable to their founders and provided that some of them have developed cooperation programs with their foreign counterparts, they have come to use a vocabulary and to refer to methods of action that match foreign organizations' expectations. They thus emphasize "self-governance" –NGOs' staff are mainly migrant workers–, "democratic participation" within the organization, workers' "empowerment" and "capacity building", as many expressions meaning that they aim to endorse migrants with the capacity to defend their rights autonomously.<sup>7</sup> They also foster analytical and critical capacity as well as freedom of expression among migrant workers, encouraging them to contribute to the journals and information letters they publish. NGOs hence try to build up an image of themselves opposite to the one of mass organizations that are Party transmission belts permanently exercising a top-down control over the people.

How do NGOs enforce these values in the way they socialize migrants, defend their rights and represent their interests?

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<sup>7</sup> Migrant Women's Club brochure states "The most prominent mission of the Club is to empower migrant women for self-protection and management", and "If you are given a fruit, you can enjoy it only once; but if you are given a seed, you can benefit from it your whole life". Beijing Facilitator' motto is "Helping people help themselves".

## **NGOs' Ambiguous Role: New Right Defense Groups or Old Mass Organizations?**

NGOs widely propagate legal knowledge and promote rights awareness among migrant workers. As a young migrant volunteer in the Shenzhen NGO, put it: “Only after attending the classes did I know that overtime should be paid, that when you get hired by a company you are not supposed to pay a deposit to your employer but you are supposed to sign a work contract with him”.<sup>8</sup> Legal training workshops held by NGOs radically change the way migrants perceive the law, while also emphasizing more equality among citizens. Traditionally in China, the law was associated with punishment and perceived as a tool used by rulers to control the population (Chu, 2006: 72; O’Brien and Li, 2004: 94). This view was particularly persistent among migrant workers as, until recently, laws and regulations indeed primary aimed at controlling this population and emphasized their duties rather than their rights. For the same reasons, migrant workers were and still remain rather reluctant to sign a work contract with their employers, and see any legal bound as a way to relinquish their freedom to leave their employer if things go awry with him. However, without contract, migrants can hardly legally claim back their wages and compensation in case of industrial accident. Training also helps migrants to broaden their claims and to seek equal treatment with urban workers. In the past, complaints mainly regarded the payment of salaries, but now claims also concern social security enrolment, holiday or professional training.<sup>9</sup>

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<sup>8</sup> Interview, December 2004.

<sup>9</sup> The Ministry of Labor and Social Security reported in its press organ on NGOs' key role in improving migrant workers' rights consciousness, and cited the case of a female migrant worker who sued her employer for not giving her paid leave. See “Daixin xiujia guansi tuxian falü kongbai”

During the classes, migrants hence learn that the law applies to them as to urban people and that it is not only an instrument to protect employers or rulers' interests but also exist to protect their rights.

NGOs also hold workshops aimed at building-up group identity and self-confidence. Migrants share their experience and draw lessons from it, analyze the role played by social and administrative structures –like the *hukou* system– in the difficulties they encounter, as well as the widening discrepancy between their place in the society and their growing contribution to China economic development. Migrants thus acquire a new positive identity: whereas they used to perceive themselves as unwanted guests in the cities, they now tend to identify with a new working class that boost the country economic growth and therefore expect a new contract with the state. As migrants often outline: “We are making a great contribution to national development, our rights should be protected”, or “I respect the society where I live and work, I expect it to respect me in return”. Participants of the workshops also analyze legal cases, assess the legality of verdicts brought by conciliatory bodies and tribunals, and become aware of the gap between law stipulations and real situations. Workshops thus play a crucial role in changing the “frame alignment” (Snow and Rochford, 1986), that is in shifting the responsibilities attributions: migrants gradually come to explain their condition not so much referring to their personal qualities –being from the countryside, less educated and qualified than urban people, what the dominant discourse states as “being of law quality” (*suzhi tai di*)– but by the contradiction between the

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(Litigation over paid leave exposes blank in law), *Zhongguo laodong baozhang baogao* (China Labour and Social Security News), August 26, 2004.

