

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

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Introduction

Migrant labor the world around unfailingly provides a fertile field for human rights abuse, as the following quotation encapsulates cogently:

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. [emphasis added]¹

Though this problem of migrant labor is pervasive globally, in China it takes on a peculiar form: the more economically developed areas of the country have since the economic liberalization beginning in the 1980s drawn upon the country's own domestic peasants to serve as drudges. In the process peasants are denied the rights that international norms of justice and globally accepted standards of citizenship decree should belong to all human beings and to nationals, respectively.

This paper explores the Chinese situation, highlighting this idiosyncrasy by comparing it to two other polities--Japan and Germany--with which its migration regime shares two critical features. First, in all three, "outsiders" have played a comparable role in economic growth, and second, in each of them (effective) ius sanguinis determination of citizenship (in China's case, what amounts to urban citizenship) has sharply separated newcomers at work from the natives.² Moreover, I demonstrate the surprising finding 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."

The paper uncovers crucial distinctions in developmental and political trajectories among the three--namely, 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 international networks. I then suggest that these factors may work to diminish the negative impact that ethnocentrism and developmental pushes have placed on granting rights. By extension, these factors could help account for China's current harshness to those it has made into aliens, as well as pointing to a possibility that time and political change could alter these aliens' situation.

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,³ we might say that, at least as a social construction, urban Chinese generally view rural Chinese as ethnically distinct.

If we then go on to consider the package of benefits, privileges and entitlements enjoyed by city-born Chinese (at least through the early 1990's) to be the equivalent of the rights of urban citizenship, from which the country-born have been excluded, we can say that the Chinese government uses an ethnocultural foundation for granting this urban citizenship and denying it to ruralites, just as Japan and Germany do in the case of their own citizens and against foreign nationals.⁴ For much 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 descent⁵ or "blood"⁶--so in China urban household registration is passed down hereditarily, and, until the summer of 1998, just via the maternal line.⁷

Up until late 1998, Germany (along with Switzerland) stood at an extreme pole among Western European nations in this regard, not counting even third-generation immigrants as citizens until they had themselves lived in the country for at least 10, or sometimes even as many as 15 years.⁸ 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,⁹ 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.¹⁰ 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.¹¹

In China historically, even in the very cosmopolitan port of Hankow, according to William Rowe, 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.¹² In contemporary China, in the wake of economic reforms after 1980 that permitted peasants to move out from the rural areas for the first time in several decades, the traditional discrimination against the outsider persists. Here it is probably at an even higher peak than in the past, given that some large cities have had to adjust to as many as several million rustics suddenly residing within their midst. These quotations illustrate urbanites' scorn, and also indicate their certainty that these country people do not deserve the same rights that they themselves enjoy:

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.¹³

Similarly, a public security officer in Beijing is actually said to have pronounced that, "These out-of-towners are no better than animals."¹⁴

A second key similarity between the three countries is this: all three 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. 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, only 12 percent of the workforce has been said to have "made possible the remarkable economic recovery and expansion."¹⁵ 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."¹⁶

Even in Japan, once the new boom of the mid- to late-1980's brought in outside laborers and built up a definite dependence upon them, there emerged within the country a growing recognition that foreign workers were supporting vital sectors of the Japanese economy and that their removal would have adverse economic impacts on businesses and communities.¹⁷

So in all three countries the response to outsiders--ethnically different foreigners 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.

I go on to review the "migration regime" in each country, examining one by one three types of rights that are typically assaulted in the treatment of migrant labor: rules about

entry (movement rights); extension of civic and social privileges (citizenship rights); and the treatment of migrant workers (labor rights). Following that, I explore differences among the three societies and speculate about the potential effect of this variation on the citizen 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.¹⁸ The very term used to refer to nonnative workers, "guestworker"--despite the long-term residence by now of many of them--exposes an underlying belief in a fiction that these people will be with the Germans only temporarily, and a view that they never can be truly native. Even a more recent incarnation, the label "foreign fellow citizens," continues to communicate a sign of otherness.¹⁹ 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.²⁰ In the postwar period, reflecting this exclusivist posture, a minimum of 10 years' residence has been the usual span needed for naturalization; one must also give up one's prior citizenship, as well as fulfilling a lengthy list of other requisites.²¹ Even after fulfilling all of these conditions, an applicant was still subject to the discretion of local authorities, who frequently rejected the request without explanation.²²

The first postwar outsiders admitted into the country were mainly German refugees and displaced persons (many of them from Eastern Germany), encouraged to come for the purpose of working. With the erection of the Berlin Wall after 1961, foreigners from

further away (Turkey, Italy, Spain, Portugal, Yugoslavia) were admitted during the 1960's and '70's. But 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.²³

