

Talk of Rights: The Rise and Fall of Collective Bargaining in Southern China

by

Patricia Chen

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(Sociology)
in the University of Michigan
2017

Doctoral Committee:

Associate Professor Kiyoteru Tsutsui, Chair
Professor Mary E. Gallagher
Professor Emeritus Howard A. Kimeldorf
Associate Professor Sandra R. Levitsky

Patricia V. Chen

pvchen@umich.edu

ORCID iD: 0000-0001-8030-8141

© Patricia V. Chen 2017

To my parents.

Acknowledgements

In my first couple years as a graduate student, I liked to think that grad school is like war— you must depend on others to have your back. Many years later, I still think this is true, although perhaps the battle is with oneself more than anything else. Even so, I am incredibly fortunate to have been surrounded by a most formidable army, without whom I would have never survived.

I am indebted my captains, the members of committee. I am grateful to Kiyoteru Tsutsui's patient ear though many office hours, and am thankful for his sharp insight which has helped me find my way through many theoretical and empirical weeds. His advice and guidance always pushed me to do more and to do better—and I am so grateful for that. I thank Howard Kimeldorf's open door, unbounded intellectual generosity, and enthusiasm. The time and detailed attention he gave to my work has been priceless. Mary Gallagher has been my rock throughout this program. It is safe to say I would not have done this dissertation without her. And finally, Sandra Levitsky's mind is like a laser, which she has coupled with encouragement and kindness. I am incredibly thankful for her thoughtful advice throughout these years.

A special out-of-the-box thanks to Sarah Burgard, who is a special, extra-ordinary super human. She was there for me in the very beginning, before I had found my way, as an advisor and mentor long before it was in her job description to ensure the welfare of students regardless of their subfield— just because she's that kind of person.

Many, many thanks to my sisters and brothers in arms: Danielle Czarnecki, Teri Rosales, Sarah Seelye, Matthew Sullivan, Cheyney Dobson Bridget Lavelle, Rachael Pierotti, and Erica Morrell. Their friendship made this experience worthwhile. I don't think better, smarter people exist anywhere else, and I count myself so fortunate that I was able to enjoy their company and encouragement. Thanks to all my fellow China scholars—Ya-wen Lei, Yan Long, Yujeong Yang, Qingjie Zeng, Michael Thompson, Nicole Wu, Blake Miller, and Yuequan Guo. Their depth and breadth of knowledge has always been such an inspiration, and I am grateful to them for their time and advice through many papers and presentations. And a heartfelt appreciation to the faculty and students of the Culture History & Power and Social Movements workshops, especially Rachel Best, Rob Jansen, Jaeun Kim, Angie Perone, Jose Bortoluci, Daniel Hirschman, Kelly Russell, and Drew Foster. Workshops were one of my favorite parts of grad school, because of these amazing people. Their intellectual camaraderie helped to move my work along and make it better.

Thank you to the National Science Foundation, the Lieberthal-Rogel Center for Chinese Studies, the Chiang Ching-kuo Foundation, Rackham Graduate School, and the Population Studies Center, whose funding made this dissertation possible.

I am deeply indebted to all the labor activists and workers in China who opened their doors to me, gave me their time, and allowed me into their world. I especially thank DY [of Shenzhen Law] for taking me in when few others would. I am deeply moved by his passion and continued resolve to fight for workers in China. HYC will always be my favorite. I am so grateful that he reached out and treated me with so much humanity and good humor. Thanks to CHH [at South City] for all his time and energy, introducing me to workers, and sharing his experiences. Thanks also go out to Li Chunyun, a fellow researcher at Shenzhen Law; she is a living example of the public scholar who rises above the fray. And finally, a very special thanks to all the workers who sat with me, invited me into their homes and cooked me dinner, who spoke to me honestly and straightforwardly; I am forever touched by their generosity and kindness.

Thanks to my dearest friends, Stephanie Kwok and Laura Battle, for their countless hours of support and empathy. And finally: a very special thanks to my family, whose love carried me through it all.

Table of Contents

Dedication.....	ii
Acknowledgements.....	iii
List of Tables.....	vi
Abstract.....	vii
Chapters	
1.Introduction.....	1
2. Ambiguous Political Opportunities and the Beginnings of Contentious Collective Bargaining in Southern China	26
3. Repertoires of Conciliation: Elite Support for Collective Bargaining in Southern China.....	72
4. The Representational Fix: Collective Bargaining’s Failure in China.....	121
5. Conclusion.....	152
References.....	165

List of Tables

Table 1: Three Forms of Collective Bargaining and Negotiation.....	9
Table 2: The Rise and Fall of Collective Bargaining: Six Illustrative Labor Disputes.....	24
Table 3: Spectrums of Support Across Three Labor Disputes.....	80

Abstract

This dissertation traces a politically contentious practice from its emergence in southern China in 2010, through its repression and appropriation by the state in 2015. In asking why social movements occur and why they do or don't succeed, social-movement literature must contend with movement failure and how entrenched political structures can thwart efforts for reform. By studying the rise and fall of collective bargaining, which was introduced to workers by labor NGOs as a contentious political practice, and situating findings within a social-movement framework, this study bridges studies on regime resilience and social movements.

Contentious collective bargaining found acceptance among workers due to ambiguous political opportunities that dovetailed with labor NGOs efforts to promote the practice. Similarly, collective bargaining's demise was brought on through contradictions in the state-built organizational structures, rather than repressive forces alone. Indeed, local state actors did not immediately move to stamp out workers' attempts to use collective bargaining. At one point, they even actively encouraged workers to use it to resolve their disputes. Eventually, they would appropriate the practice for themselves while quashing the activists and NGOs who had originally promoted it. But the state's support of collective bargaining depended on the extent to which it could be used to minimize workers' disruptive activity and maintain legal boundaries. While labor NGOs had hoped collective bargaining could be used to expand workers' rights, contradictions within the state-built organizational infrastructure were able to neuter the practice and maintain structures of power.

The data for this study is primarily built from the analysis of six different labor disputes that unfolded from 2011 to 2014. The overarching analytic approach of this study follows

McMichael's (1990) incorporated comparison strategy, which emphasizes the relational aspect of different cases and allows a systemic whole to be constructed through comparison of related cases. The chapters here focus on presenting a narrative of these labor disputes in order to provide multiple snapshots of a different moments in collective bargaining's life course, and construct a more holistic picture of its trajectory in China. While each chapter engages a distinct line of inquiry, the cases throughout these chapters are connected to each other across time and space.

This dissertation contributes to social-movement theories by detailing the institutional mechanisms that fortify regime resilience, allowing this literature to better understand movement failure. The rise and fall of collective bargaining shows how authoritarian political structures are complex, capable of learning, adapting, and retooling the threats that come their way; and how groups and organizations successfully—and unsuccessfully—navigate these fragile spaces to move the cycle of change and stasis in highly constrained political settings.

Chapter 1

Introduction

Overview

Starting in 2010, Chinese labor activists, most of whom were in Guangdong Province, began promoting collective bargaining among workers. From 2011 to 2013, collective bargaining appeared to be on the rise in Guangdong, with grassroots promotion from labor NGOs and occasional support from local authorities in facilitating the process. In at least one case, workers were able to garner state support to use collective bargaining to claim interests that actually exceeded their legal rights. However, collective bargaining's success as a potent repertoire for contention would not last long. In 2014, the state was already maneuvering to restrict the use of collective bargaining among workers, and by 2015, as state authorities moved to cripple the network of labor NGOs that advocated the practice, the grassroots proponents of collective bargaining were in retreat.

Although the implementation of collective bargaining for the first set of workers was riddled with difficulties, these workers ultimately did find recourse for their grievance. Bolstered by this success, labor NGOs continued to promote collective bargaining among workers, who then used it successfully in other cases. The activists and workers who were involved in these successful cases claimed that it was workers' solidarity, along with the assistance of labor NGOs,

that enabled their wins. However, a closer analysis of these cases reveals that the implementation of collective bargaining depended on the intervention and support of local authorities. While worker agitation played its part, the essential element was the support of local authorities; without it, management would never have agreed to meet workers at the bargaining table.

The three chapters of this dissertation focus on the origins, implementation, and decline of collective bargaining as a repertoire of contention for low-wage manufacturing workers in China. Chapter 1 asks how labor activists were able to promote collective bargaining, given that workers were unfamiliar with the concept, had little institutional support for its pursuit, and lacked any real evidence of collective bargaining's efficacy. Chapter 2 asks why local authorities occasionally supported workers and compelled companies to engage in collective bargaining and what conditions prompted them to do so. Chapter 3 asks why collective bargaining failed to become an effective, labor-driven repertoire of contention among workers. Each of these chapters tackles a fairly distinct line of inquiry outlined here. Thus, in order to provide greater organizational clarity, this dissertation follows a similar presentation to a three paper model. Altogether, these three chapters trace the rise and fall of collective bargaining as a means to expand labor rights in contemporary China.

The case of worker-led collective bargaining provides a lens through which to study the fractures of political opportunity in authoritarian regimes in order to understand the conditions under which contentious collective action is possible. My dissertation shows how groups and organizations navigate these fragile spaces—whether successfully or unsuccessfully—through cycles of change and stasis in highly constrained political settings.

The Setting: A Brief on China's Political Economy, Migrant Workers, and the Law

China's political, economic, and legal contexts form the backdrop for the story of collective bargaining's rise and fall. The cases detailed in the following chapters took shape within a multi-tiered government structure marked by competing interests at different levels. Also, the economic environment, specifically slowing production and declining demand, affected all the companies discussed in this study. Because many workers at these companies were migrant laborers, they are in a structurally disadvantaged position compared to local residents, and have been hit particularly hard by the economic downturn. Contentious action bringing the assistance of the state was one of the few effective means for migrant workers to ameliorate the economic insecurity they faced. But, because a high prevalence of strike incidents reflects poorly on the political performance of local officials tasked with maintaining social stability, local officials seek to limit workers' insurgencies. While China's legal system exists and was meant to give workers an institutionalized channel to resolve their disputes, the courts and labor laws have fallen short in providing broad-based, substantive recourse to workers. Collective bargaining came to the fore in this particular moment in China's contemporary history, when local officials and labor NGOs alike were in search of a solution for the quandary of workers' discontent and rising insurgency created by China's political economy and social structures. This section provides a brief overview of this political, economic, and social setting.

The multi-tiered state apparatus governing China is arranged in a regional hierarchy, with the Central government, located in Beijing, occupying the highest seat of authority, and subsequent levels of government pegged at the provincial, municipal, city, county, and township levels. While the central government constructs broad frameworks and national laws for governance, it is local authorities and local governments — which refer to provincial down to

township level officials— that are responsible for the implementation and enforcement of regulations (van Rooij, 2012). But local authorities have their own economic and political agendas, which sometimes do not align well with the central government’s policy dictates (Whiting, 2000). Local authorities’ pursuit of their own interests and goals can sometimes result in a de-coupling of the central policies and local action (Lawrence & Martin, 2013). Workers’ social security is a germane example. The central government has positioned itself as pro-labor and requires companies and local governments to pay into social security funds for workers. However, rather than manage these accounts for future repayment to workers, local authorities have found it lucrative to siphon these funds into development projects in their own localities in order to bring additional revenue to the region and grow their own personal finances (Frazier, 2010).

On the one hand, the gap between central and local authorities in terms of policy implementation and enforcement creates an opportunity for challengers to mobilize and use the central government’s rhetoric to articulate their own grievances. On the other hand, the central-local gap bolsters regime resilience as it allows the central government to shift responsibility on to local governments. Aggrieved constituents blame their local government—rather than central powers— for their problems while also seeking out local authorities to resolve their grievances (O’Brien & Li, 2006; Cai, 2008; Perry, 2008).

While the structure of the state forms the political backdrop for this study, China’s contemporary economic history is also an important contextual factor for understanding the labor disputes discussed throughout this study. Starting in the late eighties, China entered its economic reform period, where it moved away from its socialist economic system and toward a freer market economy (Naughton, 2007). China’s economic growth from the late eighties up to 2008

was regarded as triumphant proof that the Chinese communist party could successfully steer the country into a new era of “capitalism with Chinese characteristics” (Huang, 2008). The state relinquished much of its control over many industries, allowing private and foreign companies to participate as independent agents in the market. In Guangdong, three (out of four) special economic zones were established, giving tax incentives and special treatments to businesses in order to draw capital to the region. Foreign investors from Hong Kong, Taiwan, and the west flocked to the province to plant their production and manufacturing facilities there (Ge, 1999; Zhang 2013). The plethora production and manufacturing firms in Guangdong has earned the province its reputation as the “World’s Factory.” But rather than an absence of the state in the market or an invisible hand steering economic development in this province, a more accurate description of state and market relations would be a visible *and friendly* hand of the state engineering the economic conditions for the rise of manufacturing and textile industries (Gallagher, 2004; Shirk, 1993). And despite the move to privatize industry and commerce across the country, state and business spheres in Guangdong—and across China—are still deeply enmeshed. Cultivating good relationships with the state remains an important practice for companies that would do business in China (Wank, 2002).

If political policies created the conditions for China’s economic development, migrant workers’ labor constitutes the fuel enabling production on the ground. Indeed, much of Guangdong’s (and by extension, China’s) success story rests on the backs of the migrant laborers that came to urban centers and special economic zones for work (Chan KW, 2010). Migrant workers in search of gainful employment have flooded cities and manufacturing hubs across Guangdong province. Under China’s residency, or *hukou*, system, migrant workers enjoy very little in the way of state support for social benefits in the cities where they live and work (Cheng

& Selden, 1994; Chan A, 2003) Their access to some of the most important social institutions needed for security and social mobility, such as housing and education, is limited or effectively barred through prohibitive fees. And because they are often in more economically and socially disadvantaged positions, they are more vulnerable to exploitation and abuse by the companies they work for. Thus, migrant workers in Guangdong— who make up the majority of workers in manufacturing hubs like Guangzhou, Shenzhen, and Dongguan— are essentially made into second-class citizens through an apartheid system that determines access and inclusion on the basis of residency (Chan KW, 1996; Lee, 2007b; Liu, 2005).

China's slowing production constitutes the economic backdrop for the workers' grievances and the labor disputes discussed throughout this study. Though migrant workers were subject to precarious livelihoods even at the height of China's economic success, they now face even more tenuous working conditions as production has slowed. The global financial crisis of 2008, as well as the shifting fortunes of industries whose technologies have become obsolete, left many companies with reduced production orders, slimmer profit margins, and the need to cut costs (Chan KW, 2010; Pomfret, 2008). Workers' wages and benefits were some of the first on the proverbial chopping block. In all the cases discussed throughout this study, declining company sales, slowing production, and shrinking profit margins predicated company's decisions to lay-off workers, adjust wage structures, or merge with other companies. This then disturbed workers' (already fragile) sense of security, and gave way to labor disputes wherein workers sought to reclaim some economic security, be it through social security, compensation, or payouts. But the best method for actually making good on their claims was not a particularly straightforward one. Taking legal action, for example, was not always effective or feasible. And

strike action carried real economic risk for workers due to lack of legal protections for such activities.

The legal-political structure as it is relevant to labor and labor relations in China, contextualizes much of collective bargaining's story. The 2008 National Labor Contract Laws provided a set of state-sanctioned labor laws requiring companies to sign labor contracts with their (primarily migrant) workers, and, in doing so, ensure that companies adhere to minimum standards around hours, wages, housing benefits, and social insurance. While some hail these national labor laws as an important step forward for workers' legal rights, others regard these laws as a means for the state to shift the responsibility and costs of supporting workers over to capital (Gallagher, 2006). Either way, many companies have either neglected to sign contracts with workers or do not provide workers with documentation of the work relationship that is needed for workers to successfully file suite in courts. More recently, workers are further dissatisfied with current legal provisions, contending that the law is not enough— that protections and standards for compensation do not provide adequate recourse in cases when workers lose their incomes.

In sum, then, the state has constructed a residency system that situates migrant workers in considerable economic insecurity. Although economic reforms brought an influx of private and foreign investments —and thus job opportunities—and raised the standard of living for many in China, there are few protections in place to inoculate migrant workers against economic downturns or industrial shifts that may negatively impact the companies they work for. In the face of slowing production, downsizing and cuts to workers' salaries in order to keep operations afloat are all too common. While this constitutes rational, economic decision making on the part of the companies, it is an affront to workers' sense of justice and their desire to maintain a

secure livelihood for themselves. The 2008 National Labor Contract Laws are meant to give some assurances to workers by requiring companies to maintain minimum standards for working conditions and arrangements. But its efficacy in doing so has been limited. In conjunction with the issues discussed above, enforcement of laws and reforms is left to local authorities, who may not consider it in their best interest to hold companies to these laws as this might endanger capital's willingness to continue investments in the localities that authorities oversee (Zheng 2009).

But even if the promulgation of national labor laws has not been a panacea to China's complex of labor ills, at the very least these labor laws lend support to aggrieved workers by providing a framework for workers to legitimize their claims against companies during strikes (Silver & Zhang, 2009). Strike action can be particularly effective for workers, not because workers are able to leverage their power the point of production, but because they are able to threaten the central government's mandate to maintain social stability. Social stability maintenance requires that local governments minimize unrest and insurgency, or any such precursors to movement activity where challengers might seek to upend the current power structure. The central government's imperative for social stability makes workers' strikes because they affect local authorities' political scorecards. Just as it is in their interests to attract business investments, it is also in local authorities' interests to minimize "mass incidents" and uphold the central government's command for social stability. Sometimes, the local government will step in during a strike and give payouts to workers in order to put such insurgencies to rest. Other times, workers find themselves terminated, without recourse, and in an even worse position than before. For all parties concerned, strike action is not a particularly desirable method for dispute resolution. All together, this has resulted in something of a perfect storm for the rise

of collective bargaining as a potential resolution to increased labor insurgency and discontent in China.

Collective Bargaining in China

The term collective bargaining is a direct translation of Chinese activists’ own terminology (*jí tǐ tán pàn* 集体谈判). However, the actual implementation of the practice by these activists in Guangdong Province (where it is most strongly advocated) differs from collective bargaining as it is seen in Western industrial contexts. Chinese activists’ version of collective bargaining also differs from the Chinese state collective negotiations (*jí tǐ xié shāng* 集体协商). To provide clearer definitional distinction among Western-industrial collective bargaining, Chinese state collective negotiations, and Chinese activists’ collective bargaining, the table below compares and contrasts these three different forms in terms of their purpose, the actors involved, and the guiding principles.

Table 1: Three Forms of Collective Bargaining and Negotiation			
	Purpose	Actors Involved	Guiding Principles
Western Collective Bargaining	Collective labor contract	Worker-representative union vs. management /trade association	Labor rights
Chinese- State Collective Negotiation	Collective wage contract	State-controlled union and trade association	Chinese labor laws
Chinese-Activists Collective Bargaining	Collective dispute resolution	Organized workers vs. management	Labor rights

In Western industrial settings, collective bargaining is conceptualized as a means for unionized workers and employers to set the terms of a collective labor contract. Ideally,

collective bargaining can prevent labor disputes by allowing labor and capital to arrive at a shared consensus about the conditions of employment. Collective bargaining is also typically conducted under the auspices of a labor union that represents worker interests at the bargaining table. As I discuss in the first chapter, the Chinese state began promoting collective *negotiations* starting in 2010, and their guides and conceptualization were rough approximations of Western versions of collective bargaining. Like the collective bargaining seen in the United States or in other late-industrial settings, the Chinese central government's guide envisioned collective negotiations as a means to set a collective contract through discussions between the union and business associations.

However, there are some important differences. For one, official state guidelines for collective negotiations explicitly denounce the use of violent and radical actions. Also, since China's central labor organization, the All-China Federation of Trade Unions (ACFTU), is ultimately an agent of the state, it prioritizes the interests of the state over interests of workers, even though it may also occasionally lend its support to labor. Thus, discussions between the Chinese union and businesses are really conversations between the state and business. Other scholars have labeled the state's vision for collective negotiations more accurately as *party-state-led* collective negotiations. These localized forms of bargaining and negotiation have been implemented intermittently in recent years in China under the full control of the state-led official union—importantly, with little to no input or participation from workers themselves (Chan & Hui, 2014; Friedman, 2014).

Guangdong activists promote a form of collective bargaining that differs in two respects from both Western-industrial bargaining and Chinese party-state-led negotiations. In the activist version, collective bargaining is a post hoc solution for dispute resolution and is led not by union

representatives but by the workers themselves. Hence, scholars who have studied these labor NGOs and their advocacy for collective bargaining have termed the NGO-promoted version “worker-led collective bargaining” (Li, 2016). When Chinese activists promote collective bargaining to workers, they intend that workers bargain independently of the union on the assumption that the union has no real interest in representing workers’ demands or in advocating for workers’ needs.

When promoting collective bargaining, activists encourage workers to organize themselves, to elect their own representatives, to consolidate demands, and to pool financial resources. Workers then hold meetings and send written requests to management that outline demands, propose meetings, and request a response within a set time. These activities draw directly from the procedures of collective bargaining in Western industries. For this reason, Chinese activists have designated their own version of the process with the same name. Unlike state actors, labor activists neither encourage nor discourage disruptive action. The activists I spoke to were careful to tell me that they recommended that workers avoid disruptive activities, although this was done primarily out of concern that workers risked detainment when taking to the streets and that labor NGOs risked repression if they were known to encourage such activities. As we shall see, the extent to which worker-led collective bargaining is truly led by workers or is entirely independent of union officials is questionable. A more accurate nomenclature for the process as it is implemented on the ground by workers who have partnered with labor NGOs might be NGO-promoted, worker-demanded, and state-facilitated collective bargaining.

Ultimately, it is the ideological underpinnings of Chinese activists’ version of collective bargaining that distinguishes it most from the state’s version of collective negotiations. For one,

the Chinese term for collective bargaining (*jí tǐ tán pàn* 集体谈判) recognizes a conflictual relationship between labor and capital and describes a process in which these two parties are fundamentally in a battle over competing interests. In contrast, the Chinese term for collective negotiations (*jí tǐ xié shāng* 集体协商) connotes a less contentious process, one in which the underlying relationship between workers and management is harmonious and negotiations are discussions aimed at consensus building and mutual benefit. Where the state considers collective negotiations as a means to avoid workers' use of disruptive action, Chinese activists regard collective bargaining as a means to empower workers against the company. Labor NGOs that promote collective bargaining hope that by engaging in the process of organizing and bargaining, workers will develop a greater sense of solidarity and collective power and that the process itself will serve as a kind of antidote to the continued pervasiveness of fragmented interests and cellular activism (Lee, 2007). Most importantly, activists view collective bargaining as a way to expand labor interests by offering a venue for workers to make *collective* claims beyond the legal minimum. The state, however, is very clear that collective negotiations should abide by legal standards.

The ability of workers to use collective bargaining to find recourse for their grievances and to successfully claim interests beyond the legal minimum (as occurred in one case) indicates that the practice had the potential to bring substantive reforms to industrial relations in contemporary China. Even more, the state's move to shutter some of the more prominent labor NGOs that were involved in promoting and advising workers in collective bargaining underlines the effectiveness of these organizations in planting the seeds for social change, seeds that represented a direct threat to the current power structure, which ultimately privileges the interests of capital and state actors over labor.

Collective bargaining is unique among other practices and procedures for grievance and dispute resolution. Unlike legal action or petitioning, collective bargaining has no institutional infrastructure support, and unlike strikes and marches, it is neither disruptive nor even particularly public. Furthermore, collective bargaining requires more coordination and unified persistence than do these more common forms of collective action in China. Finally, the ideological component that labor NGOs infused into collective bargaining—their rendering of it as a means to privilege the interests of workers, to expand workers’ rights, and to empower workers through the strength of their solidarity—makes it qualitatively different from the collective negotiation promoted by the state. The labor NGOs that promoted collective bargaining were tantamount to movement organization. For them, collective bargaining was a repertoire of contention. To the extent that they follow any models in their promotion of collective bargaining to workers, these labor NGOs draw more from international and Western conceptualizations of labor relations than from Chinese state precedents or doctrines. Workers with whom I spoke throughout my fieldwork said that they had not heard of collective bargaining prior to connecting with labor NGOs and that most workers were unfamiliar with it.

Authoritarian-Regime Resilience and Social Movement Theories

For all the reasons discussed above, collective bargaining represented a novel means of resistance for workers. These three chapters discuss collective bargaining’s entry into the landscape of contentious labor politics, its rise, and its eventual decline and appropriation by the state. More than a story of a practice or contentious repertoire, however, these chapters tell a story of how spaces for resistance in an authoritarian regime are opened and resealed. They

document the ongoing jostling for interests and power between the Chinese state and its citizens, in which the state continues to have the upper hand.

To understand collective bargaining's emergence, implementation, and retreat as a contentious practice, the following chapters draw primarily from social-movement theories. However, the rise and fall of collective bargaining underscores the resilience of China's authoritarian regime and also speaks to the rich body of literature that addresses regime resiliency. In general, because single-party governments maintain authority without democratic electoral processes (or through corrupted electoral systems), the legitimacy of authoritarian regimes is constantly subject to contestation and occasional crisis. Durability in the face of these challenges speaks to the adaptability and complexity of authoritarian institutions (Nathan, 2003). While repression often draws the most attention as a salient characteristic of authoritarian states, it is, in fact, only one instrument at the disposal of these governments and is not even the most powerful factor explaining authoritarian endurance (Magaloni, 2006). Instead, it is institutional and economic factors that keep competition at bay and autocrats in power (Magaloni, 2006; Wright, 2007).

Most of the literature on the resilience of the Chinese authoritarian regime focuses on various institutional aspects to explain how the state has maintained its power and its legitimacy (Lee & Zhang, 2013; Stockmann & Gallagher, 2011; Cai, 2008; Nathan, 2003). Nathan (2003) detailed how norm-bound succession and meritocratic promotion processes, as well as increased institutional specialization and bureaucratization and more inclusionary processes for the public to participate in politics, has steadied the regime through several administrations. Cai (2008) pointed to political arrangements, namely the multiple levels of authority in China and multiple state agencies within each tier of government. While the central government occupies the highest

seat of power, it has assigned stability maintenance—the responsibility of handling unrest, protest, and any kind of disruption of social stability—to lower authorities. On the one hand, the gap between the central government’s promulgations of law and policy and local authorities’ shortcomings in adequately implementing and enforcing these policies creates the opportunities for challengers to take action. On the other hand, ascribing responsibility to local authorities for stability maintenance allows the central government to avoid blame and to reduce its direct intervention in disputes (Cai, 2008).

Lee and Zhang (2013) provided a detailed account of how these local authorities effectively bolster regime resilience through non-zero-sum bargaining, patron-clientalism, and bureaucratic absorption. Most concretely, non-zero-sum bargaining involves the use of monetary incentives and payouts to satisfy challengers. Officials also work to calm challengers through emotional control, dispel collective action through fragmentation and co-optation, and negotiate with workers in adjusting their demands. Patron-clientalism is the dependent relationship between the state and citizenry that is built on the state’s provision of material, political, and social benefits in exchange for party loyalty. Patron-clientalism has taken on new forms since the inception of a market-based economy in China, but its fundamental attributes remain (Lee & Zhang, 2013; Wright, 2007) and further reify the current power structure. Finally, in bureaucratic absorption, the state is able to buy time to find solutions to problems and to present at least a façade of stability when conflicts enter into institutionalized processes for resolution.

While this literature on authoritarian-regime resilience provides rich discussions on how power structures ensure their own perpetuation, most of these studies primarily detail specific mechanisms or processes that have allowed for a given regime’s durability; they tend not to situate themselves within a broader framework that might link different phenomena or enable

theorization across different contexts. At most, the guiding principle appears to be that institutions matter. From there, scholars discuss which ones and how.

Furthermore, the concepts and insights from social-movement theories are curiously absent from works on regime resilience. Indeed, the two bodies of literature seem to talk past each other. But studies of regime resilience and social movements are both concerned with the intertwining issues of societal change and stasis. In asking how state politics and power are maintained in the face of continued insurgency and challenge, the efficacy (or inefficacy) of those insurgencies is brought to bear in studies on regime resilience. And in asking why social movements occur and why they do or don't succeed, social-movement literature contends with movement failure and how entrenched political structures can thwart efforts for reform. By studying the rise and fall of collective bargaining and situating findings within a social-movement framework, the three chapters here bridge studies of regime resiliency and social movements. Harnessing social-movement theories to understand collective bargaining in China brings insights from authoritarian-regime resiliency into the broader conversation of social movements to connect it with contentious action that occurs in vastly different contexts.

If durable institutions form the bedrock of regime resilience, political opportunities are fundamental to social movements' rise and success (Almeida & Stearns, 1998; McAdam, 1983; Meyer, 2004; Meyer & Minkoff, 2004; Tarrow, 1994). Political opportunities such as supportive legislation (McAdam, 1982), elite alliances (Almeida & Stearns, 1998), and changes in administration create spaces for resistance that encourage and enable challengers to take action. In authoritarian regimes, however, the political-opportunity structure is regarded as more closed, since these regimes do away with electoral processes that could allow change, limit institutional access to non-governmental entities (Almeida, 2003), or use legal systems to embellish the

power of ruling authorities and elites (Ginburg & Moustafa, 2008). When spaces do open, they are quite narrow. Though political resistance can and does occur in authoritarian regimes, most studies focus on typical forms of contention, such as protest and uprising (Almeida, 2003; Einwohner 2003; Kurzman, 1996; Lee, 2007; Taylor & Van Dyke, 2003) or micro acts of resistance (Johnston, 2006). Overall, this picture of collective contention in authoritarian regimes does not account for the emergence and implementation of new and unfamiliar practices. How did a practice like collective bargaining, which was unfamiliar to the majority of Chinese workers, gain acceptance among them?

I show that it was “ambiguous political opportunities”—in which both opportunities and constraints exist—that provided the conditions in which collective bargaining was able to gain acceptance by workers. These ambiguous political opportunities are themselves a product of China’s multi-level system of authority (Cai, 2008). The central government’s promulgation of pro-labor-law reforms created opportunities for workers, giving them a legal basis on which to stake their claims. But by leaving implementation to lower-level authorities, whose own interests in maintaining pro-business environments conflicted with the implementation and enforcement of these regulations, the political structure created a space for workers to challenge the contradictions between their legal rights and their lived realities. When confronting local state agencies, workers faced bureaucratic blockading and other constraints that made institutional channels for dispute resolution unviable. The combination of opportunities and constraints created conditions of uncertainty; under these conditions of ambiguous political opportunities, workers were willing to try a tactic that was untested and unfamiliar to them. However, as we shall see, state-driven ambiguity and contradiction pervade much of the political structure. Where ambiguous political opportunities allowed labor NGOs to usher in contentious collective

bargaining to workers' tactical repertoire, a contradictory and ambiguous organizational infrastructure pushed out those very same labor NGOs—and contentious collective bargaining along with.

In recognizing how China's ambiguous political opportunities can give way to the use of new forms of resistance, this chapter is able to connect such tactical testing in authoritarian regimes to tactical innovation as it unfolds in other settings. As a case in point, Walmart workers in the United States have faced considerable ambiguity; although they have the legal right to unionize, the company expends considerable effort to prevent them from actually doing so. Despite the vast differences in political structure, labor history, and contemporary industrial landscapes between China and the United States, a media report in 2013 on Walmart workers' organizing activities showed that union activists for Walmart workers echoed Chinese workers' sentiment that they had no choice but to start new organizations and deploy new tactics, such as the use of online and social-media tools, to engage more workers. Thus, the concept of ambiguous political opportunities may have broad application to a wide range of political circumstances and can provide us with explanatory purchase for understanding the use of new tactics in a diverse range of contexts.

While the labor NGOs promoting collective bargaining championed it as a means for workers to claim their rights independent of local authorities who were complicit in labor exploitation, workers' capacity to actually engage in collective bargaining depended on the intervention and support of these local authorities. The second chapter considers the conditions under which local authorities offered their support in the facilitation of collective bargaining and acted as temporary allies. Studies of the Chinese authoritarian regime have shown that local authorities will provide assistance to workers when it is in their interests to do so (Cai, 2008) and

on terms that suit the mission and goals of a particular agency (Fu, 2016). Furthermore, because the maintenance of social stability is deeply tied to government actors' interests in terms of maintaining good political standing and moving up the hierarchies of government (Chan and Selden, 2014; Chen 2014), the ability for workers to ramp up their disruptive activities can immediately lead to intervention by local authorities and to local authority support in the form of cash payouts that are used to quell worker insurgencies (Lee & Zhang, 2013; Su & He, 2010). Thus, support through local-authority intervention is typically understood as hinging on workers' capacity to effectively threaten social stability through disruptive action.

