Chinese Individualization, Revisited
Jack Barbalet
Hong Kong Baptist University

Abstract
The paper critically examines the application of the individualization thesis to China. Factors presented in support of the case for Chinese individualization are shown to be either ambiguous or, on examination, counter-indicators. Family transformations from the Mao period to the present maintain family obligation. Labour migration, rather than leading to individualization expresses family commitment. Rights awareness similarly provides no clear evidence of individualization while rural and labour struggles around collective rights do not support the thesis.

Key words
party-state; family obligation; kinship and business; labour migration; collective rights.

Introduction
A new convention about Chinese society has arisen in discussion of social consequences of the market reforms that were introduced from the 1980s. This is the idea that Chinese society is undergoing individuation, even individualization (Hansen and Svarverud 2010; Kipnis 2012a; Yang 2009; Zhang and Ong 2008). This notion appears against the background of another convention, namely that Chinese society is ‘collectivist’ (Triandis 1995), that in China ‘the needs and goals of the individual must be subordinate to those of the group’ (Guo 2010: 154-55). These conventions work together insofar as it is argued in the above mentioned and associated publications that marketization reverses the relations of collective or associative connections. These accounts apply to China a theoretical approach that has been elaborated for understanding European experiences of neoliberal social policy and economic globalization.

A conceptualization of late-modern individualism, as individualization, refers to an aspect of globalized modernity in which persons lose their reliance on established relationships and increasingly become subject to institutions which require dependence on their own individual capacities (Beck and Beck-Gernsheim 2002). This notion, originally accounting for consequences of dismantlement of the welfare state and the application of labour market flexibility to middle-class employment, has been applied to Chinese developments that have occurred since the advent of the People’s Republic of China (PRC) in 1949 and especially since the 1980s when China joined capitalist globalization. The value of this perspective, as developed by Beck and applied by others to China, has been challenged even though the idea of an emergent individualism is not disputed (Kipnis 2012b). Indeed, the perception that a ‘shift in the relation between the individual and society … [in which the individual is] free from most previous all-encompassing social categories … such as family, kinship, gender and class’ (Yan 2010: 489) seems to be accepted in some form by the majority of authors who embrace the perspective of increasing individuation. Such a characterization is typical in accounts of modernity in general. Its explanatory value might be questioned, though, when it cannot properly distinguish between different types of society or stages in the historical development of single societies.
The categories of Beck’s individualization argument, ‘de-traditionalization’, ‘dis-embedment’ and ‘re-embedment’, are at best misleading metaphors. The last two notions in particular conjure an image of individuals plucked from some social relations and inserted into others, like pegs on a board. These notions implicitly acknowledge, however, that no matter how intense the imperatives of collective social categories, they are always experienced by individuals. While the individual as a unit of analysis, more-or-less free of external determination, characterizes commentaries of historical transformations toward modernity, the more insistent the quest for self-defining individuals, the further back in historical time it is possible to locate them:

[T]he majority of ordinary people in England from at least the thirteenth century were rampant individualists, highly mobile both geographically and socially, economically ‘rational’, market-oriented and acquisitive, ego-centred in kinship and social life (Macfarlane 1978: 163).

Similarly, Chinese individualism can be located as early as the Song dynasty (960-1279):

Increased contact with the market made the Chinese peasantry into a class of adaptable, rational, profit-orientated, petty-entrepreneurs (Elvin 1973: 167).

Indeed, literary evidence from China for individuals interested in their own identity and as agents of their own concerns exists from the 6th century BC (Elvin 1985: 159). Human society, no matter how constraining and total the institutions comprising it, is made up of persons who experience themselves through their own needs or interests, which are always refracted through patterns of relationships, including the expectations of and obligations to others (Barbalet 2013, 2014a). Contrasting senses of personal ambition and identification with others are constants of individual experience. The abstract nouns ‘individual’, ‘individualism’, ‘individuation’ and ‘individualization’ are cultural tropes rather than explanatory frameworks (Lukes 1973).