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.²⁴ Tightening up shows up in a new Aliens Law in 1990 and a decree in 1993,²⁵ and in administrative measures taken since 1989 to bring in foreign workers geared specifically to prevent settlement.²⁶ At the popular level as well, in recent years, with the rise in Muslim inflow, a rash of refugees and asylum seekers after 1989, and renewed recession--with its attendant steady and ominous unemployment--a threateningly xenophobic strain appeared in the reactions to outsiders, marked by ugly incidents involving attacks on foreigners.²⁷ 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.²⁸

Civic and social privileges

The Basic Law of West Germany,²⁹ 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 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.³⁰ Although the Aliens Law of 1965 promised no freedom of occupation, place of work or place of education, gradually foreigners did receive these rights.³¹

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.³² 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, are members of unions and work councils in the factories, and

can serve as shop stewards.³³ Foreigners are also in principle eligible for welfare money. As of the early 1990's, they were 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.³⁴

Treatment of migrant workers

The lot of the foreign worker in Germany is reasonably favorable; indeed, the government's effort to help his/her situation has far surpassed that of the other two states.³⁵ Non-German laborers' 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;³⁶ they have also been included in the apprenticeship system, which provides training for youths of 16 to 19 years of age.³⁷ Foreign workers amounted to about five percent of the workforce as of the early 1990's.³⁸ In general, then, the stigma of not belonging does hang somewhat heavily on the noncitizen in Germany, but at least s/he might hope eventually 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.³⁹ Historically, numbers of foreigners--for decades almost entirely Koreans and Taiwanese dragged in as forced labor under the reign of the empire, and later their descendants--remained low and stable until the 1980s, in part because immigration was actively resisted: In the years between 1950 and 1988 foreigners only represented 0.6 percent of the population.⁴⁰

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 1991.⁴¹ The demand was fed by domestic labor shortages resulting from demographic trends that were 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. 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).⁴²

The official response was an Immigration Control and Refugee Recognition Law (1990), whose aim was clearly to limit the inflow of the un- and the semi-skilled.⁴³ 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.⁴⁴

Civic and social privileges

Foreigners resident in Japan are far less fortunate than those in Germany. In the first place, the Constitution does even not address the issue of the status of foreign workers. 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. 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.⁴⁵

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. There is neither any

protective law to which the workers could appeal nor any guarantee given them that they will receive decent working conditions.⁴⁶

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!⁴⁷ Though specific programs have been designed to entice foreign workers into the country, these are generally unfavorable to the workers.⁴⁸ An April 1993 Ministry of Justice initiative, entitled the "skills work-training system," for the first time permitted foreigners to do real work and to have their rights as workers guaranteed, but only within definite limits.⁴⁹ Nonetheless, this system is clearly an improvement for the recipients.

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

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, and even as most foreign workers are forced to pay into the schemes, there are severe practical difficulties in receiving any pensions.⁵⁰Ibid., 158-59, 164-165, and 168-69.» 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.⁵¹

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--internationally recognized rights and benefits. There has also been a development of potentially more humane work programs.

China

Rules about entry

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 term refers to some 60-80 million peasants lured away from the rural communities to which they had been confined for some 20 years and into the towns and cities by the promise of work and higher earnings.⁵²

Under the reign of the socialist system in China, from the 1950's up through the early 1990's, urbanites, especially urban workers in state-owned and large "collectively"⁵³-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.⁵⁴ 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. With the deepening of economic reform in the mid-1990's, these entitlements are slipping away; still, the urban-born always benefit from whatever privileges remain.

The cumbersome and uncertain procedure for attaining even temporary residence in the city--which itself cannot confer citizenship--lends the large numbers of internal migrants who fail to register their presence in the city a status that partakes of a legal limbo. Their consequent vulnerability in the face of local police and both domestic and foreign employers⁵⁵ often renders their existence precarious to say the least.

While the 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 did nothing to restrict internal 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.⁵⁶ In both eras, movement was common, widespread, and frequent.⁵⁷

By contrast, under the P.R.C. until the reform era 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. The purpose of the state was to make of the peasantry a potential underclass, ready to be exploited to fulfil the new state's project of industrialization. For it 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 and that served to justify any abuses inflicted in its service.⁵⁸

By barricading the cities against the peasants, the state rendered ruralites available for the big spurts of industrial growth, and disposable in tighter times. Though earlier constitutions permitted movement, that right has not appeared in any version since 1975.⁵⁹ Thus, the larger economic aspirations of the authorities initially overrode not just any concern for the rights of ruralites to move about, but also their rights as citizens and workers should they be summoned into town.

The legal basis for this division was first laid by a State Council directive of June 1955 on establishing a system of household registration,⁶⁰ rules which were further

elaborated in a set of January 1958 regulations on household registration.⁶¹ With the order on household registration of mid-1955, each individual was required to register his/her place of residence officially with their local public security offices.