But support of collective bargaining reveals that local government officials also consider the legality of workers' claims. Local authorities would support workers' use of collective bargaining only insofar as it could be used to maintain legal boundaries. Their facilitation of collective bargaining depended on the extent to which it could be used as a tool to maintain the status quo and prevailing labor relations. When workers sought to use collective bargaining to expand their rights beyond current legal boundaries, they met with much more resistance from local officials. When collective bargaining threatened the cozy relationship between state and capital, state agents refused to involve themselves in workers' disputes.

Thus, the decisions of local officials are structured just as much by legality as by antipathy to disruptive action. The conditionality of local officials' support for collective bargaining—and by extension, workers' demands to expand their rights—shows that maintaining the status quo undergirds their decisions around whether to support workers during labor disputes. For local officials, social stability is a composite outcome that involves both the ability to subdue or prevent disruptive action and the ability to avoid the undermining of a regulatory environment that is ultimately tied to maintaining current power relations. Earlier studies on elite

support in a vastly different context—the US civil rights movement in the 1960s—show a similar pattern: foundations and state agencies were more likely to support more professional, less radical organizations whose activities did not threaten to overturn political and economic systems ordering social relationships and structures of power (Jenkins & Eckert, 1986).

Finally, the third chapter asks why collective bargaining failed to last as a potent repertoire of contention for workers. I argue that it was contradictions within the organizational infrastructure, even more than lack of support from elite allies, that allowed the state to effectively prevent the use of collective bargaining as a tool for the expansion of labor rights. Resource mobilization theory recognizes the importance of organizations in capacity building, networking, and strategically planning and coordinating action. These organizations are what make insurgencies and protests purposive action geared toward substantive change for a broader constituency rather than ad hoc agitations that stall in defeat or resolve with benefits for a limited few.

However, regulatory constraints on NGOs and the ACFTU's state-facing representation of labor constituted a "representational fix" that prevented the use of collective bargaining as a means to expand workers' rights. In the parlance of social-movement frameworks, the representational fix incapacitated the necessary organizational resources that would otherwise have worked to support workers and neutered collective bargaining's potential as a repertoire of contention. Thus, the fall of collective bargaining as a repertoire of contention did not stem from the repression of its proponents alone. Although repression certainly played its part, contradictions in the organizational structure that led workers themselves to participate in both the marginalization of labor NGOs and partnership with the ACFTU also contributed to collective bargaining's fall. When workers were able to secure the ACFTU's assistance, they

were steered away from labor NGOs and the use of collective bargaining and toward state-controlled legal channels that atomized workers claims and reified the limitations of Chinese workers' legal rights.

Contribution

Collective bargaining in China began as a challenge from labor activists. It ended in appropriation by the state. The following chapters detail how, tracing the life course of resistance within an authoritarian regime. This dissertation adds to studies on authoritarian resilience by following a repertoire of contention as it moved across several interconnected cases, which few studies have done before. Furthermore, by harnessing social-movement frameworks, it brings studies of regime resilience into a broader conversation of social change and reproduction and reveal connections among phenomena across widely different contexts.

This dissertation also contributes to social-movement theories by detailing the institutional mechanisms that fortify regime resilience, allowing this literature to better understand movement failure. While social-movement literature has, understandably, dedicated much time to detailing opportunity and change, as well as movement in the midst of constraint, movement as a mere interlude to reproduction—as collective bargaining was in China—is attributed to repressive forces that are part and parcel of a closed-opportunity structure. However, as is shown by the rise and fall of collective bargaining, authoritarian political structures are complex, capable of learning, adapting, and retooling the threats that come their way; even repressive action is shown to follow a nuanced set of rules and regulations and is not simply doled out at the first sign of challenge.

Methods and Data

The data for these chapters is primarily built from the analysis of six different labor disputes that unfolded from 2011 to 2014. For eight months, from late 2013 through mid-2014, I worked as an intern at a labor-advocacy law firm in Shenzhen. The firm was an ideal site in which to gain access to workers and activists involved in labor disputes, and I spent over 900 hours engaged in participant observation there. I was able to sit in on meetings between activists and workers and to participate in events ranging from conferences to celebratory dinners. These observations inform my analysis of the labor disputes discussed in this chapter. Interning at the law firm led to introductions to other labor NGOs and activists in Guangdong Province, which led to interviews with workers involved in past labor disputes.

I sought to establish a culturally typical relationship with respondents and met with them on terms with which they were most comfortable (Harper, 1992). While activists were comfortable meeting with me independently in their offices or in coffee shops, I was often introduced to workers in groups through meetings arranged by activists. Interviews took place in parks, restaurants, in the homes of the workers, or in the NGO offices. Sometimes, I would be speaking with three to five workers all at once, asking about their experiences in the labor dispute while we shared a meal. Occasionally, after a group interview, I would ask a worker or two for their contact information and, if they were willing, would meet and speak with them one on one. All interviews were conducted in Mandarin Chinese. They were recorded and transcribed in Chinese by native Chinese speakers.

I myself am Chinese American and began learning Mandarin during high school, with intermediate to high-intermediate speaking skills at present. Any native Chinese will immediately recognize me as a foreigner, especially when engaged in substantive conversations

over, say, labor relations in China. When asked where I was from, I would say that I was Chinese American; if probed further, I would divulge having family roots in Guangdong Province. As a female ethnic-Chinese researcher, it was much easier to sit inconspicuously through meetings and events and to establish rapport with respondents, especially women workers.

In addition to conducting interviews, I also collected media reports and attended conferences organized by the law firm and other labor scholars and activists, further deepening my understanding of local-expert perspectives on the political context. To understand the state's role and perspective on issues relevant to the labor disputes, I used publicly available documents promulgated by the central and Guangdong provincial governments on laws and standards for social insurance and collective negotiations. I also conducted a two-hour interview with a retired union official in the summer of 2016.

I was able to gather information for thirteen different cases, albeit at varying levels of depth and breadth in terms of data across the cases. The cases presented in these three chapters were selected for the analytical purchase they brought to the inquiry at hand. In order to understand the emergence of collective bargaining, I studied the first known case in which workers attempted to use collective bargaining. In my second chapter on the state's role in the implementation of collective bargaining, I study three different labor disputes in which the state's intervention and support of workers ranged from responsive support, active encouragement, reluctant support, and complete absence. Finally, to understand how collective bargaining failed to become a tool to expand labor rights, I consider two cases of failed attempts to implement collective bargaining during a labor dispute. I use pseudonyms for the names of companies, civil society organizations, activists, and workers in order to protect respondents and organizations involved in these cases.

The six labor disputes all unfolded in manufacturing companies located in Guangdong Province. Furthermore, in all cases, labor NGOs promoting collective bargaining were involved, and workers had expressed interest in collective bargaining. All companies were privately owned, with four out of the six owned by Hong Kong and Taiwanese corporations and two owned by companies headquartered in Europe. Although there are variations across the different labor disputes in manufacturing sector, city location, and type of worker grievances and demands, these cases nevertheless typify labor disputes in China. Workers sought recourse for common grievances such as unpaid social-insurance funds, wage restructuring, and company restructuring. Furthermore, these cases illustrate workers' continued proclivity toward legal action, their contingent use of disruptive action, and their wariness toward labor NGOs and activists. A summary table of all six cases is below.

Table 2: The Rise and Fall of Collective Bargaining: Six Illustrative Labor Disputes

Company Name	Year	Manufacturing Sector	Headquarters	Dispute Location (City)	Grievance	Collective Bargaining
Diamond Corp	2010-2011	Jewelry	Hong-Kong	Guangzhou	Social Insurance	Yes
Elegance Company	2012	Jewelry	Hong-Kong	Guangzhou	Social Insurance	Yes
Golden Company	2013	Molding	Hong-Kong	Guangzhou	Overtime	Yes
MobileTech	2013-2014	Electronics	Finland	Dongguan	Merger & Acquisition	No
CompuTech	2014	Electronics	US	Shenzhen	Merger & Acquisition	No
ShoePro	2014	Shoes	Taiwan	Dongguan	Social Insurance	No

My overarching analytic approach follows McMichael's (1990) incorporated comparison strategy, which emphasizes the relational aspect of different cases and allows a systemic whole to be constructed through comparison of related cases. This strategy provides a descriptively accurate narrative that depicts a sequence of events in chronological order and, in doing so, is able to reveal the causal mechanisms undergirding case outcomes (Silver, 2003, p. 30). While

incorporated comparison has been deployed most famously to connect national revolts across different countries (McMichael, 1990; Walton, 1984) or the development of global economic transformations (McMichael, 1990; Polanyi, 1975), its attention to *connections* among different cases across time and space and the use of comparative analysis to construct a mutually constitutive relationship among specific cases and a larger systemic process can be applied to a single-nation setting as well.

The chapters here focus on presenting a narrative of the labor disputes in order to make their respective analyses. While each chapter engages a distinct line of inquiry, the cases throughout these chapters are connected to each other across time and space. This connection is captured most visibly in the movement-like labor NGOs that were involved in all these cases. These labor NGOs were part of a direct relational process that diffused ideologies of solidarity and the practice of collective bargaining itself (Silver, 2003) and brought otherwise fragmented workers together in meetings, conferences, and dinners. At the same time, as each labor dispute unfolded, it became a lesson in strategy and tactical deployment for all actors involved. Case outcomes certainly influenced how state actors regarded collective bargaining and altered their strategies of engagement with workers and labor activists. This, in turn, was particularly consequential to the life course of collective bargaining and its eventual appropriation by the state as a non-contentious, state-controlled means to resolve disputes.

Chapter 2

Ambiguous Political Opportunities and the Beginnings of Contentious Collective Bargaining in Southern China

Introduction

This chapter discusses the origins of collective bargaining as a repertoire of contention in southern China, and considers the first set of pioneering workers who attempted to engage in bargaining. A confluence of interests among state actors, labor NGOs, and workers enabled the practice of collective bargaining to emerge. Starting in 2009, labor officials at the central and provincial levels signaled a willingness to use collective negotiations to set collective wage contracts. Around this time, labor NGOs in Guangdong also began to fervently advocate worker-led collective bargaining. Labor activists presented worker-led bargaining to workers as a means for dispute resolution, their main impetus in promoting the practice being to guide workers through the tactical and logistical mechanics of collective organizing for the expansion of labor rights. For themselves, workers' had little prior familiarity with or even knowledge of collective bargaining and were much more inclined to take legal action; their willingness to use collective bargaining was itself a product of the ambiguous political opportunities they faced and the subsequent intervention of labor NGOs that introduced them to the practice.

Thus, the origins of worker-led collective bargaining can be located with labor NGOs, which were the primary drivers and promoters of it among workers, and with the state's concurrent push for alternatives to legal action in general and collective negotiations in particular. While the labor NGOs promoting collective bargaining were contentiously positioned against the state and regarded collective bargaining as a form of resistance and training for workers who could potentially start a labor movement, their efforts around collective bargaining dovetailed with the state's experiments to bring in "negotiations" and offered workers an additional tactic in their struggle to find recourse for their grievances.

This chapter presents the emergence of contentious collective bargaining in two parts. First, it describes the state's signals for collective negotiations and the labor NGOs that began promoting collective bargaining. Second, it explains why workers themselves agreed to attempt collective bargaining.

As mentioned above, workers were not particularly familiar with collective bargaining. For the first set of workers, there were no local examples to follow or evidence that it would be effective. The tactic was not meant to draw the conciliatory attention of government officials as seen in disruptive street protest (Su & He, 2010), nor did it have a strong basis in China's labor history as wildcat strikes do (Selden, 1995). Neither did it enjoy the same institutional legitimacy that legal action does. Furthermore, there would seem to be little that could compel management to even meet with workers. Herein, then, is our empirical puzzle: Given these circumstances, why did workers ever attempt to engage in the unfamiliar and unproven tactic of collective bargaining? I consider the case of Diamond Corp, the first known case in which workers attempted to use collective bargaining. In this case, workers had no evidence that such a tactic would work to their advantage. Why then did these workers agree to attempt such a thing?

To explain why Diamond Corp workers were willing to engage in collective bargaining, I theorize a two-step process. First, workers in China find themselves in a space of “ambiguous political opportunity.” This space is produced by a political structure that provides opportunities even as it constrains collective mobilization. The convergence of political opportunities and political constraints creates this space of ambiguity, wherein labor confronts deep uncertainty as to what the best course of action might be, if indeed one exists at all. Second, NGOs are able to intervene in this space to promote collective bargaining among workers.

Political Opportunity and Tactical Decisions: A Review

Earlier literatures have spoken to the benefits of introducing new tactics into a movement’s repertoire of contention. When rehashed tactical “performances” (Tilly, 2006) lose their effectiveness, new tactics may be ushered in (Jansen, 2016; McCammon, 2003; McAdam, 1983). The use of a new tactic may bring renewed attention to movement actors and occasionally achieve insurgents’ immediate goals. However, most of these studies focus on new tactics introduced by movement leaders (Jansen, 2016) or carried out by movement organizations (McAdams, 1983). Furthermore, it is through a retrospective analysis that these studies are able to assert that new tactics led to movement success. Such post hoc explanations cannot explain why the aggrieved should, in the moment of decision making and before any outcomes can possibly be known, attempt new (at least to them) and unproven tactics. How the rank and file perceive the choices before them and why they agree to attempt an unfamiliar practice is less understood. This gap in the literature is addressed by explaining why early users of an unfamiliar tactic agreed to try a new practice.

Much of the literature explaining tactical innovation has considered a variety of explanations for the emergence of new tactics, ranging from a focus on organizational factors (McCammon, 2003; Dalton et al., 2003; Meyer, 2004), field theory (Ennis, 1987), culture (Jasper, 1997; Larson, 2013), and political opportunity structure (McAdam, 1983; Tilly, 2006; Jansen, forthcoming). Most of these studies offer more complementary analyses to the pervasive importance of the political structure rather than providing compelling alternative explanations to replace this reigning framework (Goodwin & Jasper, 1999; Meyer & Minkoff, 2004). The importance of the political context continues to provide a powerful framework for the analysis of mobilization, and it is the point of departure for this chapter's argument as well.

A state's political opportunity structure can be defined by four dimensions: 1) the openness or closure of the institutionalized political system; 2) the stability or instability of the broad set of elite alignments undergirding a polity; 3) the presence or absence of elite allies; and 4) the state capacity and propensity for repression (McAdam, 1996). McAdam's (1983) study on the civil rights movement underlines how the political opportunity structure influences movement actors' tactical decisions. While McAdam's argument highlighted the "chess-like" interaction between insurgents and opponents that brings forward and neutralizes tactics, his narrative also showed how political structure forms a critical backdrop for the use of new tactics. Importantly, favorable conditions and a conducive political environment were precursors to the use of a new tactic. New—or newly reintroduced—tactics came on the heels of supportive legislation or the incumbency of allied political leaders. From there, movement organizations worked to *diffuse* a given tactic (McAdam, 1983).

Tilly's work on the relationship between regimes and repertoires of contention similarly paid close attention to the political structure to explain the shape of movements, claims, and

tactics or, in Goffmanian parlance, “performances”(1979, 2006). Insofar as broaching why we might see actors take on new tactics, Tilly pointed to regime change and the expansion of political opportunities via this change (Tilly, 2006).

Drawing from Tilly, Jansen’s (2016) more recent study on tactical innovation provided even more focused detail on the emergence of a new practice. His account pointed to actors innovating within a “situated political” context and responding to “new social and political conditions...where old repertoires were repeatedly coming up short” (Jansen, 2016, pp. 5). In a similar vein to previous studies, openings in the political opportunity structure, in the form of crumbling elite party politics and electoral reforms allowing for increased political access, provided the necessary mechanism for the emergence and use of the new practice.

Whether it is reforms within a stable government system, regimes undergoing complete overhaul, or political actors responding to a wide breadth of change, the thrust of these studies established and reiterated the pervasive importance of positive changes in the opportunity structure: supportive laws and administrations (McAdam), more expansive electoral politics (Jansen), and change toward democratic governance (Tilly). But they do not speak to non-democratic, authoritarian regimes that are relatively stable and enduring. Any such theory of tactical innovation must be able to account for such contexts.

Putting aside the issue of new tactics for a moment, studies on social movements in authoritarian regimes have found much evidence that repressive environments have their own share of contention. For example, Almeida’s study of protest cycles showed that both periods of openness and periods of restriction in El Salvador’s military regimes brought forward a surge of movement activity (2003). Inclán similarly revealed that “protest activity increased in those localities that remained closed and repressive and decreased in the more democratic ones”

(Inclán, 2008) in Mexico. Einhower (2003) and Maher (2010) both discussed movement activity in one of history's more famously closed environments, the Warsaw Jewish ghetto and Nazi concentration camps. In these cases, where no opportunities for resistance seemed remotely possible, Jewish communities still revolted. The key takeaway from these studies on movements in authoritarian regimes is that closed, repressive environments—not simply open and supportive political opportunities—can give way to movement activity, too (Earl, 2011).

Thus, studies on social movements in authoritarian states further complicate the relationship between political opportunity and movement action. But almost all are concerned with the actions of strike, protest, and revolt. When and why do movement actors in authoritarian regimes engage in bottom-up practices requiring sustained coordination and organization that is heavily discouraged, if not outright repressed? More globally oriented social movement scholarship may provide some answers. Under this framework, the advent of global institutions and world society constitutes a new political opportunity structure in and of itself (Stamatov, 2010; Meyer et al., 2007), where local movement actors now find new leverage in the international legitimacy of their cause and new sources of support through international civil society (Schofer & Longhofer, 2011; Hafner, Burton, & Tsutsui, 2005). While these studies have adequately established that global norms and foreign practices have spread and that practices often evolve to become something new at the local level (Tsutsui & Shin, 2008; Larson & Aminzad, 2007; Merry, 2006; Liu, 2006), they have not given as much attention to *why* local, aggrieved individuals might engage with a new tactical practice.

In the case of China and the emergence of grassroots collective bargaining as an alternative to dispute resolution, we find a similar story of a practice (collective bargaining) crossing national boundaries and being modified by local activists to fit local conditions. In this

case, the Chinese cause lawyer who is credited with bringing worker-led collective bargaining to China has described how his interaction with foreign labor scholars during a trip abroad inspired his own turn toward collective bargaining as an alternative to legal action. Starting in 2010, he began to promote worker-led, grassroots collective bargaining, advocating it to other activists in China and to the workers who approached him for legal aid. The emergence of collective bargaining in China, then, seems a relatively straightforward case of a well-documented empirical phenomena of international norms received, modified, and occasionally implemented at the local level. But though the cause lawyer and other activists promoting worker-led bargaining believe fervently in collective power and rights captured in collective bargaining, it is not necessarily the case that the workers they assist do—certainly not at first. In fact, most of the workers in China are totally unfamiliar with the collective bargaining he promotes. Why did some workers agree to attempt collective bargaining in the first place?

Ambiguous Political Opportunities and Intervening Organizations

This chapter theorizes that the use of new and unfamiliar tactics can be explained as a result of *ambiguous* political opportunities. The presence of both supportive and repressive political conditions during relatively stable periods leads to uncertainty as to the best course of action—indeed, all available options for action may be unappealing. Heeding the call for more “careful and more explicit conceptualization and specification of political opportunity variables” (Meyer & Minkoff, 2004), this study focuses on law and the legal system as capturing the most salient aspects of the political opportunity structure. Because the law is “inherently multidimensional in its practical manifestations and hence meaningful in varying forms and ways” (McCann, 1998, p. 88), it is able to capture the wide breadth of the political structure

while at the same time providing a narrower lens for more precise analysis. The law can provide regulatory protections for vulnerable groups and restrain elite power (Peerenboom, 2002), or it can serve as another tool of repression and control over those who would challenge current power relations (Gramsci, 1975). Encompassing codified legal texts, courtrooms and legal institutions, personnel, often-contested ideology, and scripts both hidden and publicly performed in and outside of the courts (Ewick & Silbey, 1991-2), the law should be recognized as “indeterminate, mutable, and pluralistic” (McCann, 1998, p. 88)—fertile ground for ambiguity. It is thus the *legal* political structure (a slight variation on Andersen’s [2009] “legal opportunity structure”) that provides the most salient venue to study political opportunity *and* constraint.

Within authoritarian states, the contradictions and ambiguities of the law are quite potent. Perhaps one of the most trenchant ways in which the law permeates authoritarian society is by providing discursive legitimacy for movement actors. Indeed, the law is often a symbolic resource for activists and social-movement actors (O’Brien & Li, 2006; Lee, 2007). At the same time, legal systems in authoritarian states are widely recognized as doing more to strengthen the interests of the ruling party (Huang, 2015; Ginsburg & Moustafa, 2008; Peerenboom, 2002) than provide a well-functioning channel for recourse for all. Scholarly analysis recognizes legal apparatuses within authoritarian states as maintaining social control and legitimacy for the power elite—to the disadvantage of the broader population.

In such circumstances, the political opportunity structure cannot be characterized as wholly supportive merely by dint of extant supportive legislation. But neither can it be characterized as closed and totalizing in its repression. Instead, the complexity of the political structure is best understood as providing both opportunities and constraints. This chapter

identifies ambiguous political opportunities as a salient factor for understanding when actors become more open to unfamiliar tactics.

Of course, all social movements actors face ambiguity and uncertainty. When deciding on a given tactic or strategy, movement actors—like any other— make decisions with incomplete information and little ability to know the consequences of their actions (Deng, 1997). After the deployment of some tactic, movement actors are not able to gauge the impact of their actions until long after the dust has settled. Even then, pinpointing outcomes and determining success or failure can be an elusive task for those who may seek definitive answers on such matters (Giugni, 1998). All this to say: ambiguous circumstances are not very new.

Perhaps because ambiguity is, by definition, conceptually vague, social movements literature has given little more than a passing nod to it. However, the conditions creating ambiguity are worth specifying as a means to better understand a given social context. By specifying ambiguous political opportunities, we are able to delineate the competing opportunities and constraints of the political environment, the connections between these competing factors, and how movement actors navigate the uncertain spaces created by them. Even more, we can link ambiguity to movement processes. In this chapter, I connect ambiguous political opportunities to the deployment of unfamiliar tactics.

It is under conditions of ambiguity that movement organizations are most able to intervene, introducing and persuading potential beneficiaries on the effectiveness of a new and untried tactic. In sum, I theorize that workers' use of collective bargaining, despite their unfamiliarity with the practice, is a product of ambiguous political opportunity and the subsequent intervention of movement organizations.

Data and Methods

The case presented in this chapter was selected for its analytical purchase as the first known case in which workers attempted to use collective bargaining. I refer to the company involved in the dispute as Diamond Corp, and the labor NGO as South City Labor Organization (South City).

The data for this analysis comes from interviews with three workers who were involved in the dispute, including one of the leaders of the labor dispute. All three were men in their mid to late thirties. I met the workers at a public park, and, after introductions from the South City activist who coordinated the meeting, spoke with them about their experiences. I conducted a follow-up interview with one of the workers a couple months later. While I would prepare interview questions to ensure I gathered the necessary information, interviews were open-ended.

Interviews lasted from one to two hours. I typically invited workers to simply tell their stories as they saw fit and used prepared questions to fill in gaps (Weiss, 1994). With the permission of the respondents, these interviews were recorded and transcribed by a research assistant.

In order to obtain data on as many observable implications as possible (King et al., 1994), I also collected media reports in order to fill in any gaps in my recounting of the labor dispute. I conduct interpretative textual analysis of publicly available, state-issued documents and include information on legislative reforms and limitations. The case analysis is used to show how workers on the ground navigated the legal, economic, and bureaucratic realities that stemmed from broader political openings and constraints, and how this led to their decision to use collective bargaining. All the data is used to construct a narrative of collective bargaining's origins and emergence in a labor dispute that unfolded in 2010.

One important limitation of my data is the missing information and perspectives of workers who followed, rather than led, as well as information from workers who decided not to

participate at all. Because of this, my analysis is circumscribed to explaining the broader conditions that affected all workers and the subjectivities of those who ultimately agreed to participate. My argument—that Diamond workers confronted ambiguous political opportunities—is drawn from an inductive analysis that, while unable to test existing theory, seeks to extend current theory through the specification of ambiguous political opportunities as causally related to their decision.

Origins of Contentious Collective Bargaining in China

State Signaling: Central and Provincial Guides to Collective Negotiations: The origin story of contentious collective bargaining in China does not begin with labor NGOs promoting it or workers using it. It begins with the state. Indeed, the intervention of labor NGOs in labor disputes and their advocacy of collective bargaining, while an important piece of collective bargaining's origin story, was in itself enabled by ongoing state promotion of "collective negotiations," which allowed officials and labor bureaucrats to give labor activists additional space in which to promote collective bargaining.

First, it is worth clarifying the state's position on collective activity writ large. Mainstream and expert consensus agree that the state's aversion to collective action is fundamental to understanding Chinese politics (King et al., 2013). For the state, collective action is the antithesis of social stability, so much so that officials have sought to stamp out collective action even when it may not have political or contentious overtones. The state has consistently responded to collective gatherings for religious (Chung et al., 2006; Tong, 2009), political (Wright, 2001), and even leisure (Guardian, 2015) purposes with moves to control, discipline, and sometimes prohibit such activities.

But while the state's antipathy to collective action may be useful as a general principle, its response and attitude toward collective action around labor issues appears to be less straightforward. Regulations around strike action have remained ambiguous, with the right to strike formally removed from the Constitution in 1982 but with no specific legislation in place strictly prohibiting strike action. The 2000 Laws for Collective Wage Negotiations formalized procedures for collective negotiations to set wages, but these hardly received as much attention or state promotion as the 2008 National Labor Contract Law. The 2008 National Labor Contract Law was heralded as an important achievement for labor rights because it mandated the use of labor contracts among companies. While this legislation included a nod toward collective labor contracts, the state has largely favored the use of individual contracts and a legal system that adjudicates grievances on an individual bases (Gallagher, 2006). There was no move to build organizational infrastructure substantively supporting *collective* negotiations or the collective interests of workers.

Thus, while the state has not completely shut down the potential for collective labor activity and has at least made perfunctory references to the use of collective negotiation and collective contracts as means to improve labor relations, it has primarily encouraged the use of atomizing methods—individualized legal rights, individual labor contracts, and legal action—as the best practices for improving working conditions.

These perfunctory references to collective negotiations, however, are important for understanding the state's role in the beginnings of collective bargaining as a contentious practice in China. We can trace these beginnings to the central All-China Federation of Trade Unions' (ACFTU's) 2009 publication *Guiding Perspectives on Developing Collective Negotiations for Industry Wages* (the "ACFTU Guide"). While the ACFTU Guide had no substantive legal power

to compel the use of negotiations across the country, it did signal the state's willingness to experiment with the processes of collective negotiations and collective contracts. Importantly, the state's own vision of collective negotiations positions state agents as leading meetings and outcomes. Workers—who do not act as substantive players within union organizations, do not elect the union bureaucrats who would ostensibly speak on their behalf, and whose interests are not necessarily considered the priority of unions (Friedman, 2014)—are conspicuously absent in the state's conceptualization of negotiation processes.

A brief examination of the ACFTU Guide illuminates the central role given to the ACFTU in negotiation processes. In the section on “Constructing and Improving the System of Collective Negotiations for Industry Wages,” union and firm representatives are the principle agents in the negotiation process. The industry-union selects representatives for negotiations, with the “primary negotiator for workers held by the trade union chair” (ACFTU, Guide 2009).

Even more telling is the ACFTU Guide's instruction in cases of a “controversy” or dispute. In such circumstances, the union leading the negotiations is instructed to apply to the Labor Bureau for assistance with negotiations. The guide instructs union officials to “contact local organizations for mediating labor disputes or institutions for arbitrating labor disputes.” If none of these entities are able to resolve the dispute, “the union can then begin litigation with the People's Court.” And finally: “During the labor dispute, mediation, arbitration, and litigation period, the union should educate workers in order to establish a mindset to resolve disputes through law and order, and to avoid adopting radical behavior” (ACFTU, 2009) Thus, in a notable departure from Western labor practices that pair collective bargaining with disruptive power to provide additional leverage for workers during bargaining processes, Chinese collective negotiations are coupled with legal action. This confirms the state's continued preference for

legal channels that, as state-managed institutions, are able to maintain strict control over workers and labor rights through legal channels (Gallagher, 2014).

Indeed, the ACFTU Guide is explicit in giving primacy to the state in the development and outcomes of collective labor processes:

“Unions at all levels must win over the party committees and (local) governments and coordinate support for a tripartite consultative system...It must promote the development of relevant laws and policies, and work to strengthen the National People’s Congress and Chinese People’s Political Consultative Conference enforcement and supervision of industry’s compliance with collective wage contracts. And it must promote all levels of government’s leadership in collective wage negotiation, assisting the government to strengthen broad control of a firm’s distribution of wages” (ACFTU, 2009).

Given the Chinese union’s status as a de-facto agent of the state rather than a representative of workers’ interests, union-led collective negotiation is ultimately *state*-led bargaining (Chan & Hui, 2014), and workers interests are unlikely to have much priority.

Earlier studies have compared efforts to implement state-led collective negotiations between regional industry associations and regional ACFTU branches in 2009. In Zhejiang Province, where these were most successful, workers were notably absent from the process—and generally unaware of it—and received limited benefits. In Guangdong province, collective negotiations to set industry-wide collective contracts never materialized, in large part due to the fractious nature of Guangdong’s manufacturing industry and the absence of a unified association that could represent the diverse array of firms and companies during bargaining (Friedman,

2014).

Instead, in answer to the central government's signaling around collective negotiations, the Guangdong provincial government issued its own modified statement pushing for these collective negotiations at the firm level. The 2010 *Guangdong Guide for Firm-Level Collective Negotiations* (the "Guangdong Guide") details how collective negotiations within companies should proceed. The Guangdong Guide draws heavily from earlier regulations and legal codes, often referencing the 2000 Experimental Scheme for Collective Wage Negotiations, the Labor Contract Law, and Regulations for Collective Contracts, much in keeping with the legalistic political culture the province is known for (Lee, 2007). Like the ACFTU Guide, in the event of a labor dispute or contentious disagreement that cannot be resolved through negotiations, the Guangdong Guide directs negotiating parties to apply to government offices (such as the Labor Bureau) for assistance in mediating the issue.

There are some interesting differences between the 2009 ACFTU Guide and the 2010 Guangdong Guide. Compared to the central ACFTU Guide, state agents and actors, while not absent, are not mentioned as prominently in the Guangdong Guide in actual negotiation processes. Instead, the Guangdong Guide provides much more detail on the logistics and mechanics of collective negotiations, which would allow negotiating principles to set the process in motion on their own if they were so inclined, with limited government interference. This underscores the province's reputation as a more liberalized region within China, where the provincial government is characterized by less unified state agencies and tends to intervene relatively less in market affairs and to encourage greater competition (Lei, 2016).

In muting the role of the state, the 2010 Guangdong Guide provides some extra space for worker involvement, even if marginal. According to the document, while "the company union

should select a representative for workers during negotiations, in cases when there is no union within the company, workers may elect their own representative.” This departs from the 2009 ACFTU Guide, which simply instructs negotiating parties to look to other union offices in the province, such as the county- or city-level unions, if the preferred union entity is unavailable. Furthermore, the 2010 Guangdong Guide explicitly delineates that representatives “enjoy equal rights to make suggestions, refuse, and make claims” during negotiations. Interestingly, any such rights language is completely absent in the 2009 ACFTU Guide. While the Guangdong Guide is not necessarily a manifesto for worker empowerment, its use of rights terminology did create a fissure of space within the national bedrock of heavily state-controlled labor relations.

The 2009 central ACFTU and 2010 Guangdong Province guides represent the state’s signaling of its approval for collective negotiations. Despite the parameters placed on how collective negotiation should be carried out, these edicts created the space for NGOs’ contentious collective bargaining. More specifically, they gave state officials the latitude to permit and even facilitate the practice. Indeed, starting in 2011, labor NGOs’ concerted promotion of contentious collective bargaining was met with a degree of tolerance by the city-level union officials. I argue that signals from central and provincial state actors encouraging collective negotiation allowed state officials to tolerate NGOs’ promotion of collective bargaining, and gave way to its emergence as a repertoire of contention.

