

Charles University

Faculty of Arts

Department of Sinology

Sinology

Master's thesis

**Societal and Legal Transformations of Workers'  
Status in China (1949-2019)**

Sociálne a právne zmeny v postavení pracujúcich v  
Číne (1949-2019)

Bc. Viktória Chrenková

Prague, 2025

Thesis advisor: Mariia Guleva M.A., PhD.

**Declaration:**

I declare that I have written this master's thesis solely on my own, that I have properly cited and listed all sources that I have used and that this thesis has not been used during different university studies or to acquire another degree.

Prague, June 29 2025

Viktória Chrenková

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V Prahe, dňa 29.06. 2025

Viktória Chrenková

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**Abstract:**

This thesis will explore the changes in the legal and societal status of workers in People's Republic of China from the Maoist period, through the decades of reforms and opening until the beginning of the COVID-19 pandemic, focusing on constitutional provisions (PRC constitutions of 1954, 1975, 1978 and 1982) and labor-related laws (Labor Law of 1995 and Labor Contract Law of 2008), or other legal provisions (Trade Union Law of 1950).

The goal of the study is to illuminate the dynamic interplay between legal developments, societal perceptions of labor, and the political utilization of the working class in contemporary Chinese history. The first part of the research will outline the transformation of workers' status, rights, privileges, and obligations as codified in the legal texts of the PRC. The thesis will then juxtapose the legal provisions to their implementation and the workers' position in Chinese society and polity, establishing the significant fluctuations in law and practice.

**Key words:**

workers, laborers, constitution, social status, workers' rights, People's Republic of China

**Abstrakt:**

Cieľom tejto práce je analyzovať a popísať zmeny v právnom a spoločenskom postavení pracujúcich v Čínskej Ľudovej Republike od obdobia maoizmu, cez dekády ekonomických reforiem a politiky otvárania sa svetu, až po začiatok pandémie COVID-19. Hlavným prameňom práce sú štyri ústavy ČĽR (z rokov 1954, 1975, 1978 a 1982) a zákonníky práce (Zákonník práce (1995), Zákon o pracovných zmluvách (2008)), prípadne iné súvisiace právne nariadenia (napr. Zákon o odboroch (1950)).

Hlavným zámerom práce je objasniť a poukázať na dynamický vývoj medzi právnymi zmenami, vnímaním práce a pracujúcich v spoločnosti a politickým postavením robotníckej triedy v novodobých čínskych dejinách. Prvá časť každej z kapitol bude venovaná právnym aspektom daného obdobia, vrátane práv, privilégií a povinností pracujúcich, tak ako sú kodifikované v právnych dokumentoch ČĽR. Druhá časť sa bude následne zaoberať každodenným, bežným životom a pracovnými podmienkami pracujúcich v danom období, poukazujúc na značné nezrovnalosti v teórii a praxi.

**Kľúčové slová:**

pracujúci, robotníci, ústava, sociálne postavenie, práva pracujúcich, Čínska Ľudová Republika

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## **List of abbreviations and acronyms**

PRC – People’s Republic of China

CCP – Communist Party of China

ACFTU – All China Federation of Trade Unions

UDHR – Universal Declaration of Human Rights

NPC – National People’s Congress

CPPCC - Chinese People’s Political Consultative Conference

ILO – International Labour Organization

CLB – China Labour Bulletin

NBS – National Bureau of Statistics

SOE – State-owned enterprise

COE – collectively-owned enterprise

LIL – Labor Insurance Law

TUL – Trade Union Law

GLP – Great Leap Forward

TFD – Taiwan Foundation for Democracy

BWAF - Beijing Workers’ Autonomous Federation

## **Note on citations from PRC constitutions and other legal documents**

In citations, I refer to each constitution by a pattern of Xianfa year: article; but when referring to the constitution in the text, I use the word constitution and specify the year if needed. I will also be using abbreviated versions for other legal provisions, such as referring to Labor Law of the People’s Republic of China just as Labor Law. In citations, I also use abbreviations of the titles of the laws (LIL, TUL).

Unless explicitly stated otherwise, all the translations of the legal provisions are made by me. The translations primarily aim to be as accurate as possible, keeping the legal implications of the original.

## INTRODUCTION

This thesis observes the development of legal and social standing of workers in the People's Republic of China during the period from 1949 until 2019. My main goal is to show the differences between what is written in the constitution and other legal provisions related to workers and what the workers were (and still are) facing in reality. I want to contrast statements in the constitutions which claim that the working class is the leading class of the country with the everyday lives of workers.

After the Communist victory in 1949, living and working conditions of Chinese citizens have surely improved. First and foremost, the country was finally in a state of peace after several years of its citizens facing foreign aggression, followed by a civil war. Peaceful environment and political stability undoubtedly provided better conditions for any country to develop, and China was no exception. The long-awaited peaceful times created a good basis for subsequent development and improvement in people's living standards (increased literacy,<sup>1</sup> increased life expectancy,<sup>2</sup> changes in family structure and gender relations<sup>3</sup> etc.). It is therefore not my intention to paint everyday life of a regular worker as a living nightmare, because data show major improvements in many areas (Goldman 1983: 111). At the same time, I do not want to diminish the perspective of workers themselves, since it is possible that they personally perceived that their everyday life was worse. However, despite the workers (and all other groups of citizens) struggling and facing many issues, data indicates that in many aspects, everyday life of ordinary citizens has greatly improved, even if the situation was not still far from ideal. I assume that one of the possible reasons why workers perceived their situation as worse (which happened especially in the 1950s), was due to the discrepancy between the promises made in the constitution and the reality they were facing. It is precisely this discrepancy between promises and reality in regards to workers, that this thesis focuses on.