resilience of the *hukou* system and China's economic and social changes, as well as the failures of the system as a whole. As migrant workers now commonly say: "What matters now, is not that there is no law to rely on, but that the law is not reliable, its implementation is not strict and infringements have no limits".<sup>10</sup>

NGOs nurture expectations for a more reciprocal relationship with the state and propagate awareness of legal citizenship as well as of the gap between the rights promised and the rights enforced. However, NGOs' aim remains first and foremost to educate good citizens and to strengthen the Party's legitimacy while maintaining rights defense in the framework of what is deemed politically correct. Underlining the system's failure is all but directed at undermining the Party's legitimacy. First, the central government is not held responsible for migrants' rights being violated: it is rather credited with publishing new laws and policies in favor of migrant workers that disloyal officials are not enforcing at the local level. As stated by an aggrieved worker: "The Center can not control what ever local officials do". Second, NGOs try to persuade migrant workers of the Party's capacity to reform the system, namely thanks to the advocacy activities they have developed: rights' protection have already made a lot of progress and more improvement is to come. Finally, telling migrants about the costs (both in time and money) that any legal procedures implies and about the gap between law stipulations and verdicts brought is often aimed at deterring them from seeking an official statement (*tao ge shuofa, tao ge gongdao*), that is to put the state to the test by appealing against judgments that are deemed unjust: migrants better resign themselves to conciliation with their employers and lesser compensation than they could legally claim than

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<sup>10</sup> See for example Zhang (2004), p.6

completely loosing faith in the system. While building up a hope in a better future, NGOs also help migrant workers defend their rights more effectively within the present system, acting as intermediary between migrants and uncaring or inefficient institutions, broadening their social network and support, providing psychological and technical aid, as well as fostering mutual help: social solidarity hence should compensate for the failure of the system. NGOs thus do little more than sticking to the governmental project to increase the recourses to legal procedure, and compensate for the lack of juridical guarantee of rights by being an alternative to the failings of the institutions.<sup>11</sup> One of their aims is indeed to prevent workers from resorting to any action that the state could condemn as disruptive: taking to the streets, petitioning the Central government or threatening to commit suicide. NGOs thus contribute to maintain social stability by exerting a kind of social control over migrant workers.

NGOs also foster a top-down form of citizenship education, while giving to this concept a moral rather than political content. Migrants are supposed helpless and ignorant, and managers of these organizations appear as benevolent parents or teachers who exercise a moral authority upon their children/students. Speaking of the founder of Beijing Facilitator, who they call “Professor Li”, workers say: “She shows us unstinting love”. NGOs work style thus recalls mass organizations paternalism and autocratic tradition, which is also underlined by the resilient use of a communist vocabulary. The workshops are called “*xiaozu*” (little groups), a term that applied during the

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<sup>11</sup> It would be interesting to draw a parallel between the way NGOs serving migrant workers substitute for the lack of rule of law and the way poverty alleviation NGOs and charity funds substitute for the construction of a welfare state.

Cultural Revolution to a committee in charge of a highly important political work (like *Wenhua da gemin xiaoxu*). These workshops are conducted by “cadres” (*gugan*), a word that refers to people who distinguished themselves within a group by their revolutionary enthusiasm and were thus charged to convey the leaders’ orders to the masses. Finally, these organizations sometimes also call themselves “*tuandu*” (team), which refers to the groups of rusticated youths that were sent to the countryside after the Cultural Revolution, and namely to those who were working in military farms. This term denotes an iron discipline and is used today to refer to a team whose members share the same commitment and unite their strength, bolster their spirits to achieve a common goal.