Labor NGOs: Seeding Working-Led Collective Bargaining as Contentious Practice

Though the central and provincial state created a space for collective negotiations, it was labor NGOs that most actively promoted collective bargaining among workers as a means to resolve their labor disputes. While labor NGOs can be found scattered across the country, the

majority of them are located in Guangdong Province, in large part because this province still continues to be China's center for low-wage manufacturing and production, where poor working conditions and industry malfeasance abound. In Li's (2016) dataset of 100 Chinese labor NGOs, over 50% were located in Guangdong Province. Thus far, there is no definitive count of labor NGOs in China. Not only are NGOs—and labor NGOs in particular—subject to a precarious existence, constantly under state scrutiny and repression, they may also forgo registration and highly visible activities precisely to avoid unwanted attention. Thus, numbers are likely to fluctuate from year to year as some NGOs shutter under government pressure and other organizations attempt to operate beyond the purview of official counts.

Among the general labor NGOs in Guangdong Province, NGOs promoting collective bargain were clustered here as well. Below, I discuss the two organizations in China most prominently involved in advocating for collective bargaining from 2011-2015 as well as an international organization that provided financial support for their activities. These NGOs operated as separate entities but were in close contact with each other, sharing information and, at times, partnering to handle cases as necessary. In order to provide some protection to the activists and workers associated with these organizations, I use pseudonyms to refer to these organizations.

Shenzhen Law

Foremost among the network of labor NGOs promoting collective bargaining was Shenzhen Law, a law firm-cum-NGO that specializes in labor law and in providing legal aid to workers. From its founding in 2005 until 2015, Shenzhen Law was located in the heart of Shenzhen's bustling inner-city district in a typical high-rise alongside other local, white-collar

companies. In contrast to other labor-law firms that may represent either management or workers in the courts, Shenzhen Law's policy is to forgo representing management against workers in labor law suites. The 1000-square-foot Shenzhen Law office was equipped with two conference rooms (one small and one mid-sized), additional executive space, and 15 brown wooden cubicles for employees and associates. Bookshelves filled with books, journals, and thick, brown folders of case documents lined the walls.

Although the organization is officially registered and does operate as a law firm with accredited lawyers handling its cases, it deviates from typical firms in that much of its labor cases are offered to workers pro bono. In addition to the part-time and full-time lawyers and administrative staff who work there, Shenzhen Law drew like-minded activists, academics, and interns from different parts of the country, who were invited to work and study at the office.

Shenzhen Law is headed by a prominent lawyer who credits himself as having been responsible for bringing worker-led collective bargaining to China and spreading the practice to workers and other NGOs in Guangdong. By his own account, after years of representing workers in courts, he found the legal system ineffective for bringing substantive improvements to worker's labor conditions; his turn toward collective bargaining was largely inspired by his time spent consulting and researching abroad, and it was there he came upon the concept of collective bargaining. A cause lawyer for workers' rights, his educational and political pedigree in many ways sets him apart from other activists and has managed thus far to protect him from the harshest modes of repression doled out to other activists advocating collective bargaining (Li, 2016).

While this study is unable to verify whether the lawyer was indeed the sole originator of collective bargaining in China and the first to advise workers in the practice, there is no evidence

to contradict that at the very least he was an early adopter; he is certainly one of the more prominent and visible proponents of the practice. When promoting collective bargaining among workers, the lawyer encourages workers to organize in order to reclaim their power in solidarity and, ostensibly, to gain more equal footing against their companies in labor disputes. Unlike many of the other NGOs advocating collective bargaining, Shenzhen Law was able to offer pro bono *legal* representation for workers. However, this was often on the condition that workers agreed to organize and attempt to engage in collective bargaining.

South City Labor Organization

Another labor organization deeply involved in promoting collective bargaining operated out of Guangzhou, its office located at the southern edge of the city near the medium- and small-sized factories that clustered in the area. In order to maintain anonymity to the activists who worked there, I will refer to this NGO as the “South City Labor Organization” or “South City.” Unlike Shenzhen Law, South City typifies many of the grassroots labor NGOs in China. At the time of my fieldwork in 2014, the office was tucked away in the alley of popular pedestrian shopping area.

Like many grassroots NGOs operating on a limited budget, the offices were no more than 850 square feet. Upon entering, guests would find themselves in a large open room that served as the main work area. Two computers hunched up against one wall, and a dusty bookcase filled with documents and paperwork occupied the far wall near the entrance. A long table for receiving guests occupied half the room. One extra room served as the office space for South City’s head. With its stark white tile flooring from one windowless wall to another, South City was ultimately a no-frills operation, unadorned by any extra accouterments beyond what were

necessary to do its work with minimal staff and limited budget.

South City was one of the few NGOs in Guangzhou that explicitly advocated collective bargaining during the time of my fieldwork. Founded in 1998, the NGO initially focused on providing legal aid and assistance to workers. However, in 2011 it came under the fold of an international labor organization that supports local Chinese labor NGOs in promoting and guiding workers through collective bargaining (Li, 2016). South City thus made its turn toward collective bargaining advocacy. The NGO would encourage workers who approached the firm for assistance in their labor dispute to organize among themselves and resolve their problems through negotiation with management. While much of its work involved supporting the different workers throughout their disputes, South City would also hold general training sessions on organizing and collective bargaining. It was also able to connect workers from different factories to share their own experiences and to further advocate collective bargaining. The organization was actively involved in the first case in which workers attempted to engage in collective bargaining.

Far from operating in isolation, South City was part of larger network of NGOs advocating collective bargaining. These organizations shared stories and information and sought each other out for assistance. Across this network of advocates and organizations promoting collective bargaining, the most visible unifying features among them was their consensus on collective bargaining as a valuable method for resolving labor disputes and their emphasis on labor power and solidarity over legal rights and legal awareness among workers. However, their shared programmatic focus did not come about from independent realizations of each NGO on value of collective bargaining. Rather, it was the result of the concerted effort of a third-party donor, an international labor advocacy organization that supports Chinese grassroots NGOs in

their efforts to promote collective bargaining (Li, 2016).

Labor International

Perhaps the most compelling linchpin uniting these NGOs was their shared international funding source, which I will refer to as Labor International. While it is technically an international organization, Labor International has deep ties within China—a former Chinese dissident who is permanently banned from reentry into China founded and leads the organization, and a number of its core staff and leadership hail from China, some commuting back and forth between Labor International offices and the mainland. Labor International originally focused on publishing journal articles explicitly criticizing Chinese state policies and advocating a workers' movement, predominantly for an international audience. While Labor International continues to report on events and to publish annual reviews of labor in China, its support of Chinese labor NGOs and focus on collective bargaining and union reforms constitute the main thrust of its operations. Its patronage of Chinese labor NGOs allows it to push forward its own agenda within the mainland: to create and drive a network of organizational agents promoting collective bargaining. And as labor NGOs pass along information and provide easy access to the workers and activists involved in labor disputes, Labor International is able to keep an ear to the ground in order to maintain rich data for its reporting and publishing functions. In turn, local Chinese NGOs are able to access and receive much-needed financial support.

In addition to providing financial support to Chinese labor NGOs, Labor International also hosts training sessions for both workers and activists. Training for workers involves introducing workers to collective bargaining and attempting to cultivate a collective consciousness and worker-leaders. Labor International also hosts gatherings and trainings for

dedicated NGO activists themselves. These gatherings give activists a space to come together to share successes and troubleshoot ongoing problems with their peers, as well as to bolster a sense of community among these labor NGOs.

At an NGO training session I attended in 2014, the founder of the organization made clear that he sees his organization as part of a much larger project to expand Chinese workers' rights. The organization's ultimate goals, if not a revolutionary overturning of current labor relations and the political system that enables them, at least aim for broad-based labor reforms pushed forward by workers and their allied partners. Collective bargaining was, in many ways, a grand experiment for achieving this end. For Labor International, workers who engaged in collective bargaining would gain practice in consensus building, pooling funds, tactical planning, and collective action. As well, collective bargaining was the seedbed in which NGOs sought to cultivate labor leaders who could testify to collective bargaining's effectiveness and the importance of solidarity for achieving labor rights. Successful cases of collective bargaining served as proof of workers' capacity to unify independent of the state-run union. And each instance of workers' organizing within the immediate circle of their colleagues could, ideally, lead to the building of their capacities to do so on an even larger scale.

By 2010, Labor International was able to successfully recruit mainland Chinese organizations like Shenzhen Law and South City as partners in promoting collective bargaining. Indeed, it was through financial assistance from Labor International that the lawyer of Shenzhen Law was able to conduct his early travels, during which he learned more about collective bargaining as a labor practice. For other labor NGOs, such as South City, Labor International provided the necessary financial support to maintain their organization's operations. And with Labor International's encouragement and support, these mainland Chinese NGOs began

promoting collective bargaining. This is not to say that labor activists were simply “bought” by Labor International to promote collective bargaining; on the contrary, the individuals I spoke to were quite sincere in their belief in the power and efficacy of collective bargaining to expand workers’ collective rights. Nevertheless, the financial ties that link Labor International to mainland Chinese NGOs are part and partial to the emergence of collective bargaining in southern China.

Connecting the Dots: State Signaling and Labor NGOs

With the state’s endorsement of collective negotiations, Labor International and its network of Chinese were given the latitude to promote collective bargaining. It is important to keep in mind that, in this case, the extent to which state signaling directly influenced labor NGOs is unclear. Chinese activists did not see themselves as attempting to align with state policies and goals. Rather, their promotion of collective bargaining is best traced to the influence support of Labor International. They regarded collective bargaining as a contentious tactic that they had modified so that workers in China could be empowered with collective strength and expand their rights.

Furthermore, activists make distinctions between the state’s use of the term “collective negotiations” (jí tǐ xié shāng 集体协商) and their own promotion of “collective bargaining” (jí tǐ tán pàn 集体谈判). As they see it, in addition to differences in terminology, there are also important differences in how the two processes should be understood. “Negotiations” are neutral—even friendly—meetings between capital and labor, and the term aligns with the state’s idealization of harmonious relationships among all industrial actors. The use of the term “bargaining,” on the other hand, recognizes a conflictual relationship between capital and labor.

And for the activists most fervently promoting contentious bargaining, the goal of bargaining is not to promote harmonious labor relations but to empower workers against capital and a government they view as complicit in workers' exploitation.

Nevertheless, because the central and provincial government indicated a willingness to implement a system for addressing the collective interests of workers, officials at lower levels, who were charged with managing and preventing labor incidents, tolerated labor NGOs' advocacy of collective bargaining. After all, collective bargaining appeared quite similar to collective negotiations. Perhaps, like collective negotiations, it could be a means to uphold labor laws and prevent disruptive activity.

Thus, the interests of contentious labor NGOs and local state actors briefly converged, creating a space where labor NGOs could promote collective bargaining relatively unhindered. Labor NGOs were poised to spread collective bargaining to Chinese workers across the province. All they needed now was to convince workers themselves. How workers themselves became amenable to collective bargaining constitutes the final piece of the origin story of worker-led bargaining. I turn now to the first known case in which workers attempted to engage in collective bargaining under the guidance of labor NGOs.

Explaining Why Chinese Workers Tried Collective Bargaining

The first attempt by Chinese workers to use collective bargaining took place at a company which I refer to as Diamond Corp. Diamond Corp is located on the southern edge of Guangzhou in a district that is home to various manufacturing factories. It is a medium-sized, Hong-Kong owned company working in the manufacture and production of jewelry. The labor dispute at this company ultimately revolved around workers' claims to years of unpaid social

insurance. However, even before the onset of the dispute, Diamond Corp's business had been in decline. The company had terminated some of its workers, who then proceeded to sue the company for wrongful dismissal. Remaining workers became concerned for their own futures at the company (Interview 20140109 115622). The workers' claims for their unpaid social insurance was itself motivated by an attempt to capture a modicum of security, as social insurance represents a source of financial security that was otherwise absent for them.

Workers' decision to use collective bargaining to reclaim their social insurance came from a confluence of interests that made the practice viable given their circumstances. State actors hoped the practice could minimize mounting incidents of labor strikes. Labor NGOs hoped to use collective bargaining to develop workers' capacities and expand labor rights. And workers simply hoped that it could help them find recourse since legal avenues and strike action could not.

In addition to this confluence of interests, legal political opportunities—specifically, legal reforms around social insurance policies— provided a legitimate legal claim around which several workers could unify. However, workers faced constraints with using institutional channels to make good on their claim. In these circumstances, the labor advocate South City was able to intervene and introduce collective bargaining to workers. Earlier signaling from the state for collective negotiations engendered the state's tolerance of South City's activities and officials' eventual involvement in the case.

Supportive Political Opportunities: Law on the Books

In response to pervasive labor problems that have followed the economic restructuring of the past thirty years, the Chinese central government brought forward the National Labor

Contract Law in 2008 and encouraged workers to make use of the legal system to resolve disputes. Labor laws are designed to provide greater protection to Chinese migrant workers who leave their homes to work in another city as nonresidents—living without assistance for housing, medical care, or education, and further subject to more tenuous employment conditions. By requiring employers to use work contracts, the labor law binds firms to a set of standards and responsibilities, such as the payment of minimum wage, contract renewal and termination procedures, and mandatory contributions to social insurance funds. Ideally, then, the labor law is meant to mitigate the otherwise precarious existence of migrant workers by providing universal employment standards for workers, applied regardless of residency.

Among the most important legislative articles for migrant workers are those concerning social insurance funds. Workers' individual pension funds are accumulated over the duration of their employment, and their fund is linked to the city where they work, with the local government paying in a significant portion of the fund. In the past, migrant workers who decided to close out their account, either to return home or to move to another region for work, would have retained only their own individual contributions (about 8% of wages, accumulated over employment tenure). Employer contributions (20% of wages) and government contributions would remain in the local state coffers (Wallace, 2014; Chan, 2010). Given the tendency for migrant workers to move frequently, pension funds carried minimal real benefits for the majority. Many companies that neglected to make their contribution to social insurance did not meet with confrontation, as workers would not be eligible to draw on these benefits, anyway. Because they were unable to accumulate a substantial amount of social insurance due to relatively short tenures in a given region and/or company, social insurance was more of an abstract benefit than an actual safety net that workers could accumulate for themselves.

But newly promulgated 2010 legal codes for pensions changed this. Reforms now allowed accumulated funds (including employer contributions) to be transferred to rural or county bureaus where workers held residency, to be disbursed upon retirement (China National Insurance Law 2010, Chapter 2 Article 16). The payment of employer contributions now mattered, as they constituted a significant portion of pension funds that workers were able to draw upon.

Because of this, more and more workers have moved to claim their long-unpaid social insurance funds from their companies. And national labor laws provide a necessary basis of legitimacy for workers to pursue their claims. The Diamond Corp case examined here is in truth only one labor dispute among many in which workers have sought to pursue their social insurance arrears. When discussing what motivated their claims, a Diamond Corp worker reiterated several times, “We had principle on our side” [Interview 20140308 102101]. However, this worker’s emphasis on “principle” belies the salience of the law for galvanizing workers to make social insurance their central demand in the first place. After all, the decision to claim social insurance arrears came on the heels of China’s 2010 legal reforms. The timing of these disputes would indicate that these legal reforms were a necessary precondition for them.

Not only did these reforms give legal legitimacy to their claims, they also provided a common cause around which workers in a given company could come together. Diamond Corp workers also emphasized the importance of social insurance as a unifying grievance. Said one, “When it comes to collective [action], if there are no shared interests, it’s very difficult to collectively organize.... Within a factory, ...the core issue is whether there are shared interests, shared demand...; only then can you organize.... We had a shared interest.... [But] without a

common cause [of pursuing social insurance], we definitely wouldn't have been able to come together" [Interview 20141111 103446).

However, despite the extant political opportunity brought forward through the law, workers faced constraints in how to go about realizing their claim. The next section discusses the political and economic constraints that pushed workers away from more typical forms for pursuing claims, such as legal action and strike.

Political Constraints: Courts and Institutions

Even as the Chinese government promulgated the 2008 National Labor Law to improve working conditions and established a court system for workers to resolve their labor disputes, the law has hardly been a panacea for all labor struggles—especially collective grievances. Indeed, a fundamental characteristic of the Chinese legal system is its atomizing of claimants. Chinese workers are unable to file class-action suites, and lawsuits that are collectively filed are individually processed, with each worker's case evaluated separately. This procedural practice is not accidental; it is a purposeful idiosyncrasy of the Chinese legal system that works to discourage collective action. The state has promoted legal processes as a best practice for dispute resolution in large part *because* workers are effectively atomized and fragmented under the law (Lee, 2002; Gallagher, 2006). Also, labor activists and workers alike increasingly recognize the court system as both costly and inefficient. Companies with more time and resources are able to hire better legal counsel and prolong hearings, at great cost to workers.

The Diamond Corp workers explained their own reluctance to take legal action, some of which echo the general constraints affecting low-wage workers. Said one, "Why would we sue?... We wouldn't be able to afford a lawyer. A month's pay isn't enough to live on. Where

would one have the money to hire a lawyer?” (Interview 20140109 115622). Clearly, the financial costs involved were one deterrent for Diamond Corp workers.

Diamond Corp workers were also acutely aware of the limits of their own power against the firm in a court of law. This was made clear to them as other employees’ lawsuits played out. Before the collective dispute at Diamond Corp began, workers watched as a group of lower-level workers were dismissed from the company. According to the worker interviewed for this study, “The boss saw that they had no power; they [the workers] were filing a law suit with the help of the NGO ” (Interview 20140308 102101). And in the end, these workers were “compensated very little.” To the other Diamond Corp workers watching these events unfold and considering their own course of action it seemed clear that “split up into individual cases, we wouldn’t be strong enough. Most people could see the situation” (Interview 20140308 102101). Diamond Corp workers felt that the potential benefits of legal action were minimal. Not only were the paltry winnings a deterrent to legal action; workers’ recognition of the atomizing effects of the legal system also made legal action unappealing.

Finally, Diamond Corp workers had little prospect of winning their case because they would have been unable to provide substantive evidence in court. To recover the full value of their insurance arrears, plaintiffs must present some proof of employment—ideally a labor contract indicating their start date at the company. Most of the workers involved in the Diamond Corp case had been at the company since 1998 (Interview 201401909 115622) and would be suing for significant sums of money. But they were confronted with a common problem among low-wage workers employed prior to the 2008 Labor Contract Law: companies often either completely neglected to provide official contracts at the outset of hiring or, in the Diamond Corp workers’ case, did maintain such documentation but withheld it from workers.

Without evidence of their employment relationship, workers were unlikely to be successful in legal action.

“If we sued, we would need evidence....It needed to be very comprehensive, but...we really didn’t have proof. So for example, each person would have needed detailed documents on when they entered the factory to begin work, but many couldn’t prove when we did, and the factory also couldn’t prove it....A lawyer had told us it was possible we would lose, there was a high frequency of losing...If you sue, you need evidence. Once we heard this, [we thought] where on earth would we have such documents, even though we knew in our heads when we had started at the factory. We all knew [how long] we had been working there...and the company knew too, but...those original documents, we didn’t have those in our hands.” (Interview 20140308 102101)

Without the necessary evidence with which to confront the company in a court of law, Diamond Corp workers then turned to local state actors for assistance. Though lack of evidence in and of itself did not constitute a political constraint for Diamond Corp workers, the response they received as they turned to local government institutions for assistance exemplifies how political actors and institutions further constrain workers. When approaching the Labor Bureau, a Diamond worker recounts how

“they recommended us to use procedure, but we had said all along that that would be impossible. We requested the Labor Bureau to have the company get out our documents. Since they wouldn’t, we didn’t take legal action

because we couldn't guarantee that our documents were complete. But the Labor Bureau itself is also at fault." (Interview 20140308 102101)

"The Labor Bureau knew, [too]," they said. In other words, according to Diamond Corp workers, the Labor Bureau knew full well that they had been at the company for several years. "The Labor Bureau knew, so we were even more unwilling to take legal action.... We had legitimate rights. But legally, we weren't allowed...to claim to them" (Interview 20140308 102101). Given the local officials' complicity in the company's withholding of vital evidence, workers felt that they were unlikely to fair any better in a state-directed legal system: "We were justified in our claims...but if we followed procedure, we definitely wouldn't win."

The recommendation of the Labor Bureau to "use procedure"—to file a complaint against the company through formal, legal channels—and its refusal to push the company to provide the necessary documents to workers illustrates how local state officials attempted to block workers from achieving their claims. In offering no other suggestions and no assistance to workers in moving through legal channels, the local state offices restricted workers' capacity to realize the claims promised to them through national laws.

Thus, despite the political opportunity offered through legal reforms, workers faced significant constraints in realizing their legal rights through institutional channels. These included high costs and the marginal benefits available through the legal system due to individualization through legal processes (Gallagher, 2006). The local Labor Bureau's attempt to redirect Diamond Corp workers to formal legal channels and its unwillingness to provide workers with assistance in recovering documents that were needed to make their case underlines how state officials further constrain workers through bureaucratic blockading.

Economic Constraints: Avoiding Strike Action

If workers regarded legal action as untenable, why then did they not turn to strike action instead? After all, recent studies have noted the increasing frequency of strike action among Chinese workers as a response to the legal system's inadequacy for resolving collective labor disputes (Elfstrom & Kuruvilla, 2014; Su & He, 2010). Because of national policies heralding "social stability" as the mandate of local authorities, judicial and local state officials alike worked to quell public disruptions, sometimes fast-tracking cases through informal legal channels and occasionally providing financial payments to workers if the corporate entity is unable to. In this analysis, streets become courtrooms where workers can find redress (Su & He, 2010).

But Diamond Corp workers decided not to go on strike. The decision complicates assumptions that disruptive street action is a prudent course of action for all workers. Other narratives explaining workers' strike action emphasize the capacity of workers to leverage disruptive power at the point of production (Silver, 2003; Kimeldorf, 2013). These studies show how workers' power stems from their structural positions within the firm or industry processes. In industries where workers are easily replaced, strike action has little ability to bring gains for workers (Silver, 2003). Under these economic frameworks, it made sense for Diamond Corp workers to opt against strike action on account of the nature of their industry and the conditions of their firm: a relatively small firm requiring low-skill work in a discretely divided production process (Silver, 2003).

But additional complexities were at play in the Diamond Corp case. When describing their situation, a Diamond Corp worker said,

“In the beginning, in May, there were seven or nine big deliveries to make. At that time, [one of the leaders] suggested to go on strike. But at the time, many workers’ salaries were high; they weren’t willing to go on strike. If we had gone on strike at that time, we wouldn’t have been able to wait so long.... When they were rushing to put out orders, they wouldn’t dare put us on leave.” (Interview 20141111 102446)

Diamond Corp workers found themselves in a position to exploit a time-sensitive opportunity to pressure their company (Kimeldorf, 2013). But they decided to forgo strike action. Their decision thus complicates structural narratives that presume workers would automatically take advantage of such a position. For Diamond Corp workers, taking strike action would have consequences beyond simply pressuring the company. It would also reduce workers’ incomes, as they could expect to lose pay for the time they would have spent striking. The high income they received also meant that the relative costs of striking would be high, and workers were unwilling to bear these costs for an indeterminate amount of time.

Diamond Corp workers decided against strike action largely because of an unwillingness to accept the costs associated with striking. While there may be little that can be generalized with respect to ongoing conversations around workers’ disruptive power, these disputes do show the highly contingent nature of strike action for Chinese workers. Most germane to the study here, however, is that disruptive action was deemed unpalatable to workers.

Ineffective legal institutions and costly strike action formed the political and economic constraints that worked in conjunction with legislative opportunities to place workers in a space of ambiguous political opportunity. In this space of ambiguity, Diamond Corp workers faced

uncertainty as to the best course of action for recourse. And it is within this space that labor NGOs were able to intervene and introduce collective bargaining.

Intervening Entities

Diamond Corp workers did not turn to collective bargaining on their own. Rather, their decision to attempt this new tactic required the intervention of labor NGOs. These NGOs are the final explanatory piece of the puzzle of why Diamond Corp workers attempted this unfamiliar practice and how collective bargaining took its place in Chinese workers' repertoire of contention.

It was Diamond Corp workers who first approached South City in 2010. They were, in fact, hoping to inquire about the potential of taking legal action to recover their social insurance arrears. But activists within the organization counseled workers to avoid the courts, to organize themselves, and to confront management directly. In fact, it was through conversations with South City activists that workers learned that without the necessary evidence for their case, they would in all likelihood fail (Interview 201401909 115622).

Here we see how activists eschewed workers' "default" option—legal action—by reiterating to workers that the courts are an institutional barrier to achieving their interests. Rather than suing for their arrears, it was recommended that Diamond Corp workers harness their collective power and pressure management to negotiate with them for the payment of arrears.

Soon after this initial meeting, South City invited Diamond Corp workers to participate in a training activity abroad, hosted by Labor International. As one of the workers recalled,

“At that time, [South City] had an activity....They told us it was a training. They said there was an opportunity to go to [another country] to participate....I had just gotten my travel permit, and I had never been [to that country]. It included meals and accommodation, and I thought I would just go for some fun, that was my attitude.”

However, this training event would prove to be a pivotal experience for him. He further explained how

the most fundamental thing that changed me was going [there] for the first training....It was the first training on collective bargaining for local workers. I had just joined, and I was the only one from [Diamond Corp] that went. It really affected me deeply. Compared to before, my perspective had really been broadened. Now, so many people were concerned with us workers, and we learned so many things that we didn't know before, and it really drew us in to continue studying more.....After I went [there], I felt that us workers have a lot to learn. I wanted to spread these things to other workers. But...to just depend on words is difficult. Without any real experience, each worker is only half hearted, half trusting, there isn't any real movement, and they really don't trust you. It isn't like us who went to [there] and saw directly. They didn't see [a famous labor lawyer] themselves, they didn't see the teachers, students, and see so many people who are so high among us....They say anything and it is very easy to believe.

(Interview 20141111 102446)

His identification that he was an object of concern to labor activists and scholars alike and his exposure to a cast of dynamic activists promoting collective bargaining galvanized this worker to undertake a new and unfamiliar tactic. Such exposure was a non-trivial factor in broadening his perspective and convincing him of the merits of collective bargaining. As he sees it, most other workers at Diamond Corp were less trusting and less willing to engage in such an activity. Another leader recalled how “At the time, when we moved everyone to pursue arrears together, there were some who didn’t believe, who were suspicious. Sometimes, we would offer to pay them to come to the NGO to study, but they weren’t willing” (Interview 2014111102446).

Nevertheless, the successful intervention of South City among a few workers was enough. Ten Diamond Corp workers continued to participate in training at the South City offices and to consult with activists for guidance. They were able to organize 130 workers in collective bargaining for the recovery of their social insurance arrears in a protracted dispute lasting over a year. As they were the first set of workers to engage in grassroots collective bargaining, and having no prior models to follow, the involvement of South City in galvanizing them toward collective bargaining was critical. According to another Diamond Corp worker,

Very few workers know about the method of collective bargaining, the reason for collective bargaining, what is bargaining—they basically don’t know. If those before them know and tell them how to do it, then maybe they would still have to find an NGO. I think the main difference from us and other workers: we know [the South City] activist; he took us to [another country] to learn.” (Interview 201401909 115622)

While many of the workers I interviewed about this and many other cases were profusely grateful to NGOs and activists for their help, it is clear that a connection to and partnership with an NGO does not ensure that workers will actually be able to engage in collective bargaining. Indeed, NGO's are only one actor in a complex network of institutional relationships that workers must manage. As the Diamond Corp dispute will show, management and government actors are just as crucial, if not more so, for the implementation of bargaining.

Bureaucratic Blockading

Over the next month, after repeated petitioning to management and despite the growing number of workers joining collective efforts, the company resolutely refused to make any concessions. It was at this time that workers began to pressure government entities, sending written appeals for assistance to provincial, city-level, and regional unions for assistance (Interview 20140109 115622).

The overall response of the ACFTU, China's official trade union, displays how the organization uses its own multi-tiered apparatus to prevent any substantive assistance to workers on the ground. Federal union officials told workers that they would do their best to further assess the situation as soon as possible and that they should return home and wait for further news. Provincial union officials also assured workers that they were giving the case their close attention but that workers must respect the process involved in managing such situations; subsequently, they turned the case over to the district and county unions. As for the union within the company itself, it wasn't even on workers' radar as a viable source of counsel or aid. "We didn't even know the company had a union..., but they weren't any help at all to us workers" (Interview 20140109 115622). Indeed, once the dispute was underway, the union represented

management (Interview 20140109 115622). Not to be deterred, workers continued to press union offices at higher levels, requesting that an official statement for their case be made.

It was not until July 13, about a month and a half after they had submitted their list of demands to management, that workers sat down with *union* officials—not the company or management—to discuss their case. But union officials were not particularly interested in helping workers bargain with management, nor did they assist workers in recovering pension arrears. Echoing management’s suggestions to the workers, the union simply recommended that workers turn their case over to the court and allow the judiciary to decide whether and how much of their pension was owed.

By the end of July, workers sent a letter of complaint to the Labor Bureau at both the city and district levels and petitioned the county level Labor Bureau’s Inspection Unit in August. Upon receiving no response, workers made their way down to the Labor Bureau offices, only to be told that their petition had been received and that they should wait for more news. Given that it had been three months since workers had first petitioned union agencies to intervene on their behalf, workers felt they were at least owed a timeframe for when they could expect a more substantive response. Instead, they were directed to the Social Security Bureau, which also acknowledged receipt of an appeal they had sent some two weeks earlier.

The procedural delays and bureaucratic blockading by various government agencies underline the challenges workers face against a local state apparatus that, for all intents and purposes, has little inclination to help workers. Rather, the local government’s reluctance to assist workers in this case attests to a kind of soft enforcement of local policies that seek to protect business interests. Diamond Corp, along with the multitude of privately owned foreign and local businesses in the Pearl River Delta, represent important revenue resources fueling the

local economy. From the state's perspective, conceding to one set of workers might have risked bringing an onslaught of similar demands from other workers in different factories. Furthermore, under residency (*hukou*) regulations, the local state is hardly beholden to the transient population of migrant workers living in their region, and it has almost no incentive to assist workers in recouping funds from employers. But they have every reason to protect businesses and maintain the flow of capital for continued economic development.

Finally, in the first week of September, over three months since the initial submission of their grievances and demands to management, workers received a written response from the county's Labor Bureau relaying the company's message to the workers that it would first confirm the length of service of workers who had submitted their complaint and, in accordance with Chinese national laws for social insurance, that it would do its best to make its share of payments to these workers the next month. Following this, the Labor Bureau informed workers that they needed to negotiate directly with the company. Officials instructed them to draft a document if they were unable to come to agreement with the company; from there they could proceed with an application. At the very least, these two notices signaled the local state's willingness to involve itself in the case and the company's concession to state pressure to respond to workers.

Finale

But circumstances did not improve once workers began to directly confront management. Even while the company agreed to pay some arrears, it refused to pay workers the entire amount owed to them according to their length of service. At most, it would give a few select workers their payments dating back to 2004. Workers refused to accept these terms. And over the next

few weeks, workers were let go and sent on “vacation leave,” at first individually and in small groups, then in increasing numbers until at one point, the company made an announcement that it had plans to release 200–300 more. And when workers turned to government officials for support, state authorities merely sent workers back to confront management. At one point, in the midst of the company’s retaliatory layoffs, workers met with management in county government offices and under the supervision of local state officials. When workers requested that the company respond to their demands for social insurance, it was state officials who were able to compel the company to issue a response within two days’ time. But the company’s response, relayed to the workers through a government official, said nothing of pension arrears; instead, it stated that with the consent of the county government, the company would give “vacation leave” to another round of workers.

In a particularly dramatic incident, the company convened a meeting to present a record of over 100 workers’ service tenures as proof that only a select few workers had begun working at the company on or before 2004; all other workers who asserted that they had begun working there before 2008 were, in fact, wrong. According to workers’ memos of events (Zhu & Cai, 2012), some workers who had been at the company for over ten years were listed as having started working in 2008. After this announcement, the company set up a table in the cafeteria in order to help workers through the process and paperwork of securing their insurance; a journalist was also on site to video events. Management began reading off names of workers to enter the cafeteria to begin the process. Not a single worker moved.

