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*Alien Nationals:
Chinese Migrant Workers under Differential Citizenship*

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I. Death of a Migrant Worker

In March 2003, a young man with a college degree from inland China, who worked at Guangzhou, was detained and tortured to death by the agents of local authorities in charge of the homeless and vagabonds. The victim, Sun Zhigang, was “hunted” on the street of Guangzhou by the personnel of a local “detention and deportation station” on the charge of without carrying ID card and temporary residence permit. The local agents asserted that they were carrying out the state-sanctioned “*Rules for Detention and Deportation of Vagrants and Beggars in the Urban Area.*”¹ The incident was covered up by the local government before it was revealed by the Southern Urban Daily (*Nanfang Dushi Bao*) a month later. Many other news media rushed to followed up the story, and the heated discussions on the internet accelerated the spread of the news. The disclosure of the tragic event outraged the nation and sent a series of shock wave to the central government immediately. Amid the protests, three brave private lawyers even turned in an appeal to the People’s Congress in request of reviewing the rules’ constitutionality.² Within a few months, the notorious *Rules* was annulled by the State Council and substituted by a less severe “relief system.” Consequently, the detention and deportation stations across the country were replaced with shelter-style relief houses on a “voluntary principle.”³

The death of Sun Zhigang and the center’s swift move pointed to a poignant fact that the discrimination against and mistreatment of the migrants in the cities have reached a nearly explosive point. The Sun Zhigang incident reminds us that migrant people, mostly from rural area, are not real citizens of the place where they are employed. Instead, they have lived in the cities as “pariahs” or at best, second-class citizens, during the post-Mao, open-door globalization era. The strict household registration system (*hukou*) was a keystone of the Maoist social control and it has continued to be a fundamental institutional pillar of the political system in China. Interlocking of *hukou* and citizen rights have created tremendous problems for the country. The migrants’ civil rights at the minimum level, including right of movement (or migration) and residence, the right to free choice of employment, due process of law, etc., are seriously infringed. Besides, their socio-economic right to enjoying equal treatment in welfare benefits are also truncated at their sojourn locales.

¹ This decree was put into effect by the State Council in 1982.

² Teng, 2003.

³ “Rules for Relief and Management of Vagrants and Beggars in the Urban Area,” put into effect in August 2003.

Although the problems had been widely reported since the early 1990s, the state is not able to solve the problems until present day. The truth is that the Chinese citizens are not treated equally by the state despite the fact that the constitution guarantees equal and universal protection of all citizens. In practice, however, the citizens are grouped into differentiated categories according to their birth place, household registration and employment status. This pattern of segmented and differentiated allocation of citizens' rights and entitlements will be called *differential citizenship* in this research. I will define the term later.

Managing internal migration has always been an awkward issue for the developing nations. In socialist countries, the situation for migrants and would-be migrants are more unbearable because the states tend to be resourceful in population control. The Chinese system of household registration runs parallel to the “*propiska*” (residence permit system) in Soviet Union. The *propiska*, together with an “internal passport,” is used to control the flow of migrants into central cities. The purpose of the “managed migration” — embodying a system of differential resource allocation — has been similar to what Solinger has found in China, to shore up the “urban public goods regime” by way of the *hukou* system.⁴ From a comparative perspective, the Chinese *hukou*, is even harsher than the *propiska*.⁵ The *hukou* system is at the core of the Chinese citizenship rights allocation, without which the state would not have been able to curb rural-to-urban migration, to maintain the urban unit (*danwei*) system, to extract surplus from the agriculture (especially during the high Maoist period), and to execute severe birth control among other things.

The post-socialist market transitions bear weight of institutional legacies. The *propiska* has continued to play an important role in regulating migration. In Russia and several successor states of the Soviet Union, the *propiska* has been declared unconstitutional, but in practice, it is never outlawed. The freedom of migration is seriously infringed by officials who utilizes the *propiska* to prevent the influx of asylum seekers and ethnic conflict while making personal fortunes by collecting “economic rents” through regulation. Naturally, it has caused racial discrimination, bribery, extortion, illegal detention and state violence.⁶ Likewise, China's *hukou* system has persisted and evolved into an even more complicated matrix of

⁴ See Solinger's influential book, *Contesting Citizenship in Urban China* (1999a). For a succinct discussion of the *propiska* and its comparison with the case of China, see Solinger (1999a: 33-34).

⁵ Cf. Buckley, 1995.

⁶ For reports and studies on the *propiska* regime's persistence, see Brazier (2006), Buckley (1995), Human Rights Watch (1998), Woronowycz (2001), Schaible (2001); WLSP (2005).

governance during the market transition years. In short, the migration issue is generic to post-socialist transitional nations, and there is a strikingly similar pattern of institutional evolution — institutional isomorphism. China’s problems, arguably, are the most serious and tenacious.

The evolution of the *Rules for Detention and Deportation* is a good example in point. When the decree was put into effect in 1982, its original purpose was to relieve urban homeless citizens in order to maintain a façade of clean, modern cities. However, as the emerging prosperous and flashy cities attracted huge “floating population” from the countryside, the “peasant workers” brought impact upon the limited provision of urban public goods and resulted in new urban problems.⁷ Thus the *Rules for Detention and Deportation* was utilized to restrict the newcomers by the city authorities. In 1991, the Rules was extended to the floating population. Migrants in the cities without ID cards, temporary residence permits or work permits are constantly at risk of being arrested, detained, and deported back to their home country. In return for release, many detainees are forced to pay a variety of “fees” (actually, ransoms), which local officials take to fill their “little coffers.”⁸ The migrants thus become victims of officials’ rent-seeking behavior and arbitrary state violence.

The central government is not unaware of the problems caused by the *hukou* system. Apparently, the center took the momentum of Sun Zhigang incident to remove the *Rules for Detention and Deportation*. As a matter of fact, various reform proposals have been experimented by the central authorities since the 1990s. The state adopted measures in loosening the rural-to-urban and transprovincial population flows and partially recognized peasant workers as a special form of workers who ought to be subject to the state’s regulation and protection as the “workers proper” employed in urban units.⁹ Ironically, “orderly floating,” a catch phrase for the government since the late 1990s, coincided with soaring social contradictions, precipitated by the rural-urban divide, the keystone of China’s dualistic governance and “emblem of citizenship.”¹⁰

⁷ See Solinger (1999a).

⁸ The extrabudgetary fees include “live expenses in the detention station,” “deportation fees,” and “fees for increasing urban accommodation,” etc. It is strikingly similar in post-Soviet Union states as reported by Human Rights Watch: “The residency permit system and its enforcement provides a rich opportunity for police corruption and bribery” (1998: [page]).

⁹ This is according to the “Labor Law” enacted in 1994. For another instance, the Ministry of Labor promulgated “Temporary Regulations for the Management of Transprovincial Movement of Rural Laborers” in the same year. See Tan (2004: [page]).

¹⁰ Solinger (1999a: 3); Lei (2001).

It is extremely difficult and politically dangerous for the center to change the household registration system in a fundamental way, for the *hukou* system is interlocked with other institutional devices that make up the differential citizenship. Moreover, the localities are often keen at outwardly obeying the center's orders while secretly ignoring them if the orders run against their interests. Given the financial constraints, it is expected that the large cities would support the existing urban-rural dualism. An unwelcome policy always risks passive resistance by local officials in implementation.

Even a minor change of policy could invite noisy defiance. There were complaints by local officials that “the abolishment of the *Rules for Detention and Deportation* was inimical to public security.” The director of civil affairs in Guangdong Province criticized that:

The relief house should be opened up; iron doors and windows be torn down. No traces of police detention stations or even prisons should be left. The internal management mechanism should be overhauled. The original branches of detention, discipline, and deportation that were modeled after the detention house should be brought down, in order to establish a real social relief system... But until this very moment, there are some people thinking that it is a hasty move to transform the measure of detention and deportation into that of relief; and that it is necessary to link public security up with detention and deportation. The mentality must be changed.... The new rules should have been pushed on much earlier. The new policy is human-centered and is designed to protect citizens' personal freedom.”¹¹

The criticism above clearly shows difficulties involved in reforming the floating population governance. It is not easy to change the mentality and inertia of the bureaucracy who have long relied on the *hukou*-centered control measures. Nevertheless, in the wake of Sun Zhigang's death, there have been repeated reports about imminent restructuring of the *hukou* system. Most recently, the *New York Times* reported on that “China to Drop Urbanite-Peasant Legal Differences.”¹² Actually, the story underneath, not as surprising as the caption might have suggested, was merely about eleven provinces experimenting new measures in granting township and small city *hukou*. Similar reports about fundamental change of *hukou* system have appeared repeatedly every several years, but all of them have proved to be “rumors” or

¹¹ Quoted from The Southern Urban Daily, June 25, 2003.