“Socialist morality” –understood as a blend of traditional Confucian morality and an ethos of comradeship– plays a fundamental role in the way migrants are socialized. NGOs endeavor to build up solidarity among migrants upon apolitical symbols, like the one of “family/home” (*jia*), a word that appears in most of these organizations’ names (*Nongyou zhi jia*, *Dagongmei zhi jia*) and evokes communitarian rather than political bounds. NGOs indeed want to appear as a family for isolated workers away from their home and emphasize self-development and mutual aid among migrant workers as the one that would be expected among members of the same family. More broadly, NGOs try to convey an ethos of comradeship or “civic virtue”, centering on the notion of “volunteerism”, which emphasizes commitment to the collective and the possibility to realize oneself by doing something good to others and society, as shown by Beijing Facilitator’s motto: “helping people help themselves”. But the “family” (*jia*) idiom also refers to the traditional conception of power as a benevolent authority exercised on subjects: it thus appears in official trade unions’ new motto to attract migrant workers: “*gonghui shi wo de jia*” (the trade union is my home), as well as in the term used in

Chinese to design the nation-state: “*guojia*” (country, kingdom/family). The nation-state is indeed traditionally seen as an extended family where citizens perform their duties and show loyalty to the government that, in return, gives them certain restricted rights (Li and Wu, 1999; Chu, 2006). NGOs thus convey the official conception of citizenship as being both passive and moral, and they remind migrant workers of their duties toward the Party and the society as much as they help them to seize on law to defend their rights. In this sense, they foster the “civic morality” (*gongmin daode*) promoted by the Party as a way to compensate the consequences of liberalization on individualization (Chu, 2006) and whose core principles are: “patriotism and compliance to the law, civility and honesty, unity and kindness, frugality and self-improvement, commitment to one’s work and contribution to society”.<sup>12</sup>

NGOs thus play a somehow ambiguous role in the way they conduct social work: they foster rights awareness among migrant workers, are instrumental in building this group new social identity, nurture new expectations vis-à-vis the state and enhance and broaden migrants’ “rightful resistance”. However, because of both political constraints –especially the necessity to secure an uncertain status– and their cultural legacy, these organizations also appear to some extent as a transmission belt of the Party-state, fostering official ideology among migrant workers and exerting a kind of social control over them in order to maintain unity and social stability. How, in return, do they

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<sup>12</sup> “*Gongmin daode jianshe shishi gangyao*” (Guidelines for implementing civic morality), [www.ydjps.sc.cn](http://www.ydjps.sc.cn); “*Jiaqiang gajin gongmin daode jianshe goujian shehuizhuyi hexie shehui*” (Enhance and promote the construction of a civic morality to build-up a socialist harmonious society), [www.civilness.com](http://www.civilness.com)

represent migrant workers' interests and try to influence public policies?

## **The Quest for New Forms of Representation: Toward a Corporatist Authoritarianism?**

Some of the NGOs, like Migrant Women's Club and Beijing Facilitator, initiated advocacy meetings attended by academic specialists, social workers, high-ranking officials and cadres of mass organizations, but also migrant workers who are encouraged to speak for themselves and hence get a chance to directly convey their concerns and suggestions to the government. These meetings indeed aim to inform the power about the needs and difficulties of migrant workers, make high ranking officials aware of the pervasive violation of their rights, try to identify the reasons of rights infringements and suggest remedies.<sup>13</sup>

These meetings are based on the principle of a pragmatic cooperation between state and society through cross-sectoral partnership in order to find solution in common. Whereas collaboration between the intellectuals and the power is a permanent feature of Chinese political culture (Cheek, 1994, Nathan, 1997: 66; Béja, 2004: 106-110, 195-200), those who were previously excluded from this collaboration pattern –the poor and uneducated people– are now part of it. Even Sun

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<sup>13</sup> For example, Migrant Women's Club organized round tables on young migrant women's rights protection (1999), on the *hukou* system and women's migration (2001), and on improving rights' protection for migrants working in the informal sector (2004). Beijing Facilitator organized two round tables in 2004, one dealing with health and security at work and the other dealing with systemic innovations to improve migrant workers' access to public services.

