

## Labor Migration and Social Rights

From Europe in 1900 to China in the 2000s

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**At a time when Europe is taking a hard line on the question of immigration, mobilizations are being conducted in China to demand recognition of the social rights of the millions of internal migrant workers who have been settling in cities. As was the case in Europe at the end of the nineteenth century, the social state is developing not against, but through migration.**

For a number of reasons, the situation of internal migrant workers in China today can be compared to that of foreign migrants in Europe at the end of the nineteenth century. In two contexts of strong industrialization and globalization [Susan Berger, *Notre première mondialisation*, La République des idées, 2003] set one hundred years apart, millions of rural dwellers have crossed national or provincial borders in order to find work near large cities and in the most dynamic employment areas. They have faced legal barriers limiting their rights of citizenship and movement as compared to those of nationals (in Europe) or urban dwellers (in China). Yet at the same time, their economic role has ensured that they would be granted social rights. What is more, their very vulnerability has been used to argue for the elaboration and diffusion of various forms of legal protection of labor. To what extent has labor migration contributed to the building of European welfare states? And is this process being repeated before our very eyes in China today?

*La Vie des Idées* interviewed two specialists of the relationship between migration and social protection. The first, Paul-André Rosental, is a historian at Sciences Po studying Europe in the late nineteenth and early twentieth century, during the period of the 'first globalization.' The second, Chloé Froissart, is a China specialist at Université Rennes 2 researching the citizenship of migrant workers in contemporary China. This comparison of two continents between the late nineteenth century and the early twentieth century offers precious historical, sociological, as well as political insights by shedding a new light on the relationship between globalization, migration and social protection.

## **What is the Magnitude of Migration Flows?**

### *Europe in 1900* (Paul-André Rosental)

The first key characteristic of the phenomenon of migration at the end of the nineteenth century is that it was already globalized in the form of large-scale flows, with Europe being a land of mass emigration to the new world in North and South America. It is estimated that 60 million Europeans left the continent between 1820 and 1920, and that they were emigrating at the pace of one million people per year by the end of the century. The second key characteristic is that global migration went hand in hand with a complex web of migration flows occurring at very different scales. On the one hand, there were international flows within Europe, including displacements. In the case of Italy, half of Italian migrants remained on the continent and moved to countries of Western Europe. Similarly, large-scale migration flows went from Eastern Europe to Germany, but also in part to Great Britain. On the other hand, there was on a third scale, often forgotten though of equal importance, the phenomenon of rural migration. Some migratory flows were directed to cities, making up what we once called the rural exodus or mass urbanization in the nineteenth century. But other flows, which are more difficult to observe, were internal to rural areas. In short, understanding migration around 1900 means understanding this complex web of flows. Unlike what we might think today, this was a world in which the economy and hence individual destinies were structured very significantly around mobility.

### *China in the 2000s* (Chloé Froissart)

Migration is a recent phenomenon in China, and it has expanded significantly since the 1980s. According to the national census of 2010, there are 261 million migrants in the country, among whom 145 million have left rural areas to work in the city. Migration flows were long directed from inland to the eastern coastal provinces, which were the first to develop economically. In the mid-2000s, these coastal provinces welcomed approximately 70% of all migrants in China. Yet today we are witnessing a reorientation of migration flows towards inland provinces, in particular towards Sichuan and the autonomous municipality of Chongqing. These areas have attracted large numbers of migrants following the 1999 implementation of development policies that helped open up the western provinces. This reorientation is also explained by the fact that the eastern provinces' economy is running out of steam and has been plagued by extremely high inflation since 2007. The region has the highest salaries, but also the highest cost of living, and as such it has somewhat reached saturation. Consequently, companies

are relocating inland and migrant workers are following suit, since from a personal standpoint they would rather live closer to their place of origin.