A conclusion of these reflections is that the idea of an attenuation of the social so that the individual stands apart from the collective is less helpful in understanding marketization and similar historical forces of modernity than a conceptualization of changing relations between individuals in distinguishable contexts in which there is variation in the intensity and forms of attachments between them. What can be theorized is not the ‘dis-embedment’ of individuals from the social categories of ‘family, kinship, gender and class’ but changes in the ways in which individuals relate with others in the arrangements of the institutions and organization which provide their social existence, including family, kinship, gender and class.

In consideration of the application of the individualization thesis to developments in China from the last half of the 20th century it is necessary to examine institutions in which social relations not only change over time but within which the sustaining basis of social interaction is modified. The purpose here, then, is not to provide a commentary on the arguments proposing Chinese individualization but to examine the trajectory of change in the form and context of relations between individuals as members of families, work-groups and other collective entities in present-day China.

**Maoist individualization: party versus family?**

Taking an historical sweep that goes back to the formation of the PRC in 1949, Yan (2010: 492-43) argues that under Maoist socialism the individual was relocated away from relations with kin and inserted into a new axis of relations with the party-state so that there was achieved a ‘partial individualization under Maoist socialism’ (Yan 2010: 493). In such a consideration it is
necessary to distinguish between two distinct organizational aspects of kinship, the lineage clan and the family.

The opposition between the lineage associations and the Chinese Communist Party was fundamental and inevitable. Lineage organizations constituted a stable means of governance in a society in which the central government, either the imperial government up to 1911 or the Republican from 1912 to 1949, was remote from local communities. Clan associations provided local administration and civic regulation, including the maintenance of ceremonies, education, credit provision and welfare as well as protection and the maintenance of order. Additionally, the clan as a corporate entity owned property, profit from which was distributed to household heads. After 1949, for the first time in its history, China was subject to a single structure of governance which not only controlled the entire country but had enforceable representation at local levels of society in all areas. Even apart from ideological opposition to the Confucian rationale for lineage associations, the organizational structure of the party-state was necessarily opposed to the rule of clans and their lineage associations. It is of particular interest, though, that while the clan organizations were destroyed in all rural areas by the mid-1950s, since marketization from the 1980s when families as units of production and consumption have been strengthened, lineage genealogies have been revived in many rural areas (Gold 1985: 665; Faure 2006: 73-80). This raises the question of the family under Mao and the relations of individuals within it.

The traditional Chinese family subordinates its individual members to the authority of the eldest male of the most senior generation, representing the family as a collective entity. Such a family, organized hierarchically, comprises several generations sharing a common household and collectively-owned property. Women are secondary members of the traditional family; temporary members of their birth family and full members of the family into which they marry only after producing a male heir. Marriages are to achieve the interests of the husband’s family, not the spouses’ happiness. Marriage partners are selected through agreement between the groom’s and the bride’s parents. A principal structure of the traditional family, then, is consanginely formed relations of descent through the male line. This is in tension with the means of its reproduction in conjugal relations between spouses.

The traditional multi-generational joint-family was the ideal in pre-1949 China, but no more than 7 percent of families achieved this form (Eastman 1988: 16). The conjugal family, consisting of two parents and their unmarried children, was the statistically normal form, being approximately 60 percent of the total (Eastman 1988: 16). Field studies from the 1920s and 1930s found that the average size of the Chinese family was five persons (Hsu 1943: 555; Freedman 1979: 235; see also Fei 1962: 192; Fei and Chang 1948: 54). The collective property of the majority of families in pre-revolutionary China was insufficient to provide authority for its most senior generation. The interest of a husband from a poor family was to ‘side with his wife’ in a dispute with her in-laws (Hsu 1943: 561; Freedman 1979: 246). This gave predominance to conjugal over consanguinity. For the ‘greater part of the population … the unwieldy family suppressing individualism was ruled out by poverty and lack of power’ (Freedman 1979: 247). In this sense the individualized family predates the communist revolution.