With the onset of the reform era after 1980, 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 into cities in search of a more comfortable standard of living. And yet a closer look reveals that migrants remain confined within the rubric of the state's persisting imperative: to marry urban growth and productivity with cost-saving, and, as a "socialist" state, to provide for the city dweller while reserving the ruralite as docile, disposable trespasser and drudge.⁶²

Beyond requiring rural transients to make known their presence in the city, local authorities also demand that they obtain labor permits--as if they were foreign workers.⁶³ As economic "reform" increasingly enshrined market values and profit considerations began to throw even native urban workers' jobs into question, the legitimation for infringing rural migrants' labor rights shifted--the rationale became the need to protect the posts of city laborers. Expressly for this purpose in early 1995 the Ministry of Labor even considered establishing "a system similar to international passport and visa requirements, in order to curb `transprovincial migration'!"⁶⁴

Despite much discussion and debate, and even talk of fundamental reform,⁶⁵ the fundamental features of the hukou policy itself hangs on. A few notable alterations have been the availability of a new, "temporary" household registration in the cities since the mid-1980's, the zhanzhuzheng;⁶⁶ a widespread resort to the sale of the urban hukou, both on black markets by the late 1980's,⁶⁷ and, by the early 1990's, openly by the city administrations themselves in the form of a "blue hukou"⁶⁸; and permission for 450 hand-picked, highly developed county-level towns having a financial surplus to allow "law-abiding, stably employed" peasants to receive an urban hukou, complete with the right to

send their children to school at subsidized rates and with eligibility for basic health and welfare benefits.⁶⁹ In summer 1998 the State Council allowed permanent residence rights to be accorded "qualified investors" and to a citizen's spouse, parents, and children.⁷⁰

The blue hukou became available in most larger cities for up to 10,000 yuan as of early 1993.⁷¹ Just as the more recent "reform," this one was clearly a measure that was to milk both the wealthier peasantry and the countryside as well for the benefit of the cities. Its possession offered most of the rights that urbanites enjoyed at the time. But the ongoing 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 the blue hukou, beyond disbursing the hefty fee, should yet have to wait a full 10 years before becoming the city's permanent resident!⁷²

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 aim remains to protect the cities. Most politicians' opinion is that additional farmers in search of work should 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.

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

Construction 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 [simply] making more money.⁷³

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, the "Beijing City Regulations on the Management of Transient People Seeking Jobs in Beijing" of 1995 listed protections migrant workers 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.⁷⁴ And in mid-1995 Ren Jianxin, director of the Central Commission for Comprehensive Management of Public Security, announced that:

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.⁷⁵

Civic and social privileges

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. And yet politically they are worse off. For given China's authoritarian polity, they suffer as do all workers in the country, only more so.

Trade unions in the P.R.C. are heavily dominated by party officials and so are far more responsive to party directives and policies than to the workers themselves. And in the case of the migrants, despite a national Trade Union Law of 1992 demanding that all firms set up branches of the trade union,⁷⁶ the factories where they tend to concentrate, the foreign-funded firms, have been notoriously flagrant in not installing unions.⁷⁷ Perhaps in response to this lack of unions--as well as to the unrepresentative nature of the official unions--perhaps as many as 800 unauthorized unions, set up outside the party's aegis, had emerged in Guangdong province by early 1994. But defenseless peasant workers feared openly joining them, because of the likelihood of being laid off as a result.⁷⁸

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 45,⁷⁹ having been struck from this latest edition).⁸⁰ 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. 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 are denied the franchise in Japan and those from outside the EU do not have it in Germany, anyone residing in a Chinese city for however long without official household registration in that city may not take part in elections. As for other civic/social rights and prerogatives, such as the right to subsistence, education, dwelling, employment, and medical care, migrants in the cities are in the main officially denied these as well.⁸¹

Certainly these various deprivations and denials were experienced far more keenly before the late 1980's than 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 on a scale that had 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

yet their ability to buy these goods on markets by no means meant the civic or social incorporation of the outsiders.

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 regimens of the still-party-governed polity; and secondly, they can only acquire at markets (and often at elevated prices) the basic necessities of daily urban living, goods still in many cases available much more cheaply to locals.

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 is anywhere--that "secondary" niche where work is dirty, dangerous, debilitating, and insecure. In many cases, it is also less well paid.⁸² 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 many state-owned factories in Chinese cities appears to have received fairer treatment, better pay, shorter hours, and more welfare benefits than those in foreign-funded firms, at least well into the 1990's.

The foreign firms (a fixture not present in Germany or Japan, but much courted in China for their famous boost to the economy), on the other hand, are often invested at the behest of local governments anxious for the extra taxes they will yield, and there state regulations are usually ignored altogether. There have been numerous reports of the litany of abuses suffered by migrants in these overseas-financed enterprises, especially those financed by capital from East Asia. 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 as penalties!⁸³

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, especially, connections to regular urbanites (especially to government or party officials, via blood or

common place of origin), it is possible to become a well-to-do private entrepreneur in the retail, service, or garment manufacturing sectors. This chance for forming connections that bridge the barrier between local and outsider--possible, of course, because the Chinese migrants are, after all, nationals, unlike those in Japan and Germany--may actually privilege some Chinese migrant laborers in comparison with his/her fellow marginal in Germany or Japan.