The main questions this thesis attempts to answer are: firstly, how was the legal standing of the workers from 1949 till 2019 in China reflected in the constitution? Secondly, how did this legal standing compare to the real life of the workers? What problems were workers dealing with in a so-called workers' state? Thirdly, what are the possible reasons behind the

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<sup>1</sup> See Zhang Tiedao 2005.

<sup>2</sup> According to Xinhua (新华), on the basis of data from the Chinese National Bureau of Statistics (NBS) the life expectancy in 1949 was 35 years, by 1957 it rose to 57 years. In 1981, it was 68 years and in 2018 it was as high as 77 years (Xinhua wang 2019).

<sup>3</sup> New legal provisions such as New Marriage Law of 1950 (Xin hunyin fa 新婚姻法) granted women the right to choose their partner and to divorce them if they want to and much more.

discrepancies between the legal promises and reality? Additionally, aside from the main problems the workers were facing in each period, I try to identify continuous trends which are observable throughout the period of the seventy years covered by this thesis.

The scholarship regarding the Chinese constitutionalism is extensive and rich. Throughout the thesis I refer to various researchers from each period and refer to their comments regarding the Chinese constitution. The 1954 Constitution was analyzed by Chang Yu-nan (1956) or Franklin W. Houn (1955). The 1975 and 1978 Constitutions were examined by Kim Chin (1977) and Kim Chin and Timothy Kearley (1979). The current constitution, the 1982 Constitution was analyzed by Byron Weng (1982) or William C. Jones (1985) and many others. Their works comment on the constitutional development and how it might possibly affect China. There are also researches who focus on a long-term development of Chinese constitutionalism. One of the most influential names in this regard is Jerome A. Cohen, a highly respected professor of law, who wrote the comprehensive article *China's changing constitution* in 1979. In this article, Cohen analyzes how the Chinese constitution is intertwined with the political power, highlighting the tension between the CCP's need for control over every aspect and the necessity to have a functional legal system, as well as providing a sense of security and safety for its citizens. The Chinese Constitution keeps attracting attention until now. Professor of international law and political science Tom Ginsburg and professor of political science Alberto Simpser compiled several articles from various experts about constitutions in authoritarian regimes, including PRC, into a broad study of such constitutions, with the effort to prove that even in single-party regimes, constitutions matter and are not just a worthless piece of paper (Ginsburg and Simpser 2014). Historian Jennifer Altehenger in her *Legal Lessons* (2018) analyzes how the discussions surrounding the implementation of the 1954 Constitution and promulgation of other laws in the early 1950s influenced Chinese people's understanding of law and the constitution. Neil J. Diamant, a political scientist, in *Useful Bullshit* (2021) argues that the 1954 Constitution was not as useless as some people commonly believe it to be, and also analyzes how people perceived the constitution at that time.

As for the Chinese law in general, I mostly rely on William C. Jones, a legal scholar with main focus on Chinese law, who compares and contrasts the approaches to law in the West and in China (Jones 2003), as well as Merle Goldman's article about human rights in China (1983). Both authors look at the Chinese Law from a historical perspective, show how it evolved and how the Chinese system compares to the Western one. Donald Clarke (2003) is

another legal scholar who focuses on Chinese law, underscoring the specificity of the Chinese constitution.

The works and articles published about the workers in China are equally extensive. Sinologist Jackie Sheehan's *Chinese Worker's: A New History* (2002) provides an encompassing description of various aspects of the real-life situation of workers in the 20<sup>th</sup> century, while sociologist Ching Kwan Lee's works focus more on the 21<sup>st</sup> century. In her *Working in China* (2006) she attempts to paint a new picture of diversified working class and the analyze the changes the economic reforms brought. Political scientist Elizabeth Perry's *Challenging the Mandate of Heaven: Social Protest and State Power in China* (2002) analyzes the numerous protests and unrests in China, including the how the workers expressed their grievances through protests during the course of the 20<sup>th</sup> century. An article by Chen Feng (2014) analyzes the protests in the late 1950s on the basis of data provided by internal reports *Neibu cankao* (内部参考),<sup>4</sup> showing the extent of the protests and their place in the history of the Chinese labor movement.

The publications related to workers often mention the relationship between the working class and the CCP, as well as the workers' place in Chinese legal system. However, I have not encountered a paper which would intentionally analyze the legal documents in regards to workers and then contrast the proclamations with the real-life situation. I hope that in this aspect, my thesis can help to shine light on the issue of how the governments' statements expressed through legal documents are (not) reflected in reality and how this influences the workers' legal standing.

This thesis is based on several groups of primary sources. The first group includes the legal documents from the period in question: the constitutions of 1954 (*Zhongguo renmin gongheguo xianfa* 中华人民共和国宪法 1954 年), 1975 (*Zhongguo renmin gongheguo xianfa* 中华人民共和国宪法 1975 年), 1978 (*Zhongguo renmin gongheguo xianfa* 中华人民共和国宪法 1978 年), and 1982 (*Zhongguo renmin gongheguo xianfa* 中华人民共和国宪法 1982 年), along with the Trade Union Law of 1950 (*Zhonghua renmin gongheguo gonghui fa* 中华人民共和国工会法 1950 年) and Labor Insurance Law, sometimes also translated as Labor Insurance Regulations of the People's Republic of China (Labor Insurance Law, LIL, *Zhonghua*

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<sup>4</sup> *Neibu cankao* reports were intended as a way for officials to see the real-life situation, they were direct and straightforward, oftentimes directly quoting workers and their dissatisfaction. They were not all-encompassing and equal in their scale, but they still provided valuable insight into the workers' lives and mindsets in the 1950s.