While the traditional family form was statistically under-represented in China in 1949 the importance of family support for individual well-being remained crucial. The idea that family loyalty was displaced by comradeship and loyalty to the communist party misunderstands how these distinct associations worked together. At different times there seemed to be different practices regarding the family. In the early 1950s land reform was achieved through the assignment of class categories (landlord, rich-, middle-, and poor-peasant) to families and a
‘corrective’ re-allocation of resources so that peasants previously too poor to marry could now be household heads. Collectivization during the Great Leap Forward (1958-61), on the other hand, through the People’s Communes and communal kitchens, included an apparent effort to eliminate the family. There is evidence that even at this time, however, the rural family remained the principal social institution (Cohen 1992). A constant of the Mao period was identification of the individual through their family membership, which fixed their political, economic and social status.

A common slogan during the period 1949-76 was ‘deny the family for the sake of the nation’. But the political reality was to maintain the consequences of family membership for individuals. The distribution of benefits of office, of cadres or officials, flowed to their family members. This is graphically illustrated during the period of the Great Leap Famine when large numbers of members of People’s Communes starved to death while Commune cadres and their families ate well through direct access to collective food stocks (Yang 2013). Punishments too were enforced against families, both generationally and laterally, for transgressions by individuals. The case of Xu Guohe is extreme but not unusual. He was charged with ‘right opportunism’ and dismissed from the party, his wife – also a party member – was subject to several months criticism and then forced to divorce Xu, his father-in-law – also a high-ranking party member – was subject to criticism and dismissed from his administrative post, his brothers and sister-in-law were criticized and imprisoned, his 70 year old mother was attacked, his 6 year-old son was expelled from the family’s official living quarters and forced to roam the streets (Yang 2013: 116-17).

Family loyalties were strained during the Cultural Revolution. The Red Guard, a youth movement opposed to generational authority, undermined the obligations of children to their parents. There are celebrated cases of defiance of parental authority and betrayal of parents to political tribunals. One such instance is the denouncement by Bo Xilai, in his late teens, of his father Bo Yibo, a veteran revolutionary and one-time finance minister and vice premier (Garnaut 2012: 27-28). Such events did not typically have lasting effects on family relations, however. The rehabilitation of Bo Yibo after 1976 appreciably benefitted Bo Xilai whose father’s efforts provided opportunities otherwise not available (Garnaut 2012: 28-30). Indeed, the ‘princeling’ phenomenon shows how misleading is the idea that communist political loyalty displaced family loyalty. In considering the family, especially during the Mao period, it is important to distinguish between ideological representations and actual practices.

Marriage law: individualism and neo-traditionalism

The impact on family life of China’s post-1949 revolution was achieved through the 1950 Marriage Law, elements of which support the individualization thesis:

The feudal marriage system based on arbitrary and compulsory arrangements and the supremacy of man over woman … is abolished. The new democratic marriage system, which is based on the free choice of partners, on monogamy, on equal rights for both sexes, and on the protection of the lawful interests of women and children, is put into effect (Article 1).

Article 1 goes on to assert that arranged marriages are illegal; the accompanying practices of dowry, matchmaking and also concubinage are prohibited in the second and third articles of the law. This did not necessarily mean an end to arranged or forced marriages, however (Ikels 1996: 104-105; Lu 2012)
The tradition role of women, as property moved between families (Cheung 2005), is overturned by the 1950 Law. Indeed the new law has provisions for wives to ‘have equal rights [with their husbands] in the possession and management of family property’ (Article 10) and equal rights ‘to inherit each other’s property’ (Article 12); both possibilities were denied by the traditional marriage laws, in which family property was only available to male family members. Another aspect of marriage traditionally denied to women provided to them by the 1950 Law is the right to initiate a divorce (Article 17). Also, limitations were for the first time imposed on a husband’s right to divorce: ‘The husband is not allowed to apply for a divorce when his wife is pregnant, and may apply for divorce only one year after the birth of the child’ (Article 18), a restriction that did not apply to a woman seeking a divorce.