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. With their nation beginning at a lower level of development than the other two, and as rulers of a staunchly authoritarian regime, China's leaders rely on a stringent developmental imperative that causes them to put peasant outsiders into a generally rightless realm. And yet, as we have seen, there are inklings of change on the horizon.

Explaining Differences

Three variables that distinguish the political economies of these three countries can each be shown to contribute to an explanation of the differences in the respective migration regimes of the countries, with potential implications for the rights migrant labor receives in each. The first of these 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.⁸⁴ And the third has to do with the geopolitics of location.

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.⁸⁵ 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.⁸⁶ 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 1970.⁸⁷ And so it was compelled to call in outsiders, albeit ethnic German resettlers at first, as early as the 1950's.

But note that neither of these countries devised a developmental agenda that locked the peasants onto the land in the interest of modernizing cities alone as China did; both of them, thus, had admitted their farmers as full-fledged workers as soon as the need arose. In the case of China, it was not until the early 1980's, just before Japan's surge of immigration also 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, genuine foreigners in Japan, native farmer-foreigners in China.

Another difference in this category of developmentally-governed timing has to do with unemployment figures in the 1980's. Unemployment in Germany--which had lingered in the range of two to three percent into the early 1970's--was up to eight to 10 percent by the 1980's.⁸⁸ Indeed, beginning as early as the mid-1970's, following the oil price shock of 1973, high unemployment became the excuse for restricting immigration.⁸⁹ With the unification of the country and its attendant costs, Germany in the '90's began cutting back some of its more generous policies (not just for outsiders but for natives as well) and its more open stance.⁹⁰ But the important point here is that its relatively liberal migration regime was born decades before, when the economy craved migrant workers, long before these problems came to the fore. And that regime has by no means been fully dismantled.

In Japan, to the contrary, unemployment rates remained around two to three percent into the 1980's.⁹¹ 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 the entry of foreigners ready to work. 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 had modes of integrating foreigners into this market yet evolved by then.

In China the pre-reform period 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. 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, then because of an acceleration of market-style reforms after 1992--that city laborers actually began losing their positions. These developments have led state firms 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 a sense of competition with them. At the same time the encouragement to market principles has seen increasing numbers of foreign investors and peri-urban communities open firms. But these are the very enterprises that operate outside the regimen of state-decreed benefits and fair treatment for migrant workers.

This phenomenon is 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.⁹² 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 companies for which Japan is famous. In Germany, on the contrary, though foreign workers may stir antagonistic feelings among resident labor, the outsiders--who, as a collectivity, have been on the scene now for some decades--enter the same factories with native labor, and so are subject to identical rules of treatment.

In sum, then, unlike in Germany, the presence of substantial rural reserves in China and Japan, along with extremely low urban unemployment rates in the cities (both of which conditions were regime-manufactured outcomes in the Chinese case) delayed the importing of outside labor for decades, so that neither did any regime of incorporation develop, nor did issues of competition come to the fore. Moreover, when migrant labor did appear, it was often shunted into firms that functioned in a realm set apart from, and so immune from, the comparative beneficence of the mainstream, primary labor market regulatory regime.

The political place of labor

The cases here uncover a surprising relationship: the place of native labor in the larger political economy appears to have definite implications for the reception accorded migrant labor: 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.

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 employing 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.⁹³

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 1960's. Indeed, 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.⁹⁴ 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.⁹⁵

The power of labor is probably enhanced by its concentration in one mammoth federation at the federal level.⁹⁶ This manifest strength is combined with the federation's close tie to a political party which has always been a major contender for power (the SPD, the socialist party).⁹⁷ Moreover, a "relative equality in the distribution of power among [the] different actors" in the enterprise lies at the root of the "German model" of labor relations. All these factors together mean that workers' interests are genuinely represented in the policy process at the central level.⁹⁸

In Japan, labor--at least within the mainstream, large-scale corporations⁹⁹--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,¹⁰⁰ and has been protected against the downsizing that might otherwise attend recessions, at least into the mid-1990's.¹⁰¹ 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 based just in the firm.

It is thus workers as members of enterprise unions--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,¹⁰² labor as a whole was decentralized, fragmented, and

scattered.¹⁰³ 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.¹⁰⁴

The other significant weakness of Japanese labor is its historical marginalization, which 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.¹⁰⁵

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.¹⁰⁶ 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,¹⁰⁷ 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 a 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 the mid-1990s.¹⁰⁸

In the highly authoritarian Chinese case, the dominance of the Communist Party (CCP) over both individual laborers¹⁰⁹ and over the labor movement as a whole 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. Thus the corporate federation at the top has no independent power of its own. And because of the monopoly of power exercised by the CCP, it is meaningless to speak of a linkage between labor and one or another other party, for there is no other, even potentially power-wielding, entity. 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.¹¹⁰

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. Both China's repressive political system and its continuing strategy of effectively sacrificing farmers' interests for untrammled urban modernization have undercut any influence for outsider underdogs.