### **Do States Manage Migration Flows?**

*Europe in 1900* (Paul-André Rosental)

Historiography has emphasized that migration and public policies at the end of the nineteenth century ought to be conceptualized in terms of a shift towards state control and intervention – a shift that materialized notably in the development of identification procedures for migrants entering international territory. Reality was nonetheless a little more complex. A new regime of migration control effectively emerged at the time, and has perpetuated itself to this day. Yet in reality, migration control understood in a broad sense was already extensive in the nineteenth century. There was no such thing as a regime of free migration. First, control took the form of forced migration, as public authorities deported populations partly in connection with colonization. This process is well known in the context of countries such as France or England that sent their prisoners and prostitutes to settle their colonies. This also occurred in Russia, which populated its own colonies in Siberia and Asia. Second, control was exerted over migration flows within the colonial world. I will not insist on this phenomenon now as we are focusing on Europe, but it should be noted that European nations engaged extensively in this practice. The implementation of regimes of forced labor in the colonies in turn generated reactive migration, with populations moving away in order to flee these policies. Lastly, there was significant control over internal migration (and we will be able to establish a small parallel with China on this point later on). Control was wielded over migration flows within national territories for political reasons, for purposes of labor management, but also to regulate policies of social protection then promulgated by communes. What took place at the end of the nineteenth century was in fact a shift in the regime of control. As identification procedures were imposed on migrants, control came to be exerted over them *a priori* – whereas throughout the nineteenth century it had been exerted *a posteriori*. Migrants were welcome at the time. It was believed that they would bring work and skills, and that they would become consumers; hence they were seen as a good thing. But this was utilitarian reasoning, as migrants were expected to bring something to the economy. Those who could not were deportable, and they were deported. In short, there was a shift around 1900 from an *ex-post* to an *ex-ante* regulation of migration.

### *China in the 2000s* (Chloé Froissart)

The Party controlled migration very strictly throughout the entire communist period. This had to do with the planned economy that required everyone to occupy a place in the production system. At the turn of the 1980s, China reintroduced a market economy and migration was gradually tolerated. Moreover, as the countryside underwent decollectivization and the urban economy was able to develop, migrants were drawn to cities. Yet the Party continued to exert strict control over migration flows because it was afraid of migrant workers. The presence of mobile people in a regime whose function was to control society instilled fear. Hence when migrant workers began to arrive in cities in the 1980s, they were considered foreigners in cities of their own country even as they constituted a cheap and flexible labor force. They could not have access to public services – education, social protection, etc... – because they were not registered in cities. They were registered instead as rural residents with an inferior status. On the other hand, a number of policies were put in place to control and register workers. For instance, they had to acquire temporary residence permits, work permits and several other types of documents, as is the case with migrant workers in our own countries. The state was committed to controlling these migration flows and to sending migrant workers back to the countryside when they were no longer needed. There was a shift in the early 2000s, around 2003-2004, as migration became increasingly permanent and family based. Similarly, a number of social contradictions became obvious as migrant workers came to form a society on the margins and began to organize themselves, for instance by setting up illegal schools for their children, etc. And then since their rights were not protected, problems of crime and delinquency emerged. Thus the Chinese state – the Party – took the lead and began to implement a number of public policies for the integration of migrant workers, policies that have developed to this day. It is important to know that it is possible to migrate very freely in China at the present time. There are few remaining temporary residence permits. Nonetheless, the definitive integration of migrant workers in cities, and in particular their access to public services, is still problematic.

### **What Rights do Migrants Have?**

#### *Europe in 1900* (Paul-André Rosental)

A significant shift occurred during the second half of the nineteenth century. In 1850, migrants who fell into poverty benefited from rights to assistance offered by the commune or parish in which they lived – provided they had been granted residence status in recognition of their integration and contribution to the local economy. The situation was then very close to what

Chloé Froissart describes regarding contemporary China or, more specifically, China around 2000. Multiple problems afflicted migrants who did not have residence status. If they fell into poverty, vagrancy or homelessness, they were immediately spotted by police, were easily deportable, and lacked any form of protection. Thus, around 1850, the greatest difference was between migrants who had residence status in a commune and the others. The contemporary period began at the end of the nineteenth century with a shift in this division. National systems of social protection were put in place, and this shift in scale had enormous consequences. It produced a system of exclusion of foreign migrants, who benefitted only marginally at first from these new social rights, yet were politically suspected of coming to the country to profit unduly from social protection systems. Hence we see how, at the end of the nineteenth century, regimes of social protection developing on a national scale went hand in hand with a racist and xenophobic discourse against migrants. The key challenge in the late nineteenth century was to figure out how to counter this discourse as well as the risk of seeing two categories of workers emerge on the labor market.