A crucial aspect of traditional family life is preserved in the 1950 Law, however, namely inter-generational family obligations. According to the 1950 Law ‘children have the duty to support and to assist their parents ... [a] provision [that] also applies to foster children’ (Article 13). This is not strictly speaking a reassertion of Confucian filial piety, in which sons and daughters-in-law are obliged to support their parents and parents-in-law respectively. In the 1950 Law daughters have a role in providing support to their parents, traditionally denied when their obligations were only to their husband’s parents. But by incorporating this aspect of family obligation as a legal duty the Marriage Law draws upon traditionally sanctioned behavior in a modified context and strengthens it.

The major difference between the 1950 Marriage Law and the 1980 Law that replaced it and is still current, apart from the legal obligation to family planning introduced into the latter, is a strengthening of the family obligation clauses. The 1980 Law, in addition to the statement that ‘children have the duty to support and to assist their parents’ adds that if children fail to perform this duty, then ‘parents who are unable to work or have difficulty in providing for themselves shall have the right to demand support payments from their children’ (Article 21). The family obligation provisions of the 1980 Law are extended to include orphaned grand-children, both paternal and maternal, who now have the ‘duty to support their grandparents and maternal grandparents whose children are dead or have no means to support them’ (Article 28) and also elder brothers and sisters who have a legal duty to ‘maintain their younger brothers and sisters who are minors, if their parents are dead or have no means to bring them up’, a duty which comes with a reciprocal legal responsibility on such younger brothers and sisters ‘to maintain their elder brothers or sisters who lack not only the ability to work but also source of income’ (Article 29).

The provisions of the PRC Family Laws constitute significant departures from the practices and expectations of traditional Chinese marriage and family. The introduction of individual choice of marriage partner coupled with fundamental transformations in gender roles and the dislodgement of generational authority do not, however, amount to individuals being disembed from families, on the contrary.

The privatization of labour and economy
There are widely held views that the marketization of China’s economy and the accompanying privatization of labour constitute principal sources of individualization in the Beckian sense of ‘disembedment from the socialist public ownership and planned economy’ (Yan 2010: 496):

Considering that there was virtually no labour market under Maoist socialism and … no one worked outside the planned economy until the late 1970s, th[e] steady and rapid growth of a private labour market … plus the millions of peasants in private farming,
constitutes the most radical shift that led to the individualization of Chinese society (Yan 2010: 496).

The difficulty with this type of statement, in which private economy entails individualization, is that it ignores some crucial qualifications, the absence of which distort the image of the developments it refers to.

Yan (2010: 495-96) is aware that the ‘individuals’ involved in the markets of the post-1980s economy are ‘individual households’. The illegal departure from the agricultural collectives in the late 1970s, which became known as the Household Responsibility System (baochan daohu), in which private contracts for agricultural labour and products were formalized, and which heralded the party-state’s privatization movement (Zhou 1996), is based on kin connections and a revival of lineage practices (Faure 2006: 73-80). Indeed, the household as a contractual unit raises the question of the restoration of neo-traditional kinship and lineage structures. Well documented studies based on village surveys covering extensive regions report increased recognition of kin and a revival of genealogies and lineage organization and practices (Faure 2006: 79).

The urban dimension of state ‘disembedding’ occurred through the restructuring of State-Owned Enterprises that occurred between 1998 and 2003 in which downsizing and privatization reduced the numbers of workers covered by the danwei (work-unit) system that provided housing, health-care, pensions and other benefits. The workers expelled from state-enterprises and danwei provisions were not necessarily individualized, however. In pursuit of self-employment or small-business startups or employment in other firms these workers had recourse to family- and guanxi-networks which ‘re-embedded’ them in collective or more strictly associative non-individualized engagements.