Heng, the migrant workers who founded Home of Fellow Peasants because he thought that migrants “should not only be represented by urbanites and intellectuals [for whom] it is really hard to truly understand what the mass of people at lower level want”, attends these conferences since he is persuaded that “society can not be changed by a social class but by the cooperation between different social spheres”.<sup>14</sup>

While there is a growing awareness among non-official participants –including migrants– that the main problem to be tackle is not the lack of legislation but the lack of implementation of existing laws, those meetings seldom give rise to claims for bold political reforms but rather for the design of new state policies in favor of migrant workers and substantive law improvement.<sup>15</sup> Representatives ground their claim on the fact that migrants have already become a new working class that have superseded the old working class of urban state workers, and contribute the most to the nation well being. Migrants therefore should enjoy rights commensurate with their growing contribution to national development. While enhancing migrant’s public image, NGOs try to foster a morally based social contract between authorities and migrant workers recalling the moral commitment the state used to have toward state workers under socialism (Gallagher, 2005: 60-61). Migrants’ supporters also use utilitarian arguments to gain support among officials: rights should be granted to migrant workers in order to improve economic development and administration efficiency, as well as to maintain social stability. Participants hence do not challenge the state instrumental

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<sup>14</sup> Interview, June 2005.

<sup>15</sup> It is thus ironic that Migrant Women’s Club held in 2004 a conference devoted to the protection of migrants working in the informal sector months after a related legislation was passed.

conception of rights: they rather try to persuade the Party that its interests are identical to those of migrant workers and that improving their lot will benefit the entire nation. NGO's thus sustain an antipolitic stance, treating political issues as if they were exclusively moral or administrative in nature, and proposing technical remedies to achieve a goal that is supposedly shared by the Party-state and the society alike (Moody, 2001; Béja, 2004).

These conferences indeed serve the interests of the Party and migrant workers as well. They respond to the inclusive strategy of the state that tends to allow some kind of representation to each social group within the political system as a means to prevent claim radicalization and growing autonomy for the society. Such meetings are a way to rally elites, who are proud to serve as experts, and contribute to migrant workers' emergence from their previous isolation. They also enable top officials to gather information they would not otherwise be able to get, and help them to design public policies that better meet people's expectations. NGOs thus abide by the governmental project to enhance the overall administration of the society and to create more effective, responsive institutions without proceeding to core political reforms. Such conferences indeed appear as non-institutionalized consultative channels: they do not shift the power balance in favor of society –political decisions remain uncontested in leaders' hands– and do not promote the Party accountability to the society. Moreover, by promoting group-specific interests without bargaining for negative freedoms vis-à-vis the state nor for true political participation, they somehow continue the status-based structure of Chinese society: migrant workers' "rights" should be granted and protected by the state according to the new function performed by this group in the society while remaining subordinated to the Party's interests. At the same time, NGOs also negotiate a new social contract for migrant workers within

the political system, playing a key role in the integration of a social group that was previously excluded. There is no doubt that such consultative conferences directly or indirectly contributed to the design of new public policies in favor of migrant workers, related to work security, social insurance, education and even reforms of the *hukou* system.<sup>16</sup> Those conferences hence illustrate the “Chinese” definition of civil society given by many local theorists, such as Deng Zhenglai, as a “constructive interaction” between state and society (Deng, 1997, 1999).

The fact that NGOs explicitly repudiate confrontational tactics and express their desire to work constructively with the state rather than opposing it, thwarts our conception of civil society, which we generally define in terms of clear separation and confrontation between state and society. Many Chinese NGOs are rather convinced that close relationships with government, nurtured by personal relations, and cooperation can better help to achieve their goals. As a volunteer in Beijing Facilitator very pragmatically outlines: “We promote civil society because social movements are not possible in China”.<sup>17</sup> NGOs crave better relations with the state in order to get more legal space and be endorsed as natural partners of the government. It is thus as important for them to be acknowledged as legitimate by the state than by their own constituencies. However, while

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<sup>16</sup> For example, in December 2004, the Ministry of Public Health announced that migrant workers’ integration within local health insurance systems was part of municipal governments’ responsibilities and in May 2005, Beijing Municipality published new regulations stating employers’ duty to contribute for their migrant employees’ assurance in case of work injury and condemning the trespassers to a 10.000 Yuan fine. Beijing Facilitator sees these new regulations as a direct consequence of the round table on health and security at work it organized.

<sup>17</sup> Interview, May 2004.