¹² Reported by Joseph Kahn on the *New York Times*, November 3, 2005.

“mistaken reports.”¹³

Indeed, it is premature to talk about the dismantling of the urban-rural divide, given the current conditions. Nonetheless, in fact, the central government has pushed forward several reform measures, intended to *ameliorate* the situation and status of peasant migrants in the cities since the late 1990s. When local authorities implement the central policies, they always know how to manipulate the policies to their own benefit. They may passively resist center’s policies or actively accommodate them in order to create opportunities for themselves. As a result, is the gap between various citizen groups in terms of rights and treatments widening or narrowing? This leads to a major theoretical concern of this paper: Will the current mode of differential citizenship continues to exist and even entrench itself deeper into the state-market institutional matrix? Or on the contrary, the differential citizenship is merely a short-term phenomenon under transition economy?

Dorothy Solinger has observed: “(C)itizenship does not come easily to those outside the political community whose arrival coincides with deepening and unaccustomed marketization.” “(C)apitalism, rather than promoting citizenship, may be antagonistic and detrimental to it, especially when it appears on the heels of a system of governmentally granted benefits.”¹⁴ The observation at the turn of the century remains keen today. This research tries to explore new clues in China’s development of citizenship on Solinger’s empirical findings and inspiring theoretical statements.

In the following sections, I will define the concept of differential citizenship and provide a mapping of differentiated citizen groups based on the concept. Then I will analyze the citizen rights practices in China by comparing the migrant groups to other groups, notably the urban and/or native *hukou* holders. In doing so, I will borrow a few concepts from the studies on international migration and apply to the case of domestic migration. Several tactics used by migrants to protect themselves will be analyzed in order. This serves as a micro foundation for the interpretation of macro, historical trend. The conclusion, which begins with a revisit of T.H. Marshall’s classical thesis of the progression and limits to citizenship universalism, will consider several theoretical implications. First, there is no clear evidence of “*devaluation of citizenship*” in China even though a new group of “*denizens*” are emerging out of the recent *hukou* system readjustments.¹⁵ Secondly, China has not

¹³ For another example, the *Wall Street Journal* reported in 1994 that the central government would soon tear down the two-tier *hukou* system (Zhang, 2001: 219).

¹⁴ Solinger (1999a: 1; 278).

¹⁵ For the concept of “*devaluation of citizenship*,” see Schuck (1999) and Brubaker (1989).

merely experienced a “non-linear” development of citizenship rights, but also a non-Marshallian path of change, in which the *differentiating principle* serves as a driving force in lieu of the *universalizing principle* widely recognized in the context of typical market capitalist societies. Finally, China’s trajectory of citizenship transformation should be better construed as a pattern of *post-Speenhamland transition under current waves of globalization*. Pressures under globalization have further forged hierarchies of citizenship rights in China.

II. Differential Citizenship in Action

The interlocking of *hukou* with the granting of citizen rights is the most conspicuous element when we observe the peculiar Chinese system of citizenship. There are several historical-structural factors that have made up the *hukou* system. First of all, the *urban-rural dualism* was created in the 1950s when China launched its first 5-year plan modeled on the Soviet Union. The dual governance of population helped the government to control rural-to-urban migration and to extract agrarian surplus from rural area by locking the peasants on their soil. The *hukou* system was further utilized since the 1970s to implement a policy of severe birth control. Secondly, the Chinese polity is notorious for its gargantuan and fragmented structure, which has created complicated central-local relationships.¹⁶ Largely because of this structure, the center has to rely on the local governments at various levels to implement its policies. In the domain of population control, a “principle of territorial jurisdiction” (*shudi guanli*) — governance of the floating population based on one’s *hukou* — is widely applied across the country.¹⁷ This principle reinforcing with widespread local protectionism helps to exclude non-natives from the urban public goods regime, primarily covering the native urbanites.

The interweaving of *hukou* and citizenship has paved the ground for *differential citizenship*, a vehicle for inclusion and exclusion, defined as follows:

Citizens within a polity are organized into a hierarchy of groups on the principle of differentiation of status and rights, so as to effect inequality in economic gains, welfare benefits and political rights among a rank of citizen groups, sanctioned by the state, central and

For the concept of “*denizens*”, see Hammar (1989). Both terms in the application to China will be elaborated below.

¹⁶ Scholars have called it “Chinese style of federalism” (Montinola, Qian, and Weingast, 1995) or “fragmented authoritarianism” (Lieberthal, 2003) among others.

¹⁷ Cf. Zhou (2003); Tan (2004).

local.

The institutions and practices generated by differential citizenship embody a weird marriage of *modernity* and *traditionalism*, an expression of China's "communist neotraditionalism," following Andrew Walder's famous phrase.¹⁸

More than half a century ago, the Chinese social anthropologist Fei Xiaotong coined the term *chaxu geju* (differential mode of association) to interpret social relationships in traditional China.¹⁹ The concept of differential citizenship is relevant to Fei's articulation in two ways. First, traditional China lacked a system of citizenship granting universal and equal rights for all national members as in a typical, modern western society. Second, traditionally, a social relationship is defined by the distance to, and affiliations with, one's family line and relatives. A consequence of this mode of association is the ambiguity of one's rights and obligations. However, my concept differs from Fei's on one critical point. As differential mode of association refers to the "traditional, peasant society," as a contrast to the "western society," it suggests certain "pre-modern" and "pre-capitalist" social conditions, though not necessarily with a pejorative connotation.²⁰ My concept is indeed influenced by Fei's interpretation of Chinese culture. However, differential citizenship also points to the policy outcomes of the State that has adopted a special project of "modernization" to push rapid industrialization.²¹ Here, I place emphasis on the fact that the Communist ruling apparatuses, as a modern state, have played a pivotal role in creating institutional inequality with its ever-increasing infrastructural power.²² A "status" or "right" ascribed to an individual citizen or a social group is superimposed by the State as well as being generated from the native social rules. In short, there is a double forces pressing on the underprivileged persons and groups. Therefore, the concept does not imply spontaneous and indigenous social order, as

¹⁸ Walder (1986).

¹⁹ For the concept of *chaxu geju*, see Fei (1991). I took the translation from Gary Hamilton and Wang Zheng (1992: 19-20). This translation is paired with another term of Fei's, i.e., *tuanti geju* (organizational mode of association), which is regarded as the organizing principle of western societies.

²⁰ See Sachs, Woo, and Yang's interpretation of my earlier work: the Chinese way of industrial development has carried a style of feudal institutional legacies.

²¹ For example, the urban-rural divide and industrial-agricultural dualism helped the State to extract surplus for industrialization and to control the society. See Selden and Ka (1986) among others.

²² For the concept of infrastructural power, see Mann (1984). See also Solinger for the "statist choices" aiming at controlling population movement (1999b: 464-65).

suggested in the notion of “association” by Fei’s *chaxu geju* and his English translators.

Furthermore, proponents of multiculturalism use the term “differentiated citizenship” to describe desirable, special treatments offered to disadvantaged citizen groups (Kymlicka, and Norman, 2000). My usage of “differential citizenship,” in contrast, connotes a critical meaning, with an eye to its discriminating mechanism both inherent in the social system and imposed by the state. Thus, this definition is consistent with what Marshall has observed long ago: “Status was not eliminated from the social system. *Differential* status, associated with class, function, and family, was replaced by the single uniform status of citizenship, which provided the foundation of equality on which the structure of inequality could be built.”²³ In today’s China, by contrast, the class inequality is building on a non-single, uniform status of citizenship, unlike the western experiences since the 19th century.

A significant outcome of the differential citizenship is a multi-layered exploitation mechanism in which the migrant peasant workers are situated at the bottom of power structure. *Diagram 1* illustrates that the patterns of inequality generated by differential citizenship are working at three levels, taking a typical South China “factory-village” for example.²⁴ The first level (A) is the distinction of urban-rural residency through the *hukou* system, which rigorously regulated the rural-to-urban migration and household registration and thus severely restricted peasants’ freedom to migrate and work in the cities. The second level (B) is the stratification within the rural village. The State granted power to rural cadres for the management of collective assets, and the power was—as a rule—grasped by the lineage elders or strong families in the villages, particularly in South China. The third layer of status differentiation (C) is embodied in the extremely unequal distribution of benefits between native and non-native residents. This asymmetry is caused essentially by the very notion of “collective ownership,”²⁵ a rural counterpart to the

²³ Marshall (1994: 20). Emphasis added.