Geopolitical location

One last variable is the influence of several facets of a nation's geographical location upon its migration regime. Here I refer to the impact a country's 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 a progressively pervasive culture and global spread of conventions surrounding human rights

internationally.¹¹¹ According to them, the advance of values attached to human rights has begun to render the concept of "citizenship" nearly irrelevant in the granting of rights and privileges. Instead, they claim, citizenship is being replaced with a borderless "personhood," whereby entitlements are granted without regard to territory.¹¹²

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 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 EEC 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.¹¹³ As time went on, a growing harmonization of the judicial systems of the member states emerged, to which Germany falls subject.¹¹⁴ This entails, among other matters, the laws governing both foreign as well as intra-EU labor.¹¹⁵

But in Japan's case, the migration flows came from South, East, and Southeast Asian countries, and, more recently, China,¹¹⁶ a result in part of the focus of the Japanese economy's own internationalization.¹¹⁷ 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 Thailand¹¹⁸--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.

In China, we are talking not about workers coming from the outside. Rather, the incoming masses are just the peasants from China's own countryside. So there is of course no question of any effect of a value system of some foreign country or grouping upon the migration regime that interests us here. Since inhabitants of the countryside have been

downgraded for decades, there is no larger force involved that could impose any more humane values than those held by China's own urban rulers and managers. There is, then, at this stage no legitimating framework issuing 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 the interaction with neighbors, trading partners, and homelands of migrants are concerned, it would appear that, James Hollifield and Yasemin Soysal to the contrary, it is so far just countries such as Germany, situated in and involved with Western European liberal and largely law-abiding regimes (and with the EU itself) that are susceptible to the power of the international human rights regime that is pervasive on that continent.

Conclusion

Insofar as its enjoyment of human and citizenship rights is concerned, migrant labor around the globe is in a sorry plight. Its problems are likely to be even worse in places such as Germany and Japan where an ethnocultural bias (ius sanguinis basis for citizenship) is joined with a relentless push to grow economically with no holds barred. Since, this chapter has shown, China shares with Germany and Japan a discriminatory, even xenophobic basis toward its "foreign workers" (in China's case, its own peasants) along with a drive to develop at almost any cost, I compared the three places' histories of reception of laboring outsiders. My objective was to tease out factors that have limited the application of rights for these people, as well as--by identifying differences among the three places--to attempt to locate the conditions that may make for improvements in the situation over the longer haul.

I have found disparities among these countries in three categories: in the timing of their absorption of migrant laborers, and the connection of this 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. I went on to point to ways in which these dissimilarities might be linked to differential outcomes in migration regimes.

This analysis yields the following relationships: First, 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 them. This conclusion is consistent with one enunciated for the U.S. by Rita J. Simon and Susan H. Alexander: "The responses [in public opinion surveys] show that immigrant groups who have been in the United States longer tend to receive more positive evaluations than do recent immigrant communities..."¹¹⁹

Second, the stronger, better organized, and more involved in governmental policymaking domestic labor, the more prone it may be to assist outsiders to gain a foothold, and the more capable of doing so; and, third, given the first two conditions and other things being equal, the more entwined in exchanges with other liberal regimes, the more legalistic and rights-conscious states should become, with beneficial consequences for sojourners as well as for other minorities.

These conclusions, then, imply the following: first, over time, the Chinese floating population will likely be treated more benignly than it has been heretofore; there are already signs that this is underway. Secondly, if the regular, permanent workforce could gain 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),¹²⁰ that would have positive side-effects for the migrants as well. And thirdly, 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 apt, eventually, to gain good treatment.

Notes

¹ Gary Silverman, "Vital and Vulnerable," Far Eastern Economic Review (hereafter FEER), 23 May 1996, 60-61.

² In 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.

³ Emily Honig, Creating Chinese Ethnicity: Subei People in Shanghai, 1850-1980 (New Haven: Yale University Press, 1992).

⁴ Rogers Brubaker, Citizenship and Nationhood in France and Germany (Cambridge: Harvard University Press, 1992), 51 and 123.

⁵ In 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. See 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, Rogers Brubaker, Citizenship and

Nationhood in France and Germany (Cambridge: Harvard University Press, 1992), 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 (Wayne A. Cornelius, "Japan: The Illusion of Immigration Control," in Cornelius, Martin, & Hollifield, Controlling Immigration, 396).

⁶ This is in contradistinction to ius soli, or soil, meaning birth within the national territory. See Hollifield, Immigration, 16; Brubaker, Citizenship and Nationhood, 32 and 122-23; and Yasemin Nuhoglu Soysal, Limits of Citizenship: Migrants and Postnational Membership in Europe (Chicago: University of Chicago Press, 1994), 25-6.

⁷ Sulamith Heins Potter and Jack M. Potter, China's Peasants: The Anthropology of a Revolution (Cambridge: Cambridge University Press, 1990), 296.