*renmin gongheguo laodong baoxian tiaoli* 中华人民共和国劳动保险条例 1951 年). I also analyze several shorter regulations from 1978 such as the Provisional measures on the retirement and resignation of workers (*Guanyu anzhi laoruobingcan ganbu de zanxing banfa* 关于安置老弱病残干部的暂行办法), the Provisional measures on the retirement and resignation of workers (*Guanyu gongren tuixiu, tuizhi de zhanxing banfa* 关于工人退休、退职的暂行办法), and the Notice on the implementation of incentives and piece-rate wage system (*Guanyu shixing jiangli he jijian gongzi zhidu de tongzhi* 关于实行奖励和计件工资制度的通知). The two laws that are currently in effect and are supposed to offer protection to workers, are Labor Law of 1995 (*Zhonghua renmin gongheguo laodong fa* 中华人民共和国劳动法) and Labor Contract Law of 2008 (*Zhonghua renmin gongheguo laodong hetong fa* 中华人民共和国劳动合同法). There were and still are, more relevant laws and provisions that influence the workers' livelihood and social standing, but those above-mentioned are some of the most significant ones for each period. I believe they can lay down sufficient basis to illustrate the legal background and indicate the level of legal protection the workers were promised. I do not focus on the legal meaning of the constitution, nor analyze macroeconomic regulations; instead, I take constitution as a tool for state's announcement of its intentions and broad ideological aims to society. Thus, I mainly focus on the political message of the constitutions and how the ideological intentions of the ruling groups at different periods of time influenced the workers' position.

The second group of primary sources includes statistical data available at websites of National Bureau of Statistics of China (NBS), International Labor Organization (ILO), Human Rights Watch, China Labor Bulletin (CLB)<sup>5</sup> and in the China Human Rights Reports. For the period of 1950s, I use also data sources such as CIA reports. I am aware that American sources about PRC from the 1950s are potentially biased due to political situation of that time, however data provided by these reports about Chinese labor force are one of the only sources I was able to find, and from the perspective of data, CIA reports are generally considered reliable.

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<sup>5</sup> CLB as an organization has been dissolved on June 12 2025 and their website is no longer available. The organization functioned for around thirty years and served the workers' interests, regularly pointing out the issues the workers were facing and also problems in the management and low effectiveness of the All-China Trade Union Federation (ACTFU). The official statement by CLB claims that it dissolved due to financial issues. CLB brought awareness to the workers' issues and actively tried to help them, it is a pity that it dissolved so abruptly. It goes to show that the workers' rights in China are by no means fully protected and that the organizations which try to speak for them, face difficulties themselves. CLB operated from Hongkong and the website was not accessible in mainland China, possibly exactly because of its mission to point out how the workers' rights are violated in a system, which claims the workers are one of its main pillars.

Additionally, if the issues were noticed by the report, it means that they were widespread, which helps me to identify the most common issues and trends for that period. These data sources offer a contextual overview of workers' real-life conditions in each period, helping us to better understand their lived experiences.

The third group of primary sources consists of personal essays, fictional narratives and journalistic publication, which albeit used sparsely, also aid in painting the full picture of the workers' daily life and struggles. These include an essay by a former Red guard turned rebel, Liu Guokai (刘国凯), *A Brief Analysis of Cultural Revolution* (1988), and a book *The World Turned Upside Down* by a journalist Yang Jisheng (杨继绳). Their claims are rarely supported by data, but nonetheless they provide valuable information. Shuang Xuetao's (双雪涛) three short stories which I chose do not focus on workers primarily, but because his works are set in Shenyang, the capital of Liaoning province, which used to be one of the industrial centers of China, and was heavily influenced by the economic reforms and subsequent dismissals, I believe some of Shuang Xuetao's perceptions can be indicative of what were the most prevalent issues of that period. Other two non-academic sources I have chosen focus on women, especially young girls who leave their hometown or home village in order to make a name, or at least a living, for themselves in a big city. Journalist Leslie T. Chang's *Factory Girls* (2010) is written on a basis of interviews with such girls and author's own observations. Sheng Keyi's *Northern Girls* (2012) is a fictional work, but I believe it might draw our attention to issues which might not appear in statistics and it can offer a new perspective on the workers' life. The two last publications are devoted to migrant workers, a huge part of the Chinese labor force, who often face discrimination and are forced to work and live in horrible conditions. The issue of migrant workers is complex, and for the purpose of this thesis, unless the source I am working with, explicitly differentiates between regular and migrant workers, I place them into one category.

The main body of the thesis is divided into four chapters. In the first chapter, I outline what functions a constitution can perform and provide the most common definitions from the West and China to explain Chinese government's treatment of constitution. I also tackle the issue of the functions of constitutions in authoritarian regimes and show that it is neither just a worthless piece of paper, nor simply a tool for legitimization of the regime. I then move to different approaches to law in China and in the West, because I believe this might be one of the reasons for the discrepancies between legal promises and the real-life situation. Another possible reason will also be covered in this chapter, and that is the influence of CCP on the

constitution making. Lastly, in this chapter I will provide a brief overview of the differences between the terms “work” and “labor” and their Chinese equivalents.