²⁴ The analysis in the following paragraphs develops from the author’s earlier work on Shewei Village in Guangdong (Wu, 2000). The village had a native population of 1860, composing 495 households, while hosting more than 20,000 migrants working and living in 115 foreign-invested factories, as of the end of 1993. The demographic structure remains similar until the present day.

²⁵ According to the laws, the collective assets belonged to villagers as a whole, and non-villagers were naturally excluded from the collective benefits. “The land of rural and suburban area... belongs to the collective; the land used for housing and individual farming... also belongs to the collective,” according to “The Constitution of the People’s Republic of China,” Article 10, Item 2. In addition, “Collectively-owned land... should be managed and

urban public goods provision regime. The outsiders without local *hukou* are noncitizens of the village; therefore they are not entitled to enjoy the benefits provided to the natives.

Diagram 1: Differential citizenship and hierarchies of status in China's factory-village

		<i>Relative positions of deprivation and disadvantages</i>		
		(A) <i>Cities vis-à-vis countryside</i>	(B) <i>Cadres vis-à-vis non-cadres</i>	(C) <i>Natives vis-à-vis non-natives</i>
<i>Stratification</i>	Cadres and lineage elders	✓		
	Native villagers	✓	✓	
	Migrant peasant workers	✓	✓	✓

* Adapted from Wu (2000).

Hence, three socioeconomic strata based on the above patterns of differential status can be identified. The first group includes cadres and lineage elders. Sitting at the top of the power hierarchy in the village, this group is disadvantaged only in comparison to the urban state sector. This group enjoys political and economic superiority by manipulating the village collective properties. Consequently, a large number of “peasant entrepreneurs” have emerged due to their advantageous power position.

A second stratum is composed of the non-cadre native villagers. In most instances, they are the nominal “shareholders” of the collective ownership, entitled to receive collective benefits, but lack the power to gain any control over the collective enterprises. Most villagers have turned themselves into “small landowners” or left the soil to work as self-employed workers.

The migrant peasant workers (*nongmingong*, or *mingong*) occupied the lowest position in the village. *Mingong* literally means “private worker,” in contrast to the urban *state*-employed worker. Legally, they have to apply for a permit of “temporary residence” from the public security bureau in order to get hired. The application for

regulated by collective agricultural organizations such as the village producer’s cooperatives or villagers committee” (“The Land Administration Law of the PRC,” Article 8). This sets up for a system of rural ownership based on the superiority of the administrative village. Apart from this, according to “The Township and Village Enterprises Law,” Article 10: “the property rights of the rural enterprises belong to the entire laborers of the rural community.” The legal, institutional device of the collective ownership stands for what Franz Schurmann has said the organizational basis of the official ideology of the Chinese socialism (1966).

the permit is usually processed through the factories that hire them. In fact, many of the workers are not registered with the local authorities and become “ghost population,” partly because the factories intend to save a variety of “head taxes,” including insurances expenses, with the cognizance of the officials.²⁶ Ironically, the invention of the *mingong* category itself represents an extreme form of “one nation, multiple systems” in the Chinese labor regime. The migrants, as noncitizens without local *hukou*, are not eligible to share the village collective welfare; their citizen rights are fragmented and truncated, being deprived of many rights in each of the three layers of the status differentiation; and they are physically bound within the factory-village by the *hukou* system and the public security apparatus, working long hours with low wages under inferior working and living conditions.²⁷

The migrants thus constitute a third category of subjects ruled by the state.²⁸ They are caught in a “liminal” state: being neither rural nor urban. Moreover, they are neither peasants nor workers,” but “peasant workers.” The migrants are citizens (*gongmin*) of the PRC only when they bind themselves in their native places. Once they step out of their mother towns, they are transformed into “aliens,” or more accurately, “alien nationals.”

It should be noted that all of the above three groups belong to the official label of “peasant” in terms of *hukou* system. All of the inequalities generated by the hierarchy of village citizenship and noncitizenship — discrimination, domination and exploitation — occur within the identical category. The cadre peasants dominate the non-cadre villagers; and the native peasants discriminate against guest peasant workers. Therefore, the *differentiating principle of citizenship*, which has evolved along with the advent of market economy, applies not only to the well-known rural-urban divide, but also to the ruralites themselves. There is a drive of internal differentiation for status hierarchy. The *universalizing principle of citizenship*, which is a touchstone of Marshallian historical approach, by contrast, has appeared to be rather weak in China.

Diagram 2 below points to the practices of differential citizenship in the urban context. In lieu of usual dichotomy of urban citizen/noncitizen, I propose a spectrum ranging from citizen to “ghost worker,” to catch the significant nuances between the different statuses. The wide range of noncitizens points to the fact that there is

²⁶ For the negotiable “head tax” and its institutional basis and behavioral consequences, see Wu (1997).

²⁷ See also Chan (2001).

²⁸ Solinger (1999a: 4); Wu (2000); Zhang (2001: 23); Chen (2005).

complicated class stratification within the generalized, uniform reference to migrants or floating population; and that it is a long, bumpy road for a migrant to achieve the urban citizenship.

Diagram 2: Between Citizen and Ghostworker in China's Cities

<i>Citizen</i>	←	<i>Denizen</i>	←	<i>Legal transient</i>	↔	<i>Ghost worker</i>
Full membership		Partial membership		Limited membership		No membership
Native <i>hukou</i> holders, “naturalized” migrants		(a) Non-natives temporarily employed in state units; (b) blue-stamp <i>hukou</i> (<i>lanyin</i> 藍印戶口); (c) residence permit holders (<i>juzhuzheng</i> 居住證)		Registered temporary residents (a) working in enclave-like factories; (b) the self-employed living in slums or ghettos; (c) “vagrants and beggars”		“Illegal,” unregistered, or falsely-registered migrants

Urban Citizens

The above analytical framework shows how the differentiating principle operates within an urban *hukou* regime. Only a small select group can obtain urban citizenship. These include those immigrants who *officially* get employed in the urban state units and whose *hukous* are allowed to be transferred to the host city; people whose parents were sent down from the city to the countryside during the Cultural Revolution and now reclaim their urban membership as “returnees”; and people with high skills or special talents who are eligible to be “naturalized” as full members. This select group along with the native residents constitute the core in the urban *hukou* regime.

Urban Denizens

A second group are primarily composed of (a) non-native urban unit employees on temporary base, (b) blue-stamp *hukou* residents and (c) residence permit holders, who make up a second tier of membership. I call them denizens with partial membership in the urban regime. In general, there have been three channels in obtaining the status, as specified above. The significance of the temporary state sector employees, however, has been waning with the retreat of the unit system. The blue stamp system was a product of Jiang Zhemin era, during which an expansionary financial policy was implemented along with the booming real estate market, which in turn encouraged well-to-do migrants to buy “commercial houses” in the cities; and the government

awarded them a special *hukou* status called *lanyin* (blue stamp). A blue-stamp resident can apply for *luohu* (becoming permanent resident, or “naturalization”) after a period of residency.²⁹ The system sounds pretty much like the “commercial immigration” in countries such as Canada. But it should be noted that the blue-stamp *hukou* is effective only within the locality where it is issued. In this way, the freedom of migration a blue-stamp holder actually enjoys is highly limited.³⁰ In Shanghai, 42 thousand persons obtained the blue stamp during the period of 1994-2001, among whom 88% acquired the status through real estate market.³¹ The blue stamp system was called off by the central government since the early 2000s as the real estate bubbles burst on a national scale and on the account that it has caused negative outcomes. Nevertheless, those who had already acquired the blue stamp *hukou* can retain their status as such.³²

A new residence permit system (*juzhuzheng*) was put into effect in the early 2000s, intended to replace the blue-stamp system. This new policy has been implemented to varying degrees at the local government, dependent on a locality’s population control target and capacity in public goods provision. Overall, the new system has refocused the granting of urban *hukou* from attracting economic capital to bringing in human capital. In this sense, the obtainment of a denizenship has become more difficult, for a person as being a *nouveau riche* is not sufficient to buy a *hukou* in the central cities, as allowed by the blue-stamp system. Take Shanghai for example. The city launched a new residence permit policy to facilitate a “soft flow of talented people” in 2002. Eligible applicants were redefined as “persons with college diploma

²⁹ One of the earliest national policy announcements about the blue stamp can be found in “Notice regarding implementing city and township residents *hukou* effective within the local jurisdiction,” issued by the Ministry of Public Security in 1992. See Cao (2001).

Municipal cities such as Shanghai promulgated “Shanghai Municipality temporary provisions for the management of blue stamp *hukou*” in February 1994. These provisions were modified in 1998 to further encourage investment-type migration and stimulate the real estate market.