By December, over six months after the initial submission of grievances to the company, very little real progress around the issue of social insurance had been made. Yet again, workers sought the assistance of the state authorities, this time petitioning the city-level offices, where

they spoke with an official working at the regional office who encouraged them to speak with county officials. At the same time, the official promised he would help workers to resolve their problem. Though workers had their doubts, the conversation with this authority actually proved productive.

On December 9, the company announced that it would pay its share for social insurance to all 141 workers who demanded payments according to the year in which each began at the company. The workers, who attributed this success to their perseverance, struggle, and solidarity, received the news with considerable optimism. “It was because we were able to unite together, we showed the company the power of workers; they had no other alternative but to concede [to our demands]” (Zhu & Cai, 2012).

As uplifting as the sentiment may have been, however, it seems more the case that the company had the upper hand throughout the dispute. It was able to force workers to go on leave, refuse demands, and deny workers even a space for discussion. And rather than use their collective power to pressure the company, workers repeatedly pressured state officials to force the company to meet with them. The intervention of the state authorities in pushing the company to meet with workers, respond to their requests, and finally concede to their demand was critical to any movement forward for workers.

Unfortunately, even this success was fleeting. After three months, the company had not lived up to its promise. It was only at this moment that workers moved to confront management *rather than* to petition or appeal to government authorities. Reports document that over 130 workers gathered outside the company office, effectively blocking the manager from leaving until he provided them with a statement on the company’s payment of arrears. And while police were sent to the scene and labor authorities arrived, promising to assist workers to resolve the

situation, in the end, events culminated in the physical assault of two workers by the manager and the subsequent arrest of two lead representatives.

Many of the accounts of the Diamond Corp labor dispute typically highlight the arrest as the focal point and climax of the case, detailing the hours and minutes up to the altercation with the manager. Following the incident, workers began a new campaign, decrying the wrongful detainment of their colleague and demanding his release. It is difficult to know the extent to which the arrest might have served as a purposeful distraction. Little is said about whether and how workers received their pension arrears, but in speaking with activists involved with the case, I was told that management did make its payments in the end, though according to mumblings among workers, payment was withheld from the worker who was detained the longest and who was most prominently active during the dispute.

If anything, then, the arrest represented a final stand between capital and state against workers, a clear testimony of where allegiances lay. But even though they could not depend on the state for support or protection, workers had few other options than to continue asking for state assistance in hopes that after enough appeals, they would finally be heard. Throughout all this, NGOs provided some tactical advice for workers but could do little to influence either state or management's action. Diamond Corp workers' eventual success in recovering their social insurance arrears ultimately required a city official's intervention to force the company to make good on agreements made during negotiations. As we will see in later chapters, without the state's intervention, workers are unable to engage in collective bargaining at all.

Discussion

State signaling around collective negotiations ultimately gave labor NGOs the space to promote collective bargaining. It did so by allowing government officials to simply allow labor NGOs to intervene in workers' disputes. While I was not able to speak with state officials directly about their participation in the Diamond Corp case, we can make an informed speculation that NGOs were being surveilled and that the state was at least generally aware of their activities. And certainly, once workers began appealing to the various government agencies, they made their demands and activities a matter of public record. But state officials did not move to directly shut down or arrest workers or activists at the outset. Instead, for all intents and purposes, state officials tolerated labor NGOs and workers, even while they provided them little real support.

To be sure, the state's move to bureaucratically blockade workers indicates a disinclination toward collective bargaining—but not an outright move to stop it. Had workers' collective activities been regarded as completely unacceptable, it is unlikely that they would have been able to continue for so long without facing reprisals. With the state's earlier signaling on the desirability of collective negotiations, collective bargaining fell into a gray zone of permissibility. And the provincial union's move to finally intervene and facilitate negotiations between workers and the company would not have happened at all had there been no political space for them to do so.

For their part, workers' decision to engage in collective bargaining was a product of ambiguous political opportunities and subsequent intervention of civil-society actors. The state implemented legal reforms supporting workers' interests but allowed few viable pathways through which to realize these legal rights. Within the context of China's labor struggle, legal

reforms provided institutional support for workers to make claims on certain interests. Specifically, regulations requiring companies to pay into employees' social insurance funds provided the legal support for workers to claim long-overdue payments into their insurance accounts. Furthermore, because a company's negligence to make payments is rarely (if ever) on an individual basis but instead affects a significant proportion of the workforce, workers found a common grievance that was amenable to collective action. While social-insurance laws were national in reach, the response of workers has been scattered, as not all firms have been in violation and not all employees were made immediately aware of reforms. And in the absence of a sustained and coordinated labor movement (Friedman, 2014), there is little consensus on what might be the best course of action, even when workers of a given firm find themselves facing the same grievance. The available options, be it legal mobilization or strike and protest, subject workers to risks in the form of either high costs or repression. These are the makings of ambiguous political opportunity: legal support for claims on the one hand, few appealing means for realizing claims on the other. It is in this setting that an unfamiliar and untried option—collective bargaining—is able to gain occasional acceptance by workers.

Social movement organizations—specifically labor NGOs—were then able to intervene, emphasizing problems with legal action and steering workers toward a new but relatively unproven tactic. But while labor activists and certain scholarly analyses (Li, 2016) may point to Labor International and South City as driving and enabling collective bargaining among workers, I argue that this interpretation of collective bargaining's rise in China obscures the continued importance of the state in the practice's emergence. The necessity for state intervention in collective bargaining stems from its position as a non-institutionalized practice in China. While the state has encouraged negotiations between management and workers, it has not put in place

the requisite infrastructure to actually enable negotiations or to ensure an even playing field between capital and labor. Even while Labor International may provide financial and advisory support to labor activists, who in turn provide human resources and tactical advice to workers, there do not appear to be similarly dedicated resources for capital to engage in negotiations. More to the point: There are no incentives for capital to participate in bargaining. In many cases, management has little interest or need to meet with workers; companies may even welcome a reduction in the labor force, and striking workers could give a company just the rationale it needs to terminate workers without having to pay mandatory compensation fees. Without a legal mandate or interest incentives for companies to participate in collective bargaining, no grand vision on the part of international and local labor activists to bring a sea change in labor organizing through collective bargaining can be realized because no collective bargaining without company's cooperation can occur. Thus, even while other analysts have sought to present collective bargaining as driven by labor NGOs and international funders, and while I submit that these are indeed critical players in collective bargaining's origin story, state actors also played an important role in the emergence of collective bargaining—even if they had not intended to.

Conclusion

In attempting to explain why actors opted for a new and untried tactic to find recourse for their grievances, the study offers a more nuanced perspective on the structural factors that shape movement tactics. Signals from the state worked in tandem with international influences and local actors who sought to make collective bargaining a repertoire of contention. The

contravening opportunities and constraints that workers faced in achieving their demands made collective bargaining a viable option, thus giving rise to its emergence in China.

Recognizing the ambiguity of the political structure moves our conceptualization of this concept beyond an open/closed categorization. While some have measured levels of openness via variable indicators of democracy, civil society, and access to information (Caraway, 2006), levels do not adequately capture complexity of political opportunity structures. Furthermore, they are almost entirely based on Western democratic assumptions of what a political opportunity structure can look like. “Ambiguous political opportunity,” on the other hand, not only provides for greater flexibility to capture a variety of regimes that may exist, it also allows the possibility of a complex political structure that can offer both political opportunities and political constraints at the same time. This study emphasizes the legal components of the political structure, as these elucidate most clearly the ways in which the political structures create conditions of ambiguity. Finally, while other studies deploying more typical usage of political opportunity structure are often unable to move beyond meta- and macro-level analyses, ambiguous political opportunity offers a prism through which we can understand the decisions and behaviors of actors at the ground level navigating a complex sociopolitical terrain.

Chapter 3

Repertoires of Conciliation: Elite Support for Collective Bargaining in Southern China

Introduction

From 2010 to 2015, worker-led collective bargaining appeared to hold real promise as a means for workers to avoid the legal labyrinth of China's court systems and to engage in a practice that could expand their rights and capacities to organize collectively. While labor NGOs had limited reach in promoting collective bargaining, by 2012 they were able to claim several successful instances in which they had been able to persuade workers to use collective bargaining *and* successful outcomes for workers through their use of the practice.

To hear labor activists tell the story, they (and workers) are the central figures in workers' success and in the implementation and spread of collective bargaining. However, a closer examination of events makes clear that even while labor NGOs do the necessary work of introducing and guiding workers through bargaining, their involvement is insufficient for the actual implementation of collective bargaining. And even when workers agree to come together to pool funds, elect representatives, and present their demands to management, there is little to compel management to participate in bargaining sessions with workers. No actual laws are in

place requiring companies to join workers at the bargaining table. Though the ACFTU and the provincial government in Guangdong have drafted protocols for collective negotiations, these are little more than recommendations.

Indeed, when workers present their demands to companies and request meetings with management, management consistently refuses any such engagement. It is only when workers are able to persuade state agents to intervene on their behalf that managers concede to negotiate with workers. While labor activists and scholarly analysis (Li, 2016) may point to labor NGOs or workers' solidarity as driving and enabling collective bargaining among workers, I argue that this interpretation of collective bargaining's rise in China obscures the continued importance of the state in the actual implementation of collective bargaining.

The cases discussed in this chapter further underline the importance of state intervention in the implementation of worker-led bargaining. Regardless of workers' willingness, solidarity, and tactical strategizing, it is only when they are able to secure the support of state actors that any kind of bargaining with a company can occur. Given the importance of the state's involvement for the implementation of collective bargaining, this chapter asks, under what conditions were local government actors willing to intervene in labor disputes to support workers' use of collective bargaining?

Earlier studies make clear that the central state's imperative for social stability drives much of the local government actors' response to collective action (Shue, 2004; Birney, 2014; Wang and Minzner, 2015). While popular imagination of authoritarian governance may reify the heavy-handed use of repression as the default means for control in China, more recently, dedicated scholarship on how the Chinese government has maintained its control reveals a much more nuanced and flexible approach (Lee and Zhang, 2013; Su & He, 2010; Tong & Lei, 2010).

For example, even while the state has encouraged the use of legal channels and individualized labor contracts (Chan & Selden, 2014; Gallagher, 2006), in 2009 the ACFTU began signaling support for collective negotiations for industry-wide wage contracts.

Starting in 2010, labor NGOs in China began promoting collective bargaining as means for dispute resolution, counseling workers to bargain outside institutional confines that limited their collective gains. Early on, state agents did not immediately move to stifle these NGOs activities. Instead, on certain occasions, they intervened in workers' labor disputes to facilitate collective bargaining. I ask when and why they did so.

To understand the conditions in which state actors were willing to intervene and support collective bargaining, I consider three cases that capture different levels of state support for collective bargaining. In the first case, the state responded relatively quickly to workers' appeals for their intervention and facilitation of collective bargaining. In the second case, workers did not appeal to state actors at the outset, but state actors intervened during workers' strikes and encouraged workers and management to resolve their problem using collective bargaining. However, as we will see, collective bargaining would not provide the control and appeasement that the state had hoped for. Local officials would later prove quite reluctant to continue to involve themselves or support workers who sought additional concessions from their company. In the third case, local state actors remained absent during the course of workers' labor dispute. And while these workers partnered with one of the most prominent cause lawyers in China promoting collective bargaining and were themselves willing to engage in bargaining with their company, they were unable to compel management's participation.

Understanding when and why local state actors in China were willing to support a practice like collective bargaining speaks to the larger question of when elites, or those in

positions of power, decide to offer their support to social movements. Although political process theory has recognized well enough the importance of elite and organizational allies for movement success (Cress & Snow, 1996; McCarthy & Zald, 1977; Oberschall, 1973), studies specifying the terms and conditions of their intervention have been limited. Furthermore, studies of protest in authoritarian states rarely if ever deploy the framework of “elite allies” or “patronage.” In authoritarian regimes, local domestic support is conceptualized as “accommodating state intervention.” Studying cases of worker-led collective bargaining in China offers an opportunity to begin filling this gap in the literature.

Literature Review

Social movement scholars conceptualize elite allies as critical in providing political opportunities and key to the political-opportunity structure (McAdam, 1996; McCammon et al., 2001; Skrentny, 2006; Tarrow, 1998). Elite actors include bureaucrats (Amenta et al., 1999), policy decision makers (Skrentny, 2006), judiciaries (Su & He, 2010), government agencies, and private foundations (Jenkins & Eckert, 1986). Because of the position elites occupy within the social structure, their power and influence over legislation, and the tangible and intangible resources they can offer to movement actors, the ability to gain the support elite allies can be critical to movement success (Almeida & Stearns, 1998).

But when do elite allies support social-movement actors? Previous studies have found that elite support depends on the extent to which a movement’s goals can function within the broader institutional structure (Wilser & Guigni, 1996) or align with the state’s own political mission (Amenta et al., 1999; Su & He, 2010). Others have found that the extent to which a given elite actor perceives movement goals as acceptable (McCammon et al., 2001) and in

alignment with their own categorical perceptions and meanings of the relevant issues at stake (Skrentny, 2006) also influences their decisions to support social-movement actors. Jenkins and Eckert's 1986 study on elite patronage of social-movement organizations analyzed when government agencies and private foundations gave financial support to movement organizations and which kinds of movement organizations were more likely to receive these resources. They find that elite patronage stems in large part from a desire to maintain social control in the face of potential social upheaval. Even when elites may offer support to social-movement organizations working for social change, the pattern of their patronage suggests that they are "politically cautious in their support for social reform. At minimum their conscience donations will typically be socially circumscribed by their class interests in political stability and the preservation of capitalist institutions" (Jenkins & Eckert, 1986, p. 819). On the whole, and perhaps rather unsurprisingly, elites provide support when it is in their political interests to do so.

While much of this scholarship has focused on movements within the US political context, studies of elite patronage and support in authoritarian regimes tell a similar story. Of course, the language of "elite allies" and "patronage" is rarely deployed. Instead, "state intervention" is the more commonly seen terminology. Nevertheless, while there are important differences in the shape of political interests across different political structures, political interests also motivate Chinese elite actors—bureaucrats, government officials, and government agents like the ACFTU—and determine when and how they offer support during collective disputes.

In China, "social stability" and "harmonious society" are the contemporary state's guiding principles. These two principles undergird its policies, regulations, and proclamations. As a rubric for state action, the mandate for social stability has been the state's answer to the

unrest and discontent that has followed reform and marked much of China's transition toward a market economy. Generally, the state regards expressions of discontent that are seen across many spheres of China's socio-political landscape as potential threats to the legitimacy of the Chinese Communist Party's ruling authority. To maintain social stability is to reduce and minimize any such dissent, particularly collective dissent that may occur outside institutional channels for resolving problems. At the same time, maintaining social stability does not necessarily translate to the outright repression of insurgency (Tong & Lei, 2010), at least not in all cases. Instead, the state has in some circumstances taken a more accommodating approach (Su & He, 2010; Tong & Lei, 2010). Rather than using direct force to silence incidents of unrest, local government officials, bureaucrats, and even judiciaries have been instructed to intervene directly, making themselves present and available at the site of a dispute, to resolve issues as peaceably as possible (Chan & Selden 2014; Gallagher, 2014 ; Su & He, 2010). Lee and Zhang (2013) detail a process of "non-zero sum bargaining" which local officials use to maintain social stability. This includes making direct payments to the aggrieved, engaging in "emotion control" to calm agitated workers and persuade them to take more "practical" measures, and attempting to reconstruct workers' ideas of rights toward a more "pragmatic" rendering on the premise that "legal rights cannot be realized given the objective realities of China (Lee & Zhang, 2013, p. 1490).

However, even while it is important to recognize that China's authoritarian rule can take on a more accommodating, even adaptive (Tong & Lei, 2010), response to insurgency, the state does not unilaterally move in support of all claims. Indeed, some have noted that settlement appears ad hoc (Gallagher, 2014). While it is clear that, in general, the central government encourages local government actors and agents to give their support to claimants in order to

maintain social stability—and in doing so, maintain their own good standing within the political apparatus—how the local political elites decide which specific instances deserve their support is still an open question that few have addressed so far. Su and He's (2010) piece on local judicial intervention in labor disputes delineates several criteria motivating supportive state intervention that include the size of protests, the availability of funds, the desire to reduce paperwork, and the obscurity of protest leaders, which prevents the state from simply arresting leaders to put an end to strikes. Others have shown that protesters' capacity to escalate activities by deploying increasingly intensified activities or by creating greater public spectacle has also forced the state to intervene and to appease challengers (Gallagher, 2014; Liebman, 2013; O'Brien & Li, 2006;).

This chapter adds to this literature by considering three different labor disputes that each received different responses from the state. Importantly, in considering the state's occasional involvement in the implementation of worker-led bargaining, this study moves beyond instances in which the state simply intervened to provide financial concessions. Instead, for these cases, when the state did support or encourage worker-led bargaining, it acted as more of an inadvertent ally to labor NGOs who were promoting collective bargaining to expand workers' rights. We are thus able to explore when and under what circumstances political elites in an authoritarian context move to support movement-esque organizations by facilitating rights-expanding activities. While Su and He's (2010) study provides granular explanations for state intervention, the cases in this chapter argue that a more generalizable pattern exists to explain state support. State intervention for collective bargaining is not necessarily ad hoc but can be understood through a more specified framework of legality as it allowed the convergence of political interests. Legal legitimacy, preventing strike and insurgences, and their own institutional

interests anchored state actors' decisions on whether or not they would support a non-legal, non-institutional activity.

Local state actors were much more willing to intervene and support collective bargaining when workers' demands remained within legal boundaries set by the national labor laws. Collective bargaining was made a part of the state's repertoire of conciliation, and as with other measures, its deployment had a very specific purpose: preventing disruptive action and maintaining workers' rights within existing legal parameters. When workers began to agitate for interests beyond legal limits or sought to address needs and injustices outside of strict legal terms, state actors were much more reluctant to involve themselves. In these circumstances, workers' ability to strategically escalate their tactics and threaten the veneer of social stability would in some cases work to bring in supportive state intervention. But not in all cases. If strikes could be snuffed out through capital's pressure and maneuverings, state actors were less likely to intervene, often resulting in the preservation of a legal status quo that limits workers collective rights and fails to provide them with adequate redress.

Data and Methods

Three cases are used for analysis in this chapter. These cases were chosen because all companies were located in Guangdong Province and all were positioned in a low-wage manufacturing sector. The labor NGOs that promoted collective bargaining as a rights-expanding activity were involved in each of these cases, and activists encouraged workers to use collective bargaining. However, state involvement and support for collective bargaining varied in the different disputes as did workers' ability to implement collective bargaining. Thus, my analysis focuses on parsing why the state varied in its support, and I am able to compare across these

cases to do so. Rather than attempt to link discrete variables or factors to state support, I narrate the course of events of each labor dispute in order to provide a holistic account of how workers’ grievances, the actions of both capital and labor, and the broader legal-political and industrial context in contemporary China are brought to bear on the decisions of ACFTU and labor bureau officials—who act as potential elite allies—to provide or withhold assistance to workers in facilitating collective bargaining.

The first labor dispute unfolded in 2012 at a company I refer to as Elegance Company. In this case, union officials in the city of Guangzhou were quick to offer their support for collective bargaining upon workers’ requests. The second labor dispute took place in mid-2013 at a company I refer to as Golden Company. Here, the state’s response evolved as the dispute ran its course, moving from swift support, to withholding support, and finally to reluctant support. In both these cases, workers were able to use collective bargaining to claim their demands. The third labor dispute started in late 2013 and extended to mid-2014, unfolding at a company I call MobileTech. In this case, the local union refused to involve itself, even though workers requested its support early, and workers were unable to use collective bargaining.

Table 3: Spectrums of State Support Across Three Labor Disputes

Company Name	Year	Manufacturing Sector	Headquarters	Dispute Location (City)	Grievance	State Support
Elegance Company	2012	Jewelry	Hong-Kong	Guangzhou	Social Insurance	Responsive Support
Golden Company	2013	Molding	Hong-Kong	Guangzhou	Minimum Wage /Overtime	Active Encouragement/ Reluctant Support
MobileTech	2013-2014	Electronics	Finland	Dongguan	Merger & Acquisition	Refused Involvement

Both Elegance Company and Golden Company are located in the city of Guangzhou in a district at the southern edge of the city that is home to many small- and medium-sized firms

working in textiles. MobileTech is located in the city of Dongguan, another hub for manufacturing in the province, and is a larger electronics manufacturing firm that produced cell phones. Although the companies do not match precisely based on manufacturing sector and city, the similarities insofar as provincial location, industry, and workers' skill level allow for reasonable comparisons across these different cases.

South City, the same NGO that had been involved in the Diamond labor dispute, had also worked closely with Elegance Company and Golden Company workers through much of their disputes, and my connections with activists at South City allowed introductions and access to interviews with workers.

For the Elegance Company case, I interviewed four workers involved in the dispute. Two of these were men and two were women, all in their mid-thirties. On the whole, I sought to establish a "culturally typical relationship" and met respondents on terms with which they were most comfortable (Harper, 1992). One of the interviews took place in the offices of a labor NGO, with one of the South City activists present, as well as another Chinese student who was studying labor. The second interview took place at a restaurant, where the worker agreed to meet me and the student for breakfast. The two women whom I interviewed invited me to their homes, once allowing me to purchase groceries and then preparing a meal for me as I asked them about their experience during the labor dispute. I was able to follow up with one of them for a second interview a couple of months after our first meeting. Without question, there was a greater sense of ease and rapport with the two women relative to the two men. As well, workers tended to be more frank and less laudatory of their experiences when not in the presence of the labor activists; this was true of all workers across all different labor disputes.

For the Golden Company case, the labor activist introduced me to the workers via a larger dinner gathering at a restaurant in the district. Early in the evening, I arrived at the restaurant with the activist and fellow student and met two workers who had also arrived early. I was able to speak with them about their experience and involvement in the labor dispute. After about an hour, many more workers arrived. In total, there were three women and four men from Golden Company, as well as a few other activists and workers who had not been involved in the labor dispute. In many ways, the dinner seemed to be an informal reunion for the workers who had come, a raucous and lively event. I did not attempt to conduct a controlled interview, and workers shared their experience as they chose; my recorder was left on. Men certainly spoke more than women. I was fortunate to be seated next to an extroverted worker who spoke at length of his experience. At the end of the evening, I asked workers if they would be willing to share their contact information with me, and a few did. I was able to secure a follow-up interview with another one of the men a few months later and met him at a coffee shop to ask more directed questions about the labor dispute.

I was able to interview five different workers who were involved with the MobileTech labor dispute. At the time that I met the workers, they were in the process of suing their firm for wrongful dismissal and had secured the pro-bono services of Shenzhen Law, the law firm-cum-NGO where I was interning. The lawyer handling the case allowed me to accompany him to meet with the workers on a routine visit. Our first meeting was at a restaurant, and I was able to speak with five of the workers who joined us for the lunch. I was also able to obtain the contact information of one of the workers, who agreed to meet with me again three months later and spoke with me in a park near his home with one of his colleagues sitting with us but saying little. My time at the law firm allowed me to speak with the lawyers involved in the case and to hear

their perspectives on its legal merits and its importance in the landscape of labor disputes at the time. I also interviewed an activist who had connected with the workers at the beginning of the case, during the initial strikes, to learn more about the early stages of the labor dispute.

In the summer of 2016, I returned to China and was able to interview the former Guangdong provincial union chair, who had retired in 2014 but would have been the sitting chair during the time that the Elegance Company and Golden Company labor disputes had taken place and when the MobileTech labor dispute had begun. The interview was nearly two hours long, held over tea at a hotel-restaurant in Guangzhou. Though he was not directly involved in these cases, the union official provided invaluable insight into how a prominent leader in the provincial union understands collective bargaining and sheds some light on the decisions of local officials. Altogether, interviews, conversations, and media reports were used to piece together the events and to provide an empirical analysis of why local state agents decided to support collective bargaining in some circumstances but not others.

Case Studies: A Spectrum of Elite Support and Varying Success in Collective Bargaining

In my earlier chapter, I discussed the first case of pioneering workers who attempted to use collective bargaining to claim their social insurance arrears. Though these workers had legitimate legal claims, they faced considerable difficulties in securing the local state authorities' support in facilitating negotiations with the company. It was only after months of a protracted labor dispute that the provincial union chair agreed to intervene and broker bargaining sessions between workers and management, ultimately assisting workers in claiming their arrears.

Subsequent labor disputes, however, indicate a shift in local government authorities' attitude toward collective bargaining. While initially hesitant, local state agents appeared to make

a turn toward collective bargaining as an acceptable activity. But their willingness to support it was not unconditional. In examining cases in which workers used—or failed to use—collective bargaining, we find that the state’s willingness to enable the implementation of collective bargaining revolved on the legal merits of workers’ claims.

Elegance Company Labor Dispute

The 2012 Elegance Company labor dispute was centered on workers’ unpaid social insurance funds. Interviews with Elegance Company workers revealed that news of the first set of workers who used collective bargaining to claim social insurance encouraged them to pursue their own social insurance arrears. Said one, “We had heard of [their] success” (Interview 20140109 115622), referring to those workers. When asked what motivated them to take action, another said, “[The other workers] had more people, their situation was more complicated, and they were able to get their arrears. Why couldn’t we?” (Interview 20140112 18051).

When Elegance Company workers first began exploring how to claim their arrears, they found the local state offices unhelpful—even obstructive. Elegance Company workers described how, when they turned to the labor bureau for assistance, “The government office ignored us. The government office said, ‘Go back and we’ll notify you’ but they never got back to us....[We were] ignored and disregarded” (Interview 20140109 115622). Another said how he had

submitted an official complaint but they didn’t take it, they didn’t take the documents. We didn’t understand. They just said our documents weren’t complete, but they didn’t say which documents were complete. And then they just pushed us

out, with no other answer. Afterward, we found other documents, and they said this isn't right, that isn't right. (Interview 20140110 074601)

Such bureaucratic blockading made continuing along formal institutional channels or working under the auspices of the labor bureau untenable for workers.

When confronting management, workers were simply told that providing social insurance would be “impossible.” Workers had few options left. Moving to strike action was deemed useless. According to one worker, strike action would do little to pressure capital because the boss [could] take those work orders and give it to others as overtime. We didn't have much retaliatory power over the boss. If hypothetically we didn't do work, there were other departments that could do our work, so the harm that we could do was not that big. (Interview 20140112 18051)

Clearly, then, workers had little disruptive power at their disposal. They could not afford to threaten their company's operations.

It was at this point that one of the Elegance Company workers, whom I refer to as Yijie, decided to contact the labor NGO South City Labor Advocacy Org— a labor NGO promoting collective bargaining among workers. As far as Yijie knew, this was the organization that had helped other workers recover their arrears. With the state proving to be unhelpful, and strike action a non-starter, South City was the next (perhaps only) best option. By her own account, a friend provided her with the phone number of the South City activist and recommended she contact him for assistance.

Yijie recalled her first trip to meet the organization: “That first day when I was going over [to the office] I brought two friends along. Actually, as we were on our way, they were both saying, ‘Is this some kind of scam?’...They said, ‘Pies don’t drop from the sky’ and ‘There’s no free lunch’” (Interview 20140112 180510). Even with favorable recommendations, workers regarded the labor NGO with considerable caution. The initial doubts of these workers reveal, at best, a general unfamiliarity with non-governmental organizations among most workers. More often, workers are highly suspicious of the organizations and activists who offer services for free when, as Yijie’s friend put it, nothing can be for free.

My earlier chapter discussed how ambiguous political opportunities—those situations in which workers had legal rights to a claim like social insurance but no viable channels for pursuing these claims—situated workers in a state of uncertainty. Under these conditions, workers felt that they had nothing else they could do but approach the labor NGOs. Elegance Company workers were similarly confronted with ambiguous political opportunities. And it was in this space of uncertainty created by ambiguous political opportunities that Yijie contacted South City.

When she first decided to reach out to South City, Yijie herself was not particularly interested in collective bargaining. Instead, by her own admission, she originally went to seek assistance with filling out forms for submission to the Social Security Bureau (Interview 20140112 180510). But as she spoke with the South City activist, she “talked about all the different situations and issues in our group, and [he] said ‘I can’t help each and every issue, with so many people.’ The best thing to do then, would be for us to organize ourselves more, gather those documents, and send them together” (Interview 20140112 180510).

Since the labor activist made clear that he could not assist all the Elegance Company workers with their individual claims in a court of law, he presented them with an alternative action—collective bargaining. In fact, collective bargaining was the *only* option for workers if they were to secure South City’s assistance. Of course, Yijie could have walked away at this point, but South City represented the last available resource she had at her disposal. Her decision to go along with the NGO’s suggestion and organize her fellow colleagues had little to do with a deeply felt connection to them or even a desire to expand the rights of workers. And she did not regard her relationship to management as a particularly adversarial one. In fact, one of her relatives held a management position, which, if anything, made her quite reluctant to take on any kind of leadership role. Nevertheless, working with South City and organizing her colleagues appeared to be the only option left for Yijie. And eventually, the South City activist was able to earn her trust. When describing the advice of the South City activist, she recalled how

He said how we should do things. Gathering our documents. And everyone contributing 100 RMB. But that money would not be for [the activist], it was for our own expenses, like when we would have our big meetings, gathering together for our meetings, money for meals....that money wasn’t going to the NGO, but it was for our own protection. “You have to be clear on your accounts, you can’t not know how to be accountable to others.” So actually, I didn’t think at all that we were being cheated or anything. (Interview 20140112 180510)

But even while Yijie and her colleagues were willing to partner with South City, persuading the larger group of workers to do so would prove more difficult. Indeed, as Yijie

returned to rally her colleagues into an organized collective, she was met with considerable doubt and dissension from the larger group of workers at Elegance Company. And not only did the majority of workers doubt the labor NGO, they also doubted their methods. One worker recalled how “Everyone had questions. Actually I didn’t trust [the labor NGO]. Now we trust them. But in the beginning, not really. In the beginning, most people didn’t trust them” (Interview 20140112 180510B). Yijie described how “There were some who said ‘We’re giving you our IDs to copy, you’re taking everything. Will some people use our IDs to do something? We aren’t sure.’ They really were like this, and really there were many of them” (Interview 20140112 180510). Another recounted how

Each and every kind of opinion was there.... some were afraid we wouldn’t be able to get it, and would lose our jobs...others were afraid we wouldn’t succeed...[And] because we would go to different places, and there were costs, and so we had to have everyone contribute 200 kuai (RMB). There were some that were worried that after making these payments and then we weren’t able to get our arrears, what would happen then. (Interview 20140110 074601)

Faced with the pervasive doubt and reluctance of her fellow Elegance Company workers, Yijie recalls how she resolved the issue: “I said, let’s all have a meeting for everyone, have a big meeting. And [the activist] came out, and after that, people weren’t so wary” (Interview 20140112 180510).

Once Elegance Company workers agreed to work with South City and organize among themselves, they presented a formal letter of their demands to the company, which the company

refused to consider. From there, Elegance Company workers focused much of their energies on appealing to management. Their ability to put any real pressure on the company, however, was limited. It was not long before the company began retaliatory measures—further decreasing their workloads and sending orders to other departments and workers who were uninvolved in the dispute (Lan 2013). Work stoppages had little effect, since it was easy enough to transfer orders to other workers and reward non-participants with overtime. “There really wasn’t much we could do to management... We didn’t have much power to hurt them at all” said one worker (Interview 20140112 180510).

With the company refusing demands, the group began fragmenting. Elegance Company representatives then appealed to the Guangzhou City Union, who dispatched a county union official to the company. After a push from union officials, management at Elegance Company agreed to meet with elected representatives on the factory grounds. The union’s intervention was an important force compelling management to meet with workers; a second meeting with representatives began soon after, and several more rounds followed.