Indeed, the role of marketization in reviving the economic functionality of non-individualized formations of family and kin in the PRC’s social and economic structures are reflected in the ownership pattern of the burgeoning private business sector. Seventy-six percent of a sample in one study displayed ‘broad family ownership for genetically private companies’ (Lin 2010: 78; see also Kraus 1991: 102ff). The significance of kinship networks for entrepreneurial activity in China’s market transition has been carefully documented and the family structure of small- and medium-sized firms has been similarly demonstrated (Peng 2004; Poutziouris, Wang and Chan 2002).

The urban employment sector, where individuals vie for employment on their own behalf, operates through the intervening mechanism of guanxi networks (Bian and Huang, 2009; Huang, 2008). The facilities through which the individual interest of such market actors is expressed require commitment to and reliance on family and network associations: the interest of members of guanxi networks is to maintain the network, in service of which they devote resources that detract from their individual consumption. Guanxi and the reciprocal obligations entailed in its system of face and favour cannot be understood in terms of individualization (Barbalet 2014b).

Disembedding and state-sponsored institutional changes: the case of migrant labour

The party-state’s disinvestment of its social responsibilities through sponsorship of market reforms is widely taken as evidence of individualization, and none more so than the generation of a massive labour market drawing upon rural-origin workers. This population is typically seen as away from both home and family, creating a ‘left behind population … of elderly people separated from their adult children and of young children separated from their
parents’ (Yan 2010: 497). This is regarded as a dual individualization, of both mobile workers and the sedentary family members from whom they are separated. In fact, though, parents and other family members typically support migrant workers in setting up residence in their new place of work and migrant workers provide remittances to their families. Physical separation does not itself imply social disembedded. Rather than individualization, labour internal-migration in China is an expression of family commitments and investments.

The massive migration of rural labour results from a number of changes in state policy. The rural reforms begun in the late 1970s in which the People’s Commune System was dismantled, exposed a massive surplus of agricultural labour and high levels of rural unemployment. Subsequent institutional relaxation, especially of the *hukou* system, permitted movement away from location of family registration (Chan 2012). At the same time industrial growth – and labour demand – resulted from Deng Xiaoping’s 1992 Tour of the South. During the period 1988 to 2004 rural labour mobility went from involving 26 million persons to 126 million (Huang and Zhan 2008: 223). In 2012 migrant labourers totaled 236 million. The context of labour migration is a combination of government policy, administrative relaxation and economic circumstance including regional differences in employment opportunities. The decision to migrate, however, the capacity to do so and the consequences of migration are all connected with family strategies.

In China migration is ‘underpinned by the pre-existing values of … family loyalty’ (Murphy 2002: 216); migration decisions are not taken by isolated individuals but by families which in seeking to take advantage of distant employment opportunities, and thereby increase family income, fund the costs of the migrant’s journey and establishment in a new location and in return receive remittances that benefit the family as a whole (Cai Qian 2003: 473-74; Murphy 2008: 61). The point and purpose of migration in the vast majority of cases is to repatriate remittances to the family that stays behind. Migrant workers typically suffer personal poverty and deprivation in order to increase the size of the remittance they send home (Huang and Zhan 2008: 235-36). The aggregate amount remitted in 2005 was approximately 249 billion RMB or US$30.7 billion, with individuals sending between 3,000 and 4,000 RMB annually to their families (Huang and Zhan 2008: 223). The vast majority of migrants remit, a widely accepted estimation is that approximately 75% of migrant workers’ remit. The majority of migrants are absent for periods of between four to seven years and maintain a stake in the rural community to which they are likely to return (Murphy 2008: 47). Those that do not remit typically have employers who withhold wages (Cheng, Nielsen and Smyth 2013), a problem faced by millions of migrant workers. A minority of migrant workers will have less need to remit if they re-locate family members to their place of work. China’s National Population and Family Planning Commission’s ‘Migrant Population Survey, 2013’ reports a recent trend among some married migrants to be accompanied by a spouse (China Daily 2014).