The second chapter is devoted to the period from 1949 until 1975. Firstly, I analyze the 1954 Constitution and chosen legal provisions. Then I describe the real-life situation of workers and the problems they were facing. The 1954 Constitution also covers the period of Cultural Revolution, which is a specific period in Chinese history. Not only it is a period of chaos, it is also a period of legal stagnation. Thus, it is fairly challenging to try to describe the contrast between the promises of legal provisions and reality. I try to at least point out a few key issues and trends.

The third chapter covers period from 1975 until 1982 and contains two constitutions (1975 and 1978 Constitutions). These two are grouped together in order to cover a longer period of time, since they have both been in effect for only a short time. Those will be complemented by a few shorter legal provisions from 1978 to deepen the understanding of the legal trends for this period. I also briefly describe the beginning of the economic reforms, since the reforms re-introduced capitalist economy to China and by extension heavily influenced the workers’ social standing. This period, as well as both constitutions, are very often overshadowed by either what happened before, or after it, and not many sources pay special attention to the period of late 1970s and early 1980s.

The fourth chapter delves into the period from 1982 until 2019. Firstly, I analyze the 1982 Constitution and chosen legal provisions. The second main part of this chapter is divided into two sections, the period of 1980s and 1990s, and the first two decades of the 21<sup>st</sup> century. This is a relatively recent period, which offers a variety of sources of academic, journalistic or fictional nature. I try to utilize some of these sources in order to paint a clearer picture of what everyday life looked like for the workers during that period.

Methodologically, this thesis relies on comparative analysis. I compare legal provisions with reality as well as analyze the diachronic development of legal provisions themselves. Since the study covers a period of seventy years, during which massive changes in society, economy, politics, and industry took place in China, it is possible to think about this period in relation to the concept of *longue durée*. This is an approach under which longer time periods are examined in order to better understand the historical and societal changes, and draw conclusions from these trends and patterns. The main focus is primarily on these trends, not on individual events. *Long durée* is most commonly used for centuries if not millennia long periods, and compared

to that, the seventy years I focus on are relatively short. However, the extended processes which the trends studied here reflected and triggered are certainly a part of longer societal and economic developments which engulfed China over the past centuries. In order to understand some of the prevailing current issues, we need to find their roots. In my thesis, I try to see why in a country, which claims that working class is its leading force, the workers were, and still are, struggling that much and why their social standing is far from the promises made by the constitution since the communist victory of 1949. Additionally, China has underwent a huge transformation in the last seventy years, with many dynamic changes and crucial historical events, which shaped today's China, and its workers. For this reason, I believe the approach inspired by long durée study is a viable option for this thesis.

# 1. CONSTITUTIONS AND CONSTITUTIONALISM IN CHINA – BRIEF INTRODUCTION

In the following chapter, I explain what the constitution is, what are its functions and briefly explain the history of constitutionalism in China. I also delve into differences between Chinese and Western understanding of law, and finally I explain necessary terminology in regards to workers and laborers.

## 1.1 What is a constitution and why it matters

The Chinese term for constitution is *xianfa* (宪法). *Xianfa* is an originally Chinese term, formerly meaning a set of laws. Later, the Japanese added the meaning of constitution to the word and Chinese adopted it again, together with the additional meaning. *Fatong* (法统) is also an originally Chinese term, meaning “legally constituted authority” (Hanying dacidian 1993: 694), which was used before *xianfa* was adopted. Both of these terms include the character *fa* 法, meaning law or method. However, *fatong* has an added connotation of legitimacy. There is an implication of *fatong* being not just a set of laws, but that these laws have authority and are to be obeyed. Donald Clarke, a law professor specializing in Chinese law, proposes that we should not translate *xianfa* as constitution. If we do, we subconsciously adorn it with attributes and functions typical for the Western law, but which are far from how *xianfa* actually operates in PRC (Clarke 2003: 104). While agreeing with Clarke’s statement, for the purpose of clarity, I will be referring to all Chinese constitutions as constitutions, not *xianfa*.

Chinese constitutions have all the formal attributes that majority of constitution in the Western countries have (preamble, bill of rights, functions of state institutions etc.), but in reality, the constitution of People’s Republic of China is a very specific document, which might even seem polarizing at the first glance. This is mostly because on one hand, the current Chinese constitution provides its citizens with a list of rights and freedoms, such as freedom of speech and demonstration (Zhonghua renmin gongheguo xianfa 1982, art. 35), freedom of religion (Xianfa 1982, art. 36), the right to criticize the government (Xianfa 1982, art. 41), but on the other hand, according to Amnesty International’s latest report, it is clear that these rights are being violated in practice, remaining just empty promises (Amnesty International 2024a).

When Leslie T. Chang was explaining what she was writing when compiling materials for *Factory girls*, a surgeon also pointed out the discrepancy between theory and practice: “ ‘You should write about the problems with the Chinese constitution,’ he told me. ‘We have such a beautiful constitution, but when it goes down to the lowest level of government, officials

act against it.’” (Leslie T. Chang 2010: 219). This quote shows that the citizens were well aware of the differences in the theoretical and practical application of the constitution in China, and even considered it a subject worthy of a foreign journalists’ attention. This is why I think it is necessary to discuss the discrepancies between theory and practice more, because it is a persistent issue noticed by many, including ordinary citizens, human rights activists, as well as academic researchers and it affects the wellbeing of all Chinese people, including workers, greatly.