⁸ Brubaker, Citizenship and Nationhood, 34, 81, 176; and Martin, "Germany," 196. Soysal, Limits of Citizenship, 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. See also Hollifield, Immigrants, 173; and Ursula 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. In Autumn 1998 the new Social Democratic-Green governing alliance opened up citizenship rights to those born in Germany at least one of whose parents had been resident in the country since age 14.

⁹ Saskia 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.

¹⁰ Haruo Shimada, Japan's "Guest Workers": Issues and Public Policies [trans. Roger Northridge] (Tokyo: University of Tokyo Press, 1994), 47.

¹¹ Cornelius, "Japan," 396, 385.

¹² William T. Rowe, Hankow: Conflict and Community in a Chinese City 1796-1895 (Stanford: Stanford University Press, 1989), 231.

¹³ Wang 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.

¹⁴ South China Morning Post, (hereafter SCMP) (Hong Kong), 9 October 1991, 10, reprinted in U.S. Foreign Broadcast Service, China Daily Report (hereafter FBIS), 10 October 1991, 22.

¹⁵ Wayne A. Cornelius, Philip L. Martin, and James F. Hollifield, "Introduction: The Ambivalent Quest for Immigration Control," in Cornelius, Martin, & Hollifield, Controlling Immigration, 18; Martin, "Germany", 198; Hollifield, Immigrants, 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.

¹⁶ Ge 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), 175.

¹⁷ Cornelius, "Japan," 378 and 394.

¹⁸ Brubaker, Citizenship and Nationhood, 174.

¹⁹ Zig 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.

²⁰ Brubaker, Citizenship and Nationhood, 52, 70-71; and 53, 64, 136.

²¹ Ibid., 77; Soysal, Limits of Citizenship, 26. Yet Martin, Citizenship and Nationhood, 196 claims that 15 years are required. The right of dual citizenship was granted by the new government in autumn 1998.

²² Gerard de Rham, "Naturalisation: The Politics of Citizenship Acquisition," in Layton-Henry, The Challenge, 162-63; and Martin, "Germany," 209-10.

²³ Martin, "Germany," 198-98, 202; Brubaker, Citizenship and Nationhood, 75, 172; and Catherine Wihtol de Wenden, "The Absence of Rights: the Position of Illegal Immigrants," in Layton-Henry, Political Rights, 31; and Hollifield, , 82.

²⁴ Brubaker, Citizenship and Nationhood, 76.

²⁵ Ibid., 78; Soysal, Limits of Citizenship, 26; and Cornelius, Martin, & Hollifield, Controlling Immigration, 18.

²⁶ Martin, "Germany," 194, 218-20.

²⁷ Brubaker, Citizenship and Nationhood, 72; Martin, "Germany," 189.

²⁸ Martin, "Germany," 202, 190.

²⁹ After Germany unified in 1990, the migration regime of West Germany became the common regime of the whole of Germany.

³⁰ See Tomas Hammar, "The Civil Rights of Aliens," in Layton-Henry, Political Rights, 79 and 83; Soysal, Limits of Citizenship, 129.

³¹ Soysal, Limits of Citizenship, 122, 130; Hammar, "Civil Rights," 84-85.

³² Uwe Andersen, "Consultative Institutions for Migrant Workers," in Layton-Henry, Political Rights, 116-17.

³³ Soysal, Limits of Citizenship, 128-29; Layton-Henry, Limits of Citizenship, 24; Jan Vranken, "Industrial Rights," in Layton-Henry, Political Rights, 57.

³⁴ Soysal, Limits of Citizenship, 124; and 166, 88; 107-08.

³⁵ Vranken, "Industrial Rights," 57; Hollifield, Immigrants, 205.

³⁶ Vranken, "Industrial Rights," 61; and Hollifield, Immigration, 205.

³⁷ Hollifield, Immigration, 208.

³⁸ Martin, "Germany," 190.

³⁹ Cornelius, Martin, & Hollifield, Controlling Immigration, 26-27.

⁴⁰ Susumu Watanabe, "The Lewisian Turning Point and International Migration: The Case of Japan," Asian and Pacific Migration Journal 3, 1 (1994), 134-35; Sassen, The Global City, 300; and Matsatoshi Muto, "Japan: The Issue of Migrant Workers," in Kubat, Politics of Migration Policies, 348; Cornelius, "Japan," 375.

⁴¹ Sassen, The Global City, 308; Watanabe, "Lewisian Turning Point," 135; and Kiriro Morita and Saskia Sassen, "The New Illegal Immigration in Japan, 1980-1992," International Migration Review 28, 1 (1994), 154. Shimada, Japan's "Guest Workers", states that in 1990, there were only 80,000 foreigners officially employed,

less than one-third the number estimated to be there illegally.

⁴² Cornelius, "Japan," 377-78 and 382; Muto, "Japan," 348.

⁴³ Morita and Sassen, "The New Illegal", 160-61; Shimada, Japan's "Guest Workers", 164; and Cornelius, "Japan," 390-400.

⁴⁴ Sassen, The Global City, 309; Cornelius, "Japan," 387.