Remittances not only ‘represent one dimension of family ties and demonstrate high degrees of interaction between migrants and families at home’ (Cai Qian 2003: 472), but also constitute a mechanism for the reduction of rural poverty (Huang and Zhan 2008: 224-25; Murphy 2008: 49-40). There is an intimate link, then, between the enhancement of family consumption and investment through receipt of remittances from migrant workers on the one hand and the reduction of rural poverty and the narrowing of the rural-urban income gap on the other. Because the land holdings of the majority of rural families are small remittances are seldom used for purchase of agricultural machinery although there is evidence that remittances may be used to establish non-agricultural businesses (Huang and Zhan 2008: 227-28; Murphy
Approximately 60 per cent of remittances are used for house construction (Murphy 2008: 58). This expenditure advantages the migrant worker’s family as a whole and for unmarried male workers provides the necessary pre-requisite for attaining a bride and full social integration by continuing the family line (Murphy 2002: 103-107). Another common use of remittances is expenditure on health care and education and in poor households this may be a primary motive for migration (Huang and Zhan 2008: 225, 231). Expenditure on education is a clear indicator of the relationship between remittances and family ties. Children from migrant households tend to achieve higher test scores than their non-migrant-household classmates (Lu 2012). Remittances increase household income, which is associated with higher educational attainment. Parental migration results from ‘commitment to a better future for their children … [that] may impel [children] to study harder to fulfill parental expectations’ (Murphy 2008: 59).

While the uneven impact of migration within the migrant worker’s family and the complexity of divided loyalties and uneven outcomes that arise from a family member’s migration cannot be ignored it is difficult to see how labour migration itself constitutes a major factor in Chinese individualization. Labour mobility does not result in the migrant worker leaving his or her family in any meaningful sense. Physical separation from family members is not an abrogation of family relationships. Indeed, labour migration is typically undertaken as a family strategy designed to satisfy family needs and purposes and in migrating workers typically make significant self-sacrifice for their family as a social unit.

**Rights awareness**

Associated with China’s market-oriented reforms there is ‘an awareness of individual rights and, consequently, various forms of rights assertion behaviour’ (Yan 2010: 500). Discussions of the Chinese middle class in particular have sought evidence of its possible role in struggle for democratic rights. It is assumed that the logic of market development inclines this class to support democratic institutions and advance democratic participation in order to enhance its economic standing (Hu 2000; Sen 2001: 146-59). But the economic advantages enjoyed by salaried workers in state-owned enterprises and private firms, by professionals and business people derive from the economic reforms initiated and advanced by the party-state. There is very little evidence of interest within the broad spectrum of Chinese society to challenge the current regime or insist on political rights in the western sense (Tsai 2007; Wright 2010). Indeed, as democratization would provide political benefits to the more numerous peasantry, urban China including the middle class and intelligentsia oppose democracy from fear of electoral marginalization (Unger 2006). This is not to deny the presence in China of rights-based anti-regime movements, such as Charter 08, which in December 2008 called for reform of the Chinese constitution and an end to one-party rule with a manifesto signed by 350 intellectuals (Béja, Hualing and Pils 2012). Without exception, however, such movements attract much more attention in the western media than they do in China.