Throughout my interviews with them, activists and workers alike rarely discussed the role of the union and its intervention. Often, it was only after direct questioning about whether the union or state was involved in bargaining efforts that a worker mentioned the union’s assistance in pressuring the company to engage in bargaining. They *did* emphasize their solidarity and the importance of maintaining this at all costs. As well, they point to the assistance and support of local NGOs as critical to their success. However, little else besides the union’s intervention adequately accounts for management’s about-face in its decision to meet with workers. While the assistance of South City and the solidarity of workers was clearly necessary in initiating the demand for collective bargaining, this brief moment of official intervention in

the labor dispute was ultimately what enabled workers to engage in collective bargaining and reclaim their insurance. As such, it speaks to the critical role of elite allies—in this case, state agents represented by the provincial ACFTU—in making collective bargaining a reality for workers. The Elegance Company labor dispute shows how the ACFTU is the only leverage workers have for bringing capital to the table, despite their own proclamations that the union is “useless.”

But why did union officials offer their support so readily? I argue that state support of collective bargaining hinged on the legality of workers’ demands. Union officials are only ever willing to intervene and facilitate collective bargaining if workers’ demands have a legal basis. The Guangzhou provincial union official, who was the sitting chair during the time of the Elegance Company dispute and whom I interviewed in the summer of 2016, was able to offer some insight into this. While he had not been directly involved in facilitating bargaining sessions, he was well aware of the company and its history of labor contention. I asked him specifically about the Elegance Company labor dispute, mentioning that the union helped workers to engage in collective bargaining in this case. As he put it, Elegance Company workers

were able to harness the law (弄法)—their case was within the law. When you’re within the law, the union can play a role, and the situation is often much easier to handle. So there are cases like [the Elegance Company labor dispute]...where the union promoted collective bargaining and we followed bargaining procedure.

(Interview 20160727)

My interview with the union official covered a wide range of topics, but the importance of legality wound its way through our conversation. At one point, he discussed how building workers' legal knowledge was part of union officials' duties and key to maintaining the peace. Providing legal education could help to prevent workers from taking matters into their own hands and engaging in strike action:

I told [union cadres]: no matter what, in the end you are the union. You are a representative of workers. So [during a labor dispute] you can't hide, you need to get involved. If you know the law, tell the workers what they can do, what their legal rights are, and what is illegal. Help them and teach them how to secure their rights through rational means (理性的维权). And at the same time you can represent workers and bargain with the company and resolve the problem...So only if the union is effective will things work out. If in these kinds of cases, the union is hiding, is unwilling to stick its head out, then it is ineffective. If the union is hiding, then workers will start acting on their own, spontaneously, and often what they're doing is illegal. (Interview 20160727)

The official's use of the term "acting spontaneously" is, in fact, a euphemism for workers' use of strike action. Earlier in our conversation, the official had remarked that when "companies don't have a union...workers are more free and independent, they are able to move spontaneously...Most of those strikes are spontaneous." And, despite much ambiguity around whether strike action is strictly illegal or not, the union officials' consistent tethering of illegal action to spontaneous action and spontaneous action to strikes reveals that he certainly regarded

strikes as illegal. Preventing illegal action—strikes—and promoting legal methods motivated the union official’s support for collective bargaining.

Support of workers is further justified as a means to educate workers, uphold the law, and teach them “rational” action. The issue of rationality figured prominently in my discussion with the official, and underlined how the state official’s assessments of workers—and whether or not to offer support—rested on workers’ lawfulness and their capacity to abide by the law. Rational action was contrasted with “irrational” action, which he explained as “following its own logic, regardless of what kind of law is in place.” One example of irrational action included “taking to the streets.” Thus, *legality* determined the boundary between rational and irrational action. Workers’ needs, their circumstances and experiences, their position within the industrial structure in China, were largely irrelevant.

In presenting workers as given to “irrational” illegal behaviors—specifically, strike action—the union official constructs a narrative in which workers are in need of legal education in order to be made into rational, law-abiding subjects. Structural failings of the court system or industrial policies, neither of which address collective problems, are simply left out of his problematization. Instead, workers’ insufficient knowledge of the proper actions to take explained their propensity to take “irrational” action. And state intervention was the solution to prevent this. Typically, the state promoted legal channels as the preferred route for dispute resolution. But they were also willing to support collective action—so long as it could be used to maintain order, and so long as workers could keep their demands and actions within the confines of the law.

In the end, after several sessions of bargaining, management agreed to pay Elegance Company workers their arrears back to 2004. In other words, workers could recover a maximum

of seven years of their unpaid social insurance. While the Elegance case represents an instance in which workers were able to successfully win their claims using collective bargaining, whether the experience of bargaining itself empowered workers is questionable. When I spoke to workers privately, without the presence of the South City activist, workers expressed ambivalence toward collective bargaining. These collective-bargaining meetings were not necessarily empowering moments where they felt themselves afforded respect and were treated by management as equals. Said one worker who had represented and lead her colleagues, there was little back-and-forth exchange at all (Interview 20140316 195612). The capacity for collective bargaining to put workers on an equal playing field with management as labor activists envisioned appears limited.

As well, according to workers, the material wins in the Elegance Company case were minimal. For those who had been with the company over 10 years, receiving only seven years of arrears represented a weak victory at best. When speaking of their win, they called it mere “compensation,” saying with a sigh that they had not been able to recover as much as workers in another factory (Interview 20140112 180510). In fact, according to one woman, in the end, the company remitted only about 70,000 RMB, or approximately \$11,667 US, which was split among all 49 workers. Although she had worked at the company for 13 years, her share of this came to 8,000 RMB, or \$1,333 US (Interview 20140316 195612). Considering that the minimum wage at that time was 1,500 RMB per month, if we calculate employee contributions at a conservative rate of 20% of wages, this represents a recovery of just over two years of the employer contributions that were due this worker.

Nevertheless, the Elegance Company labor dispute is considered among labor activists to be one of the more successful instances of collective bargaining. According to a South City activist involved in the case, “the Elegance dispute let workers really know about collective

bargaining and that they could negotiate things” (Interview 20140109 115622). Certainly, the case is one example of successfully implemented worker-led bargaining, since workers were able to engage in several face-to-face meetings with management and achieve their demands.

It also appeared to further encourage local state agents to make collective bargaining a part of their repertoire of conciliation. As we will see, in a case that followed the Elegance Company dispute, local state intervention to facilitate collective bargaining came even more swiftly. However, workers’ use of collective bargaining in this next case—the Golden Company labor dispute—did not prevent the marches and disruptive actions. Rather, after they were able to successfully engage in bargaining with management, workers’ escalated their demands and activities. They organized more protests and strikes and sought to use collective bargaining for claims that went beyond the legal minimum.

Golden Company Labor Dispute

Like the Elegance Company, the Golden Manufacturing Company (Golden Company) was a mid-sized, Hong Kong-owned manufacturing company at the southern edge of the city of Guangzhou. The company was founded in 1993, and according to interviews with workers, at its peak in 2000 employed over 2,500 workers. The company’s decline began in the wake of the 2008 global economic recession. By 2012, the company had overhauled its wage system, moving from an hourly to a per-piece-rate system whereby workers would be paid according to the number of items they completed rather than by the hours they worked. Though the company was required to ask workers to sign new labor contracts agreeing to these changes, those who did not agree were given fewer orders and ultimately fewer work hours and income. Even those who did agree to work under the piece-rate system found themselves short changed: the company did not

settle unit prices with its contractors in advance, and workers who worked on a completed order would find that their actual income (after the unit prices were settled) were less than they had expected.

On top of this, the company began restricting overtime hours for many workers. However, income from normal hours at the legal rate was considered inadequate. Low-wage workers in China operate under the tacit understanding that their incomes will be supplemented by overtime work and regard this extra income as critical to their livelihood. As one Golden Company worker put it, “There’s a saying—Chinese workers love overtime. Why do they love overtime? Because overtime is money...without overtime there’s no money” (Interview 20140109 164355/Ref 2.3.1+2). Said another, “Every hour was a bit more money” (Interview 20140109 164355/Ref 2.3.1+2 E). The cuts in overtime were tantamount to a one-third reduction in what they had been accustomed to earning. A worker I spoke to described how their incomes dropped precipitously under this new wage structure:

Let’s say before you could get 3,000 RMB; Now you could only get 1,000 RMB per month. Basically you don’t have living expenses. Let’s say you have a kid in kindergarten, that’s 800 each month, how are you suppose to live? It’s like the company just doesn’t want you. If they wanted us, they wouldn’t have done that. (Interview 20140109 164355/Ref 2.3.1+2).

Golden Company workers quit in droves. By 2013, when the dispute unfolded, there were only 700 employees. Then, in May of 2013, newly promulgated labor laws required an increase

in minimum wage to 1,555 RMB per month. Golden Company duly increased its workers' minimum wages but cut workers' housing benefits. A worker explained to me:

It was like this: before, the minimum wage was around 1,000 RMB per month, but then it increased to 1,550 RMB. But what they did was take the housing subsidies....Our income was minimum wage, overtime, housing subsidies, and they cut the housing subsidies, and reallocated that amount to the minimum wage... we got an increase in wages but no increase in our income. (Interview 20140109 164355/Ref 2.3.1+2 E)

With the earlier changes in wage structure and the decline in access to overtime hours, the company's retrenchment of housing subsidies was the final straw for workers. Strikes and protests erupted across factory grounds, lasting for six days in June and involving over 300 workers (CLB, 2013). In the midst of the strikes, management called local government to the scene (Interview March 2014). Officials from the township union and the Department of Labor and Social Security intervened and facilitated negotiations between workers and management. After these discussions, the company agreed to comply with minimum-wage regulations and to reinstate housing subsidies.

A few things are worth noting here. First, it was the company that sought the assistance of local authorities. The company's initiative to bring in local government was likely an attempt to use state forces to end workers' strikes. However, since the government officials did not side with management but rather sought to bring workers and management together into negotiations, this clearly backfired. Second, workers engaged in collective bargaining with their company

without guidance from labor NGOs. And third, it was *state actors* (not labor activists) who encouraged workers and management to negotiate with each other in this particular dispute. According to workers, state officials told them to select representatives, write a list of their demands, and set a date for negotiations (Interview 20140109 164355/Interview 2.3.1+2E)—essentially following the same playbook that labor NGOs had articulated in their own trainings on collective bargaining. Afterward, the state acted as a liaison between workers and management, who, workers said, refused to meet face-to-face with them. In the end, officials held the company to legal standards, requiring that they reinstate housing subsidies. In a similar vein to the Elegance Company labor dispute, workers were able to level a legitimate legal case against the company, and this facilitated local state actors’ support of workers. While I was unable to speak to the authorities who had been directly involved, I argue that workers’ legally bounded claims were a contributing factor of the state’s willingness to intervene on their behalf.

The swift intervention of local state actors and their willingness to facilitate collective bargaining on their own accord indicate that the practice was gaining acceptability among political authorities. In the Golden Company labor dispute, state authorities used collective bargaining as a means to redirect workers away from strike activity. In many ways, collective bargaining was deployed in the same manner as the “street as courtroom” tactics described by Su and He (2010), where local state and judicial officials intervene in street protests and provide a street-level adjudication process. Studies on this discuss how local officials turned streets into “courts,” to avoid more time-consuming, costly, and potentially ineffective court processes *and* put an end to workers’ strike activity, often by appeasing workers with financial payments from dedicated government funds (Su & He 2010).

This time, rather than making streets into courtrooms, local authorities facilitated extra-legal negotiations between workers, ending strikes and keeping workers' demands within legal boundaries. Though he was not referring to the Golden Company case specifically, the union official spoke of collective bargaining's utility in quelling strikes:

Using bargaining to resolve strikes was something that came from the highest level of authority in Guangdong Province. And we thought this was a good idea, to use bargaining and negotiations. That way we don't need to detain people; workers don't need to be dismissed. (Interview 20160727)

Even more, rather than drawing from government coffers to assuage workers, collective bargaining processes forced the company (rather than the state) to make payments that were due to workers.

But the Golden Company labor dispute did not end there. Despite management's concessions, about 100 workers subsequently demanded that the company expand its allowance for overtime hours. While the company claimed that it could not provide overtime due to slowing business, these workers contended that others were, in fact, given preferential treatment, with overtime on the weekends and during the week. And the retrenchment of overtime had been a long-festering sore spot for workers.

Yes, five days a week, eight hours a day. When we were bargaining with the company, we admitted that this was legal, no one said that it was illegal. But it was unreasonable. It was unprincipled. You work there for over 10

years....Before 2005 there was a time when I wouldn't even want to work overtime, and they forced me to do overtime. Now I definitely *would* do overtime and they don't give it to me. That time when they forced me to work extra, they added three or four hours. Now we all want things to do, and they abandon me. It wasn't me that abandoned them (Interview 20140109 164355/Ref 2.3.1+2 E).

For workers, the loss of overtime was an affront to their own sense of justice and fairness, regardless of its legality. Their repeated references to the bygone days when they were able to make a living wage at the company underscores a sense of loss for which they faulted the company, and which would later figure into the course of their dispute.

Unfortunately, insofar as their overtime allocations were concerned, the company was acting in total compliance with labor laws. Since workers had no legal claims to overtime work, government officials declined to support workers' demands. And since the company agreed to abide by their legal obligations for minimum wage and housing benefits, government officials recommended that workers accept these terms and return to work. Repeated appeals to the provincial union had little effect. With the company refusing to negotiate and the local government refusing to assist any further, Golden Company workers then turned to South City for advice on how to proceed.

According to reports of activists familiar with the labor dispute, Golden Company workers began to use collective action strategically as a means to continue to draw attention to their case. They began peaceably, with sit-ins and banner displays, and then slowly escalated to marching and disruptive activity, haranguing workers who remained on the production line.

Under the advisement of South City, they avoided bringing protests out into the streets, keeping marches within the factory compound lest they be arrested for “disturbing the public order,” a handy label for public dissent that local enforcement can use to quash insurgency.

Golden Company workers’ were unique in their willingness to take on such action despite their weak positional power. After all, the company’s moves to reduce labor costs stemmed from its own declining profit. Indeed, as workers demanded more overtime, they learned that when the company had made its initial changes to the wage structure, it had done so with the aim of reducing the work force; the voluntary departure of hundreds of workers prior to the labor dispute had, in fact, been part of the company’s strategy to cut back on its labor force *without* initiating dismissals that would have required it to pay additional compensation to workers for terminating work contracts earlier than original legal agreements would have allowed. Going on strike for overtime might have given the company yet another opportunity to dismiss more workers and avoid compensation on the premise that management was within its legal rights to terminate workers who were not fulfilling their work obligations. Furthermore, workers admitted that their strikes did little to disrupt production. “It didn’t affect normal operations. There were over 700 workers at the time. The hundred-odd workers on strike really weren’t doing any damage. You’d need at least four, five hundred before you could do that” (Interview 20140109 164355/Ref 2.3.1+2 E).

Nevertheless, workers persisted. And, upon hearing that the company had wanted workers to quit, they switched their demands. Rather than overtime, workers requested that the company provide severance payments for workers who would agree to leave the company. Said one worker,

The intention for our collective action wasn't just to get our money and go. We were asking for more work, more things to do, more shifts. We wanted to earn our money. We didn't just want to take our money and go. We had worked there for over 10 years, we didn't want to just go to some new place. But they said there was nothing to do. They could only follow management's orders; whatever work we got was what we got. But how could we live on this? We couldn't live on this. So there was nothing else to do. We went on strike, took to the streets (Interview 20140109 164355/Ref 2.3.1+2 E).

Workers continued to protest and march. But this did not appear to sway or pressure management at all. In one particularly dramatic incident, the company locked the factory gates, shutting the workers out of the factory and hiring sixty extra men for enforcement. Workers described being roughed up and physically attacked.

What did eventually bear fruit for workers were their concurrent appeals to local officials. The 100 workers who were involved made their way to government buildings to pressure government officials to support their case. Just as they had escalated their protest tactics around the factory, workers steadily climbed the regional bureaucracy in their petitions, first heading to the township offices, then the district level, and then the city level. "We were just short of heading to the provincial level," recalled one. After about a month of this, government officials finally relented. Workers were able to hold negotiations with officials in the labor bureau and with district officials who then spoke to Golden Company about workers' demands. In the end, the company agreed to dismiss the workers and to pay their severance.

In a report on the labor dispute, one worker is quoted saying, “We slapped the boss in the face; he used to say that he will ‘fix’ us no matter how high the price might be, but now he pays us severance packages for the first time in his life! We also slapped the government in the face; it used to reject our right to represent the workers, and now it pressures the company to sign this agreement with us on equal grounds” (CLB, 2013). The worker’s contention that they “slapped” both their boss and the government into submission positions workers in an adversarial position with both the company and the state and makes workers the driving agents of dispute outcomes. In a similar vein, labor activists have emphasized the importance of workers’ solidarity and strength as key in workers’ success. They have also emphasized South City’s role in helping to strategically guide workers through the protests and appeals to government officials.

While it’s true that workers maintained their solidarity and that South City provided important advice that helped workers avoid detainment, such accounts mute the role of the state, both in facilitating collective bargaining early on, even before the entry of the labor NGO, and in eventually helping the workers to pressure the company for their severance packages. The Golden Company dispute reveals an instance in which state actors were not necessarily wholly set against the interest of workers—especially if workers’ demands were aligned with legal standards. While the quote above makes for an exciting sound-bite for labor activists, it risks misrepresenting a more complex relationship between the state and workers. When I spoke to Golden Company workers myself a couple of years later, they did not express the same vehemence against state actors. Rather, they readily acknowledged that it was government officials who organized collective bargaining sessions, passed on their demands, and eventually forced the company to concede.

The evolution of the state's response to and involvement with the Golden Company labor dispute is particularly illuminating. Although I was unable to speak to the authorities who had been directly involved, it is clear that the legality of workers' demands figured prominently in local authorities' involvement and support of workers. When workers' demands stayed within legal boundaries, local authorities were much more willing to intervene and facilitate collective bargaining, empowering workers with permission to organize and elect their own representatives and compelling the company to adhere to labor laws. Local authorities hoped that if management and workers could peaceably engage in negotiations, their dispute could be resolved and that could be the end. Speaking generally of collective bargaining, the union official discussed how

collective bargaining is good for avoiding "irrational" behavior. If workers don't have a communication channel with their employers, they may take to the streets..., and that will have a bad influence on society. In this situation, they should use collective negotiation to resolve issues. If you can use collective negotiation right, then that is less trouble for the state. (Interview 20160727)

However, rather than making less trouble for the state, collective bargaining opened the door to more contention, emboldening Golden Company workers to put more demands on the table in the expectation that the state would continue to facilitate negotiations. But when workers' claims went beyond the legal minimum, local authorities declined to further involve themselves or to further facilitate collective bargaining.

While legal scholars have argued that alternative dispute-resolution processes are most beneficial for "interests or needs that often differ from or go beyond legally justifiable claims"

(Edelman et al., 1993, p. 503), it is clear that local state actors in China did not regard collective bargaining as such. Rather, their support of collective bargaining was firmly based in their own expectations that the practice could be used to maintain social order, prevent workers' disruptive action, and subdue strikes already underway. Once workers themselves sought to use collective bargaining as labor activists and advocates intended—to expand workers' rights and make gains for workers' interests—the state withdrew its support.

Without the state's willing support, workers renewed their protests and marches and began a targeted offensive to pressure the state to intervene, sending collective appeals up the bureaucratic hierarchy. The Golden Company workers' steady escalation up the regional chain of command is a well-worn tactical strategy in which challengers “reach upwards” (Brian & Li, 2006, p. 92) to leverage the power of higher authorities. “Reaching upwards” comes from the historical conceptualization of a reciprocal state and society relationship in China, wherein subjects' recognition of the state's authority is contingent on the state's recognition of its obligation to fulfill subjects' needs (Brian & Li, 2006). Golden Company workers, like many others before them, drew on this deeply embedded sense of their right to make claims for issues that affected their livelihoods—regardless of contemporary legal codes—to higher levels of authority.

For their part, local authorities' eventual facilitation of negotiations for demands outside legal boundaries was likely motivated by the need to avoid what could turn into an explosive crisis. Unfortunately, I was unable to secure direct commentary from local state officials' on why they finally agreed to give their support to those directly involved. However, we can speculate that the authorities were aware of workers' marches on factory grounds and the scuffles between workers and management. From the perspective of the local authorities, allowing protests to

continue would have risked the possibility that they would take a public turn, spilling into the streets and having a “bad influence on society” (Interview 20160727). And attempts to compel workers to break rank through bribes and threats had failed (CLB, 2013 November 7).

Furthermore, previous scholarship has discussed that it is not in lower-level officials’ interests to allow collective grievances to work up to higher levels, as this reflects poorly on their performance and could harm career advancement that is tied to social stability maintenance (Chan & Selden, 2014; Chen, 2012).

Labor activists regard the Golden Company labor dispute as one of the most successful instances of worker-led collective bargaining, praising their solidarity against temptations and obstacles. And workers from other companies who knew of the case would sometimes refer to it during interviews with a mixture of wistfulness and awe, remarking that the wins of Golden Company workers had been the greatest. But the Golden Company labor dispute is especially remarkable as a case in which workers used collective bargaining in conjunction with strikes and protests (which were explicitly prohibited in official guides on collective negotiations), avoided arrests, and, most importantly, bargained for claims that went beyond legal minimums or what was strictly due to them through the law or in their original contracts. This was the realization of collective bargaining as a means to expand labor rights: to enable gains for workers outside the state-controlled legal system that was (and is) failing workers (Gallagher, 2006).

From the vantage point of local state officials, however, the Golden Company labor dispute could very well be read as something of a minor disaster. The state’s initial support of workers in the first set of bargaining sessions for minimum wage did nothing to prevent further contention, settle grievances, or subdue workers. If anything, it only encouraged workers to ratchet up their demands and use collective bargaining as a means to move beyond legal

minimums. This was precisely the opposite of the state's intentions. To make matters worse, disruptive action renewed and continued on factory grounds. And this time, under the advisement of South City, workers coupled their disruptive action with direct appeals to government officials for intervention. This tactical escalation and "reaching up" the regional chain of state authorities was certainly not what officials had hoped would come out of their initial support of workers in collective bargaining. Rather than resulting in less trouble, collective bargaining seemed to result in more. Indeed, almost all the events that followed that first round of collective bargaining represented a set of unintended—and for local authorities, undesirable—consequences of the state's early support for the practice.

This chapter cannot claim that the 2013 Golden Company labor dispute alone brought a diminishment of the state's embrace of collective bargaining. However, to my knowledge, none of the labor disputes that followed it enjoyed the same level of success. During my own fieldwork during 2013-2014, labor organizations promoting collective bargaining were at their height in terms of growing public attention, prominence, and optimism for the viability of collective bargaining as a means to bring real social change for low-wage workers in China. However, the labor disputes that unfolded during my time in the field ultimately ended in failures to bring management and workers to the bargaining table together. One of these cases was the MobileTech labor dispute. This dispute underscores the importance of legality in the state's willingness to intervene in support of workers. It also shows how, without the state's willingness to facilitate bargaining, workers are often forced into legal pathways despite efforts to avoid them.

MobileTech Labor Dispute

Established in 1995, the MobileTech plant in southern China manufactured cellphones and employed over 6,000 workers in its heyday. Once a premier electronics firm with global reach in both sales and operations, MobileTech has been in decline over the past several years, primarily due to the rise of smartphone technologies that have decimated the cellular market. As MobileTech has sought to downscale its production and sales, one of its manufacturing plants in Dongguan was slated for sale and acquisition to another company in 2014. On September 2, 2014, workers received official notice that the buying company would acquire the factory and its attendant technologies. Despite promises that this would not result in any substantive changes for workers, it is clear that such news was the source of much worry. After all, management at this particular plant had changed three times in recent years. And it was only a month before, in August, when nearly 100 workers, including managers, technicians, and senior workers, had been dismissed as part of organizational restructuring, or as the company put it, for “improvements in factory efficiency.”

If news of the pending acquisition undermined MobileTech workers’ sense of security, the arrival of a new cohort of workers in October only served to heighten anxieties—and to incense workers as well. According to workers interviewed for this study, the new cohort received higher pay rates than senior employees, even as they required training from more experienced workers. Furthermore, the new cohort’s presence confirmed suspicions that the firm was attempting to force older workers out while skirting compensation fees that would be legally due to workers dismissed for restructuring purposes (Interview 20140416 121529).

Tensions boiled over when the company published a new worker’s manual. According to workers, the new manual was simply another attempt to reduce the labor force by forcing new

regulations and protocols that would drive workers to quit of their own accord (thus downsizing the number of workers while avoiding compensatory fees otherwise required for dismissing workers for reasons unrelated to their work performance or conduct). One of the changes included the beginning of a cumulative demerit system. Although it had previously been the practice that demerits for poor conduct were cleared at the end of the year, now charges against workers would be cumulative over the course of a worker's tenure at the factory. Other issues involved a reduction of payment for workers on leave. Ultimately, the manual provided a rallying point for workers, a concrete point of contention that brought workers off the production line and into action.

Strikes involving over 3,000 workers erupted on November 19 2014. Protests centered on the "sale of workers to [another company] without providing compensation." In other words, workers linked the changes in employees' policies, the arrival of new workers, and the release of the new worker's manual to the pending acquisition. As they understood it, the curtailing of favorable employee policies would provide savings for the acquiring company at the expense of workers themselves. They blamed MobileTech for cheapening its sale by enacting these policies and its attempt to shrink its labor force while shirking the legal compensation required in such circumstances. In addition to their protest activity, workers contacted the city union, seeking their intervention and assistance. But the union refused to involve itself or provide any assistance to workers.

When strikes broke out within the factory, local activists from an NGO based in Shenzhen entered the scene to introduce themselves. Activists sought to offer workers their assistance and advise them to organize themselves. Workers seemed willing enough to hear them out and at first seemed on board when advised to elect representatives. However, when push

came to shove, there was ultimately very little movement on the part of workers to do so. As workers saw it, they each stood for their own individual interests: “what need was there to have a representative?” (Interview 20140725).

Strikes did not last long. Within a few days, management offered workers 1,000 RMB—approximately \$150 US—in a “gratitude fee” if they returned to production. Agreeing to this, worker participation in strikes abated, and by November 26, strike activity had all but ended.

However, unbeknown to the workers, the dispute was far from over. The next day, 240 workers were fired—the largest known number of workers dismissed for participating in strike action in China’s contemporary labor history. In addition to sending text messages to the dismissed workers, the company also posted a public notice near the entryway, listing the terminated employees’ numbers (Interview 20140721). When attempting to enter the factory, these workers found their employee cards had been disabled. At the time, the company gave no information as to why workers had been terminated. It was not until later, when a few workers took their case to arbitration, that the company produced an official written statement citing “employee absenteeism and disruption to factory production processes” (Case Documents, Evidence 1).

Soon after their dismissal, most of the 240 workers scattered. Some accepted the loss and moved on to find other employment. In the current labor market, this is not terribly difficult, and workers have mentioned that on the whole, finding work is easy enough (albeit finding well-paying work is more difficult). Others went on to hire their own lawyers to file their own independent lawsuits against the company.

However, seventy workers banded together and collectively sought out legal aid. These seventy had kept in contact with the Shenzhen-based labor activists and now sought their help in

securing legal aid to bring the company to court. In both early and subsequent discussions with MobileTech workers, activists encouraged workers to organize themselves. However, it was not until after they were dismissed from the company that workers began to act on labor NGO's advice. But by this point, even though workers were more willing to organize and were even open to collective bargaining, doing so was no longer a viable option. Because workers no longer held positions as employees, the firm was hardly under any pressure to meet with them, let alone consider their demands. Workers' willingness to try collective bargaining was moot. Only legal action was logistically feasible.

Labor activists referred workers to Shenzhen Law, the prominent law firm-cum-NGO headquartered in Shenzhen. The lawyer heading the firm, one of the most active and outspoken proponents of collective bargaining, offered workers a deal: his firm would represent workers pro bono, but under one condition—rather than sue for compensation, workers would have to sue for the reinstatement of their work positions (Interview 2014072014). When explaining the merits of this strategy, the lawyer compared workers' situation to a marriage and divorce. "Isn't it more frightening if the other party doesn't accept the divorce, if they refuse the divorce and say they want to stay married? You know there is trouble ahead, that it isn't over. The company wants to be done with you, to have this all be over. But we won't give them the satisfaction."

According to activists, demanding reinstatement would provide workers with greater leverage to push the company to eventually engage in collective bargaining. And it is through collective bargaining that workers would be able to make demands for compensation that would exceed the standards set by legal framework. Another lawyer working at Shenzhen Law told me that courts may view workers who sue for reinstatement more favorably, since plaintiffs would portray themselves as laborers pursuing a substantive livelihood rather than just monetary gains.

While workers agreed to these conditions, it is unlikely that they would have sued for reinstatement on their own accord or if they had been working with other lawyers. As for Shenzhen Law, involvement in the MobileTech labor dispute represented an opportunity to take part in shaping the outcome of a prominent case that had already made considerable waves throughout the media and among concerned labor advocates. In their view, winning this case would be a significant symbolic victory for worker rights.

What followed was a nearly year-long process of arbitration and then litigation against the company. When I spoke with workers a few months after the trial had begun, it was clear that the trial process was not going as well as had been hoped and that the realities of a protracted legal suite were wearing workers thin. Their demand for reinstatement barred them from finding other gainful employment as they were, ostensibly, hoping to work for MobileTech in the near future. Thus, workers were simultaneously unemployed and unable to find work with another company, which would have jeopardized their case in court. While some took on informal, odd jobs, it was clearly a difficult situation for many of them. Workers varied in their degree of despondency; some were deeply frustrated while others maintained faith in the power of their collective strength.

Furthermore, while workers maintained contact with one other and may very well have brought their case to court as a collective, workers were tried and processed on an individual basis. This not only added to the complexity of handling the cases but also brought into full relief the reality of individualistic legal processes, which increased the administrative burdens for Shenzhen Law and weakened the workers' case against the company. Early on, the court ruled in favor of one worker, finding that he had indeed been wrongfully dismissed, while ruling against

all the others. MobileTech Company then appealed the ruling in favor of the one employee. In turn, the remaining sixty-nine workers then appealed the court's decision against them.

Despite the efforts of workers and activists alike, after several months of delay and more appeals, in July 2014, the court ultimately ruled against workers, finding that the company had been within its rights to dismiss workers for striking. Throughout the MobileTech labor dispute, local government authorities, including the ACFTU officials to whom workers had initially reached out, were completely absent from the course of events. They did not move to support workers in any capacity, let alone to facilitate collective-bargaining sessions.

From the outset, the MobileTech workers did not have a particularly strong legal case, and this likely contributed to the local government's refusal to provide assistance to workers. Workers protested the "sale of workers without providing compensation," but this is not an entirely accurate portrayal of the merger plans. MobileTech workers had officially been assured that there would not be layoffs or substantive changes to their incomes. Furthermore, media reports about MobileTech suggested that the infamous worker's manual that had set off the strikes had nothing to do with the merger-and-acquisition plans (Zhang, 2013) as workers had claimed. Rather, the company's move to change its policies for workers stemmed from its own failure to meet production capacity due to its dwindling market presence. According to this report, in the summer before the merger-and-acquisition deal had been made, production was not even at half its capacity.

But MobileTech workers' were not incorrect in their suspicion that the company sought to remove them without having to pay the legally required compensation fees. The company needed to cut costs, specifically labor costs. According to one expert, "Sales of [MobileTech] phones have fallen 20%, cell phones are in surplus, and if the factory doesn't cut down on its

workers, it will definitely be harmed” (Zhang, 2013). The strikes ultimately gave the company the rationale it needed to reduce its workforce on the basis that workers had not fulfilled their contractual duties and that it was within the company’s rights to terminate them without compensation. Without clear legal codes permitting (or prohibiting) strike action, it was up to local judiciaries to make their legal interpretations as to whether this was an instance of unfair corporate retaliation or whether the company was acting in accordance with its legal rights. Studies have shown that courts often protect management decisions to fire workers that have gone on strike and that, on the whole, courts rarely look into the details of a labor dispute or company procedures to find favor with workers (Estlund & Wang, forthcoming). The outcome of the MobileTech case further confirms these findings.

Without a strong legal case from workers, and with the company able to settle strikes through its own means, local government actors had little incentive to intervene. Indeed, they had every reason *not* to involve themselves. By allowing the case to run its course, local state authorities saved themselves the trouble of having to use any additional manpower or create bureaucratic inconvenience for themselves.