⁴⁵ Shimada, Japan's "Guest Workers", 161-62 and 167-8.

⁴⁶ Japan's "Guest Workers", 40, 42, 48.

⁴⁷ Sassen, The Global City, 311-12.

⁴⁸ Cornelius, "Japan," 399; Morita and Sassen, "The New Illegal," 161.

⁴⁹ Shimada, Japan's "Guest Workers", 73-77.

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⁵¹ Cornelius, "Japan," 406.

⁵² The first State Council directive liberalizing peasants' right to be in towns is "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) (10 November 1984), 919-920.

⁵³ On "collectively"-owned factories, see Andrew G. Walder, Communist Neo-Traditionalism: Work and Authority in Chinese Industry (Berkeley: University of California Press, 1986).

⁵⁴ See Walder, Communist Neo-Traditionalism, 40-3, 56-68.

⁵⁵ Dorothy J. Solinger, "The Chinese Work Unit and Transient Labor in the Transition from Socialism," Modern China 21, 2 (1995): 155-83.

⁵⁶ James 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).

⁵⁷ R. J. R. Kirkby, Urbanisation in China: Town and Country in a Developing Economy, 1949-2000 A.D. (London: Croom Helm, 1985), 34.

⁵⁸ 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 (Taipei) 27, 8 (1991), 56; and Kirkby, Urbanisation, 14-21 and 154. See especially Kam Wing Chan, Cities with Invisible Walls: Reinterpreting Urbanization in Post-1949 China (Hong Kong: Oxford University Press), 1994.

⁵⁹ Ding Shuimu, "The Present Household Registration System and the Direction of its Reform," Shehuixue yanjiu [Sociological research] (Beijing) 6 (1992), 103.

⁶⁰ This 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.

⁶¹ "Regulations on Household Registration in the People's Republic of China," published in *Compendium*, vol. 7 (Beijing: Falu chubanshe, 1958), 204-216, and translated in Zhang, "Basic Facts," 87-92.

⁶² Chan, Cities with Invisible Walls, Chapter Four makes the same argument.

⁶³ Stephen Castles and Godula Kosack, Immigrant Workers and Class Structure in Western Europe (New York: Oxford University Press, 1985) 2nd ed., 100.

⁶⁴ Robert J. Saiget, "Beijing Exiles Floating Population," *Kyodo*, March 25, 1995, in FBIS, 27 March 1995, 33.

⁶⁵ For instance, FBIS, 31 January 1994, 41, from Xinhua [New China News Agency] (hereafter, XH) of the same date, "Ministries to Reform the System of Household Registration."

⁶⁶ See Michael R. Dutton, Policing and Punishment in China: From Patriarchy to "The People" (N.Y.: Cambridge University Press, 1992), 336.

⁶⁷ Anthony Kuhn and Lincoln Kaye, "Bursting at the Seams," FEER, 10 March 1994, 27-8, and Ding Shuimu, "A Preliminary View of the Present Household Registration

Management System," Shehui [Society] (Shanghai) 1 (1987), 19.

⁶⁸ For instance, Cao Jingchun, "Some Deliberations on Household Registration as Temporary Residence Permit," Renkou yu jingji [Population and economy] 5 (1993): 38-42; and Ma Chenguang, "Cities Set Looser Rules on Residency," FBIS, March 4, 1994, 22, from China Daily (hereafter, CD) of the same date, 3.

⁶⁹ "Gradually Reform Small Towns' Household Management System," Baokan wenzhai [Periodicals Digest] (Beijing), 24 July 1997, 1; Summary of World Broadcasts FE/2986 G/8 (1 August 1997), from XH, 30 July 1997 and FE/2989 G3-4 (5 August 1997), from XH, 30 July 1997; and AFP, 16 August 1997.

⁷⁰ China Daily Business Weekly, 6 September 1998, 1.

⁷¹ Cao, "Some Deliberations," 38.

⁷² Qin Qiuhong, "Reform the Present Household Registration System to Fit the Needs of the Market Economy," Jingji gaige [Economic reform] (Xi'an) 5 (1993), 46.

⁷³ Yuan Yue et al., Luoren--Beijing liumin di zuzhihua 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.

⁷⁴ FBIS, 19 April 1995, 15, from XH, 19 April 1995.

⁷⁵ FBIS, 8 June 1995, 17, from XH, 7 June 1995.

⁷⁶ XH, 12 September 1994, and translated in FBIS, 12 September 1994, 51.

⁷⁷ As of the end of June 1994, only one third of the 52,000-plus foreign firms in the country had established trade unions (CD, 27 October 1994, 3, reprinted in FBIS, 28 October 1994, 31).

⁷⁸ Reported in Tangtai [Contemporary Times] (Hong Kong), 36 (15 March 1994), 38-9, translated in FBIS, 5 April 1994, 43-44.

⁷⁹ Beijing Review (hereafter, BR), 17 March 1978, 13.