The rule of law is a major platform of China’s reform agenda and while law remains subordinate to party prerogatives, especially in the criminal area, law is now a well-used means of dispute resolution and influences the redefinition of relations between party-state, economy and society in significant ways, including by provision of the definition of legal rights (Lubman 2002). Nevertheless, ‘rights awareness’ operates differently in different arena, animated by different particular issues and drawing on different constituencies. At one end of the spectrum is the rights defense movement (weiquan), in which citizens use litigation and activism to challenge state administrative processes through legal redress. This movement was given impetus in
response to the death in 2003 of a migrant worker, Sun Zhigang, in police custody. The lawyers and academics involved in the rights defense movement typically find themselves subjected to the notion that ‘socialist law’ is ultimately subordinate to political determination (Yu 2013; see also Tanner and Green 2008; Liebman 2008). At the other end of the spectrum are consumer rights, promoted by the party-state in a struggle against sub-standard products and services in endeavouring to establish domestic commodities markets (Hooper 2005). The instrumentalities of consumer rights are thus organizations connected with administrative authorities of the party-state. Between these poles are the rights of peasants to either retain or get a ‘fair’ price for agricultural land acquired for urban development and also the movement to achieve labour rights. Neither of these are necessarily strong indicators of individualization through rights awareness.

Rural protest in China and the peasants’ rights movement with which it is associated have been constant elements of marketization. Rural protest is predominantly in response to the expropriation by local government of agricultural land for commercial and industrial development, often on behalf of private interests and frequently corruptly and without compensation to the peasants from whom farmland is taken (Cai Yongshin 2003; Guo 2001; Walker 2006). The expropriation of agricultural land effectively transforms socially-collective to individual ownership, not infrequently achieved through violence on the part of the local state or private developers. The rights peasants defend are typically collective rights. Individual rights are involved in so far as an appropriation of land containing a peasant family’s house may lead to the provision of another dwelling in a different location. Such complications raise consideration of the distinction between and relations of ‘rights’ and ‘interests’.

Perhaps more than any other form of rights ‘labour rights’ in China indicate both apparent individualization and at the same time show how state-sponsored individual rights are in tension with the struggle to achieve collective labour rights. The Labor Law of 1994, the first of its kind enacted since the founding of the PRC, provides significant legal protection to workers’ rights of contract, wages, working conditions, pension entitlements and other aspects of employment. This and accompanying local legislation, regulation and administrative structures function to set a legal standard regarding employment conditions and remuneration against which workers may seek redress by litigation if an employer fails to comply with the legally-set standard (Chen 2007: 60, 63; Chan and Siu 2012: 85-86).

In form and practice this legislation and its administration protects the rights of individual workers, especially those employed in the private sector, who wish to take their employers to court and from its inception to the present time it has been increasingly used as a means to achieve compliance with the law when a worker’s legal entitlements are violated (Chen 2007: 63-64; Chan and Siu 2012: 87). Indeed, the Labour Law is widely seen as the ‘only institutional resource protecting [workers] interests vis-à-vis powerful employers and local officials’ (quoted in Chan and Siu 2012: 88). In this sense redress through litigation against violation of legally-defined rights is part of the discourse of weiquan, deployed by social elites including cross-border NGOs emanating from Hong Kong (Chan and Siu 2012: 86-87). The vast majority of breaches of contract, wages arrears, overtime and working conditions regulations, injury compensation and so on go unchallenged, however, because of worker’s vulnerability to employer retaliation. This vulnerability indicates the incompleteness of labour rights conceived and practiced in terms of the rights of individual redress against legal breaches.

The understanding of labour rights in terms of legally-encoded employment conditions means that the enforcement of such rights and also the improvement of those rights as
necessarily subject to litigation are at the prerogative of the courts and government. What is missing from the official Chinese understanding of labour rights is the right to collective action and organization which go beyond the rights of individuals and may contravene them (Barbalet 1988: 26-27). Improvement in conditions of employment has historically been achieved by labour’s independent and collective organization including the right to collective action in both striking against and bargaining with employers. These aspects of labour rights are legally denied in China, and when exercised are likely to be suppressed by the party-state. The right to organize is supported by clauses in both the Labour Law and the Trade Union Law but abstractly and vaguely defined and therefore effectively hollow and contravened by political and institutional factors (Chen 2007: 65-69). The legitimate organization of labour in China is monopolized by the party-state controlled All-China Federation of Trade Unions (ACFTU). Involvement in independent organization and action is likely to be seen as threatening national security. The right to organize is a prerogative of government not workers and individual labour rights are not individualized as they remain embedded in the practices of governmentality.