³⁰ Cf. Cao (2001).

³¹ Yao (2002).

³² For example, Shanghai Municipal Government ceased to admit the blue-stamp *hukou* in April 2002 for the reason that “the existing preconditions and number of applicants for the blue stamp do not correspond with the total amount control target of the permanent residents, and thus have caused a series of negative effects on the city’s economic and social development” (“Shanghai ceases to admit blue-stamp *hukou*,” issued by Shanghai Public Security Bureau, 2004 March. <http://www.china110.com>. Browsed March 31, 2006). Wuhan launched the blue stamp system in 1997; and canceled and replaced it with a policy of “buy commercial house and immediately obtain permanent residency *hukou*” in 2003.

(http://www.71168.cn/News/News_View.asp?pageNo=2&TbName=News&RootID=0&OsID=56&Cmd=. Browsed March 31, 2006)

or higher education, or persons with special talents.”³³ According to one Shanghai scholar, approximately 50 thousands had the status of residence permit as of September 2004.³⁴ The new system also came with a retrenchment of quota for naturalization. There were only 24 thousand persons newly approved as permanent *hukou* (citizens proper) in Shanghai in 2004; the quota was further reduced to 12 thousands in 2005, among which 2,000 were reserved for the returnees whose parents were the former sent-down intellectuals.³⁵ There are more than 30 thousand college graduates in Shanghai, and since 1996 the government has no longer assigned urban employment positions for them. Thus one can imagine how seriously the graduates have been competing with one another for Shanghai urban citizenship.

I adopt from international migration theories the term *denizen* — an extrapolitical member of the community enjoying wide-range rights in social and economic sphere. In the original context, what distinguishes denizens from citizens is that the former do not or cannot participate in the community’s political life as the latter; there is not significant difference in the domain of civil and social rights.³⁶ However, China is far from a mature market democracy, the urban citizens can not participate in direct elections beyond the neighborhood level. Certainly, the newcomers as denizens are not granted the franchise even at the grassroots level. Another line separating the denizens from the citizens is to what extent the new immigrants can enjoy socioeconomic rights in terms of the urban public goods. As a rule, the coverage of social security and welfare benefits for denizens are not as comprehensive as the citizens.

Indeed, compared with the status of temporary workers, the denizens are privileged noncitizens, but there is an ubiquitous problem of policy uncertainty in China that has made the status of denizens vulnerable and not as desirable as their counterparts in Continental Europe and North America. For one, the once celebrated blue-stamp system was terminated at short notice by the center in 2002. On top of it, the newcomers may not have faith in new policy of residence permit. A skeptic pointed out:

³³ “Temporary provisions for ‘Shanghai Municipality residence permit system’ for introducing talented persons” 2002; and “Temporary provisions for Shanghai Municipality residence permit system,” 2004.

³⁴ Chen (2005: 126).

³⁵ Data from field interviews in 2005.

³⁶ According to Brubaker, in the European context, legal immigrants — denizens — as such are not inclined to obtain citizenship, since they are almost fully covered by the welfare programs offered to the citizens, except in the “political sphere” (voting rights) and getting jobs in public service (Brubaker, 1989). See also Hammer (1989) and Joppke (1989).

Even you find a decent job in Shanghai and get the residence permit, you are still subject to review regularly, say every three to five years. And it is very likely that when the applicant gets old, the government would not approve the renewal and force him to return to hometown. Moreover, there's no compulsory provisions for medical insurance to them. The decision for medical insurance is then left to the employer... The policy is similar in Shenzhen, but more loosely implemented. All of the problems are caused by local protectionism.³⁷

For another, it is often more difficult for a resident permit holder to obtain the status of permanent residence, that is urban citizenship, than a blue-stamp holder, at least in the central cities. In fact, concrete rules for a resident permit holder to apply for naturalization into a Shanghai citizen wait to be “studied and established” thus far.³⁸

Based on above findings, we can argue that the Chinese urban denizens are at best partial members of the urban regime. Their status as privileged noncitizens are fluid, frail and vulnerable. They have strong motivation to seek formal citizenship, however difficult, because the citizen status would secure their rights for living in the city once for all. Therefore, in China's local communities, we have not observed the phenomenon of “devaluation of citizenship,” as documented in Europe and North America. Urban citizenship remains a precious, highly-competitive good. In short, the denizenship is far from a stable and mature institution.

Legal Transients

If the urban denizens represent a fraction of the emerging middle class, a majority of the floating population make up the new working class — low-skilled, long working-hour, and thinly covered by social security — under the current waves of globalization. Thus, there is a gulf between the denizens and the transients in terms of class situation and living conditions. The denizens are quasi-free citizens while the transients are like *metics* for their service in the cities. *Metics* are originally referred to as “freed slaves” who worked in Greek *poleis* without rights to become citizens. These noncitizens and resident aliens were exposed to dangers because they were

³⁷ Field interviews in 2005. The residence permit is valid for one, three, or five years respectively, according to Article 4 of “Temporary provisions for Shanghai Municipality residence permit system,” 2004.

³⁸ See the most recent report by the official Shanghai Municipal Government web on March 10, 2006. <http://www.shanghai.gov.cn/shanghai/node2314/node2315/node4411/userobject21ai147403.html>. Browsed April 1, 2006.

defranchised, alienated, and racially-defined underclass.³⁹ The Chinese migrant workers have almost all of the characteristics shared by the metics, except for not being racially-defined. Nonetheless, in principle, the Chinese urbanites attain their urban citizenship on the basis of *jus sanguinis*, so this ethnocultural foundation for granting urban hukou, in conjunction with the traditional pejorative attitude toward peasants, have made “urban Chinese generally view rural Chinese as ethnically distinct.”⁴⁰

As yet, we should not see the transients as a uniform, homogenous social group. There is a fine line among them — *legality* of their status as being transient or floaters. Where and for whom the migrants work is not a good indicator to see if one is a “legal” dweller. The migrants may work at factories, invested by domestic or foreign capital, or work in the service sector, including the job of nanny, salesclerk, etc., or work in the construction sites. They may employ themselves, running small shops or restaurants. Similarly, where they find shelter is neither a good indicator. For simplicity, we have found in the field that there are two major types of spatial gathering of the migrants: (a) enclave-like factory dormitories or intensely-populated factory-village (as the one exemplified above) and (b) urban slums or ghettos, such as “*Zhejiangcun* in Beijing” or *Mingong dayuan* (migrants slums) ubiquitous in the cities, if not taking into account of the homeless “vagrants and beggars.”⁴¹ Legal and illegal residents may work and live in the same space, be it a village, a ghetto, a factory, or a construction site. For instance, I found that there were 1,700 workers employed in a Guangdong foreign-invested factory during the mid-1990s. However, the factory only registered 1,100 migrant workers with the local public security bureau for temporary residence cards. The motive for the factory to disguise information was that there existed an ample space for discounts on “head taxes” (a variety of fees and extra-budgetary charges according to the number of employees).⁴² The misinformation may be motivated by collusion between capital and local authorities or by unilateral calculation. In whatever case, this practice has continued to be widespread, based on my field interviews in East and South China over the last years.

Given the above findings, a convenient line to draw between the legal and illegal can be whether a migrant has registered with the host government for a *temporary residence status* and have gone through related paperwork. A legal status of temporary residence appeared to be inconsequential during the early years

³⁹ Kymlicka and Norman (2000:).

⁴⁰ Solinger (1999b: 456).

⁴¹ Cf Zhang (2001) for the case of *Zhejiangcun*.

⁴² Wu (1997).

immediately following the open-door policy, but it has been looming significant since the late 1990s when the center began to launch a series of policies intending to improve the working and living conditions for the migrants. A legal status is no longer trivial because now the temporary residence card becomes necessary for a certain, however limited, benefits and entitlements accrued to the legal status. The new social insurances system cover the migrants with items of retirement pension, unemployment, medical care, birth, injury, etc., and the premiums are shared by both the employer (29.5% of “baseline wage”) and the employee (10% of “baseline wage”).⁴³

Moreover, the right of migration is better protected with the temporary residence status, at least from the migrant’s psychological perspective, although there have been soaring complaints about the expensive fees charged to the status. Since the early 2000s, especially following the Sun Zhigang Incident, the center has more seriously cracked down the official rent-seeking behavior that has taken advantage of approving and issuing the temporary residence cards.⁴⁴ As early as 1999, Guangdong Provincial People’s Congress had passed an act that allows a legal migrant to apply for local permanent *hukou* after a period of 7 consecutive years of temporary residence.⁴⁵ Surprisingly, this apparently liberal provision had not yet invited any single applicant, given that Guangdong was attracting a huge army of floating population. According to a local scholar, it is because “no migrant is aware of the existence of the law.”⁴⁶ An accurate explanation should be that the red tape for such a permanent status seeker has been too cumbersome to go through and its fees too much to afford.