⁸⁰ BR, 27 December 1982, 16.

⁸¹ Zhang Qingwu, "Basic Facts," 8.

⁸² Michael J. Piore, Birds of Passage: Migrant Labor and Industrial Societies (Cambridge: Cambridge University Press, 1979).

⁸³ Liu Jinghuai and Zeng Mingzi, "Rights, Interests, and Dignity Brook No Infringement--Worries About

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⁸⁴ Patrick R. Ireland, The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland (Cambridge, MA: Harvard University Press, 1994).

⁸⁵ Sassen, The Global City, 308.

⁸⁶ Muto, "Japan," 350.

⁸⁷ Jost 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.

⁸⁸ Peter J. Katzenstein, "Stability and Change in the Emerging Third Republic," in Katzenstein, Industry and Politics, 308.

⁸⁹ Brubaker, Citizenship and Nationhood, 176.

⁹⁰ Katzenstein, "Stability and Change", 309.

⁹¹ Watanabe, "Lewisian Turning Point," 122; Ronald Dore, Flexible Rigidities: Industrial Policy and

Structural Adjustment in the Japanese Economy 1970-80

(Stanford: Stanford University Press, 1986), 87.

⁹² Sassen, The Global City, 315; Morita and Sassen, "The New Illegal," 157.

⁹³ Peter J. Katzenstein, "Industry in a Changing West Germany," in Katzenstein, Industry and Politics, 11, and Vranken, "Industrial Rights," 68.

⁹⁴ Hammar, "Civil Rights," 88; Vranken, "Industrial Rights," 57-8.

⁹⁵ Jan Rath, "Voting Rights," in Layton-Henry, Political Rights, 133.

⁹⁶ Katzenstein, "Industry," 11.

⁹⁷ Vranken, "Industrial Rights," 51-2.

⁹⁸ Katzenstein, "Stability and Change," 348.

⁹⁹ Keiko Yamanaka, "Commentary: Theory Versus Reality in Japanese Immigration Policy," in Cornelius, Martin, & Hollifield, Controlling Immigration, 413.

¹⁰⁰ Vocational training is nationally-based in Germany (Katzenstein, "Industry," 12).

¹⁰¹ Johnson, "Studies," 96, 100, 110 and Dore, Flexible Rigidities.

¹⁰² Yutaka Tsujinaka, "Rengo and its Osmotic Networks," in Gary Allinson and Yasunori Sone, eds., Political Dynamics in Contemporary Japan (Ithaca: Cornell University Press, 1993), 211; and Lonny E. Carlile, "Party Politics and the Japanese Labor Movement: Rengo's 'New Political Force'," Asian Survey, 34, 7 (1994), 617-19.

¹⁰³ Carlile, "Party Politics," 620; Ikuo Kume, "A Tale of Twin Industries: Labor Accommodation in the Private Sector," in Allinson and Sone, Political Dynamics, 166.

¹⁰⁴ Mike Mochizuki, "Public Sector Labor and the Privatization Challenge: the Railway and the Telecommunications Unions," in Allinson and Sone, Political Dynamics, 196; see also Dore, Flexible Rigidities, 88, 105, 123; Eisuke Sakakibara, Beyond Capitalism: The Japanese Model of Market Economics (Lanham: University Press of America, 1993), 16, 19; and Carlile, "Party Politics," 610, 619.

¹⁰⁵ Carlile, "Party Politics," 609, 611.

¹⁰⁶ Gary Allinson and Yasunori Sone, "Negotiating Labor's Role," in Allinson and Sone, Political Dynamics, 156, 157; Carlile, "Party Politics," 607.

¹⁰⁷ Carlile, "Party Politics," 620; Tsujinaka, "Rengo," 211.

¹⁰⁸ Cornelius, "Japan," 394.

¹⁰⁹ Walder, Communist Neo-Traditionalism.

¹¹⁰ FBIS, 17 May 1994, 19, from SCMP, 17 May 1994, 1, 8; and FBIS, 24 May 1994, 52-3, from Eastern Express (Hong Kong), 23 May 1994.

¹¹¹ See Soysal, Limits of Citizenship, Hollifield, Immigrants, and Cornelius, Martin, & Hollifield, Controlling Immigration.

¹¹² See, for instance, Soysal, Limits of Citizenship, 3.

¹¹³ Martin, "Germany," 199.

¹¹⁴ Miriam 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.

¹¹⁵ Discussion with Alec Stone, Irvine, February 15, 1996.

¹¹⁶ According 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.

¹¹⁷ Sassen, The Global City, 32-33.

¹¹⁸ Morita and Sassen, "The New Illegal," 151.

¹¹⁹ Rita J. Simon and Susan H. Alexander, The Ambivalent Welcome: Print Media, Public Opinion and Immigration (Westport, CT: Praeger, 1993), 46.

¹²⁰ This law was adopted on 5 July 1994, at the 8th Session of the Standing Committee of the 8th National People's Congress (translated in FBIS, 19 July 1994).