Finally, siding with workers might have sent a negative signal to businesses and companies, whose revenue and investments local authorities still seek to maintain. It would have signaled a departure from the friendly relations between state and capital in late-industrial countries like China, where local authorities offer tax breaks, preferred treatment, relaxed regulations, and above all cheap labor in exchange for companies’ investments and business in the area. In the MobileTech labor dispute, if the state had intervened to support workers, it is possible that they would have been supporting demands for a payout similar to the one Golden Company had been forced to make or costly labor contracts that would have exacerbated the

company's financial troubles. In withholding their involvement, however, local government actors gave the company their tacit support and continued assurance that business relationships would remain friendly.

The MobileTech labor dispute, as a case of withheld state intervention and a failed attempt to implement collective bargaining, underlines the importance of legality in the state's decision to offer its support. While workers' did not specifically request the state's support in collective bargaining, union officials refused to assist workers in *any* capacity. I argue that this was because workers' had no legal basis for their grievances.

Furthermore, MobileTech stands out as a company that had greater financial capacity to resolve its dispute as well as greater legal acumen, which allowed it to stay within the boundaries of the law and to avoid negative legal repercussions. In contrast to both Elegance Company and Golden Company, MobileTech was acting in full accordance with the law in all its operations leading up to the strikes. And, in contrast to Golden Company, MobileTech was equipped to settle strikes on its own. Where Golden Company's management had called in the local labor bureau in the hopes they would squelch workers' strikes, MobileTech was able to mollify workers with token payments and to end strikes on its own. State actors may have recognized that there was no need for their involvement. Indeed, the company's maneuverings went hand-in-hand with the legal weakness of workers' claims and are part and parcel of the state's ability to make itself scare throughout the dispute.

One could ask whether MobileTech's brand recognition and status as a Western company explains the local state's reluctance to intervene on workers' behalf. But to explain the state's support as influenced by firm characteristics misses the bigger picture of state-capital relations and how this has influenced the state's willingness to support collective bargaining more

generally. Rather than the firm's descriptive status, the state's lack of intervention throughout the MobileTech labor dispute captures the importance of maintaining an environment that is business-friendly to capital investments. After all, the state's withholding of support in this case worked to the advantage of the company, which was able to make the needed reductions in its workforce and still avoid costly compensation fees.

The ability to maneuver as such has drawn many companies from all over the world to locate facilities and production in Guangdong Province. Beyond the specifics of the MobileTech labor dispute, preserving this business environment has figured prominently in the state's reluctance to support collective bargaining through formal legislation. In 2014, the provincial government attempted to promulgate legislation for collective negotiations for collective contracts to make a legal framework for collective negotiations with the *Draft Regulations on Enterprise Collective Consultations and Collective Contracts*. In response, the Hong Kong Chamber of Commerce put forward a full-bore effort to prevent these regulations from moving forward (CLB, 2014 May 20; Lau 2014; July 6 *South China Morning Post*) and was successful in staving off the institutionalization of these regulations. The ACFTU official with whom I spoke revealed that union officials are deeply mindful of the interests of companies. Indeed, throughout the conversation, the perspective of capital—which, unlike workers, was never referred to as irrational—was one that he was quite familiar with. As he said,

The reason [companies] came to China was for a more relaxed regulatory environment, a more free environment. They didn't think that we would have taken this foreign concept [of collective bargaining] and try to use it. Fundamentally they did not want this. (Interview 20160727)

And even while he himself took a more neutral position toward collective bargaining and recognized its value in creating a more equitable system for dispute resolution, he admitted that the inability to implement meaningful regulations for collective negotiations was due to capital's opposition:

The opposition from capital firms was quite strong. We had to listen to what many of the firms were saying, and their suggestions, and make changes to what we have now....Because, you know, in Guangdong, capital power is too strong. That's how it is. (Interview 20160727)

Capital was able to successfully pressure the provincial authorities and prevent the institutionalization of collective negotiations. Collective bargaining as a tool to expand workers rights, would also fail to enable workers to push for substantive labor reforms as labor activists hoped.

Discussion

The implementation of collective bargaining in China required the involvement of several players: companies, labor NGOs, workers, and the state. Each of these actors had its own separate perspective on the purpose of collective bargaining and what it could do for them. For their part, companies recognized full well that collective bargaining would do nothing to further their interests, and they resisted it at every turn. Their participation came only by coercion from state actors.

For the labor activists who promoted it most ardently, contentious collective bargaining in China would empower workers with a sense of their collective power, build their organizing and leadership capacities, and put workers on an equal playing field with capital when settling a dispute. In order to spread collective bargaining as a method for dispute resolution among workers, these labor NGOs would suggest the practice to workers who came to them for assistance, often requiring workers to attempt collective bargaining in order to secure NGO services. Sometimes, labor activists would hear of an ongoing strike or labor dispute and initiate introductions, attempting to gain workers' trust in order to make recommendations and convince workers to use collective bargaining.

When persuading workers to use collective bargaining, activists extolled the advantages of bargaining, particularly in contrast to legal action. Where legal fees and court processes were costly and inefficient, collective bargaining harnessed workers' existing resources as it required them to select representatives among themselves or pool money to support the efforts of their leaders. And rather than depend on a rigged court system, collective bargaining allowed workers to drive resolution processes. Most of all, activists emphasized workers' solidarity as a key to their success and heralded collective power as investing workers with a measure of parity with management where the legal system would not.

Workers I spoke to during my fieldwork said that they had been unfamiliar with collective bargaining prior to their own experience with it and that, as far as they were concerned, most workers in China had no idea what collective bargaining was. It was labor activists who introduced this concept to them and guided them through bargaining with their companies. In the cases presented here, using collective bargaining was not something workers were particularly interested in at the outset. And even among the labor disputes in which workers

did agree to organize collectively and were able to successfully bargain for their demands, retrospective interviews made clear that many workers were primarily interested in achieving their demands and measured their success by their ability to find recourse for their grievances rather than by the actual engagement with collective bargaining itself. For workers, collective bargaining was simply another means to make their demands known and hopefully to find recourse for their grievances.

For local government agents, preventing and resolving collective insurgences is directly tied to their political interests; indeed, their performance reviews and potential to move up the ladders of government are informed by their ability to fulfill the central government's mandate to maintain social stability (Chan & Selden, 2014; Chen 2012). Collective bargaining thus became a tool that could be added to the state's repertoire of conciliation—a means to quell workers' insurgencies, resolve disputes, and compel companies to take up some of the procedural and financial burdens, all while avoiding costly legal procedures and even reducing the administrative burdens incurred when officials involve themselves in settling workers' grievances.

While the advocacy of labor NGOs and their guidance to workers was clearly important, and while workers own agreement to unify, organize, and maintain solidarity was fundamental, state intervention in compelling companies to participate and its facilitation of the actual collective-bargaining processes is what allowed the implementation of bargaining at all. Understanding these particular actors' perspectives on collective bargaining and when they were willing to support it is thus key to understanding how collective bargaining was implemented.

Studies on elite patronage of social movements make it clear that maintaining current power structures and their own political interests motivates elite support of movement

organizations, and the findings in this chapter certainly exemplify this general phenomenon. Union officials, the potential elite allies whose support was necessary for the implementation of collective bargaining, would only intervene to assist workers when they perceived collective bargaining as being able to peaceably settle disputes. They did not regard collective bargaining as a means to expand workers' rights. Quite the opposite. Collective bargaining's utility lay in preventing or minimizing disruptive action. Even though workers' frustrations with the inability to achieve adequate economic security or to move through existing institutional channels for recourse often led to strike action, collective bargaining was not meant to resolve any of these underlying problems but merely to treat the symptom of strikes itself.

Because collective bargaining was a non-institutional activity with merely tangential approval from the central and provincial governments, union officials and labor bureaucrats were able to exercise their own discretion about whether to support it or not. As both the Elegance Company and Golden Company labor disputes show, the legality of workers' claims figured prominently in state actors' decisions and willingness to support them in bargaining. Again, collective bargaining was not meant to be a stepping-stone to legal reforms or laws that would more substantively support workers' collective interests. Rather, for state agents, it was only useful insofar as it could maintain the laws that were currently in place.

Conclusion

There is an undeniable arch in the chronology of these cases and the levels of state support. Including the case of the first set of workers to use collective bargaining, we find that state response cycled from reluctant support to responsive support, promotion, back to reluctant support, and finally to refusal. Because these labor disputes happened in such close regional

proximity to one other, it is likely that state agents were aware of these disputes, even if they were not directly involved or were located in a different city. State agents very likely used lessons learned from one case to inform their decisions in the next.

To the extent that the collective bargaining may have been useful for preventing disruptive action and maintaining legal standards, local authorities were willing to extend their hand in support. But when advocates sought to use collective bargaining to provide substantive change for workers' interests and move beyond current legal minimums, they met a retrenchment in state support of the practice. This pattern in state support for collective bargaining not only played itself out in the three cases examined here but also echoes in the failure to pass regulations institutionalizing collective negotiations. These regulations would have represented significant progress toward collective labor rights. This failure, however, is not simply an indication of capital's power, as the ACFTU official would have it, but also a result of the state's understanding of the purposes of collective negotiations. Collective negotiations were not meant to serve workers' collective interests but to provide another state-controlled venue to set collective labor contracts and, in doing so, to potentially reduce labor insurgencies, which have steadily increased since 2008 (Elfstrom & Kuruvilla, 2014).

That the state buckled under pressure from capital, modifying the original draft regulations to a toothless version that would do nothing to set workers on a more equal playing field with capital, is telling. Rather than risk further dissent from capital, the provincial government opted to withdraw its support and maintain the current structures of power, even while this system of labor relations has created the conditions for much of the labor unrest it seeks to avoid.

Chapter 4

The Representational Fix: Collective Bargaining's Failure in China

Introduction

Despite encouraging signs of collective bargaining's potential—its active promotion by NGOs, the willingness among Chinese workers to engage in its practice, and its occasional support by state actors—collective bargaining has failed to bring greater social, economic, or political benefits to workers. Why did collective bargaining fail to work as a tool for expanding workers' rights? I argue that China's corporatist system has allowed the state to sideline and contain radical proponents of collective bargaining and to neuter collective bargaining as a repertoire of contention. I refer to these collective maneuverings by the state as a "representational fix," which I define as "the state's structuring of institutional entities in order to effectively dismantle collective action and disempower social movement actors during instances of dispute and conflict."

This chapter's primary contribution is its specification of the two modalities of the representational fix: 1) the official Chinese trade union's monopolization of the space for labor representation and, relatedly, 2) the weak position of civil-society organizations such as labor NGOs. The weak social position of labor NGOs hampers the ability of such organizations to

engage with workers and renders them vulnerable to the ire of local state actors, who regard NGOs as representing a threat to their governing authority.

The chapter here draws heavily from a forthcoming, co-authored paper with Mary Gallagher that asks why no labor movement in China has occurred; in addition to highlighting the representational fix, that paper also points to workers' fragmentation through legal processes. In this paper, I focus on the role of the representational fix alone because it is most directly related to the undermining of the labor NGOs who promoted contentious collective bargaining among workers.

The term "representational fix" borrows from the work of Beverly Silver's (2003) "capital fixes," the ability of capital to implement spatial, organizational, and production fixes in order to curb the bargaining power of workers. While recognizing that capital in China has readily used such fixes against workers, I argue that the state-driven representational fix also operates to curb workers' organized, collective action and prevent the diffusion of contentious collective bargaining.

To be sure, I do not claim that the state's maneuverings were the only factor preventing collective bargaining's spread; neither am I able to claim that it is the most salient. Indeed, other crucial factors are also at play in determining the viability of such movement-esque activities, including historical legacies configuring the political structure and the potential for bottom-up movements (Tilly, 2006; Tocqueville, 1955); the development (or lack thereof) of a necessary class consciousness (Lee, 2007; Thompson, 1966); and ongoing capital fixes that continue to curtail labor power (Chan et al., 2013; Ngai & Chan 2012).

Nevertheless, I argue that the representational fix is an important causal piece explaining the failure of collective bargaining to meet its potential as a tool for expanding collective labor

rights for Chinese workers. Like ambiguous political opportunities, the representational fix is largely state-driven. Just as the confluence of opportunities and constraints gave way to workers' willingness to try collective bargaining, contradictions within the state-built organizational infrastructure in China contributed to contentious collective bargaining's undoing.

Literature Review

Much of the literature and political process theory of social movements give causal primacy to the political opportunity structure when explaining the occurrence of social movements (McAdam, 1982; Snow et al., 1998; Tarrow, 1994; Tocqueville, 1955). Additionally, resources are needed to build and enhance movement actors' capacities. Frames deployed by a movement campaign are critical for galvanizing support and lending legitimacy (Snow et al., 1986).

The law constitutes a potent political opportunity and also serves as a resonant framework through which claimants can articulate their grievances (Gallagher, 2004; McAdam, 1996, 1983; McCann, 1994; Scheingold, [1974] 2004; Silbey, 1998). Studies have shown how the implementation of laws has transformed entire fields (Dobbin, 2009; Pedriana & Stryker, 2004;) and spurred movement activity with far-reaching outcomes (Eskridge, 2001; McAdam, 1983; McCann, 2006; Pedriana, 2004). As a motivating framework, the law can embolden constituents to take action through legal mobilization or other forms of protest (Edelman & Suchman, 1997; Ewick, 1998; Lee, 2007; O'Brien & Li, 2006). The language of law and rights is used to galvanize solidarity, motivate action, and sometimes win support (Pedriana, 2006; Scheingold [1974] 2004; Stryker, 2007; Vanhala, 2012).

In China, the codification of strong legal provisions in favor of workers' interests has signaled the state's general support of pro-labor policies. The 2008 National Labor Contract Law in particular was hailed as improving the lives of the most vulnerable group—migrant workers from rural China (H. Wang et al., 2009; Zhao, 2009)—through its mandate that firms and employees sign labor contracts. And not only has the state broadly disseminated information about labor rights, it has also encouraged workers to use arbitration or mediation in the face of workplace violations. Workers have certainly grown in their legal knowledge, using the law to frame their grievances (Lee, 2007) and the court systems to find recourse. More recently, draft regulations and guides promoting collective negotiation in 2010 signaled the state's openness to these non-legal, more collective methods for labor and capital. These signals created the political opportunity for workers to articulate *collective* interests and confront management as a more powerful, unified group. They constituted essential building blocks that could create the pathway toward more substantive reform.

Whereas the state, through signaling and regulatory devices, provides political opportunities and a powerful frame, non-state organizations provide the necessary resources to mobilize the aggrieved. Though their operations and capacities may be attenuated by the broader political structure (Almeida, 2003), organizations are vital for steering and sustaining movement activities (Cress & Snow, 1996; McCarthy & Zald, 1977). They recruit, communicate, connect, and coordinate movement participants. At the upper echelons of activity, they may set the broader strategic course of a social movement; they may articulate—or even determine—the framing of grievances and goals of a movement itself (Clemens & Minkoff, 2004). Insofar as we understand social movements as collective action using non-institutionalized methods to realize the expansion of a group's political rights, organizations do the work of delineating a

movement's goals and specific courses of action. Such organizing makes social movements purposive action rather than mere behavior.

Strictly nongovernmental labor organizations that operate as movement-esque organizations do exist in China (C. Chan, 2013; Cheng, Ngok, & Zhuang 2010; Gransow & Zhu, 2014; He & Huang, 2014). Though scattered across multiple provinces, most labor NGOs are concentrated in the southern province of Guangdong. Many of these labor NGOs take a non-confrontational position in their work, portraying their activities as both aligning with state policies and meeting workers' needs (Howell 2015; Spires 2011). But a subset of these labor NGOs attempts to engage in rights expansion for workers, advocating for worker-led collective bargaining as a means to expand workers rights and taking a critical stance toward the All-China Federation of Trade Unions (ACFTU) and the state. These advocacy organizations closely approximate the organizational support structure necessary for a movement (Epp, 1998), moving beyond symbiotic activities that are carefully structured to align with state policies (Spires, 2011) in their advocacy for the expansion of workers rights.

With political opportunities that enabled collective bargaining and movement-esque labor NGOs that promoted its practice and guided workers through it, why did collective bargaining fail to become a viable tool for expanding Chinese workers' collective rights? I argue that the Chinese state was able to deploy a representational fix to prevent collective bargaining from mainstreaming among workers. The representational fix entails the ACFTU's representational monopoly on the one hand and the marginalization of labor NGOs on the other. These are, in fact, two closely related aspects in the structuring of organizations in China, but I make an analytical distinction between them in this chapter.

The ACFTU has been able to use its representative monopoly in the midst of contentious action to create pathways back to institutional legal channels, fragmenting workers and forestalling attempts for rights expansion. As well, state agents like the ACFTU or the labor bureau steer workers away from collective bargaining and prevent them from interacting with labor NGOs.

As well, regulations for labor NGOs marginalize these organizations, making them all the more vulnerable to the state's repressive measures. The weak institutional position of these organizations allows the state to target labor activists. Even more, workers themselves are less inclined to partner with labor NGOs and regard these organizations with some uncertainty.

The representational fix limited collective bargaining's reach and sent its more radical proponents into retreat. Although the Chinese authoritarian state does take repressive measures, repression is not ad hoc nor at the total discretion of enforcement agents. Indeed, repression is doled out in quite predictable fashion. Importantly, the state does not directly repress workers' who express an interest in using collective bargaining. Rather, by empowering the ACFTU with representational monopoly and marginalizing labor NGOs, the state was able to take a more indirect approach to the neutering of collective bargaining.

This chapter presents two labor disputes that unfolded in 2014 in Guangdong Province. In both cases, workers were able to connect with labor activists promoting collective bargaining and were amenable to using the practice to find recourse for their grievances. But in both cases, collective bargaining fell to the wayside, made untenable via the representational fix that incapacitated these labor activists and turned workers toward state-controlled measures for resolving disputes.

In order to provide more context for the broader institutional setting that enables the representational fix, I turn now to a brief discussion of the corporatist relationship between the state and the official trade union, as well as the regulation of civil society in China.

Incapacitated Resources: The ACFTU and Regulation of Civil Society

The ACFTU: A One-Way Transmission

As the official trade union, the ACFTU should ostensibly serve as the go-to organizational entity for workers to find support and representation. However, the corporatist relationship—in which non-state organizations operate under the control of the state and in alignment with state policy—incapacitates the potential for the union to advocate for workers’ interests. Indeed, as a de facto state agency tasked with meeting party goals, the ACFTU is understood by workers and labor scholars alike to represent state interests more than labor interests (Friedman, 2014a). It operates in coordination with and under the command of the Chinese Communist Party state, staying in line with state policies and goals (A. Chan, 1993; Panitch, 1980).

Rather than a representative of workers’ interests alone, the union in China is conceptualized as a “two-way conduit between the party center and the workers. The ACFTU is assigned two functions: by top-down transmission, mobilization of workers for labor production on behalf of the nation’s collective good; and by bottom-up transmission, protection of workers rights and interest” (A. Chan, 1993, p. 36). However, in practice, transmission is typically unidirectional, with the party-state interests and goals sent down but little to none of workers’ concerns or interests making their way up. Scholars have argued that the state uses the ACFTU to prevent “horizontal linkages” among workers, pointing out that “workers in a communist

party-state are not allowed to establish horizontal linkages freely. Their functional interests are to be channeled through the official trade union” (A. Chan, 1993, p. 36).

And in keeping with general policy to prevent collective gatherings outside of strict state control (King et al., 2013), the ACFTU eschews strike action or any kind of disruptive activity that might undermine social stability. Nevertheless, the ACFTU remains the only institutionalized support structure available to workers. This contradiction—of neither wholly representing workers’ interests yet also enjoying representative monopoly over workers’ interests—is at the heart of the representational fix.

The first case discussed in this chapter showcases how the ACFTU’s monopolization of labor representation allows the union to steer workers toward the legal system and away from collective bargaining. In this case, workers were taken under the wing of the ACFTU but only on the condition that they disavow connections to any labor NGO with which they had consulted earlier. In exchange for this, the union agreed to provide workers with a lawyer who would handle their case pro bono and represent workers in court.

Regulation of Civil Society

The representative monopoly granted to the ACFTU requires that any other organization seeking to represent workers is regarded as a threat to the institutional order. Labor NGOs are certainly considered as such. And in response to these NGOs’ efforts to collaborate with workers, the ACFTU occasionally uses its standing as a politically connected, well-resourced organization to shunt these NGOs to the sidelines.

This aspect of the representational fix, however, is not simply a matter of preserving monopolistic representation for the ACFTU; it also keeps labor NGOs under strict control. From

the state's perspective, such organizations may undermine the state's authority, since they offer visions for an alternative structuring of power and social ordering. Early on, the Chinese Communist Party sought to constrain the proliferation of these organizations. The 1989 Regulation on the Registration and Management of Social Organizations limits the number of social organizations that can legally register and requires sponsorship with a "professional supervisory unit"—a government agency for each organization (Wu & Chan, 2013). These regulations effectively limit the number of organizations that can attain legal status and stunt the development of a robust civil society. The few organizations that *are* able to gain legitimate legal status engage in innocuous activities that are non-threatening to the status quo (Grasnow & Zhu, 2014); all the rest, regardless of what they may do, face a precarious existence as illegal entities subject to the local government's mercy as to whether they will be allowed to operate or not.

In 2012, the Guangdong provincial government relinquished sponsorship requirements (Wu & Chan, 2013). However, despite this apparent loosening of the state's restraints, NGOs do not appear to enjoy more freedom or flexibility. Instead, the state's close supervision and control of NGOs—especially labor NGOs—persists. Scholars have noted that without a single state agent tasked with supervising and controlling social organizations, the duty falls to several different state agencies that deploy different methods to enforce regulations, with little coordination among them (Wu & Chan, 2013, Fu 2016). This has ironically allowed for a more effective regulation of NGOs as "control on the ground has become more diversified and thus responsive to the particulars of local conditions and the targeted NGOs" (Wu & Chan, 2013). Different agencies make their own interpretations of the central government's mandate for social stability, acting in line with their own missions and interests as they deploy various enforcement methods to control NGOs. This "fragmented control" ultimately leads to a more uncertain

environment for labor NGOs (Fu, 2016). Labor NGOs in particular face soft repression in the form of surveillance and interrogation from the Public Security Bureau, and co-optation and encroachment from the ACFTU (Fu, 2016).

Altogether, these regulations and mechanisms for control marginalize labor NGOs and weaken their position with workers. Not only do labor NGOs face difficulties making in-roads with workers to promote collective bargaining, they are easily detained and kept from further contacting workers if local officials decide that their activities are undesirable. The second case discussed in this chapter highlights the ease with which the state is able to block labor activists from communicating with workers by constraining their interaction. And just as some workers appeared interested in organizing beyond strike action to engage in collective bargaining, the labor bureau moved to appease workers' grievances with cash payouts, diffusing the mass insurgency and making collective bargaining irrelevant.

The ACFTU's representational monopoly over workers' interests and the marginalization of labor NGOs are two, interrelated strands constituting the representational fix that sent labor NGOs into retreat neutered collective bargaining as a repertoire of contention. The efficacy of the representational fix, its ability to return control to the state, stems from the contradictions that it is built on. As the official union, the ACFTU is the only entity given the institutional legitimacy to represent workers' interests. At the same time, by design the ACFTU does not represent workers' interests alone, but must balance those of capital and the state as well— often at the expense of workers' interests.

The inability for the ACFTU to adequately represent workers has created an opportunity for labor NGOs to step in and provide dedicated support to labor. However, in doing so, these labor NGOs undermined ACFTU's representative monopoly and encroached on the ACFTU's

role as the arbiter of workers' interests. Furthermore, because they were not beholden to state—and took a confrontational stance toward local state actors and the ACFTU— these labor NGOs represented a direct threat to the current power structures. Once it was clear that the brand of collective bargaining they promoted could shake the current industrial relations of power, these NGOs would not be tolerated.

Just as the legal political structure built by the state created ambiguous political opportunities, the organizational infrastructure built by the state created the contradictions fueling the representational fix. And as the state moved to further marginalize and disenfranchise these NGOs, contentious collective bargaining fell by the way side, too. The two cases below show how the representational fix operated on the ground, in the midst of workers' labor disputes, to steer workers away from labor NGOs and collective bargaining.

Data and Methods

The two cases discussed in this chapter were selected because in both of them, workers met with activists and lawyers promoting worker-led collective bargaining. Workers were either quite willing to take such collective action, or they attempted to do so but were barred from engaging in it. These cases thus represent instances in which diffusion processes for collective bargaining were initiated, but were followed by a failure to actually see the implementation of collective bargaining through.

While the two cases share a similar outcome, they differ in the dimensions of ownership, locality, and claims. The first case features a multinational electronics corporation located in Shenzhen, which I call CompuTech, from which workers sought demands above the legal minimum in a dispute over settlement terms following a merger and acquisition. The second case

involves a Taiwanese-owned footwear manufacturing company located in Dongguan, which I refer to as ShoePro, from which workers sought their legal rights for social insurance. Workers at both companies were in contact with activists who encouraged them to use collective bargaining. And in both cases, collective bargaining fell to the wayside as the various state agencies intervened, broke connections between workers and activists, and rendered collective bargaining irrelevant or unfeasible for dispute resolution.

Both disputes took place in 2014. Activists served as gatekeepers to my research and controlled whether I were allowed or denied introductions to the workers or other organizing activities. Data for the first case (CompuTech) was drawn from participant observation at meetings between workers and activists, at workers' organizing efforts, and through discussions among activists themselves concerning the labor dispute. Serving as a research intern to participating activists allowed me access to these events and conversations. Due to the political sensitivity of the case, however, I was not able to secure interviews with the workers themselves.

Data for the second case (ShoePro) was drawn from reports and conversations with activists who had been involved with workers. Again, I was not granted introductions to these workers due to the politically sensitive nature of the case. The information here is drawn primarily from an interview with an activist who was present at the strikes, connected with the workers online, and spoke with workers about using collective bargaining to resolve their issue.

While this data is not without its limitations, I nevertheless contend that I have been able to tell the stories of these labor disputes and to capture the interplay among different social actors operating within a highly constrained legal-political structure. This data allows me to discuss how workers interacted with labor activists, how activists introduced collective bargaining to workers and advocated its practice, and the extent to which workers were willing to attempt

worker-led bargaining. Data from reports and media provide more background information and illuminate events that may not have been discussed explicitly during meetings I attended. Interview data from conversations with activists provided an insider's account of activists' motivations and allowed me to incorporate Chinese expert understandings of the political context and motivations of the workers and state actors involved. Though the details of each case cannot be generalized, I nevertheless believe the case studies selected for this chapter typify issues and phenomena that are common across the landscape of Chinese industrial relations.

Case Studies: Representational Fixes in Action

CompuTech Factory, Shenzhen

The Communist Party's control of the union has disabled the capacity of the union as a site for achieving substantive labor reforms. During labor disputes, workers seeking the union's assistance find themselves quickly redirected to the legal system. The CompuTech labor dispute that unfolded in 2014 is a case in point. While the ACFTU withheld intervention in other cases, when it did intervene on behalf of CompuTech workers, it actively routed them to the courts. But for disputes over interests, as occurred in the CompuTech conflict, the legal system is almost sure to disappoint claimants, since it is able to satisfy only claims for legal minimums and not claims that rise above that threshold.

As other electronics firms have risen to become new leaders in the field, CompuTech has been in steady decline, as is documented in the 2013 and 2014 annual fiscal reports, which both show falling net income (Company Annual Reports 2014 and 2013). Recent public-media reports further detailed how the company's business practices are becoming increasingly

unsustainable (Denning, 2014). Subsequently, the company has scaled down of many of its operations and moved away from manufacturing hardware.

It is in this context that CompuTech slated one of its production facilities in Shenzhen for merger and acquisition in 2014. In early January, the company notified workers of the pending sale and offered them a choice of either taking a severance package or transferring as employees to the buying company “under the terms and conditions comparable in aggregate to what they are currently receiving” (*WantChinaTimes*, 2014). However, workers took umbrage at their exclusion from the drafting of settlement terms and with the vagaries of the claim that they would maintain wages and benefits “comparable in aggregate.” In response to what they considered dubious settlement terms, nearly 1,000 workers went on strike for approximately seven days in early March 2014.

According to workers, company executives ignored their requests to meet with the company’s legal representation. Workers reported that the company also harassed them and their families, threatening punishment and dismissal if they continued striking. The company also installed cameras to monitor the site, cut off electricity and water, and hired men to intimidate strikers. After four days, management declared that it would arrange a bargaining session with workers, but no meetings took place between them and any lower-level production workers, let alone with the workers on strike (*CaijingWang*, 2014).

After seven days, with the company refusing to budge, strikes eventually abated. However, two days after normal work duties had resumed, 20 workers who had been involved in strike activities received notices of termination from the company. It was at this point that workers contacted a local labor NGO cum labor-law firm to seek assistance, which I refer to as Shenzhen Law. In fact, the cause lawyer heading Shenzhen Law had attempted to offer his

services to workers earlier but had been refused. Now, upon their dismissal from the company, the 20 workers agreed to meet with the lawyer.

CompuTech workers and activists met in a private room of a restaurant not far from the factory. The 20 workers, the cause lawyer and his assistant, and four other activists and researchers who had been allowed to observe shared lunch as workers debriefed the activists on their situation and concerns. The conversation captured common features of Chinese workers' demands and how workers are—or are not—able to effectively organize and take action to achieve these demands. Said one,

Negotiating is our first strategy. Finding a lawyer to provide legal aid is our second...[Let's say] the company is willing to talk to us. How would we bargain with them, how would we be able to profit more from those talks? We really don't have a strategy for this, we aren't organized. So for this we need some guidance from you....Right now the issue that we're facing is how to increase our gains. They fired us even though we were within our rights to protest, so now we want to know how we can benefit from this. (Fieldnote 20140311 121248)

The worker was confident that the company violated what he considered to be the workers' legitimate right to protest and voiced what most are concerned with: monetary compensation and a means to turn their grievance toward a financial benefit.

But CompuTech workers were undecided about precisely what action to take; even among a relatively small group of 20, they did not perceive themselves as sharing much beyond their common predicament as dismissed workers. Said one,

There are 20 of us, but it is not the case that we've reached any kind of consensus. Some are willing to spend their time and money, some are not...If the company gives us reasonable terms, there will be some who will take it and there will be some who will continue to seek out other outside assistance to take care of their problems. (Field note 20140311 121248)

Given their diverse interests, the group's solidarity was tentative at best and their ties to the labor NGO weak.

Nevertheless, labor activists sought to promote collective bargaining to them. The lawyer launched into an introduction of his firm and its focus on collective-labor disputes. He then recommended that CompuTech workers band together in organized, collective action, emphasizing the importance of their solidarity and collective strength in order to more effectively pressure the company to reinstate workers to their positions within the company. He said that they could proceed later with collective bargaining with the company and make their demands as reinstated employees. During their meeting, he told them, "Do you have two or three friends still working the company? I'm sure everyone here has at least two or three friends they can ask for support. Form a collective, with 1,000—even 500—workers united to pressure the company to give you back your jobs" (Field note 20140311 121248). If necessary, he would provide legal representation "without a penny's cost" to them. But workers should first and foremost pressure the company collectively.

At the time, several workers expressed doubt that the company could be pressured to rehire them, and one remarked on the unlikely prospect of rallying 1,000 other workers to their

cause. After all, only weeks earlier the company had been unmoved, despite the 1,000-odd workers striking and the considerable media attention that followed. Another worker rose to speak, laying out the terms for their involvement with the lawyer:

First, we want a guarantee that we will not do anything illegal, we will not have a negative social or national impact, including any negative media reports. Second, we want to prevent someone from mucking things up. These are our main goals. We are not an organization, we are just an organized group of workers....I want to tell you something: Workers are afraid to bargain when they are in a closed environment. They are afraid that a representative will sell out, and they aren't very trusting (Field note 20140311 121248).

CompuTech workers openly regarded the lawyer and his methods with suspicion, and they approached collective bargaining with much caution.

Even so, after a 90-minute meeting with the cause lawyer during which they were further regaled with stories of other workers who had successfully pressured their companies into concessions, the CompuTech workers agreed to partner with the lawyer and follow his advice. Later that afternoon, they returned to the company grounds to collect signatures of support for their case, which they planned to take to the city union the next day per the cause lawyer's recommendation. Splitting into groups of two and three and spreading themselves out along the factory gates to catch passersby, workers approached their colleagues for signatures, some calling after them to "Come sign!" (Field notes 20140311).