Compulsory education for the children of migrants is another domain under reform. China’s urban public education systems have been notorious for their discrimination against the “floating children.” It was almost impossible for them to enter public schools in the 1990s. The floating children had to enroll in the low-quality and poorly-equipped private schools. During that period, the center had experimented with a certain methods to encourage enrollment in the public systems but in vain. In 2003, the State Council sent down an “Opinion” on migrant children’s

⁴³ For the computing method of baseline wage, see Table 4 below.

⁴⁴ In October of 2001, State Planning Council and Ministry of Finance had sent down document in curbing the corruptive and rent-seeking behavior through issuing various certificates. In March of 2005, Ministry of Labor and Social Security further abolished several outdated rules and provisions about controlling the free flow of migrants.

⁴⁵ Article 17 of “Management of Floating Population Statue in Guangdong Province.”

⁴⁶ Zhou (2002).

education, jointly issued by six central ministries, to the local governments. This document required that the host government should take responsibility of the migrant children's compulsory education; that equal treatment should apply to all students including the migrant children; and that the host governments should bear the brunt of budgets.⁴⁷ In several respects, this new policy was unprecedented in trying to secure education right for migrants. Local governments have hence acted with corresponding documents and institutions. Most importantly, now the local public schools are not allowed to charge extra fees on the migrants.

In practice, migrants are still reluctant to send their children into the public schools for two major concerns. First, prejudices of the teachers and local children and their parents have daunted the migrants. Secondly, there are difficulties in institutional connection. The migrant children must return to their *hukou* hometowns for education beyond the junior high school. They would not like to study textbooks at the guest schools that are different from those used by their hometown system. This will incur extra burden to prepare for the entrance exams for senior high school.⁴⁸

Ghost Workers

The registered transients belong to the favorable group of legal “guest workers” with limited urban membership, supposedly covered with a minimum degree of social insurance, whereas the unregistered migrants enjoy no membership at all. They *seem* invisible on the official dossiers and statistical yearbooks; unattended in the social security system; and truly mobile, fluid, and floating, alluded to by the government category of floating population. To imagine, they are like “ghosts” haunting over the skies of, and plowing beneath, China's booming cities.

An enormous amount of unregistered or falsely registered migrants are making a living in major cities. To illustrate, there were about 5 million guest workers in Shanghai at the end of 2003,⁴⁹ while there were 13.4 million permanent residents (urban citizens) during the same period.⁵⁰ In other words, 27% of the total population in the municipality were migrants. We do not know how many of the “5 million floating population” were not registered with the status of temporary residence based on the official statistics. Yet, according to one unofficial source, there were 3.6 million registered migrants, but it is estimated that there were as many as 6 million

⁴⁷ “Opinion regarding the further improvement of peasant workers' children compulsory education,” document forwarded by the State Council, October 1, 2003.

⁴⁸ Field interview in Shanghai, 2005.

⁴⁹ *Shanghai Statistical Yearbook* 2005, p. 74.

⁵⁰ *Shanghai Statistical Yearbook* 2005, p. 68.

total floating population around the same period. Thus, there existed 2.4 ghost workers.⁵¹ In Kunshan City, Jiangsu, there were 620 thousand citizens and 477 thousand registered noncitizens as of the end of 2003,⁵² that is, 43% of the total population was from outside.

In the labor-intensively industrializing region of South China, the proportion of floating population is even higher. In Dongguan City, about 75% of total population came from outside in 2005,⁵³ and fewer than half of the total migrant population (estimated as between 5-6 millions) were registered with local authorities.⁵⁴ In Shenzhen, the special economic zone, there were 1.7 million permanent residents in mid 2005,⁵⁵ and there were 4.2 million registered migrants at the end of 2004.⁵⁶ The government “actually managed a total population of 12 millions.”⁵⁷ That is to say, half of the migrants were unregistered.

The enormity of unregistered migrants proves the magnitude of ghost workers. No exaggeration in inferring that the ghosts have played a major role in China’s industrial development. One might, however, be curious about how to measure “the unregistered population,” to observe the invisible. I have no ready answer to this awkward problem, but the prevalence of “according to incomplete statistics” caveat emptor in Chinese sources hints at the fact that there are plenty of inaccurate measurements and, quite possibly, unpublished government-sponsored research.

Several points should be noted before we move forward. First, the boundary between the legal and illegal transients is not as clear-cut as that between transients in

⁵¹ Chen (2005: 126).

⁵² *Kunshan Statistical Yearbook 2004*, p. 47, 49. According to another official source, the floating population makes up 50% of total population. See Kunshan City Floating Population Office, <http://www.ks.gov.cn:82/gate/big5/www.wgb.ks.gov.cn/news/xxnr2.jsp?ItemID=790&ID=1830>. Browsed 2006/4/2.

⁵³ Computed from the following two sources: *Guangdong Statistical Yearbook 2004*, p.116, and *National Demographic Survey (1% sampling of the national population) Guangdong Province, Major Statistics Bulletin, Number 2*. http://210.72.32.6/cgi-bin/bigate.cgi/b/g/http@210.72.32.26/tjgb/rkpcgb/dfrkpcgb/t20060320_402311911.htm. Browsed 2006/4/2.

⁵⁴ Zhou (2002).

⁵⁵ http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/zhengfu/2005-08/08/content_3324664.htm. Browsed 2006/4/2.

⁵⁶ <http://sz.oeeee.com/Channel/content/2005/200505/20050514/372414.html>. Browsed 2006/4/2,

⁵⁷ Source same as note 52.

general and denizens. There is an ample space for these two categories to interface.

Secondly, the distinction between transients and denizens primarily represents a class difference, while the distinction between legal and illegal transients is more *tactical* than class-laden. Many migrants misinform their employers or local authorities on purpose. In the same vein, employers and even local officials may hide real numbers, or simply acquiesce, for economic or other motivations.⁵⁸

Thirdly, the “illegal,” unregistered, or falsely registered migrants are *the most alienated of the urban alien nationals* since they are not covered by the social security, however flimsy, and they are vulnerable to merciless exploitation and exposed to rent-seeking and abuse by officials due to their standings. *Table 1* below provides a sketch of the differential citizenship rights and treatments in a local community. I call it a *Marshallian checklist* for historical as well as cross-societal and cross-sectional comparison. In this Chinese case, the urban citizens are taken as the baseline for comparison, not because they represent the ideal citizenship but they represent the best attainable treatment offered to the urban citizens. We can easily find that the unregistered ghost workers sit at the bottoms in every aspect of citizenship rights. *Table 2* provides another sketchy comparison of the citizen and non-citizen in the sphere of birth right. It also clearly shows the underprivileged situation of the female migrants, in contrast to their urban counterparts, who are employed in a state unit.

Table 1: A Marshallian Checklist of the Differential Citizenship Rights in a Local Urban Polity in China

	Citizens	Denizens	Transients	Ghosts
<i>Civil rights</i>	Basic rights of residence and employment guaranteed	Right of residence and limited right of employment offered	Seriously deprived	None
<i>Political rights</i>	Eligible to elect grassroots level officials	None	None	None
<i>Social rights</i>	Full coverage of welfare benefits	Partial coverage of welfare benefits	Thinly covered; or provided with higher prices	None

⁵⁸ See also Solinger (1999a: 66-71).

Table 2: Differential Treatment in Birth Right for Female Citizens

	Native, urban <i>hukou</i> *	Migrant guest worker
<i>Pregnancy test</i>	Free	Fees charged
<i>Birth subsidies</i>	RMB ¥2,500	None
<i>Maternity leave and subsidies</i>	Three months; average wage granted	None
<i>Contraception</i>	Free	Payment by employer or hometown government
<i>“Extra-plan” birth (without pre-approved permit)</i>	Primarily no negative effect on parents’ <i>hukou</i> status	Forbidden to apply for the urban <i>hukou</i>
<i>Welfare benefits granted for “intra-plan” birth</i>	The mother is eligible for birth insurance; the child’s kindergarten fees reimbursable	None

* Employed in a state unit.

Dialectics of Pure Transiency

Given the above considerations, we should not overlook the Janus-faced situation surrounding the unregistered migrants. Certainly, an illegal status may expose a transient to imminent dangers, but even a person with legal status would face fatal abuse, as indicated by Sun Zhigang’s case. Moreover, illicitness is not a totalizing character for a person. Rather, any legal transient can be easily found fault with by the bureaucracies. Therefore, transiency is a situation, rather than a fixed element; and the urban aliens could take advantage of the transiency situation in an array of occasions.