#### *China in the 2000s* (Chloé Froissart)

Significant strides have been made in China, especially given that migrant workers had no rights whatsoever in the early 1980s. With 2003-2004 constituting a turning point, a number of public policies have been put in place to integrate these workers and to give their children educational access as well as some form of social protection. The problem is that municipalities grant rights to migrant workers only if it is profitable for them – and in this sense a parallel can be made with what was said earlier about Europe in 1900. That is to say, only a small portion of migrant workers – an economic elite that is relatively fixed in space – has access to social rights. The poorest and most mobile migrants remain separated from these workers. Similarly, all policies for the integration of migrant workers aim to fix people who can contribute to cities with their financial investments and economic dynamism. Most importantly, migrants must not constitute a burden for municipal authorities. Moreover, nothing is free in the Chinese regime, and all these social policies function simultaneously as extremely important policies of control. For instance, there is today a system called *juzhuzheng*, which is a temporary residence document that migrant workers can acquire if they want to stay in the city and gain a *hukou* – i.e. a right of permanent residence. Yet this document is first and foremost a means for the state to control migrants, to know how many people there are in cities and what their health and family planning

situation is. It gives access to a number of rights, and especially the right to education for children. But at the same time, it is a powerful instrument of state control over migrants.

### **What Strategies do Migrant Support Organizations Adopt to Extend Those Rights?**

#### *Europe in 1900* (Paul-André Rosantal)

The emergence of institutional and political xenophobia against migrants created a series of ideological and economic problems. In effect, depriving foreign migrants of rights paradoxically gave them a comparative advantage on the labor market; and it gave a comparative advantage to employers as well. Thus in many immigration countries union protests were organized against migration. Yet most importantly, the problem was taken up by a network, which Christian Topalov refers to as an ‘international reform nexus.’ The primary aim of this nexus was precisely to give foreign migrants who participated in the national workforce the same rights as others. It found a solution to this problem in the early twentieth century through bilateral agreements, as its members were high placed in national administrations. The solution they found seems completely counter-intuitive today, for it consisted explicitly in using the economic principle of free markets to advance social rights. It is truly the opposite of what is happening today. Members of the reform nexus claimed that as soon as a country introduces a social law, it creates a relative handicap for its national enterprises; hence in the name of free competition other countries must also raise the level of social protection. Migrants played a very important role in this process, if only because at the time some European countries needed foreign workers while others exported workers. A typical case was labor-importing France vs. labor-exporting Italy in the early twentieth century. In other words, this international reform nexus, whose ideology would be considered “social liberal” today, reasoned that the same rights should be granted to co-national migrants for reasons of elementary justice, but also to avoid salary dumping on the labor market. Yet they went further by also saying that they would use migrants to extend social protection in its regulatory and mandatory aspects. They claimed that they would try to use migrants to move from a discretionary and somewhat paternalistic regime of assistance to a regime of rights. This political project was implemented progressively between the early twentieth century and the interwar period.

#### *China in the 2000s* (Chloé Froissart)

In the early 2000s, social organizations were created to overcome migrant workers’ lack of integration with respect to their social rights, the protection of their labor rights, and even the

absence of legislation concerning their labor rights. The terms ‘social organization’ and ‘NGO’, used at times to refer to these organizations in China, are somewhat problematic since it is difficult to tell whether they are independent from the state or not. What we can say, however, is that these organizations truly defend the rights of workers, and represent their interests within the limits and constraints of the authoritarian Chinese regime. These organizations play a key role in several domains, including vocational training, health, and charity – for instance facilitating educational access for the children of migrant workers. Yet in recent years, many of them have turned to defending migrant workers’ rights. And they work on several levels at once. On the one hand, they try to improve the law, in particular labor and social legislation, through a new form of legal activism. Thus a number of NGOs take up emblematic cases to create precedents, developing a type of activism that lies at the border between political and legal action. Others privilege advisory work – referred to as ‘advocacy’ – with the government, using methods they learned through their contacts with international organizations that also happen to be their donors. They rely for instance on a series of studies on the situation of migrant workers or on areas of law that might be improved. They then make proposals, lobby and put pressure on the government, for instance invoking international law so as to push the Chinese state to act in accordance with a number of international conventions it has signed. More and more NGOs are committed to protecting the rights of migrant workers *hic et nunc*. They represent migrant workers in courts and help them obtain redress in arbitration committees and tribunals, but they also increasingly try to help them gain autonomy and independence. They regularly train migrant workers and inform them of their rights, and most importantly they encourage them to organize and to learn to negotiate with employers in factories. In brief, the impact of NGO mobilization on regime transformation has been mostly legal. There has been significant progress in recent years in the areas of labor law and social protection in part thanks to these NGOs. And this is no small matter, for NGOs have also had to compete with chambers of commerce, and have had to face lobbying pressures as well as the collusion between authorities and employers. NGOs tend to fill the system’s lacuna somehow, namely the lack of counterpowers and state of law, for instance by controlling and permanently monitoring the application of the law, etc. At the same time, they contribute to system and institutional reform, and in particular to the reform of unions with which they are also competing. At this very moment, unions in China are trying to transform themselves so as to better represent migrant workers and to help implement a Chinese form of collective bargaining within factories.