In PRC’s case, there are several reasons why it still has an effective constitution, and in a few cases even attached great importance to it (e.g. the 1954 Constitution and the nation-wide discussion campaign around it). The fact that China still has a constitution, and had one throughout all the years of PRC so far, is also telling in itself. The constitution is therefore clearly an integral part of the Chinese legal system, which influences many areas of life, from state organization to rights and duties of its citizens. Workers as a huge part of the Chinese population are also affected by the constitution and subsequent changes it brings about.

People’s Republic of China is a one-party state, and despite the Communist Party of China being in charge of all major decisions, the government still felt it was necessary to adopt the first official constitution of PRC in 1954, which substituted the Common Program of 1949. Similarly to China, many other authoritarian regimes throughout history have adopted constitutions (USSR, countries of socialist block, several Latin American countries and many more), implying that such a document clearly has a place and role even in a single-party system. What exactly is that role? Firstly, it is commonly understood that the main function of a constitution in an authoritarian regime is to legitimize said regime (Cohen 1979: 105). This was to an extent a necessary step for CCP, albeit it did happen partly due to Stalin’s persuasion (Diamant 2021: 7).<sup>6</sup> Secondly, the constitution describes and presents the goals and values of the regime (Cohen 1979: 106, Diamant 2021: 21).

Neil Diamant argues that legitimization of CCP’s regime was not the main reason behind writing the 1954 Constitution. He considers “the discussions about their content and the reporting of people’s often-problematic reactions to political leaders—as well as the economic and political context that developed in 1954” (Diamand 2021: 8), to be more significant in the

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<sup>6</sup> Diamant in his work argues against the fact that legitimization is the primary function of the Chinese constitution, but firstly he describes common opinions in regards to Chinese constitutionalism, and Stalin’s influence is one of them.

decision-making process.<sup>7</sup> According to Diamand, both of these factors counter the argument that legitimization is the main reason for the adoption of the constitution. Instead, he proposes that constitutions in China are a “legal dimension of [...] “guerilla style” policy making (tactically oriented, flexible, experimental, and ruthlessly pragmatic about alliances)” (Diamand 2021: 9). From a political perspective, the main purpose of the constitution is to divide and control the population, i.e. friends and enemies of the state are explicitly stated in the document (Diamand 2021: 8-10). The constitution also helps to organize the state organization structure, as well as clearly state its ideology and plans for the future (Cohen 1979: 105).

Several researches argue that the Chinese constitution’s value does not lie in its legal authority. Albeit it is supposed to be the supreme document of the state, the legal power of the Chinese constitution is questionable at best, since not only it is not judiciable, but in many areas the laws the constitution promises are being violated. However, several researches agree that the Chinese constitution is not useless. Clarke claims that despite Chinese constitution not being generally considered an important document in China legal-wise, that does not exclude its ability to be highly politically relevant (Clarke 2003: 105). Legal scholar Ryan Martínez Mitchell claims that despite historical developments and Party control, “the appeal of “constitution-based” governance and the symbolic power of constitutional texts have never waned.” (Mitchell 2022: 18) The constitution clearly has its place in Chinese legal system, even if not for its legal enforceability.

The juxtaposition between English-language understanding of constitution and *xianfa*’s interpretation in China is also evident in the definitions of the term ‘constitution’ in popular dictionaries. Cambridge dictionary defines constitution as “the set of political principles by which a state or organization is governed, especially in relation to the rights of the people it governs” (Cambridge dictionary a). Oxford dictionary<sup>8</sup> and Merriam-Webster dictionary<sup>9</sup> also

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<sup>7</sup> Diamant does mention this specifically in regards to the 1954 Constitution, but I believe his argument can also be applied to the other constitutions, with certain limitations, since none of the other constitutions were publicly discussed the same way the 1954 one was.

<sup>8</sup> “A decree, ordinance, law, regulation; usually, one made by a superior authority, civil or ecclesiastical; *spec.* in *Roman Law*, an enactment made by the emperor. Also *figurative*. (Now *historical*.); The mode in which a state is constituted or organized; especially, as to the location of the sovereign power, as a *monarchical, oligarchical, or democratic constitution*.; The system or body of fundamental principles according to which a nation, state, or body politic is constituted and governed.” (Oxford dictionary a)

<sup>9</sup> “a: the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it; b: a written instrument embodying the rules of a political or social organization; the mode in which a state or society is organized” (Merriam-Webster dictionary a)

explain the term in a similar manner, with Oxford dictionary having the most detailed and encompassing explanations of the meaning of the term. Cambridge and Merriam-Webster put emphasis on the connection between constitution and human rights, Oxford does not mention it. However, the Oxford entry is the only one of the three which mentions different types of constitution (meaning no. 6), namely democratical, monarchical and oligarchical.

On the other hand, the Chinese definition on Baidu Baike's website<sup>10</sup> defines constitution as the fundamental law of a country, the general statute of the state, used to administer state affairs and ensure national security, which applies to all citizens. The constitution is a product created by social, political, economic, ideological and cultural conditions, reflecting the relations between various political forces, confirming the victories of the revolution and its achievements and the reality of democratic politics. It establishes country's fundamental tasks and systems, that is the social system, principles of the state system, organization of state power and it includes the basic rights and duties of citizens etc. Changes in the opposing political powers within the state have direct effect on constitution, and international relations also influence the constitutional trends. The constitution has supreme legal force, and no law, administrative regulation, local regulation, specific regulations or rules may contradict it (Baidu Baike a).