The right to strike was revoked from the currently operating 1982 Constitution of the PRC, although it was mentioned in the 1975 and the 1978 Constitutions, and it is explicitly prohibited by the 1992 Trade Union Law. This does not mean that strikes do not occur, for they do (Chan 2010; Pringle 2011); but because they frequently seek improvements over the existing conditions of legally-provided entitlements they are conceived as not ‘rights-based’ protests but ‘interest-based’ protests that ‘go beyond the minimum standards defined by law’ (Chan and Siu 2012: 88). Needless to say, Chinese workers have no right to collectively bargain with their employers. The system of ‘collective negotiation’ in enterprises covered by the ACFTU are typically agreed by union cadres subordinate to management and designed to satisfy production goals. In the area of labour rights, then, individual rights to legally-defined employment conditions are embedded in party-state institutions. The collective rights of independent labour organization are exercised by workers who risk state repression. Such rights are understood by all parties to involve ‘interests’ rather than ‘rights’.

**Conclusion**

Rather than assume a globalized trend of individualization to which all societies are subjected, including China, it is more fruitful to examine institutionally-based relations between individuals in particular societies. The Chinese party-state’s relations with individuals can be understood in terms of its characteristic development of marketization. The market economy in China does not imply differentiation from the political sphere; indeed, the Chinese state’s regulatory, monitoring, economic enterprise and planning roles have expanded as the private sector has grown. The pattern of western capitalism, in which market expansion was historically coterminous with the state’s contraction, and a sphere of private interest is clearly separate from that of state power, has never obtained in China and the trend today is in the opposite direction. Ostensibly private organizations perform public functions, when business associations satisfy state purposes (Nevitt 1996) and state agencies, while continuing to satisfy state functions, operate in markets on their own behalf. The party-state’s continuing entanglement with markets has a number of implications for individuals, not the least of which is the continuing significance of political capital in the market economy. This is not to underplay the party-state’s abandonment of paternalistic policies after 1978, but it does require careful qualification of assumptions concerning individualization.
It has been shown that the party-state’s revolutionary attack from 1949 on the traditional family and especially lineage associations and its insistence on loyalty to the party did not mean the dismemberment of the family or undermine its significance as both a locus of loyalty and obligation and also as a mechanism for transmission of political capital, positive and negative. A significant feature of the reform period, characterized by the Four Modernizations and the marketization of Chinese society, is that political capital and its conveyance through family networks is now translatable to significant economic capital, similarly conveyed. A collateral element of this development during the current period is extensive corruption, interdependent with exceptionally high rates of economic growth (Wedeman 2012).

The political and economic significance of the family continues to be highly salient during the reform era on a number of levels, maintaining and enforcing its social significance. The role of the Family Responsibility System in undermining the People’s Communes and heralding the market reforms has been mentioned. Second, the rapid growth of small and medium businesses through marketization is largely of family businesses. Third, the ‘princeling’ phenomenon of family inheritance of political capital, created during the Mao period, became even more pervasive after the 1978 reforms in which the party-state/market-economy nexus provides opportunities for the involvement of the families of leading party members and senior cadres in significant economic engagement, frequently corruptly (Barboza 2012; Page 2011).

The private sector is so circumscribed by administrative fiat and policy that a connection with political capital is crucial in order to obtain a license, permit or any other type of official product. To obtain official services individuals must provide ‘favour’ to the administrator concerned. Family members of political and bureaucratic personnel continue to have privileged access to entitlements in education, business and other instruments of economic advancement through their political capital. Behind individual transactions are family connections and benefits. Without appreciating this aspect of Chinese society, and especially the role of the family in converting political capital to economic capital and in providing the framework and context of loyalty and obligation, then the focus on the individual as both a construction of the party-state and a locus of personal agency is simply misleading.
References