“promoting civil society” means emphasizing commonalities rather than differences, it should also be understood as a conscious strategy: the founder of Beijing Facilitator hence defines the conferences as a new platform where a plurality of points of view are expressed.<sup>18</sup> Provided that the Party leadership is not called into question, voices and perspectives are indeed not exactly the same. Whereas civil society in China is not politically oriented, it also infuses in a subtle manner a new narrative about how social progress should be conceived while also fostering systemic innovations. “Promoting civil society” also means linking the state and the society in a new way, as the regime evolves toward an authoritarian corporatist pattern based on a half-constrained, half-consensual collaboration rather than acknowledgement of conflicting interests. NGOs supporting migrant workers indeed share some characteristics with corporatist associations that the state has promoted these past few years among other social groups, like entrepreneurs and state workers (Unger and Chan, 1996; White, Howell and Shang, 1996). They are representative bodies –co-opted by the Party– of group-specific interests that try to bargain with the state on a cooperative rather than contentious basis in order to contribute to a national mission: reducing social conflicts, building a “harmonious society” and turning China into a powerful and prosperous country. However, NGOs also differ from professional associations and official trade unions inasmuch as they are not membership-based organizations, while the conferences they organize, attended by a plurality of social actors, are not institutionalized. The corporatist evolution of the regime still lacks proper codification and is not entirely mastered by the state. This is the

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<sup>18</sup> Opening speech to the conference *Nongmingong zhengce gaige yu fuwu chuangxin* (Public Policy Reform and Service Innovation for Migrant Workers), Beijing, November 2004.

reason why it does not match some fundamental features –as the distinction between state and societal corporatism, the limitation of the number of associations that should be hierarchically ordered– defining corporatism according to Schmitter (1974). However, the Party showed its capacity to adapt and turn society’s initiative to its benefit when allowing for the first time three migrant workers representatives to sit in the National People’s Congress in March 2008, thus confirming the regime’s trend to move toward a corporatist authoritarianism. This symbolic acknowledgement of migrant workers as a new political group is a very clever attempt to prevent them from growing more autonomous and from developing more politicized claims. The institutionalization of migrants’ contention thus reflects society’s greater inclusion within the state. More over, this newly gained political representation does not mean –as it was widely claimed by the Chinese media– that migrant workers are now treated on equal footing with other citizens. Migrant workers account for over ten percent of China's population, but only one tenth of one percent of NPC deputies. There is thus little chance that their voice will have a significant impact on parliamentary proceedings. Finally, this new form of representation also tends to divide workers from rural and urban origins, notifying to the latter that the new working class already supplanted them both politically and in collective representations.

However, such a move is not unanimously greeted by migrant workers and their organizations. The Shenzhen NGO questions this mode of representation within the political system fostered by Beijing NGOs. According to its leader, this political representation mediated by elites and based on collaboration with the state as well as the search for consensus “does not promote autonomous development of migrant workers as a

group”.<sup>19</sup> He views Beijing organizations as “Counselors to the Prince” beholden to the State and as illegitimate representatives –being urban, non elected, close to power– of a population deprived of any direct means of political expression. According to his point of view, trying to orientate reforms by advising the State is tantamount to acknowledging its legitimacy and the legitimacy of the current system as a whole. This organization developed a somehow different strategy: it mainly spreads legal and job security information among workers, provides assistance to those who want to lodge complaints against or sue their employer but first and foremost encourages workers to help one another and to act as legal representative for each others. The ultimate aim of this association is to encouraging migrant workers to gradually unite and organize to eventually change the political system through collective actions. This kind of radicalism is closely linked to the characteristics of Shenzhen, which is far away from the Centre and where migrant workers are concentrated in industrial districts, thus having little connections with the local urban population. Workers in Shenzhen generally join labor organizations because they are aggrieved and eager to defend their rights, whereas many members of the Beijing organizations mentioned above are employed in the service sector and are also looking for a place of sociability and an opportunity to improve their general knowledge. More importantly, migrants’ NGOs in Shenzhen have close relations with foreign labor groups, especially the ones based in Hong Kong. The Hong Kong rights defense groups, which act as counselors and supervisors to

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<sup>19</sup> Interview with this NGO’s leader and other migrant volunteers, Shenzhen, December 2004.

these organizations, infuse other political references and connect them to international workers movements, such as the “people’s organizations” in Thailand, insisting that workers should speak for themselves and strive for autonomy. There now should be around fifteen organizations made up of migrant workers in the Pearl River Delta. However, as NGOs run by migrants, especially those who have such international exposure, are politically very sensitive and are even more likely than other organizations to be banned at any time, they are reluctant to unite and often have no choice but to agree to some kind of collaboration with the state.