The most important takeaway from the Chinese definition is that it also acknowledges the constitution as a fundamental document and general statute of the state, which has supreme legal force and cannot be contradicted by other laws, regulations or rules. However, there are two main differences. Firstly, the Chinese definition also includes a statement regarding the influence of opposing political forces within the state on the constitution and focuses more on discussing the state structure and political powers; and unlike Cambridge or Merriam-Webster, Baidu Baike does not put special emphasis on the protection of human rights, it just states that rights (and duties) are included in the document. Merriam-Webster also mentions duties, but in regards to government, not citizens. It seems as if the definitions themselves show that in China, rights are not something guaranteed, but something citizens can obtain only after completing

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<sup>10</sup> “宪法（constitution）是国家的根本法，是治国安邦的总章程，适用于国家全体公民，是特定社会政治经济和思想文化条件综合作用的产物，集中反映各种政治力量的实际对比关系，确认革命胜利成果和现实的民主政治，规定国家的根本任务和根本制度，即社会制度、国家制度的原则和国家政权的组织以及公民的基本权利义务等内容。国家内部政治力量的对比关系的变化对宪法的发展变化起着直接作用，国际关系也对宪法发展趋势有所影响。宪法具有最高的法律效力，一切法律、行政法规、地方性法规、自治条例和单行条例、规章都不得同宪法相抵触。” (Baidu Baike a)

their duties.<sup>11</sup> These differences notable between the English and Chinese entries become even more visible in the chronological analysis of the Chinese constitutions and the way they outline workers' rights, as well as the way their living experiences diverge from constitutional promises.

The main reason why the Chinese constitution matters is because it serves mostly as a political tool, which allows me to look at it as at a statement of the government's intentions. However, the constitution has many other functions and I describe those in the following section.

### **1.1.1 Roles and functions of constitutions in authoritarian regimes**

Constitutions in non-authoritarian regimes have multiple functions, but such functions are not exclusive to non-authoritarian regimes only. These functions include coordination of institutions and power structures, putting emphasis on the commitments of the regime promised in the document and holding the representatives accountable, and last but not least, constitutions are also important as a way of controlling institutions from the top level down (Ginsburg and Simpser 2014: 3-5). Even in authoritarian, one-party regimes, the constitution is not useless, even if that is common opinion among the public. Several researches challenge this opinion. Ginsburg and Simpser, for example, argue that even in authoritarian regimes, constitutions do play multiple roles and are not just empty documents. The authors try to challenge the widespread perception that constitutions only function fully in democratic regimes, while in autocracies they remain a worthless piece of paper. It is generally believed that in non-democratic regimes, constitution's only function is the primary legitimization of the regime, but Ginsburg and Simpser prove otherwise. Firstly, constitutions help to set goals and visions for the regime, they aid in establishing the power structure and coordination between various levels of power (since not even an autocratic dictator makes all the decisions at all levels). Secondly, constitutions "may have normative properties that confer upon them a certain independent force" (Ginsburg and Simpser 2014: 2), meaning that just by being included in the constitution, certain aspects automatically enjoy a privileged status. Thirdly, constitutions can be influential in shaping citizens' values over time (Ginsburg and Simpser 2014: 2). Additionally, Professor of political science James Fearon also points to the fact that constitution is one of the ways of stopping the common folk from rebelling against an autocratic regime, which is why one of its points is to hold regular elections, and at the same time, elections serve as a way of gathering

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<sup>11</sup> Despite the fact that human rights are something inherent to all human beings and every person is entitled to this set of rights without discrimination (Universal Declaration of Human Rights 1948), according to some, China has been trying to put forward an idea that human rights are not to be understood in a single, universal way and even opposed the attempts of the West to impose international standards on (East) Asia. See: Angle 2003.

information – elections make citizens’ opinions public and allow for ruler to be rewarded if they govern the state well (Fearon 2011: 1662).<sup>12</sup> As I have already mentioned above, Diamant disagrees with a common statement that legitimization of the regime is the only purpose of constitutions in authoritarian regimes, and even goes as far as to claim that Chinese constitution of 1954 did not aid the legitimacy of the new regime in any way (Diamant 2021: 8-10). What therefore is the actual function of constitution in China? I would say that varies depending on the time period, and for that I will use a division of constitutions according to the role they play, as proposed by Ginsburg and Simpser.

These are an *operating manual*,<sup>13</sup> *billboard*, *blueprint*, and *window dressing* (Ginsburg and Simpser 2014: 6). *Operating manual* serves as a set of guiding principles, which everyone should obey, but according to Adam Przeworski, a professor of political science, it also imposes constraints on the leaders, who ought to restrict themselves (2014: 32). The role of constitution as a *billboard* is that of advertising and stating regime’s intentions. The role of *window dressing*, on the other hand, works as a tool to obfuscate and obscure practices within the regime. When constitutions serve as a *blueprint*, it describes the ideal way things should be, not as they are in reality (Ginsburg and Simpser 2014: 6-8).

The reason why I am mentioning these terms is because Chinese constitution has played a few of these roles throughout the history and oftentimes, these roles are interchangeable. I believe identifying which role each constitution was playing could be helpful in understanding why there are discrepancies between theory and practice. The most common role attributed to the Chinese constitution is the *window dressing*, which is mostly based on the opinion that a constitution in authoritarian regimes is just a tool for legitimization and it does not fully function. The Chinese constitution also often acts as a *blueprint*, describing the ideals the state wants to achieve. The Chinese constitution also acts as a *billboard*, especially the 1982 Constitution, which includes “a promise of socialist legality” (Ginsburg and Simpser 2013: 6), in contrast to the chaotic events of the period of Cultural Revolution. Throughout my analysis of the constitutions, I will be using these four terms to describe what role articles related to workers were (and still are) playing in each constitution.