First, the ghost workers, without reporting to local authorities, can hide information about themselves and thereby avoid exploitation by officials. For example, many female migrants have thus shunned pregnancy tests. Paradoxically, being an invisible prevents one from being exposed to dangers.

Secondly, they may falsely registered with the government by using fake IDs in order to enter the labor market. Traveling around China, especially in the urban corners or suburban factory-villages densely populated by migrants, one can readily observe that *ID service is everywhere!* It is unbelievably easy to “order” fake IDs, diplomas, certificates or licenses, all of which a newcomer needs in order to pass the urban gate.

Thirdly, the use of fake documents has brought about an important consequence on social security. In field interviews, we have often heard about complaints by the employers that it is the migrant workers who do not want to participate in the social insurance system. This seems not a pretense altogether. When we asked the informants about the reasons, typical answers include: “The insurances [retirement pension] can’t be taken away with me when I leave factory. If I can’t stay here for a long time, I have to go sooner or later.” The sweeping principle of territorial jurisdiction has made it difficult for the insured’s personal account to “migrate” with the migrant, especially in the case of transprovincial movement. The migrants in general do not trust in the government on account of policy uncertainty. Thus they tend to get rid of the insurances and save their portion of premiums. This is in effect welcome by the employer. Exploring deeper into the problem, we found that many of the uninsured workers used fake IDs or did not apply for temporary residence, so they were by default excluded from the umbrella of limited urban citizenship.

Therefore, a central issue here is about how migrants have entered the labor market, and with what status? This leads to another issue: the various ways migrants have participated in the labor market will bring about different impacts upon the current rural-urban divide and the *hukou* system in particular.

The statistically invisible laborers have made up a chunk of the new working class, and they are eating away the roots of the rural-urban divide. It could be called a “termite effect”!

The ghost workers appear ghostly because, unlike the registered transients, they can not be easily pinned down by state surveillance apparatus. They are “unregulated” by the government and “real free,” characterized by without a temporary residence status. In this sense, they are purely transient — invisible, unruly, and ungovernable.

We will take a look of the tactics wielded by transients before we come to the conclusion on theoretical implications.

III. Tactics of the Migrants

This section analyzes several tactics, utilized or invented by the migrants to improve their welfare or escape state surveillance. The data, gathered from field interviews in Dongguan, Shenzhen, Kunshan, and Shanghai during the period of April 2005 through March 2006, compose a sample of 29 migrant cases, with *married couple* as unit of measurement. Among the sample, 12 cases were interviewed with the presence of both of the couple, while 17 cases were represented by either one of

the couple.⁵⁹ The following stories — migrants’ everyday resistance and self-protection — are intended to serve as a micro foundation for the macro institutional picture put forward above.

Borrowed Identity

“Mr. Pai,” a 27 years of age from Northern Jiangsu with a junior high school education, has worked in a Kunshan factory for two years. Accidentally, we found that he has used the ID of another person. Pai’s real name is Chang; Chang is in fact five years older than Pai.

Motivation for Chang to report a false identification? Chang’s wife, Ali, working in the same factory, recounted: “He lost his ID just when he was about to enter the factory, so my husband borrowed Pai’s identity on his consent.” The authentic Pai has been working in the Kunshan Economic Development Zone. Pai and Chang come from the same township. There is a network of migrants — relatives and friends — in the support of each other.

“That’s why my husband didn’t file for social insurances... I know there were a lot of people using fake IDs at the textile mill I had worked. The factory manager told us that we had to hand in genuine IDs if we wanted to join the insurances.”

Chang was working hard and gaining manager’s trust. As yet, he was hesitant to reveal his true identity though he wanted to get insured. According to Ali, “Chang was worried about his true age. He feared that he might be fired if the boss knows he’s already in the thirties.” This explanation causes suspicion that Chang had used the borrowed ID deliberately in order to get hired.

Enterprise managers may feign ignorance about fake IDs, because that could help cut down labor costs substantially. The common fake ID practices should be construed as a *tacit collusion* between migrant workers and employers.

Recently, a colleague of Chang’s inadvertently told the manager about his identity. The manager came to realize: “No wonder he had insisted on getting paid on cash, instead of receiving salaries through post office account.” Since then, Chang has “rehabilitated” his name and get insured, becoming a “legal transient” from a “ghost worker.”

⁵⁹ This research project is sponsored by the National Science Council, Taiwan. Interviews have been conducted by the author and two assistants jointly or individuals. Several cases are interviewed twice or more. We are planning to do further follow-up interviews in the coming years.

Interlude: Social Insurances Made Thin

Social insurance expenses could constitute up to more than 1/4 of total labor costs for employers, if they completely abide by law. In reality, few enterprises live up to the high standard. In South China, low coverage is a general impression, though there is no way to obtain accurate numbers systematically. In very rare occasions, the researcher is able to explore the problem on the research site, granted a high level of mutual confidence between the researcher and informant. For instance, a Taiwanese invested factory in Dongguan hires about 3,000 workers, but its coverage rate is as low as 37% in 2006; and among the insured workers, about only one third join the retirement pension program. This is because the employers have to bear a large portion of the premium, and they are worried that when they leave factory, the saved pension would be difficult to be carried away with them.

Another famous medium size foreign invested enterprise in Shenzhen had not insured its workers for retirement pension until 2001. According to law, the pension system has been launched as a compulsory insurance since 1998. The manager complained that “the baseline wage is set too high at Shenzhen for the employers to afford!” In East China, it is widely believed that the coverage rate is higher. In one of our interviewed enterprises, 70% workers of this small factory in Kunshan are covered with social security.

It should be noted that the “average wage” is different from “basic wage” guaranteed for every laborer. The average wage at a specific locality is compiled and announced by the local government for social insurance programs, so the rates vary to a large range across the nation. As a rule, the average wage is calculated as follows:

Monthly average wage = yearly average wage of the entire on-the-position employees (zaigang zhigong) in the city/12.

Maximum baseline wage is set as 300% of average wage; minimum baseline wage 60 % of average wage.

Therefore, there is an ample negotiable space for the payment of premiums, except in Shanghai, which uses a single fixed rate. See *Table 3* for a comparison of four cities of this research. Shenzhen has the highest average wage rate and Kunshan the lowest. As far as our we know, large enterprises usually adopt the minimum baseline wage to insure their employees, no matter how much the real salaries are, in order to reduce labor costs; and this practice occurs both in South and East China. The complicated formulas and the variety of social insurance systems across regions have embodied the differentiating principle of citizenship as well as the principle of territorial jurisdiction on *hukou*. The watered-down social insurances can help explain why migrants have generally been skeptic about the social security and particularly

uninterested in the pension program.

*Table 3: Government Stipulated Average Wage for Insurances at Four Cities**

	Shenzhen	Dongguan	Shanghai	Kunshan
<i>Average wage</i> (monthly) as baseline	2551	2110	2033	1206
<i>Maximum baseline</i> <i>wage</i>	7653	6220		3618
<i>Minimum baseline</i> <i>wage</i>	1531	1266	1220	724

* Unit: RMB *yuan*. Data up to the year of 2005.

A Trilogy of Extra-Plan Birth

Mr. Ting is an assistant manager at a Shenzhen factory where he has worked for more than ten years. He was originally from an interior province where he had obtained a college diploma and hence was assigned a job in a state unit with relatively low income. Thus he already had the urban *hukou* in his hometown. But when he moved to Shenzhen, he had to apply for temporary residence despite his urban status at home. His residence status and economic standing fits better into the category of denizens as defined above.

We asked him the question: “Mr. Ting, you are a urban *hukou*, but you raise two children...” Urban citizens are strictly under the control of “one child policy.” Yet, Ting has a ten year old daughter and a five year old son. He suppressed his tone in response to our curiosity.

It is clear that the couple have born the second child without a pre-approved birth permit. They are typically characterized by the “Chinese culture” of “raising children to provide against old age.” Consequently, they had to solve several problems.

First, as urban citizens, the Ting’s are not allowed to bear a second child. How did they dodge the regular pregnancy tests?

Tactic: He took his wife to Shenzhen to wait for the delivery, far away from the “territorial jurisdiction” of home authorities. “The local hospital does not care about whether it is ‘extra-plan birth.’ They would issue birth certificate for us anyway.”

Second, how did Ting register the child’s *hukou*?

Tactic: Simple. Just pay a fine of several thousand yuan to get the *hukou*.