At the end of this study on NGOs supporting migrant workers, it appears that civil society in China is better apprehended through a combination of top-down and down-top dynamics that reveals a symbiotic –rather than a clear-cut and confrontational– relationship between state and society through which both are transformed. The state now depends on these organizations as much as they depend on the state to manage the society, and the way they interact provides not only for new public policies but also for some systemic innovations, thus contributing to changing the regime from inside. This also means that, as civil society plays a key role in the functioning and the adaptation of the regime, its development does not foster dramatic political changes. While the development of civil society in China is underpinned by a new discourse on citizenship, this concept still very much differs from the liberal paradigm. First, it is strictly restricted to a narrow legal definition. Negative rights toward the state are sacrificed to the advancement of interests through a negotiation that seek to reach a balance between those of individuals and those of the Party-state. Similarly, NGOs’ participative ideology is quite ambiguous: participation does not appear as an end in itself as it is very much directed in the governance of the organizations themselves, hence showing the difficulty to translate

participatory rhetoric into organizational practice, while it is not politically consequential during the consultative conferences. Second, “citizenship” also appears to be increasingly understood as a renewed civic –or moral– engagement that seeks to make a greater contribution to the construction of a “harmonious society” for the benefit of the Party and the whole society alike.

NGOs supporting migrant workers in China play a somehow ambivalent role that lead us to reconsider the civil society paradigm as an analytical model of social change founded on the prediction that growth in autonomous social organizations leads to greater societal independence from the state and eventually to democratization. These organizations manage to open-up the social space and to negotiate a more beneficial relationship with the state in order to evade the Leninist kind of control it tries to impose on them. They nurture migrants’ rights awareness and contribute to build up their new social identity, while also enhancing their ability to defend their rights. However, they also compensate for institutional failings, filling the gap in the political system without opposing it, hence actually playing a key role in the state functioning. In the way they conduct social work, NGOs also appear to some extent as transmission belts, fostering official ideology among migrant workers and exerting a kind of social control over them in order to maintain stability and unity. As constituency advocacy groups, they foster a corporatist model of representation, which somehow continues the status-based structure of Chinese society, emphasize collaboration over the acknowledgement of conflicting interests and enable migrants’ deeper inclusion within the state. NGOs thus prevent the rise of a liberal conception of citizenship anchored in individual rights and preempt migrant workers’ emergence as an autonomous group, but they have been effective in negotiating with the state to influence policy-making process and to foster some limited

institutional changes, hence contributing to integrate a social group that was previously excluded. NGOs thus basically appear as patriotic organizations promoting a civil society “à la chinoise” based on a pragmatic cooperation between state and society, and involved in the construction of a powerful and prosperous China. Representing the interests of both the Party-state and their constituency, they contribute to maintaining the *status quo* while also changing the system from inside. Helping the Party to adapt and find its own way toward modernity, they prevent a democratic transition in the short-term or even the medium-term, but playing a key role in changing mentalities and social identities, promoting right awareness anchored in a new legal citizenship and nurturing differentiation among the elites, they also sow the seeds of possible future changes. However, the different sociological profiles of the organizations I surveyed somehow affect their work and political orientation. As GONGOs appear as mere substitute for the government in the areas where it cannot make achievements and seem to be less concerned by representing their constituencies and influencing public policies, some NGOs run by migrant workers in the Pearl River Delta, as the one I surveyed in Shenzhen, appear to be more critical about the benefice of a partnership with the state and the elites. As more research is needed in order to highlight these regional and sociological variations, a new question arises: to which extent efforts made by NGOs run by migrant workers to spread heterodox patterns of social belief and behavior may affect state-society relations in the future?

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