## **What is the Role of Migrants in These Mobilizations?**

*Europe in 1900* (Paul-André Rosental)

As reformists had hoped, migrants played a decisive role in the diffusion of social rights, directly but also via their own states. On the one hand, the late nineteenth century witnessed the increasing power of the state, but also a multiplication of bilateral treaties – a phenomenon that has been little studied by historians. States established links between one another through a series of obligation networks. Much has been said about the imposition of identification procedures on migrants at the end of the nineteenth century, but in reality this was a measure by default. What xenophobic French deputies would have liked was to create a special tax for migrants. What prevented this? The bilateral treaties signed with other states and the retention measures that would have mechanically followed the imposition of such a tax, and this especially because some states protected their own emigrants very well. As Caroline Douquet has shown, the Italian state protected its emigrants as a matter of principle, but also for economic reasons. It considered that it had a surplus population, and had a vested interest in seeing its migrants go abroad and send “remittances” to feed the economy of the departure country. This was a first key dimension: the role played by immigration states, but also the calculations of reformers, rested in part on the fact that state powers in emigration countries weighed in on the diffusion of social rights. Yet migrants themselves also played a significant role. They benefited from the protection of associations as well as philanthropists and lawyers networks – which have been insufficiently studied in host civil societies. But they also organized themselves in associations that worked closely with consulates. If you look only at the sources of the host country, and only at police sources, you will see that the police control of migrants was very important. Yet this was only one aspect. What is lacking in these archival studies is an overview of the entire chain that connects the country of departure to the destination country. What happens if you look at the archives of the country of immigration? First, if you go to consulates, you will see that migrants were lodging complaints, either on an individual basis, via associations, or eventually with the help of residents or citizens of the host countries such as notaries, etc. It is fascinating to observe the trajectories of these complaints. They moved up from the consulate to the ministry of external affairs. Then the ministry of external affairs of the emigration country forwarded the complaints to the ministry of labor or the ministry of agriculture of the emigration country, which then contacted their French or British counterparts. And they told them: if you do not grant social rights and all the rights you should theoretically attribute to migrants, we will stop sending you workers. What did the ministries of labor and agriculture of the host countries then do? They put



pressure on employers. The political calculation the international reform nexus had made around 1900 became realized in this way. In other words, we see that labor contracts were diffused and pressure was exerted for the effective application of labor laws thanks to migration.

*China in the 2000s* (Chloé Froissart)

There is a new awareness of migrant worker citizenship in China. NGOs are evidently a very important factor behind this, but they are not the only one. Migrant workers gradually gained awareness of their rights thanks to rights training provided by NGOs, but also by the Party and the state. What we have been witnessing in recent years is the emergence, through the development of collective actions, of migrant workers as genuine actors. These actions have become more and more political and direct, and demands have become increasingly elaborate, notably concerning the election of independent unions. On the other hand, a number of migrant workers – who suffered for instance from workplace accidents or occupational diseases, and managed to defend their rights by learning about the law on their own and by representing themselves – have become law professionals and have founded organizations to help protect other migrant workers. This is a phenomenon we have been witnessing since the mid-2000s in southern China. Such organizations are founded by migrant workers themselves, whereas the first organizations were founded by an intellectual and urban elite that was often close to power. This is an extremely important point that testifies to the emergence of a new citizenship and to the increasing independence of migrant workers in relation to the Party and urban elites.

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