Third, but since the second child is unlawful “extra-plan birth,” how could he apply for the Shenzhen *hukou* because he is running against the state’s one-child policy?

Tactic: To register the child’s *hukou* with the household of grandparents through the assistance of “acquaintance” (*shouren*). Thus, there exists only one child in his *hukou* record. Ting has identified himself as a “state cadre.” The government keeps a dossier of him, so he is afraid of being marked a stigma on his files.

However, there is another problem to come. The Ting’s are applying for Shenzhen citizenship. Since the son’s status is with the grandparents, he cannot be “naturalized” into being Shenzhen citizens as the rest of the family. When confronted with this question, Ting forced a bitter smile. On hindsight, Ting’s tactics in three steps are definitely not well planned. Rather, it is like “crossing the river by feeling the stones.”

Holding Double Hukou

Mr. Chou works in Shenzhen. He has a high school education. His expertise is clearing customs for the company which he has served for fourteen years.

Mr. Chou is a peasant by birth; Mrs. Chou was born into an urban family. Both of the couple are from inland where they still keep their *hukou*. After they were married, Mrs. Chou did not move her *hukou* to Mr. Chou’s, so this family in effect keeps two *hukou* record books.

What is so good about it?

Each book records two persons: the husband with ten year old daughter; the wife with six year old son. Naturally, the daughter is a peasant; the son is an urbanite.

“We have been working far way from home, and our home government has not urged us to combine the two *hukou*, so we just let it be... It’s possible for us to take advantage of the loophole because there was no computers used in household registration. Now, it’s impossible.”

Chou explained, “I discovered this trick *unintentionally*. One time I was having dinner with a birth plan official, I asked him a lot of questions..., He’s talking like casually, but I turned a keen ear to what he’s saying.”

“It is said that an extra-plan birth would be fined for 100 thousand yuan in Shenzhen.”

Who can afford that? “There must be some way to dodge it.”

“In the year my wife gave birth, extra-plan birth would fine us 17 thousand *yuan* at hometown. But we escaped it through the double hukou.”

Factory as Asylum

Mr. Huang comes from Sichuan, an engineer at a Shenzhen factory for fourteen years. Rural *hukou*. The Huang’s have two daughters, 11 and 2 year olds respectively. The family lives in an urban middle-class neighborhood where the birth plan office tightly implements pregnancy tests and birth control.

“The birth plan officials were patrolling the neighborhood, knocking door by door to check if women were pregnant. If they found pregnant woman, they would ask for birth permit.”

“When my wife quit her job and stayed at home waiting for labor, we were paranoid day and night during that time. We were lucky not to be visited. By contrast, during long period of her pregnancy, she was working at the factory from morning to evening. Her working hours were overlapping with those of the officials. And they are not allowed to enter the factory to check on women...” In this way, the factory became a sanctuary for Mrs. Huang to escape pregnancy tests.

There are another couple working in Kunshan who are having similar experiences. The wife is pregnant with a second child. The factory serves for her as an asylum, but the couple understand that they shall be fined when they register the child’s *hukou* in the future.

“Incomplete Statistics”

The following table represents the distribution of number of children based on our snowballing interviews sample as of March 2006.

Table 4: Distribution of Number of Children in a Qualitative Sample of 29 Cases

	Number of Cases	Remarks
<i>No child</i>	1	The couple was married in 2004. The wife is 25 of age.
<i>One child</i>	14	2 of 14 cases have expressed their willingness or plans to bear another child.
<i>Two children</i>	13	11 of 13 cases are “extra-plan” second child; 2 are “intra-plan” birth.
<i>Three children</i>	1	The second birth is twins

Since we are not undertaking a quantitative survey research, this table is intended to offer a descriptive picture rather than an inference for the whole population. Nonetheless, our sample may not appear as unrepresentative as *prima facie*. The 29 cases, interviewed at 7 factories plus 3 individual units (*getihu*) in four cities, are from 8 provinces. Given the potential systematic bias in sampling, we found that nearly 50% of the sample have second child, and that 11 out of 13 second-child cases are unapproved “extra-plan birth.” In contrast, merely 2 of 13 are lawful “intra-plan birth.” Moreover, 2 out of the 14 couples with one child have expressed that they are planning to have a second child.

Arguably, the micro stories told by this “incomplete statistics” and the various tactics and weapons of the weak wielded by the migrants — whose typologies have been mapped in section two above — have provided with a vantage point to probe into the macro trend in China’s progress to market society and modern citizenship. This is what I will try to summarize in the conclusive section.

IV. Theoretical Implications

It is time to bring T. H. Marshall back in the arena of domestic migration. Students of international migration have applied his idea to immigration studies. Recently there is growing critique about the applicability of his concepts to the current world system under globalization. For example, “immigration is one reason why Marshallian citizenship universalism is no longer plausible today.”⁶⁰ The contemporary Marshall in the literature of international migration is forced to deal with the problem of closure and exclusion by the citizenship mechanism across borders. The classical Marshall, instead, concerned with the evolution of citizenship within the boundaries of a nation-state, tackles the issue of “how citizenship, and other forces outside it, have been altering the pattern of social inequality.”⁶¹ Problems of social inequality and domestic migration in China make necessary a revisit of Marshall’s idea.

T. H. Marshall made the well-known classical statement about the progression and limits to citizenship universalism more than half a century ago. His original observation on British development of citizenship rights remains a valid point of reference for this research. Modern citizenship took a root in a new form of contract between free and equal subjects, which was a rupture from feudal contract and feudal status system. Universalism has firmly established itself as a principle, at least ideally

⁶⁰ Joppke (1999: 629).

⁶¹ Marshall (1994: 38).

within the liberal circle, for the advocacy of citizenship and democracy since the 19th century.

Citing H. S. Main, Marshall argued that in the early stage of modern citizenship development, the single uniform status of citizenship “was clearly an aid, and not a menace to, capitalism and the free-market economy, because it was dominated by civil rights, which confer the legal capacity to strive for the things one would like to possess but do not guarantee the possession of any of them.”⁶² Contrary to a common reading of Marshall that he wholeheartedly espoused a unilinear, progressive perspective of citizenship development under the rise of market capitalism — from civil to political to social rights — Marshall *did* reflect on the problem of formalism in civil rights, especially freedom of speech and property right. In deed, he recounted the development of citizenship from the 17th to the 20th century in an orderly fashion.⁶³ Nevertheless, he unequivocally stated that “(B)latant inequalities are not due to defects in civil rights, but to *lack of social rights*, and social rights in the mid-nineteenth century were in the doldrums.”⁶⁴ Lack of social rights makes civil rights a void doctrine.

Valuable Membership under Differential Citizenship

Based on Marshall’s classical argument and empirical findings of the research, I will propose several points with theoretical implications. *First of all*, what has distinguished China’s development of modern citizenship from the Western countries is its *differentiating principle of citizen status and rights*. A single uniform status of citizenship was not existing in the Maoist era.⁶⁵ Nor has it appeared to establish itself during the market transition years. On the contrary, the Chinese capitalism has been thriving on a soil of differential citizenship and “a system of governmentally granted benefits,” which in turn has aggravated social inequalities and systematic bias against the underprivileged citizen groups. Solinger has observed that “through the mid-1990s it was official policy that ‘citizens’ not in possession of a local *hukou* were to be prevented from receiving” the urban public goods.⁶⁶ Although the state has tried to improve its infrastructural capacity in providing public goods and more migrants are now granted limited access to the urban public goods regime, the structural inequality

⁶² Marshall (1994: 20).

⁶³ See Hirschman (1991) for instance.

⁶⁴ Marshall (1994: 20). Emphasis added.

⁶⁵ During the Maoist years, the concept of people (*renmin*) appeared to more well received than that of citizen (*gongmin*) for political reasons. See Yu (2002).

⁶⁶ Solinger (1999a: 241).

caused by the interlocking of *hukou* and citizenship has not changed in a fundamental way. In addition, the enthralling principle of territorial jurisdiction on *hukou* has appeared to be a persistent force in local governance. The state is merely ameliorating the problems on the surface and reluctant to alter the pattern of inequality.