Workers collected 170 signatures. The next day, they requested the union's help and support in pressuring the company for reinstatement. While the local government and union had earlier expressed very little interest in the case, allowing events to play out without intervention, the city union now agreed to step in and help workers.

The union recommended that workers take their case to court and assigned them a lawyer to represent them in trial, pointedly steering workers toward legal action. In addition, as a condition for their receiving union assistance, workers were required to cut ties with the cause lawyer. Workers agreed, and after phoning the cause lawyer to relay the latest development and withdraw their request for his services. From what I could observe, the cause lawyer heard little from them afterwards. With the support of the city union, the dismissed workers submitted their case to arbitration, claiming wrongful dismissal and demanding compensation from the company.

What accounts for this about-face in terms of the workers' decisions? After all, workers had openly denigrated the prospect of legal action when they met with the cause lawyer and collected signatures. Now, however, not only did they eschew further contact with the cause lawyer, they also agreed to bring their case to court. Union officials offered the workers free legal representation, but then so had the cause lawyer. As such, concern about legal fees cannot account for the workers' decision. Instead, it is more likely that the union's privileged position as an institutionalized entity offered a sense of legitimacy for CompuTech workers and their case.

Because I was unable to gain access to CompuTech workers after they had agreed to work with the ACFTU, I am unable to provide workers' rationale in their own words. Nevertheless, workers' decision to cut ties with the labor NGO and to work with the official union made sense given that the state gives the ACFTU alone institutional legitimacy as the

representational entity for labor. Indeed, even while workers in China by and large recognize the failings of the union to provide substantive representation and benefits, they are nevertheless cognizant of its power as a de facto agent of the state. Furthermore, in this particular instance, the union was indeed offering the workers assistance through the provision of a lawyer to take their case.

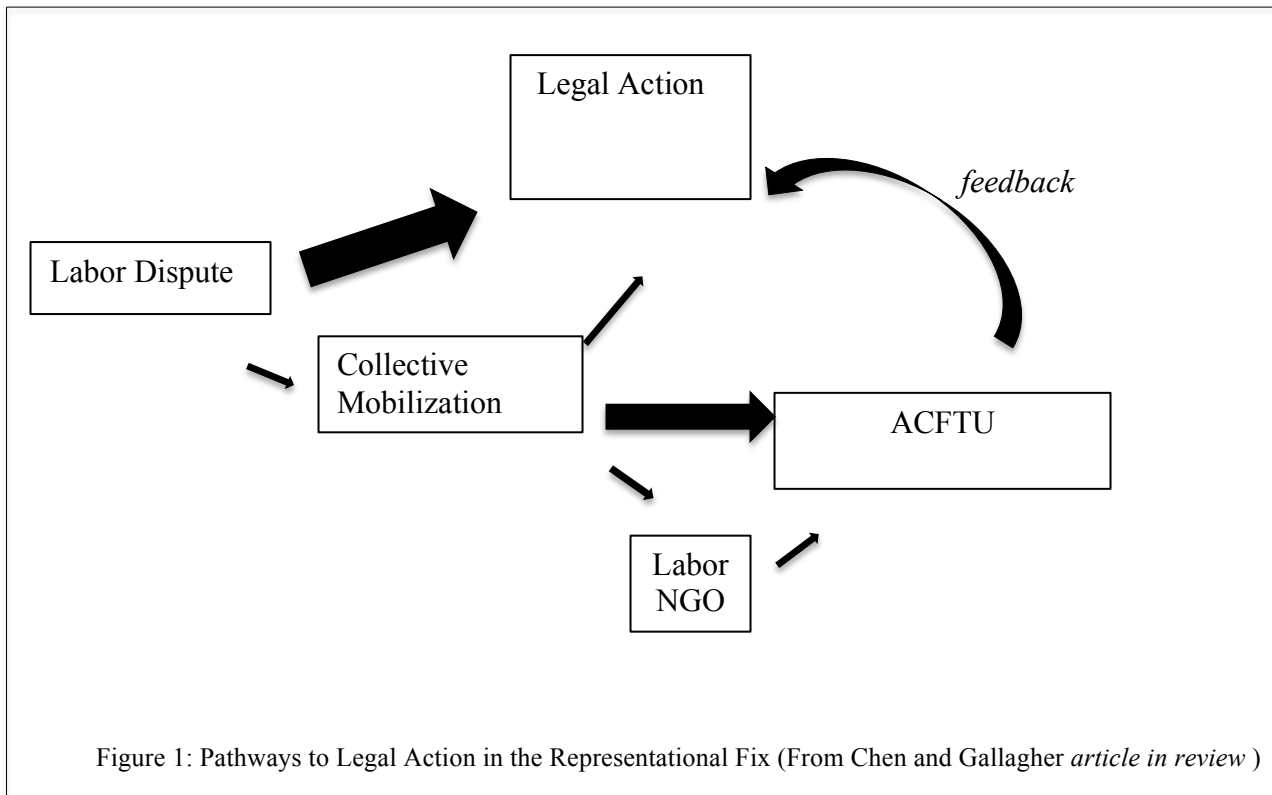
In contrast to the ACFTU, the cause lawyer and his firm represented an unknown entity, one the workers had discounted until it seemed they had no other choice. Compared to the unproven tactic suggested by the cause lawyer to harness workers' collective power to pressure the company for reinstatement of their jobs, partnership with the union would situate workers within the more familiar territory of a state-sanctioned legal action for compensation at the legal minimum. Workers themselves agreed to shunt labor NGOs to the sidelines.

Even though workers preferred working with the ACFTU over a partnership with a relatively unknown labor NGO, in the end, the ACFTU did little for them, and in court, workers were given no extra advantage. Ultimately, their case ended unsuccessfully, with the court ruling in favor of the company. This ruling confirms the findings of other studies that courts often protect management decisions to fire workers who have gone on strike and that, on the whole, courts rarely probe the details of a labor dispute or company procedures (Wang & Estlund, n.d.).

The union's intervention and their monopolization of representation allowed it to reroute workers back to the courts, where they were unlikely to be successful in claims that exceeded the legal minimums. The failings of the legal system to adequately protect labor is captured in the absence of clear legislation for strike action, which allowed capital to engage in retaliatory termination of workers without reprisal. As well, the monopolization of representation and marginalization of labor NGOs are, in this case, two sides of the same coin preventing movement

action. The ACFTU's support was contingent on workers' cutting contact with the Shenzhen Law—effectively marginalizing this NGO. Once under ACFTU auspices, workers were demobilized through court procedures.

The CompuTech case shows how the union continues to direct workers toward legal action, reifying the court system as the preferred method of dispute resolution. The redirecting of workers' energies back into the legal system constitutes a key feedback mechanism embedded in China's political structure that disables the potential for labor movements and limited the spread of collective bargaining. The figure below illustrates how the pathway from collective bargaining back to the legal system unfolds. When embroiled in a labor dispute, most workers are inclined at the outset to take legal action. In some cases, however, we find workers mobilizing collectively; a limited number of such cases may find their way to labor NGOs. However, with little capacity or leverage to influence dispute outcomes themselves, labor NGOs then encourage workers to appeal to the city-level or provincial-level ACFTU for assistance. While there were instances in which the ACFTU helped facilitate collective bargaining in the past, more recently, it has steered workers toward court procedures.



Thus, the union’s representational monopoly has allowed a pathway to form that takes mobilized workers back to the courts, where they are subject to the atomizing effects of court procedures. This feedback mechanism traps workers in a cycle that necessarily precludes collective bargaining, even when workers are initially united as a group, are involved in collective action together, and are willing to engage in rights-expanding activities such as contentious collective bargaining.

ShoePro Factory, Dongguan

In addition to illustrating how the union monopolizes worker representation and steers workers toward the courts, the union’s condition that workers should cut ties with the cause

lawyer illustrates two additional and important points. First, it underlines the adversarial relationship between the state (or in this case, the ACFTU as an agent of the state) and the set of labor organizations that advocate collective bargaining. Rather than operating in “contingent symbiosis” with the state (Spires, 2011), these particular labor organizations are seen as working against state policies and goals.

Second, as discussed above, the state continues to construct a hostile environment for labor-advocacy organizations in China. To the extent that these labor organizations constitute an important element within the resource structure necessary for workers, their marginalization limits the extent to which an additional (or alternative) pool of information, tactical knowledge, and network of human resources is available to workers. Insofar as contentious collective bargaining is concerned, the continued repression of activists and the barring of workers’ access to labor NGOs has halted the use of collective bargaining as a means to expand labor rights..

The ShoePro Factory strikes illustrate clearly how the direct repression of labor NGOs limited their ability to promote collective bargaining. Beginning in early April 2014, the strikes at the Dongguan ShoePro shoe factory garnered international media attention as one of the largest incidents of labor unrest in China in recent years. A Taiwanese-owned factory established in 1999 in Dongguan’s Gaobu district, ShoePro manufactures shoes for global brands such as Nike and Adidas. The 2014 strikes erupted on April 14 over the company’s failure to make the appropriate payments into workers’ social insurance accounts and because employment contracts that had not been written “according to standard” (*Nanzao Chinese Web*, 2014). Indeed, the local insurance bureau found that ShoePro had been making payments for all its workers according to rates meant for temporary hires only; these lower rates were applied even to workers who been working for over 10 years or had been serving as regularly contracted workers. Additionally, the

company had not paid the required subsidies for workers' housing expenses. With nearly 60,000 workers employed at the factory, a mid-level manager estimated that the company owed "as much as one billion yuan" (over \$160 million US) (China Labour Bulletin, 2014b). When workers brought their grievances to company management, the company agreed to provide workers with new contracts starting May 1 but refused to pay the arrears for social insurance and housing subsidies.

Disputes over social insurance have been growing in recent years in the PRC, indicating that ShoePro was not alone in giving short shrift to their employees' insurance funds. Such cost-cutting measures were enabled by collusive relationships between capital and local authorities. Compared to the CompuTech case, in which workers did not have a particularly strong legal case, ShoePro workers had much more straightforward legal claims and clear legal rights to their social insurance and housing subsidies. Protests erupted across the factory on April 14, 2014. Headcounts of participants vary, with some reports ranging from 10,000 to 30,000 workers (*Nanzao Chinese Web*, 2014; China Labour Bulletin, 2014b).

Strikes continued over the next few days, during which workers were contacted by a local grassroots NGO located in a nearby city, hereinafter referred to as the Labor Service Center. The Labor Service Center encourages workers to organize collectively and to demand collective bargaining, and on occasion, even advises workers about strike activity. Since they move in the same close-knit circle of collective bargaining advocates, the activists at the Labor Service Center were well acquainted with Shenzhen Law and the lawyer involved in the CompuTech case discussed above. While they are distinct organizational entities, the Labor Service Center has referred cases in need of legal representation Shenzhen Law. As well, both organizations share the same funding source from an international labor organization dedicated to promoting

collective bargaining in China. However, unlike the law firm and the lawyer that were discussed in the prior cases, the Labor Service Center, whose staff members have much less in the way of clout or connections, is a much more vulnerable grassroots organization. Because of this, they are more likely to be subject to the state's heavy-handed control and outright repression.

Soon after the April 14 strikes, the Labor Service Center contacted workers in an attempt to offer support and advice. However, such direct contact with workers resulted in almost immediate punishment as authorities made clear that activists' involvement with workers would not be tolerated. On April 15, after traveling to Dongguan to meet with workers at the factory, Labor Service Center staff were immediately taken into custody and detained. The same day, officials from Dongguan arrived at the Labor Service Center office and directly informed the NGO's head that they should quit their involvement in the ShoePro case. After replying to authorities that they were within their legal rights, the Labor Service Center received a request from their landlord asking them to vacate as soon as possible (WeChat Report 20140415 02112). Such intimidation and material deprivation via eviction are common measures used to incapacitate labor NGOs.

Despite this early confrontation, Labor Service Center activists maintained contact with ShoePro workers. Avoiding onsite meetings, they instead connected with workers through a publicly available and widely used Chinese messaging platform (QQ), where workers had forged social groups to facilitate communications early on. In these early stages of contact, Labor Service Center activists primarily sought to gain workers' trust, even though the activists were unable to meet with workers directly. Recounting how they had made their initial introductions online, a Labor Service Center staff member who had been involved in these activities (whom we refer to as "L"), described some of the difficulties in making connections with workers:

There really was very little organization among the workers. During the strikes, small groups form within the larger mass of workers. Often, within each group there is what we call the “head”....Sometimes it can be hard to know whether there is even a head at all. For us, the main task was to figure out who the person of influence was, and try to get in touch with that person. (Interview 20140530 132506)

What is implied but left unspoken here is the activists’ difficulty in gaining enough trust so that the “head,” the de facto leader of a workers’ clique, reveals him- or herself. Often, among a group of workers, no decision or action—especially one concerning collaboration with an outsider—can be made without the approval of the head. And in order to provide protection to the head, a set of workers may communicate and meet with activists while the leader remains hidden. General distrust and wariness toward labor activists and NGOs is not uncommon. As the state continues to shunt NGOs to the periphery of labor relations, these organizations face an uphill battle in terms of making necessary reputational gains to broaden their reach among workers.

Eventually, L (the Labor Service Center activist) was able to make enough progress to arrange a dinner meeting on April 21, a week after the April 14 strikes, with nine workers who appeared open to taking more organized action (specifically, by electing representatives and establishing themselves as a formal group to attempt collective bargaining). However, whatever success may have come from this was short-lived.

According to L, “The next day [after meeting with the workers] I was arrested. The day after that, everybody [the ShoePro workers] went back to work. The company agreed to pay

workers' social insurance arrears and housing subsidies”(Interview 20140530 132506). In fact, both L and the head of the Labor Service Center were arrested. While the latter was released within two days, L spent thirty days in detention (China Labour Bulletin, 2014a). Workers' interest in collective bargaining faded.

In capitulating to the workers' demands, both management and local authorities assured workers that they would receive their social insurance arrears (China Labour Bulletin, 2014a). Additionally, the company threatened to dismiss workers for absenteeism if they were to continue strikes past three working days (WeChat Report 20140415 02112). Thus, while workers expressed doubt as to whether the company would uphold its promise to pay arrears, there was little justification to continue with protests. Strikes subsided, and in less than two weeks, they came to an end.

The barring of the Labor Service Center from involvement with ShoePro workers indicated the state's intolerance for labor NGOs involving themselves in labor disputes to promote collective bargaining. Furthermore, because the collective bargaining that activists promote would ideally make dispute resolution strictly between labor and capital and potentially allow workers to demand and achieve claims beyond the legal minimum, the practice found little support among state authorities. As the ShoePro case shows, the state seeks to stamp out any potential for such action and to disable the activists who may encourage workers toward it.

Discussion

Social movement theory makes clear that organizations and the resources they bring are critical to both the inception and success of movements (Jenkins, 1983; McCarthy & Zald, 1977; Wang & Soule, 2012; Zald & McCarthy, 2002). While the activities of labor NGOs and the

attempts of workers to use collective bargaining cannot strictly be classified as a social movement per se, activists regarded their advocacy and workers' organizing efforts as building blocks toward developing more substantively mobilized workers who could press for reforms to expand labor rights. Given the officials' reaction to these labor NGOs and their limited support for collective bargaining, the state also appeared to recognize the potential of organizations and collective bargaining to galvanize workers toward taking contentious collective action.

The labor disputes discussed in this chapter show how the representational fix is able to effectively neutralize workers' collective mobilization and block the development of sustained and organized movement activity. The CompuTech case highlights how the ACFTU used its representational monopoly to steer workers away from collective bargaining and the labor NGOs that promoted it. The ShoePro case highlighted how the state used the outright repression of labor activists and NGOs to prevent workers from connecting with these more "subversive" actors. But even prior to activists' arrest, the majority of workers did not appear particularly willing to follow activists' advice, and those open to collective bargaining were few.

This chapter details how the state deployed the representational fix to prevent the use of collective bargaining as a tool to expand labor rights. It shows how the repression of activists is but one aspect of this representational fix and is not, in fact, doled out in an arbitrary or ad hoc manner. Rather, repression of labor NGOs conforms with the structuring of organizations in China that grants institutional legitimacy to a limited few while situating the rest as legally ambiguous or plainly unauthorized in their activities. Harassment and detainment of labor activists is not simply the heavy hand of authoritarianism against which these weak actors of

have little recourse; it is legitimized enforcement of the organizational structure by state authorities.

The findings here extend movement literature by specifying how the structuring of organizational entities within an authoritarian regime is able to choke rights-expanding repertoires of contention. In addition to the use of repressive measures, a contradictory organizational infrastructure built by the state led workers *away* from NGOs and contentious collective bargaining. As these cases show, it was not for lack of opportunities or resources, nor is it simply fragmentation by economic conditions (Lee, 2007) or capital fixes (Ngai & Chan, 2012) or even a lack of consciousness alone that bars worker from organizing and claiming collective rights. Rather, the representational fix prevented workers from benefiting from the support of labor-advocacy groups and kept them from using collective bargaining. Even though resources and effective repertoires of contention were extant, because of the representational fix that incapacitated them, these were not practically viable for workers.

This chapter also shows that while in many cases the state does directly intervene in labor conflict, the installation of procedural and organizational mechanisms fragmenting workers occasionally allows the state to take more indirect measures to suppress the potential for workers' movements. In the CompuTech case, rather than directly confronting workers or refusing to respond to their claims, the feedback mechanism redirected workers back into the legal system, largely by their own choosing.

I would be remiss in not addressing a looming limitation in this study: the unsubstantiated counterfactual to my argument. I am unable to verify that if prevailing conditions were different—if the ACFTU represented workers' interests alone and civil-society organizations could operate more freely—contentious collective bargaining would have become a central

tactic for workers in China. Studies of countries that share China's authoritarian legacy but have undergone transitions to democracy show that even with increased political access and organizational freedom, labor has not always found increased power (Caraway, Cook, & Crowley, 2015). On the whole, across many historically authoritarian, democratically transitioned countries, no single system has been able to consistently usher in the necessary constellation of political and economic features to override the historically trenchant institutions influencing labor outcomes (Caraway, Cook, & Crowley, 2015). In China, because the representational fix interacts with the atomizing legal structure and single-party system of governance, the counterfactual conditions must come in tandem with each other—a tall order for labor rights' struggles.

Conclusion

This chapter departs from optimistic conclusions by other studies on China's labor relations that are hopeful for an expansion of labor rights in the future (Bradsher, 2010; Pringle 2013). Such prognostications are not totally unfounded, as there is a robust body of scholarship that evidences multiple avenues to movement success. Some studies recognize that indigenous leadership and membership rooted in community networks have engineered movement success in the past (Jenkins, 1983). According to this logic, the main issue preventing the use of contentious collective bargaining articulated here—the representational fix that incapacitates the potential for labor NGOs to galvanize and support workers in collective bargaining—does not necessarily extinguish the possibility of workers deciding to use collective bargaining on their own accord, and perhaps construct their own uses for it.

However, since the state is able to combine the representational fix with placating measures to subdue workers' insurgencies, as was seen in the ShoePro labor dispute, it is able to maintain the veneer of control even as strikes and protests continue (Lee and Zhang 2013). Furthermore, more recently, the ACFTU has sought to make collective bargaining its own. The state's reach to take up the mantle of collective bargaining is seen clearly on its official website, which on its front page declares collective bargaining to be a "Paramount Priority," details the "2014–2015 ACFTU Plan on Further Promoting Collective Bargaining," and celebrates the establishment of the union's first collective-bargaining office in Shanghai in early 2015. Collective bargaining is now within the purview of the union—and, by extension, no longer under the domain of labor NGOs. The ACFTU's appropriation of collective bargaining indicates a concerted effort by the state to diminish labor NGOs' stake in the practice, take control of its use, and neuter bargaining's potential as means to expand workers rights.

Meanwhile, the Chinese state has intensified its repressive measures against labor NGOs and activists. In December 2015, in one of its more intensive crackdowns on civil society in recent times (Libcom.org, 2015), the state moved to shut down labor NGOs in Guangzhou that were involved in collective bargaining. Authorities also arrested a prominent activist heading one of these organizations, detaining him for over eight months and launching a media campaign against the leader to vilify him as being morally and legally suspect. When I returned to the field in the summer of 2016, only two NGOs that had been part of the network of those promoting collective bargaining were still operating. Many of the activists who I had met and interviewed were no longer involved in promoting labor rights. L, who had met with the ShoePro workers, had already left Guangdong.

Shenzhen Law, which had been involved in CompuTech and ShoePro cases, had its own share of troubles. While the firm was still in operation, and though the lawyer continued to be involved in labor advocacy, much of his funding sources had been cut off, and he had been compelled to move to an office space half the size of his original quarters and to release his core staff so they could seek less politically risky means of employment.

As one of his former staff members said to me over lunch, “NGOs are really only able to influence workers at 100 or so companies,” a drop in the bucket relative to the tens of thousands of companies and millions of workers in the region (Interview 20160614). But in as much as these organizations and their work plant the seeds for a labor movement, the maneuvering of the state to block and constrain them has made the expansion of labor rights through collective bargaining a failed cause.

Chapter 5

Conclusion

The Story of Collective Bargaining's Rise and Fall in Southern China

In tracing the rise and fall of collective bargaining in China, this dissertation shows how spaces for contention open and close in a highly constrained political setting. The government's endorsement of collective negotiations in 2009 and 2010 signaled a willingness to consider the collective interests of workers, at least for wage-setting. In tandem with the state's promotion of collective negotiations, a network of labor NGOs began promoting collective bargaining to expand workers rights. Chinese labor NGOs promotion of collective bargaining was not simply another instance of civil society organizations aligning themselves with state policies and goals. Unlike other labor NGOs in China, these NGOs tended to take a more critical stance toward the state and sought to use collective bargaining to affect substantive labor reforms. Furthermore, the impetus for their promotion of collective bargaining came not from the Chinese state, but from an international labor organization. Nevertheless, the state's signaling in support of collective negotiations permitted lower-level officials to give labor NGOs the space to promote a contentious collective bargaining. City and county officials did not move to immediately shut

down labor NGOs activities, and would eventually even offer to facilitate bargaining sessions between workers and management.

Thus, labor NGOs promoting contentious collective bargaining enjoyed a brief period in which they were able to advocate the practice with minimal interference from the state. But even with local state officials willing to tolerate NGOs, and NGOs actively seeking to spread collective bargaining in China, it remained to be seen whether workers themselves would be willing to organize and use collective bargaining during their labor disputes and whether companies would be willing participate.

Workers' willingness to use collective bargaining was by no means a foregone conclusion. Given the state's concerted push for legal avenues, using arbitration or litigation was certainly one of the more familiar means for seeking recourse. Strike action is also an available option to workers and carries its own risks and rewards. In contrast to either of these forms for redress, collective bargaining required much more collective organization; it also required a logistical know-how that workers, by their own account, were not familiar with.

In the end, workers willingness to take up collective bargaining was not a result of labor NGOs persuasive powers alone—although, this did play a role. When asked why they decided to engage in collective bargaining, some responded that there was nothing else they could do. However, this sentiment belies the political and economic environment that led to workers' decision's to try collective bargaining. By 2010, the Chinese economy was experiencing a painful fall; manufacturing companies across southern China were down-scaling their production to accommodate the economic realities of a slowing business environment. The measures that companies took in the face of their own failing profit margins— be it cuts to the labor force, restructuring of the wage system, or merger and acquisition— left workers in deeply precarious

situation. In all the cases discussed in this dissertation, the attempt to strengthen their financial security in a highly-insecure economic setting motivated workers to action. They sought to claim unpaid social insurance arrears, demand more overtime, or to resist uncertain futures as their companies underwent merger and acquisition. In almost all cases, either because they lacked evidentiary documents, faced bureaucratic blockading, or were terminated for taking strike action, workers found themselves facing a dead-end due to political arrangements that left them vulnerable and without good options.

In the cases discussed here, these were the circumstances that turned workers toward NGOs promoting collective bargaining for assistance. Initially, when they did so, they were not necessarily particularly interested in collective bargaining. Some that I spoke to told me that they were in fact hoping to receive legal aid. Labor NGOs were able to point to the legal weakness of workers claims, as well as the costs and inefficiencies associated with legal action, and present collective bargaining as an alternative means for action. As labor activists explained it, collective bargaining would draw on workers' collective power to bring the results that litigation and corrupt local officials could not.

However, even while activists eschewed legal channels and state actors, and couched collective bargaining as worker-led, non-institutional action, workers were not able to independently engage in collective bargaining without the assistance of the state. Workers' demands to meet with company management were simply refused. Because collective bargaining existed outside institutionalized spaces for dispute resolution, there was nothing compelling managers to participate. Even if workers deployed wildcat strikes, they could be easily fired and the prospect of collective bargaining rendered moot. It would take the intervention of local state actors to compel companies to participate in negotiations with workers.

Local officials and state agents, be they officials of the labor bureau or the union, were themselves were not immediately inclined to offer workers their support. Among the first set of workers who attempted to use collective bargaining, local state actors were quite resistant to intervening and forcing companies to participate in negotiation sessions. While workers were eventually able to secure the assistance of a provincial union official, such assistance only came after many months of appeals. Once workers were able to garner the support of local officials and engage in bargaining sessions, they were able to win their demands. But it was only when state agents such as union or labor bureau officials stepped in to force companies to engage in bargaining that workers were able to undergo some semblance of the bargaining process with management.

When workers were able to use collective bargaining to find redress for their grievances, local labor NGOs were able to claim collective bargaining's efficacy for meeting demands, and the state was able to avoid socially destabilizing disruption. Not long after the first attempt of workers to use collective bargaining, another dispute in the same county with workers making the same demands unfolded soon after. In this case, local union officials readily stepped in to assist workers upon request. Collective bargaining appeared to be gaining real traction, at least among the low-wage manufacturing workers in Guangzhou. When yet another labor dispute broke out, with workers striking over minimum wage payments, local officials (who were called to the scene by management) actively encouraged workers to use collective bargaining.

But local officials were not offering carte-blanc support for workers in collective bargaining. Indeed, state agents' decision to intervene on workers' behalf tended to hinge on both the legality of workers' claims and the extent to which the use of collective bargaining could placate workers who might otherwise be inclined to use more disruptive methods to find

recourse. After the same set of workers successfully used collective bargaining to address minimum wage issues, they then turned to long-simmering grievances around overtime— or lack thereof— at the company. Local officials quickly rebuffed expectations that they would continue to facilitate collective bargaining. Since workers did not have a legal basis for their demands, local officials were much less inclined to support them. In response, workers made appeals up the regional chain of command. Eventually, the state grudgingly offered its support for workers, and only in order to avoid further escalation of workers’ appeals.

In contrast to earlier disputes, the benefits of collective bargaining in this case were much more clearly in favor of workers—and at the expense of the state. Workers were able to win demands that went beyond current legal standards. Labor NGOs could tout the case as another instance in which collective bargaining could be used to expand workers’ rights. But from the perspective of the state, their own advocacy of collective bargaining had the unintended consequence of encouraging workers to move outside legal parameters, continue factory strikes, and escalate their appeals upward along regional state hierarchy. Especially when under the influence of labor NGOs, collective bargaining did little to contain workers’ agitations or limit the escalation of their petitions. Instead, workers’ successful use of collective bargaining created more problems for the state. Subsequent labor disputes indicate a retrenchment of the state’s support and facilitation of collective bargaining. And without the support of local officials in facilitating bargaining for workers, the practice could not be implemented at all, let alone spread.

The state also moved to reign in local labor NGOs who promoted contentious collective bargaining. Where the state had initially tolerated labor activists in their efforts to promote collective bargaining, by 2014, their tolerance appeared to wane. Local law enforcement detained activists who sought to connect with workers in high-profile labor disputes, preventing

them from making inroads with these workers. In another case, when workers asked union officials for assistance with their labor dispute, union officials promised help on the condition that workers cut ties with a labor NGO that had encouraged them to use collective bargaining.

By barring labor NGOs' access to workers, the state sought to reassert itself as the sole vanguard of workers' interests— despite the fact that government officials openly admit equal (if not greater) dedication to capital's interests. The installment of the official Chinese labor union as the only institutionally-legitimized representative for workers has long been recognized as a problematic, not least because the union officials are commonly known to side with companies during labor disputes, but also because the union as a whole has failed to adequately represent workers' collective interests and advocate for substantive political reforms on workers' behalf. Where the ACFTU failed, however, labor NGOs succeeded. They stepped in to represent workers' interests and provide dedicated support to labor. The success of local labor NGOs in providing worker-centered support made these organizations a threat to the ACFTU and to the state's own primacy in structuring industrial relations. Labor NGOs' openly critical stance of the union, their eschewing of legal channels in favor of contentious collective action, and their encouraging of workers to go beyond legal minimums in their claims further undermined the structures of power that these institutions support.

In December 2015, state officials moved to dismantle the network of labor NGOs advocating collective bargaining, arresting a number of prominent activists and shuttering several organizations. During my fieldwork in 2014, as I sat in on various conferences, dinners, gatherings among NGOs, and collective bargaining training sessions, activists were exuberant in their assurance that collective bargaining would pave the way to labor reforms. But by the time I returned in the summer of 2016, the atmosphere had changed completely. Many activists had

already left the province. The labor law firm where I had interned had now moved into a much smaller space and had released core staff who had been involved in managing and promoting collective bargaining. While he was still able to keep his firm running, the cause lawyer heading the organization confided to me that he had been cut off from many of the revenue streams that allowed him engage in pro bono services for workers and promote collective bargaining. At the same time, he is now required to charge workers for his services, like any other law firm. This limits the cause lawyer's reach among workers as some may be unable to make payments. And it also effectively shuts down the NGO-like operations of the firm. Whereas in previous years the office was often alive with lawyers, activists, students, and scholars, during my own two-month visit in 2016, it was often empty. The few paid lawyers who occasionally floated in did not stay long. The cause lawyer himself came in perhaps twice during my stay. Desks and the photocopier gathered dust, and boxes from the move remained unopened. Overall, the despondency was palpable.

While the cause worker is still active, the prospect of contentious collective bargaining continuing to spread throughout the province appears dim. So, too, does the potential for workers to use bargaining as a means to deploy organized collective action to demand substantive labor reforms. Even at the height of their activities, labor NGOs who promoted collective bargaining were only able to connect with workers on a case-by-case basis. Their reach among the millions of workers is quite limited. One activist told me that although his NGO occasionally provided public teaching sessions to introduce collective bargaining to larger numbers of workers, no workers who attended these sessions ended up using collective bargaining of their own volition. Rather, it was only when workers were involved in a labor dispute and *if* they were able to connect with a labor NGO that they might be persuaded to use collective bargaining. With so

few organizations and activists left to make inroads with workers, it is difficult to see how collective bargaining as a contentious, rights-expanding action will be able to diffuse across the industrial landscape as activists had originally hoped.

Even more, as the state cleared away labor NGOs and activists, the official union has moved in to make collective bargaining its own, claiming it “a new priority” for unions across the nation. By 2015, a special office dedicated to training negotiators to help company-level unions conduct collective bargaining was established in Shanghai. The Ningbo Municipal Federation of Trade Unions also published an article on its own steps to “refine the management of collective wage bargaining” (ACFTU 2015). And a municipal trade union in Sichuan has also proclaimed the efficacy of collective bargaining and its implementation of a fledgling collective bargaining system. All this indicates a national movement to appropriate collective bargaining and neuter its more contentious aspects. Once appropriated by the ACFTU, it is unlikely that the practice will be used to push for substantive labor reforms or to expand workers’ legal rights.

Theoretical Contribution

In highlighting ambiguous political opportunities, this study shows how the presence of contravening factors in the political environment are an integral part of social movement processes. Contradictions in the political structure can influence the adoption of unfamiliar tactics, opening new possibilities for contention and rights expansions. At the same time, state-driven contradictions in society’s organizational infrastructure can close these spaces for contention, keeping challengers in check and maintaining structures of power.

Tracing the life course of collective bargaining in China also contributes to social-movement theories by allowing this literature to better understand movement failure, detailing how legal and organizational institutions ensure regime resilience. The emergence of contentious collective bargaining was simply an interlude within a larger story of authoritarian reproduction. That contentious activities aiming to expand workers rights unfolded in an authoritarian regime is not, in the grand scheme of social movement studies, entirely significant or new. What is significant is that this contentious practice and its demise were brought on through contradictions in the political and organizational structures purposively engineered by the state — rather than repressive forces alone, as much of social movements literature has implied.