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<sup>12</sup> The Chinese constitution guarantees public elections only at low levels, possibly exactly for this purpose, to gather opinions, but without directly threatening the top leadership.

<sup>13</sup> First used by Adam Przeworski in the same publication. See Przeworski 2014: 32.

## **1.2 Differences between Chinese and Western approaches to law**

As I have shown in section 1.1, the definitions of constitution provided by popular dictionaries, both in English and Chinese, while subtly different in important points, show similarity in underscoring the constitution as the fundamental legal document. Despite the similarities, there are many differences not only in defining the constitution, but mainly in practical application of legal documents, including the constitution, and theory (Clarke 2003: 95-97, Jones 2003), which to a certain degree stem from the different understandings of law in China and in the West. In the following section I highlight some of the key differences between the two approaches.

Before I delve into the differences, I would like to say that I am not trying to label one approach as better or worse, I want to show the differences between the two approaches since I believe it can be one of the reasons why there is such a gap between legal theory and practice. When discussing Chinese legal system, it is important to keep in mind something Clarke terms “Ideal Western Legal Order” (Clarke 2003: 95). Under this approach, “the Chinese legal system is identified and measured in terms of an ideal end state that is assigned to it by the analyst” (Clarke 2003: 95-96), and in this way, Western observers will compare the current state of Chinese legal system with the ideal version of the Western legal system, which automatically makes the Chinese system look considerably worse (Clarke 2003: 96). I try to avoid such conclusions, firstly because I am focusing on analyzing the legal documents mostly in regards to their ideological intentions; and secondly because no legal system is perfect, and workers in the West do not work under ideal conditions, so it is pointless to say which system is better.

In his study of Chinese legal system, Jones (2003) begins the article by talking about differences in Western law and Chinese law and how this oftentimes leads to misunderstandings. For example, a common opinion is that China did not have a legal system. Such notion can be encountered even nowadays, since China now does have legal institutions that are similar, or identical, to those in the West, but the legal system itself is still heavily influenced by traditional Chinese thought. Jones finds it crucial to grasp the differences between two legal systems in order to enhance our understanding of the other system. Traditionally, Chinese law was outside the scope of the Western influence and had developed that way for centuries, until the period of Opium wars, when China was forced to give in to the demands of western powers, including adoption of Western legal institutions. Jones claims that despite accepting the demands, Chinese have not been very positive about the changes and tried to preserve aspects of the traditional law system (Jones 2003: 7-8).

Jones uses an analogy to express the differences between the Western and Chinese understanding of law. Western law stems from the individual, protects their interests and when the individual is satisfied, society can progress. Chinese law takes the opposite approach. The state protects its interests first, indirectly protecting its citizens in the process. All the officials, no matter the level, were just extensions of emperor's power and executioners of emperor's will (Jones 2003: 14-16). I believe this is an aspect which persist until today, except it is not the emperor's will, but the CCP's will.<sup>14</sup> Despite the institution of Censorate (which was utilized to criticize officials and even the emperor), being a substantial part of the Chinese legal system, if the emperor considered the criticism to be excessive, there were no regulations which could protect these critics (Goldman 1983: 112).

Until the break of 18<sup>th</sup> and 19<sup>th</sup> century, China used a legal system consisting of formal (the code) and informal part (commercial matters, contract disputes...). The unequal treaties of the 19<sup>th</sup> century included the principle of extra-territoriality and brought foreign law to some parts of China, such as Shanghai. Those events led to an increased interest in Western law. Adopting the Western law was seen by some, albeit it was controversial at that time, as a way of resistance (Kroll 2013: 36-37). Jones also comments on this issue and claims that those in favor of adopting some principles of Western law had two main motivations. Firstly, some hoped this was the way to eliminate the principle of extra-territoriality. Secondly, some intellectuals thought that the Western law was better than the Chinese one, which was considered outdated and backward (Jones 2003: 19). Goldman claims that the influence of Western legal approach on Chinese understanding of the legal system, especially towards human rights, was visible in political activists' attempts "to base their traditional responsibility to protest against political oppression and unfair treatment on guaranteed legal rights" (Goldman 1983: 112). These contradictions and influences were carried on into the 20<sup>th</sup> century and influenced the legal development during both Republican and Communist period.

Traditionally, Chinese law also does not possess the categories into which the Western law is usually divided (Jones 2003: 14). Chinese law of late imperial period was not categorized in the same ways as the Western law. Huang underscores the importance of penal stipulations and punishments in Qing code (Philip C.C. Huang 2001: 21). Jones, on the other hand, proposes to refer to Chinese law as administrative rather than penal, since its main focus was on administration and emperor's control over the government (Jones 2003: 14). Administrative

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<sup>14</sup> In regards to workers, this is observable in the relationship of the All-China Federation of Trade Unions and the CCP. I comment more on this issue in section 2.3.

law can be understood as the opposite to civil law, but as Jones points out, for the Chinese, it was just law; the code dealt with both public and private matters, therefore there was no need for distinction (Jones 2003: 14). Yet Huang at the same time challenges the notion of Chinese law being just penal. He shows that in the revised Qing Code (*Da Qing Lüli* 大清律例), the 'Households' section contains 140 articles and only eleven of them do not mention punishment, and it is therefore usually believed that the legal system of Qing dynasty was mostly penal, paying little to no attention to civil matters. However, Huang contradicts this belief and shows, on the basis of archival records, that civil cases were a substantial part of cases the Qing court system had to handle. The author uses the eleven articles that do not explicitly mention any form of punishment as an example and proof. These statutes date back to civil code of the Ming dynasty, which shows they "had enormous import in actual legal practice" (Huang 2001: 23-24), proving that historically, the civil matters were not ignored by the Chinese imperial code, even if at the first glance it might seem so.