Therefore, we have not observed any clear indication of urban citizenship devaluation in China, in contrast to the postnational membership in European context.⁶⁷ The urban citizenship is still a precious good under intense competition. As one Chinese sociologist points out: “The *hujū* system has been loosened since the 1980s, but as the phasing out of the old ‘unit system’ and consequently the retreat of its social integration function, the *hujū* status is becoming more significant to the social members, particularly to the urban dwellers. Under the old unit system, workers with agricultural *hukou* were allowed to enter the urban enterprises and obtain corresponding unit status and occupational status. However, the current immigrants are basically excluded from the urban organizational system and enter the labor market as cheap laborers in the cities.”⁶⁸ Furthermore, the term *peasant worker* has become a distinct social category. It is reproducing itself in social practices and in public life so effectively as to create a “hereditary status effect” — that the term “peasant worker’s children” has been adopted as an official category in public policy.⁶⁹ This distinct category serves to legitimize government policies in implementing differential treatments among various citizen groups. Inequality thus reproduces itself through official categories.⁷⁰

Non-Marshallian Path of Change and Beyond

Since the late 1990s, the central government has advocated a policy of “orderly floating” and begun to recognize the migrant peasant workers as “a new form of labor army emerging from China’s advance toward open reform, industrialization, and urbanization” on the condition of their rural *hukou* remaining unchanged.⁷¹ Concomitantly, we have seen changes of the urban regime on two fronts: On the one hand, urban citizens who were accustomed to cheap or free provision of privileged goods now have to live with the “market.” The state has significantly withdrawn from the social welfare sphere and let the market forces march into it, particularly in

⁶⁷ Cf. Soysal (1994), Joppke (1999).

⁶⁸ Chen (2005: 130).

⁶⁹ Cf. Chen (2005: 131).

⁷⁰ Cf. Tilly (1998).

⁷¹ Quoted from a recent policy restatement by the State Council, “Several opinions regarding solving the problems of migrant peasant workers,” passed in January 18, 2006.

housing and medical care. On the other, the migrants who have long been excluded from the urban regime are now offered a few opportunities of becoming urban denizens to a select group of them, or offered access to a shoddy version of social security program. What is the significance for the state to retreat from welfare benefits in state sector, alongside a strategy of piecemeal inclusion of non-urban citizens into social security? This question leads to *another* important observation on China in historical comparison.

During the Mao's years, China has experienced a non-Marshallian path of change. The urban state sector was securely protected and controlled by a Soviet-style, quasi-Bismarckian welfare system. It guaranteed basic social rights to urbanites through the "unit system." Whereas, in the immense rural area, a minimum level of social security was arranged by the commune system. In both sectors, civil liberties were severely deprived and political participation primarily meant state mobilization for collective struggles against class enemies or for leap-forward movements.

The post-Mao transition has fashioned a low, incremental, yet uncertain expansion of civil liberties, particularly the rights to speak, work, and migrate. It should be noted that these rights have not been "sent down" from the center to the people, but mostly achieved through unorganized, spontaneous collective actions such as the influx of peasant workers into townships and cities that has forced the government to acquiesce or accommodate. The post-totalitarian "fragmented authoritarian regime" is indeed on the defense. The migrants are good at the weapons of the weak. As illustrated above, they know how to escape birth control by taking advantage of the "fragmented texture" embedded in the territorial jurisdiction principle. This bottom-up infiltration of the state surveillance mechanism is slowly yet steadily eating up the roots of the current rural-urban divide — a termite effect. No doubt that the Chinese people are now enjoying a substance of *de facto* freedom from the state, unseen in the Mao's era. However, the gradual withering of state welfare system in conjunction with the rampant market forces are making a twist of the progress in citizen rights. Will the Chinese state "let the market level the field"? And will the rise of market capitalism *eventually* give birth to a universalistic citizenship?

So far there is no clear sign that China is on the track of a linear development of universal citizenship. Quite the contrary, differential patterns of citizenship appear to entrench into, and even dovetail with, the marketized urban regime. As the Western history indicates, lack of social rights makes civil rights a void doctrine. Here is a paradox of Chinese case:

Under the multiple trend of uncertain, non-institutionalized expansion of civil liberties under a seemingly resilient authoritarian regime,

rampant state-bureaucratic capitalism, and unwieldy globalized market forces, will China experience once more time the Marshallian path of change in human history, if the nation would overcome the problems of differential citizenship?

I will try to clarify the problem from a historical-comparative perspective. The awful *hukou* problem lies at the heart of any meaningful transformation, as iterated by scholars. The huge pressures caused by the enormous population is an inescapable precondition, and China's demographic structure within the postsocialist context makes itself a genre in history. A brief comparison with Soviet Union/Russia will suffice.

In 1988, a few years before the Soviet Union disintegrated, the first sector (agriculture and forestry) constituted 20% of total labor force; second sector (industry and construction) 38%; and third sector (transportation, communications, distribution and other service jobs) 42%. In the same year, two thirds of total population lived in towns and cities.⁷² Soviet Union had been an industrialized and urbanized country before its successor states embarked on the venture of "capitalist revolution" in the early 1990s.

In comparison, in 1978, on the eve of China's market reform, the first sector constituted 70.5% of total labor force; second sector 17.3%; and third sector 12.2%. In 1982, 20.6% of total population lived in towns and cities. China was still an agricultural nation by then. After 25 years of market transition, there are still 49% of total labor force employed in agriculture in 2003; and 43% of total population living in towns and cities in 2005.⁷³ In terms of urbanization, China in the late 1970s approximated to the level of Soviet Union in 1917, the year of communist revolution; China in mid 2000s is slightly falling behind the level of the Soviet Union in 1961. In terms of labor employment, China today is still less industrialized than the Soviet Union in 1989. The numbers tell several things. First, although China and Russia are in the similar postsocialist political-economic transformation within the same global context, the structural characteristics appear to be divergent. What Russia faces is an institutional transition from socialist to capitalist system. Whereas in China, the state is confronted with two issues at the same time: industrialization and urbanization on

⁷² <http://reference.allrefer.com/country-guide-study/soviet-union/>.

⁷³ Numbers compiled from *China Statistics Yearbook 2004*, <http://www.stats.gov.cn/tjsj/ndsj/yb2004-c/indexch.htm>; Third National Population Census in 1982, http://www.stats.gov.cn/tjgb/rkpcgb/qgrkpcgb/t20020404_16769.htm; Sixth National Population Census in 2005, http://www.stats.gov.cn/tjgb/rkpcgb/qgrkpcgb/t20020404_16769.htm.

the one hand and uncertain institutional transformation, on the other, since the Chinese rulers do not have any “mandate” to go anywhere. Second, although both countries have encountered the problems of domestic migration and both have adopted similar control measures, the Russian *propiska* problem is manageable and less severe, while the Chinese *hukou* reform is profoundly difficult. Third, Russia has accomplished its modern labor force formation before it joined the global capitalist game, but China is enduring an unprecedented, dramatic demographic shift in a squeezed time-space transformation. The issue of labor force formation in the postsocialist context leads us to my final point.

China's Post-Speenhamland Transition under Globalization

Without a historical perspective, one might argue that the current state withdrawal from the welfare sphere in China parallels the developments in the Western market economies and coincides with the new waves of globalization. However, when we put macro historical comparisons into perspective, we would come to a different conclusion. Given China's structural characteristics within the postsocialist transition context, the nation is making its historical formation of modern working class, with the diminishing weight of the state-employed labor and the rising army of migrant peasant workers. If this interpretation is plausible, then China is like striding on a path, similar to that of early western capitalism, on which a “fictitious labor market” at a national scale is being established, from a comparative world history. In consequence, China's trajectory of citizenship transformation can be construed as a Chinese way of post-Speenhamland transition under current waves of globalization.

The differentiating principle in the allocation of citizen rights, with *hukou* system as the hard core, is used by the state, local governments and beneficiaries of urban regime as a defensive device against influx of peasant workers, who in turn have been pushed forward by the joint power of aggressive globalized market and state-bureaucratic capitalism.

Therefore, the differential citizenship is both a precondition and a by-product of China's road to capitalism. A category of *alien nationals* must be created and contained in the *hukou* system to make the “primitive accumulation.” Chinese peasants now have “the right to move,” entering the cities and becoming peasant workers, *metics*, without adequate welfare protection. The demand for cheap labor is constantly driven by globalization, which further helps forge hierarchies of citizenship

rights in China.⁷⁴ In the short run and on the system level, there seems no feasible way available for the state to solve the *hukou* problem in a fundamental manner. In a most recent document, the State Council unequivocally recognized the migrant workers as a most important source of labor force, but still fell short of seeing them as potential urban citizens, to say the least.⁷⁵

The current drive of industrialization in China, arguably, is a second revolution of social structural transformation since the English Industrial Revolution. “Under Western eyes,” advocating a single uniform status of citizenship is “clearly an aid, and not a menace to, [*good*] capitalism and the [*genuinely*] free-market economy.”

⁷⁴ Cf. Castles (2005).

⁷⁵ State Council, “Several opinions regarding solving the problems of migrant peasant workers”

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