By harnessing social-movement frameworks, this dissertation brings studies on regime resilience into a broader conversation of social change and reproduction, revealing connections among phenomena across widely different contexts. The ambiguous political opportunities that Chinese workers faced are not unlike the ones that their counterparts in the US are subject to. Here in the US, despite having the legal right to unionize, many low-wage workers are reluctant to do so, in part because they fear retaliation from their companies. Worker organizations, like labor NGOs in China, operate in place of unions to help workers organize and demand better working conditions. Given the overwhelmingly pro-business political environment and the inability to take their case to court, workers have reported feeling— like those in China— that there is little else to do but to try new tactics when organizing amongst themselves. In the face of insurgency, elites in western, democratic countries are just as interested in maintaining the status quo as those in China. How elites in different political environments make their decisions and how this decision-making relates to the structure of power may change from context to context. But ultimately, the underlying dynamic of preserving elite interests and the institutions that serve

them remains consistent across time and place. Finally, the contradictory organizational infrastructure that marginalizes NGOs and makes the official union an agent of the state ultimately results in weak political power for Chinese workers. But workers in the US and UK do not enjoy particularly strong unions or labor parties, themselves. While there are important differences in the organizational arrangements and historical legacies of unions in the US and UK, their critics contend that early compromises left these organizations without teeth and complicit in the construction of profit-centered labor relations that continue to undermine workers today. Like Chinese workers, many of the most vulnerable workers in the US are, at turns, either unable or unwilling to unionize for their collective interests. And it is all too easy for capital in both China and the US to continue to leverage its own advantages against these fragmented workforces.

Limitations

The limitations of this study primarily concern the data. This includes the heavy use of retrospective interviews and third-party media reports for cases that unfolded prior to my arrival to the field, and the lack of direct interviews with workers for cases that unfolded while there. Furthermore, while my interview with the retired union official and analysis of state-published documents allowed me to get a handle on the perspective of the state, the study would have benefited greatly from additional interviews with other state officials, such as bureaucrats in the labor bureau or union officials that were directly involved in each of the cases. Currently, my analysis on why state officials may have withheld support, or why they decided to intervene and provide legal aid, is based primarily on the publicly available and most obvious facts of a case—

rather than on first-hand explanations from officials themselves. Finally, the perspective and voice of capital is missing from this account, and would have surely provided a richer and more complete picture of key actors who moved the course of events throughout each case.

Relatedly, some of the connections drawn between different elements of collective bargaining's story are thin. I cannot show if union officials and labor bureau officials at the city or county level were even aware of the collective negotiation guides published by the Central and provincial governments, and cannot tell what their perspectives were on them. As well, this study implicitly links the success of the Golden Case— and the ability of workers in this case to use collective bargaining to achieve demands beyond legal standards— to later instances of state actors' refusal to support workers' attempts to use collective bargaining and its move to further marginalize associated labor NGOs. But there is now way of knowing the extent to which local officials in different cities were aware of this case or how much of an influence it had on the general retrenchment of the state's tolerance for labor NGOs and collective bargaining.

Finally, this study's claims could be stronger if all cases took place in the same city and county, and within companies that matched more closely in terms of sector, ownership, and grievances. It is possible that the granular details of these descriptive dimensions were influential to case outcomes. While it is true that all cases take place in the same province, and all firms were similar in terms of ownership and industry, controlling for the city, company headquarter locations, and sector would have allowed me to claim without a doubt that these were negligible variables in the different case outcomes.

Future Research Directions

Despite hopes for a transnational network of organized workers championing global labor rights to counter the increase in global corporate power, actual instances of workers forging links across national boundaries to claim their rights remain few. The scholarship on internationally-oriented labor movements is fond of highlighting attention grabbing coalitions, such as WTO protests in Seattle in 1999, and tout the rise of transnational civil society. However, these accounts tend to feature activist organizations rather than workers. Tamara Kay's 2005 piece in the *American Journal of Sociology* on the cross-national efforts between union workers in Mexico and the US to ameliorate the effects of the NAFTA agreements is a notable exception. However, beyond these more dramatic events, most labor contention actually involves highly localized efforts to confront labor exploitation through nationally-bound tactics. Indeed, labor rights advocacy has more recently taken a “local turn” as activists and scholars are now cognizant of the need to garner cooperation from local workers and strategically consider the constraints and opportunities of local institutions.

However, there are a limited number of cases where workers in China have reached out to foreign counterparts— other workers employed by the same transnational company but living in different countries— during a labor dispute. In these cases, workers in China aimed to forge an alliance with their international counterparts in the hopes they could pressure foreign headquarters who might then pressure local Chinese factories to acquiesce to their demands. One such case occurred in 2008 when a group of workers at an electronics company in northern China reached out to their Danish counterparts for support in a protracted labor dispute. Another 2014 took place at a shoe manufacturing company (Gēshìbǐ 哥士比 Company) in southern China; in this case, workers sought out their English counterparts for support in the face of their

factory's pending merger and acquisition. While rare, it is possible that additional cases of workers forging transnational linkage during labor disputes have occurred.

A future research agenda might ask when and why workers do workers decide to reach out to international counterparts? In what ways, if any, does doing so influence dispute outcomes? And to what extent might such action serve as a model for leveraging the global production processes that connect workers across different countries? Research in this direction would help us to understand how globalized supply chains contribute not only to the suppression of workers but can also spur collaboration and possibly enhance workers' strength as they draw on new forms of solidarity.

References

- Almeida, P. 2003. Opportunity organizations and threat-induced contention: Protest waves in authoritarian settings. *American Journal of Sociology*, 109(2), 345–400.
- Almeida, P., & Stearns, L. 1998. Political opportunities and local grassroots environmental movements: The case of Minamata. *Social Problems*, 45, 37–60.
- All-China Federation of Trade Unions. 2009. The ACFTU's guiding recommendations for the development of industry-level collective wage negotiations." Retrieved from: http://www.law-lib.com/law/law_view.asp?id=290044
- Amenta, E., Halfmann, D., & Young, M.P. 1999. The strategies and contexts of social protest: Political mediation and the impact of the Townsend Movement in California. *Mobilization*, 4, 1–24.
- Andersen, E. 2009. *Out of the closets and into the courts: legal opportunity structure and gay rights litigation*. USA: University of Michigan Press.
- Birney, M. 2014. Decentralization and veiled corruption under China's "Rule of Mandates. *World Development*, 53, 55–67.
- Bradsher, K. 2010. A labor movement stirs in China. *The New York Times*, June 10. Retrieved from: http://www.nytimes.com/2010/06/11/business/global/11strike.html?_r=0.

- Cai, Y. 2008. Power structure and regime resilience: Contentious politics in China. *British Journal of Political Science*, 38, 411–432.
- CaijingWang. 2014. IBM 深圳罢工调查：变相阻扰员工维权 高层伪装普通员工参与谈判, March 3. Retrieved from: <http://tech.caijing.com.cn/2014-03-10/113994813.html>.
- Caraway, T. 2006. Political openness and transnational activism: Comparative insights from labor activism. *Politics and Society*, 34 (2), 277–304.
- Caraway, T., Cook, M., & Crowley, S. 2015. *Working through the past: Labor and authoritarian legacies in comparative perspective*. Ithaca, IL.: Cornell University Press.
- Chan, A. 1993. Revolution or corporatism? Workers and trade unions in post-Mao China. *The Australian Journal of Chinese Affairs*, 29, 31–61.
- . 2003. A “race to the bottom: “Globalisation and China’s labour standards. *China perspectives*. 46.
- Chan, C.K., & Hui, E.S. 2014. The development of collective bargaining in China: From “collective bargaining by riot” to “party state-led wage bargaining.” *The China Quarterly*, 217, 221–242.
- Chan, C.K. 2013. Contesting class organization: Migrant workers’ strikes in China’s Pearl River Delta, 1978–2010. *International Labor and Working-Class History*, 83, 112-136.
- . 2010. *The challenge of labour in China: Strikes and the changing labour regime in global factories*. China Policy Series 16. New York: Routledge.
- Chan, J. & Selden, M. 2014. China’s rural migrant workers, the state, and labor politics. *Critical Asian Studies*, 46(4), 599-620.

- Chan, K.W. 2010. The global financial crisis and migrant workers in China: “There is no future as a labourer; returning to the village has no meaning.” *The international journal of urban and regional research*, 33(3), 659-677.
- . 1996. Post-mao China: A two-class urban society in the making. *International journal of urban and regional research*, 20, 134-150.
- Chen, X. 2012. *Social protest and contentious authoritarianism in China*. New York: Cambridge University Press.
- Cheng, J.Y.S., Ngok, K.L., & Zhuang, W.J. 2010. The survival and development space for China’s labor NGOs: Informal politics and its uncertainty. *Asia Survey*, 50(6), 1082-1106.
- China Labour Bulletin. 2014a. Labour activist L released after 30 days detention in Dongguan. Retrieved from <http://www.clb.org.hk/en/content/labour-activist-lin-dong-released-after-30-days-detention-dongguan>.
- . 2014b More than ten thousand workers stage strike at massive Dongguan shoe factory. Retrieved from <http://www.clb.org.hk/en/content/more-ten-thousand-workers-stage-strike-massive-dongguan-shoe-factory>.
- . 2013. Playing Hardball: Workers solidarity forces boss to make concessions. (November 7 2013). Retrieved from: <http://www.clb.org.hk/content/playing-hardball-workers-solidarity-forces-boss-make-concessions>
- China National Insurance Law 2010, Chapter 2 Article 16. Retrieved from: http://www.gov.cn/flfg/2010-10/28/content_1732964.htm

- Chong, J.H., Lai H., & Xia, M. 2006. Mounting challenges to governance in China: Surveying collective protestors, religious sects, and criminal organizations. *The China Journal*, 56: doi: 10.2307/20066184
- Clemens, E. S., & Minkoff, D. 2004. Beyond the iron law: Rethinking the place of organizations in social movement research. In Snow, D., Soule, S., & Kriesi, H. (Eds). *Blackwell Companion to Social Movements* (pp. 155-170). Oxford, UK: Blackwell Publishing Ltd.
- Cress, D., & Snow, D. 1996. Mobilization at the margins: Resources, benefactors, and the viability of homeless social movement organizations. *American Sociological Review*, 61 (6), 1089-1109.
- Dalton, R., Recchia, S., & Rohrschneider, R. 2003. The environmental movement and the modes of political action.' *Comparative Political Studies*, 36 (7), 743–771.
- de la Luz Inclan, M. 2008. From the !Ya Basta! to the Caracoles: Zapatista mobilization under transitional conditions. *American Journal of Sociology*, 113 (5), 1316–1350.
- Deng, F. 1997. Information gaps and unintended outcomes of social movements: the 1989 Chinese student movement. *American Journal of Sociology*, 102, 1085-1112.
- Denning, S. 2014. Why (Company) is in decline. *Forbes*, May 30. Retrieved from <http://www.forbes.com/sites/stevedenning/2014/05/30/why-ibm-is-in-decline/>.
- Dobbin, F. 2009. *Inventing equal opportunity*. Princeton, NJ: Princeton University Press.
- Earl, J. 2011. Political repression: Iron fists, velvet gloves, and diffuse control” *Annual Review of Sociology*, 37, 261-284.
- Edelman, L. B., Erlanger, H.S., & Lande, J. Internal dispute resolution: The transformation of civil rights in the workplace. *Law & Society Review*, 27 (3), 497-534.

- Edelman, L.B., & Suchman, M.C. 1997. The legal environments of organizations. *Annual Review of Sociology*, 23, 479–515.
- Einwohner, R. 2003. Opportunity, honor, and action in the Warsaw Ghetto uprising of 1943. *American Journal of Sociology*, 109(3), 650–675.
- Elfstrom, M., & Kuruvilla, S. 2014. The changing nature of labor unrest in China. *Industrial Labor Relations Review*, 67 (2), 453–480.
- Ennis, J. 1987. Fields of action: structure in movements' tactical repertoires. *Sociological Forum*, 2 (3), 520–533.
- Epp, C.R. 1998. *The rights revolution: Lawyers, activists, and supreme courts in comparative perspective*. Chicago: University of Chicago Press.
- Eskridge, W. 2001. Channeling: identity-based social movements and public law. *University of Pennsylvania Law Review*, 150, 419-525.
- Ewick, P. 1998. *The common place of law: Stories from everyday life*. Chicago, IL: University of Chicago Press.
- Ewick, P., & Silbey, S.S. 1992-1992. Conformity, contestation, and resistance: An account of legal consciousness. *New England Law Review*, 26, 731–752.
- Frazier, Mark W. 2010 *Socialist insecurity: Pensions and the politics of uneven development in China*. Ithaca, United States: Cornell University Press.
- Friedman, E. 2014a. *Insurgency trap: Labor politics in post-socialist China*. Ithaca and London: ILR Press, an imprint of Cornell University Press.
- 2014b. Alienated politics: Labour insurgency and the paternalistic state in China. *Development and Change*, 45(5), 1001–1018.

- 2012. Getting through the hard times together? Chinese workers and unions respond to the economic crisis." *Journal of Industrial Relations*, 54(4), 459 - 475.
- Friedman, E., & Lee, C.K. 2010. Remaking the world of Chinese labour: A 30-Year retrospective. *British Journal of Industrial Relations*, 48 (3), 507–533.
- Fu, D. 2016. Fragmented control: Governing contentious labor organizations in China. *Governance*. doi 10.1111/gove.12248
- Gallagher, M. E. 2014. China's workers movement & the end of the rapid-growth era." *Daedalus*. 143(2), 81-95.
- . 2006. Mobilizing the law in China: 'Informed disenchantment' and the development of legal consciousness. *Law and Society Review*, 40 (4), 783–816.
- . 2004. Time is money, efficiency is life." The transformation of labor relations in China. *Studies in Comparative International Development*, 39(2), 11-44.
- Ge, W. 1999. Special economic zones and the opening of the Chinese economy: Some lessons for economic liberalization. *World development*, 27 (7), 1267-1285.
- Ginsburg, T., & Moustafa, T. 2008. *Rule by law: The politics of courts in authoritarian regimes*. New York: Cambridge University Press.
- Giugni, M.G. Was it worth the effort? The outcomes and consequences of social movements. *Annual Review of Sociology*, 24, 371-393.
- Goodwin, J., Jasper, J., & Khattri, J. 1999. Caught in a winding, snarling vine: The structural bias of political process theory. *Sociological Forum*, 14 (1), 27–54.
- Gransow, B, & Zhu, J.G. 2014. Labour rights and beyond—How migrant worker NGOs negotiate urban spaces in the Pearl River Delta. *Population, Space and Place*. Retrieved from wileyonlinelibrary.com: doi:10.1002/psp.1894.

- Guangdong Guide. 2010. *Guangdong guide for collective negotiations of industry wages*. 2010, July 19. Retrieved from:
<http://www.hzft.gov.cn/publicfiles/business/htmlfiles/9209/2.1/201305/208630.html>
- Guardian* 2015. "China orders square dancers to heel and toe the line." 24 March 2015.
Retrieved from: <https://www.theguardian.com/world/2015/mar/24/china-orders-square-dancers-to-heel-and-toe-the-line>
- Hafner-Burton, E., & Tsutsui, K. 2005. Human Rights in a Globalizing World: The Paradox of Empty Promises. *American Journal of Sociology*, 110 (5), 1373–1411.
- Harper, D. 1992. Small n's and community case studies. In C. S. Ragin & H. Becker (Eds.), *What Is a Case?* (pp. 105-118). New York: Cambridge University Press.
- He, A.J.W., & Huang, G.H. 2014. Fighting for migrant labor rights in the world's factory: Legitimacy, resource constraints and strategies of grassroots migrant labor NGOs in south China. *Journal of Contemporary China*, 24 (93), 471–492.
- Huang, Y.S. 2008. *Capitalism with Chinese characteristics: Entrepreneurship and the state*. New York: Cambridge University Press.
- Jansen, R. 2016. Situated political innovation: Explaining the historical emergence of new political practices. *Theory and Society*, 45 (4), 319-360.
- Jasper, J. 1997. *The Art of Moral Protest*. Chicago: University of Chicago Press.
- Jenkins, J. C. 1983. Resource mobilization theory and the study of social movements. *Annual Review of Sociology*, 9(1), 527–553.
- Jenkins, J., & Eckert, C. 1986. Channeling black insurgency: Elite patronage and professional social movement organizations in the development of the black movement. *American Sociological Review*, 51, 812–829.

- Johnston, H. 2006. "Let's get small": The dynamics of (small) contention in repressive states. *Mobilization*, 11(2), 195–212.
- Kimeldorf, H. 2013. Worker replacement costs and unionization: Origins of the U.S. labor movement. *American Sociological Review*, 78 (6), 1033–1062.
- King, G., Keohane, R., & Verba, S. 1994. *Designing social inquiry: Scientific inference in qualitative research*. New Jersey: Princeton University Press.
- King, G., Pan, J., & Roberts, M.E. 2013. How censorship in China allows government criticism but silences collective expression." *American Political Science Review*, 1–18. doi: 10.1017/S0003055413000014.
- Kurzban, R. 1996. Structural opportunity and perceived opportunity in social-movement theory: The Iranian revolution of 1979. *American Sociological Review*, 61, 153–170.
- Larson, E., & Aminzade, R. 2007. Nation-states confront the global: Discourses of indigenous rights in Fiji and Tanzania. *Sociological Quarterly*, 48, 801–31.
- Larson, J. 2013. Social movements and tactical choice. *Sociology Compass* 7, 866–79.
- Lawrence, S., & Martin, M. 2013. Understanding China's political system. *Congressional Research Service Report for Congress*. Retrieved from www.crs.gov.
- Lee, C. K. 2007a. *Against the law: Labor protests in China's rustbelt and sunbelt*. Berkeley, CA: University of California Press.
- . 2007b. *Working in China: Ethnographies of labor and workplace transformations*. New York: Routledge.
- . 2002. From the specter of Mao to the spirit of the law: Labor insurgency in China. *Theory and Society* 31, 189–228.

- Lee, C. K., & Zhang, Y. 2013. The power of instability unraveling microfoundations of bargained authoritarianism in China. *American Journal of Sociology*, 118(6), 1475–1508.
- Lei, Y-w. 2016. Freeing the press: How field environment explains critical news reporting in China.” *American Journal of Sociology*, 122 (1), 1-48.
- Leibman, B. 2013. Malpractice mobs: Medical dispute resolution in China, *Columbia Law Review*, 113(1), 181-264
- Li, C.Y. 2016. *Unmaking the authoritarian labor regime: collective bargaining and labor unrest in contemporary China*. (Doctoral dissertation). Retrieved from Rutgers University Community Repository.
- Libcom.org. 2015. Background on the suppression of Guangdong Six. Retrieved from <http://libcom.org/news/background-suppression-guangdong-strike-supporters-10122015>.
- Liu, D.X. 2006. When do national movements adopt or reject international agendas? A comparative analysis of the Chinese and Indian women’s movements. *American Sociological Review*, 71, 921–42.
- Liu, Z.Q. 2005. Institution and inequality: the *hukou* system in China. *Journal of comparative economics*, 33 (1): 133-157.
- Maher, T. V. 2010. Threat, resistance, and collective action: The cases of Sobibor, Treblinka, and Auschwitz. *American Sociological Review*, 75 (2), 252–272.
- Magaloni, B. 2006. *Voting for autocracy: Hegemonic party survival and its demise in Mexico*. New York: Cambridge University Press.
- Maher, T. V. 2010. Threat, resistance, and collective action: The cases of Sobibor, Treblinka, and Auschwitz. *American Sociological Review*, 75 (2), 252–272.

- McAdam, D. 1996. Conceptual origins, current problems, future directions. In McAdam, D., McCarthy, J.D., & Zald, M. (Eds.), *Comparative perspectives on social movements: Political opportunities, mobilizing structures, and cultural framings*. (pp. 23–40). New York: Cambridge University Press.
- 1983. Tactical innovation and the pace of insurgency. *American Sociological Review*, 48(6), 735–754.
- 1982. *Political process and the development of black insurgency, 1930–1970*. Chicago, IL: University of Chicago Press.
- McAdam, D., & Boudet, H. (2012). *Putting social movements in their place: Explaining opposition to energy projects in the United States, 2000-2005*. Cambridge: Cambridge University Press.
- McCammon, H. J. 2003. Out of the parlors and into the streets: The changing tactical repertoire of the U.S. women's suffrage movements. *Social Forces*, 81(3), 787–818.
- McCammon, H., Campbell, K.E., Granberg, E.M., & Mowery, C. 2001. How movements win: Gendered opportunity structures and the U.S. Women's Suffrage Movements, 1866 to 1919. *American Sociological Review*, 66 (1), 49-70.
- McCann, M.W. 2006. Law and social movements. *Annual Review of Law and Social Science*, 2, 17-38.
- 1998. How does law matter for social movements? In Garth, B., & Sarat, A. (Eds). *How does law matter?* (pp. 76–108). Evanston, IL: Northwestern University Press.
- . 1996. Causal versus constitutive explanations (or, On the difficulty of being so positive...). *Law and Social Inquiry*, 21(2), 457–482.

- 1994. *Rights at work: Pay equity reform and the politics of legal mobilization*. Chicago: University of Chicago Press.
- McCann, M.W. & Silverstein, H. 2001. Rethinking law's allurements: A relations analysis of social movement lawyers in the United States. In Sarat, A. & Scheingold, S.A. (Eds), *Cause Lawyering and the State in a Global Era*. (pp. 261–92) New York: Oxford University Press.
- McCarthy, J. & Zald, M. 1977. Resource mobilization and social movements: A partial theory. *American Journal of Sociology*, 82, 1212-1241.
- Merry, S.E. 2006. *Human rights and gender violence: Translating international law into local justice*. Chicago: University of Chicago Press.
- McMichael, P. 1990. Incorporating comparison within a world-historical perspective: An alternative comparison method. *American Sociological Review*, 55(3), 385–397.
- Meyer, D. 2004. Protest and political opportunities. *Annual Review of Sociology*, 30, 125–145.
- Meyer, D., & Minkoff, D. 2004. Conceptualizing political opportunity. *Social Forces*, 82(4), 1457–1492.
- Meyer, J. W., Boli, J., Thomas, G.M, & Ramirez, F.O. 1997. World society and the nation state. *American Journal of Sociology*, 103 (1), 144–181.
- Meyer, M. 2004. Organizational identity, political contexts, and SMO Action: Explaining the tactical choices made by peace organizations in Israel, Northern Ireland, and South Africa. *Social Movement Studies: Journal of Social, Cultural, and Political Protest*, 3(2), 167–197.

- Mobilizationlab.org. 2013. How Walmart workers are making change at world's largest retailer. Retrieved from: <https://mobilisationlab.org/how-walmart-workers-are-making-change-at-worlds-largest-retailer-2/>
- Nanzao Chinese Web. 2014. “□莞工人大□工 20 余人被捕,” April 15. Retrieved from <http://tieba.baidu.com/p/2988676353>.
- Nathan, A. 2003. Authoritarian resilience. *Journal of Democracy*, 14(1), 6–17.
- Naughton, B. 2007. *The Chinese economy*. Cambridge, MA: MIT Press.
- Ngai, P. & Chan, J. 2012. Global capital, the state, and Chinese workers: The Foxconn experience. *Modern China*, 38(4), 383-410.
- O'Brien, K. & Li, L.J. 2006. *Rightful resistance in rural China*. New York: Cambridge University Press.
- Obserschall, A. 1973. *Social conflict and social movements*. Englewood Cliffs, NJ: Prentice-Hall
- Panitch, L. 1980. Recent theorizations of corporatism: Reflections on a growth Industry. *The British Journal of Sociology*, 31(2), 159-187.
- Pedriana, N. 2004. Help wanted NOW: Legal resources, the Women's Movement and the battle over sex-segregated job advertisements.” *Social Problems*, 51, 182-201.
- . 2006. “From protective to equal treatment: legal framing processes and transformation of the Women's Movement in the 1960's.” *American Journal of Sociology*, 111, 1718-1761.
- & Stryker, R. 2004. The strength of a weak agency: Title VII of the 1964 Civil Rights Act and expansion of state capacity, 1965-1971. *American Journal of Sociology*, 110, 709-760.

- Peerenboom, R. 2002. *China's long march toward rule by law*. New York: Cambridge University Press.
- Perry, E. 2008. Chinese conceptions of 'rights': From Mencius to Mao— and now. *Perspectives on Politics*, 37(39) 45-47.
- Polanyi, K. 1957. *The great transformation: The political and economic origins of our time*. Boston: Beacon Press.
- Pomfret, J. 2008. China's "World Factory" struggles to find its feet. *Reuters*. Retrieved from <http://www.reuters.com/article/us-china-guangdong-idUSTRE4B303K20081204>
- Pringle, T. 2013. Reflections on labor in China: From a moment to a movement. *South Atlantic Quarterly*, 112(1), 191–202.
- Rasler, K. 1996. Concessions, repression, and political protest in the Iranian Revolution. *American Sociological Review*, 61 (1), 132–152.
- Scheingold, S. A. 2004. *The politics of rights: lawyers, public policy, and political change*, 2nd ed. Ann Arbor: University of Michigan Press.
- Schofer, E., & Longhofer, W. 2011. The structural sources of association. *American Journal of Sociology*, 117(2), 539–585.
- Selden, M. 1995. Labor unrest in China, 1831-1990. *Review (Fernand Braudel Center)*, 18(1), 69–86.
- Shirk, S. 1999. *The Political Logic of Economic Reform in China*. Berkeley, CA: University of California Press.
- Shue, V. 2004. Legitimacy crisis in China? In Shue, V. (Ed.), *State and society in 21st century*
- Silver, B. 2003. *Forces of labor*. New York: Cambridge University Press.

- Silver, B. & Zhang, L. 2009. China as an emerging epicenter of world labor unrest. In Hung, H.F.(Eds), *China and the transformation of global capitalism*. (pp. 174-187). Baltimore: John Hopkins University Press.
- Skrentny, J. 2006. Policy-elite perceptions and social movement success: understanding variations in group inclusion in affirmative action. *American Journal of Sociology*, 111(6), 1762-1815.
- Snow, D. A., Rochford Jr., E.B., Worden, S.K., & Benford, R.D. 1986. Frame alignment processes, micromobilization, and movement participation. *American Sociological Review*, 51(4), 464–81.
- Snow, D.A, Cress, D., Downey, L., & Jones, A. 1998. Disrupting the quotidian: reconceptualizing the relationship between breakdown and the emergence of collective action. *Mobilization*, 3(1), 1-22.
- Stamatov, P. 2010. Activist religion, empire, and the emergence of modern long-distance advocacy networks. *American Sociological Review*, 75 (4), 607–628.
- Stockmann, D., & Gallagher, M. 2011. Remote control: How the media sustain authoritarian rule in China. *Comparative Political Studies*, 44(4), 436–467.
- Stryker, R. 2007. Half empty, half full, or neither: Law, inequality, and social change in capitalist democracies. *Annual Review of Law and Social Sciences*, 3, 69-97. protest in south China. *Law & Society Review*, 44 (1), 157–84.
- Su, Y., & He, X. 2010. Street as courtroom: State accommodation of labor protest in South China. *Law & Society Review*, 44(1), 157–184.
- Tarrow, S. 1998. *Power in movement: Social movements and contentious politics*. New York: Cambridge University Press.

- 1994. *Power in movement*. Cambridge, England: Cambridge University Press.
- Taylor, V., & Van Dyke, N. 2004. “Get up, stand up”: Tactical repertoires of social movements. In D. Snow, S. Soul, & H. Kriese (Eds.), *The Blackwell Companion to Social Movements* (pp. 262–293). Malden, MA: Blackwell Publishing Ltd.
- Thompson, E. P. 1966. *The Making of the English Working Class*. New York: Vintage Books.
- Tilly, C. 2006. *Regimes and repertoires*. Chicago: University of Chicago Press.
- Tong, J. W. 2009. *Revenge of the Forbidden City: The suppression of the Falungong in China*. New York: Oxford University Press, Inc.
- Tong, Y.Q., & Lei, S.H. 2010. Large-scale mass incidents and government responses in China. *International Journal of China Studies*, 1(2), 487-508.
- Tocqueville, A.D. 2002[1889]. *Democracy in America*. Washington DC: Regnery Publishing, Inc.
- Tsutsui, K., & Shin, H.J. 2008. Global norms, local activism, and social movement outcomes: Global human rights and resident Koreans in Japan. *Social Problems*, 55(3), 391–418.
- Vanhala, L. 2012. Legal opportunity structures and the paradox of legal mobilization by the environmental movement in the UK. *Law and Society Review*, 46(3), 523-556.
- van Rooij, B. 2012. People’s regulation: Citizens and implementation of law in China. *Columbia Journal of Asian Law*, 25(2), 116-179.
- Wallace, J. 2014. *Cities and stability: Urbanization, redistribution, and regime survival in China*. New York: Oxford University Press.
- Walton, J. 1984. *Reluctant rebels: Comparative studies of revolution and underdevelopment*. New York: Columbia University Press.

- Wang, D. J., & Soule, S.A. 2012. Social movement organizational collaboration: Networks of learning and the diffusion of protest tactics, 1960–1995. *American Journal of Sociology*, 117 (6), 1674–1722.
- Wang, H.Y., Appelbaum, R.P., Degiuli, F., and Lichtenstein, N. 2009. China's new labour contract Law: Is China moving toward increased power for workers? *Third World Quarterly*, 30 (3), 485–501.
- Wang, T.Y., & Estlund, E. n.d. Is there a 'Right to Strike' in China? A view from the courts and from overseas. (Working paper.)
- Wang, Y., & Minzner, C. 2015. The rise of the Chinese security state. *The China Quarterly*, 222, 339–359.
- Wang, Y.H. 2015. *Tying the autocrat's hands: The rise of the rule of law in China*. New York: Cambridge University Press.
- Wank, D. 2002. Business-state clientelism in China: Decline or evolution? In Gold, T., Guthrie, D., and Wank, D.(Eds), *Social connections in China: Institutions, culture, and the changing nature of guanxi*. (pp. 97-116.) New York: Cambridge University Press.
- WantChinaTimes*. 2014. [Company] warns Shenzhen workers as Lenovo transfer strike continues. March 11. Retrieved from <http://www.wantchinatimes.com/news-subclass-cnt.aspx?id=20140311000117&cid=1206>.
- Weiss, R. 1994. *Learning from Strangers: The art and method of qualitative interview studies*. New York: The Free Press.
- Whiting, S.H. 2000. *Power and wealth in rural China: The political economy of institutional change*. New York: Cambridge University Press.

- Wisler, D., & Giugni, M.G. 1996. "Social movements and institutional selectivity. *Sociological Perspectives*, 39, 85–109
- Wright, T. 2010. *Accepting authoritarianism: State-society relations in China's reform era*. Stanford, CA: Stanford University Press.
- 2001. *The perils of protest: State repression and student activism in China and Taiwan*. Honolulu: University of Hawaii Press.
- Wu, F., & Chan, K-m. 2012. Graduated control and beyond: The evolving government-NGO relations. *China Perspectives*. 3, 9–17.
- Zald, M., & McCarthy, J.D. 2002. The resource mobilization research program: Progress, challenge, and transformation. In Berger, J. & Zelditch, M (Eds), *New directions in contemporary sociological theory*. (pp 147-171). Lanham, MD: Rowman & Littlefield Publishers.
- Zhang, K. H. 2013. Why does so much FDI from Hong Kong and Taiwan go to mainland China? *China Economic Review*, 16 (3), 293-307.
- Zhang, Y.J. 2013. 诺基亚东莞工厂震荡:功能机衰落殃及人力成本. 每日经济新闻 *Daily Economic News* (2013 Nov 26)
- Zhao, Y. 2009. China's new labor dispute resolution law: A catalyst for the establishment of a harmonious labor relationship? *Comparative Labor Law & Policy Journal*, 30 (2), 409-430.
- Zheng, Y.L. 2009. It's not what's on paper, but what's in practice: China's new labor contract law and the enforcement problem. *Washington University global studies law review*, 8, 595-617.