Another of the key aspects of traditional Chinese legal system can be seen in close ties of the administrative system and the central government. Until 1911, the emperor was the source of law, and even though the concept of separation of powers was not present, in practice various government bodies did balance each other out and held each other accountable. The main legal document of imperial China was the imperial code, which can be characterized as a set of rules promulgated by the emperor, and was specific for each dynasty. Jones writes that the code: "...showed the way to analyze legal problems and provided methods for applying legal rules to them." (2003: 10) Such a viewpoint can show us how the Chinese approach supreme legal documents, including the constitution, and the value they attach to it. In the West, constitution is seen as the highest form of law and protection, and in most of the democratic countries, it is the most highly valued legal document. Chinese definition seconds such opinion (Baiké Baidu a). However, if we place China's constitution into a longer historical perspective in which it could be seen more as a guiding principle, which may and may not be applied, we can better understand the discrepancies between reality and the contents of the document.

Jennifer Altehenger also refers to China's legal inheritance and agrees that it is a complex one. She claims that historically, "the formal and political process of lawmaking connected with social and cultural processes of laws in practice" (Altehenger 2018: 4) and that the way people approached law was built on the basis of how much knowledge about law people had and how this knowledge was obtained. She also claims that successful regimes, imperial or republican, put great importance and resources towards creating a society of law-abiding

citizens. Altehenger also points out that until the CCP took over, neither the government nor the emperor had complete control over how laws were interpreted. People usually just interpreted them according to their daily experiences and interests. Additionally, there was a sense of mistrust among the people and the officials interpreting the laws. All these aspects combined led to a society in which the officials offered one interpretation, but the people offered countless other interpretations. These other interpretations could align or contradict the official ones, but according to Altehenger they were “continuously connected” (2018: 5-6).

Mitchell also proposes a lens of distinction between the Chinese and Western (for which USA is usually the main point of reference) two legal systems, particularly in regards to constitutionalism. His distinction is more concerned with the process of drafting the constitution and constitutionalism itself, not law in general. Mitchell applies Paul Kahn’s (2019) two models,<sup>15</sup> project and system, to China’s situation. The project model can be explained by regarding the text of the document and rules it imposes, as a direct expression of the will of the people, while the system model opposes such notion. The system model is based on concept of human actions being mostly byproducts of natural causes and incentives, where the popular will does not play a central role. Mitchell claims that both Marxist and traditionally conservative political traditions tend to use the system model when it comes to constitutions. From this standpoint, the will of the people is not expressed in the constitution, instead it is shaped by “the “organic” growth of a concrete society or the operation of “laws” of historical irrespective of subjective human volition” (Mitchel 2022: 20). This is observable in the case of Chinese constitutions too, especially since “the recurring claims based on the view of constitutional law as a subjective “project” of the people has often accompanied major political shifts, and in particular those connected with Executive power as well as claims to ‘living constitutionalism’.” (Mitchel 2022: 20)

One of the examples of the different understandings can be found in how countries approach human rights. On the whole, it is believed by majority that human rights are universal, which is supported mostly by the idea of natural rights or the international law, represented by the Universal Declaration of Human Rights (UDHR) adopted in 1948 and numerous other documents. Unfortunately, the mere fact that these documents have been signed by many countries, does not necessarily mean that a universal consensus has emerged. UDHR itself is not even legally binding, so sometimes it serves more as a guiding principle or an aspiration,

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<sup>15</sup> See Paul Kahn 2019, as quoted by Mitchell 2022.

rather than a mandatory commitment (Angle 2003: 8-9). Even if nowadays PRC scores very low, even negative, when it comes to human rights and freedoms, (according to the Freedom House,<sup>16</sup> China obtained -2/40 points in political rights and 11/60 in civil liberties [2025]), and even if historically, China does not possess the tradition of legal rights, as well as individual freedoms, Goldman claims Chinese legal system does have “humane concern” (Goldman 1983: 111). Philip C. C. Huang points out that the phrases used in the first adopted Chinese constitutional project, The Principles of the Constitution (*Qinding xianfa dagang* 钦定宪法大纲) from 1908, also lead to Chinese perception that the rights are more likely a “privilege granted by the ruler” (2001: 55), rather than a guaranteed basic right. Ginsburg and Simpser attribute the fact that several authoritarian regimes (China, North Korea, Soviet Russia etc.) include rights and freedoms into the constitution, but do not actually do much to guarantee those rights in real life, to a certain kind of a given global template for constitutions, which includes a bill of rights in order to make it seem complete (2014: 7). Therefore, it is clear that this is a persistent feature of Chinese constitutions, and by extension also of Chinese legal understanding. Diamant writes that the rights, especially in regards to the 1954 Constitution, are “easy, convincing proof of constitutional bullshit and hypocrisy” (2021: 98).

Additionally, Chinese law traditionally does not focus on private disputes and ‘rights’. Jones compares Roman law, as the basis of Western law, and Chinese law. Roman law was most concerned with civil affairs and disputes, and civil law until this day remains at the core of Western law. China’s situation was different, mostly because the ruler<sup>17</sup> had to find a way to control the country and the government. As Jones remarks: “It was natural that the primary focus of attention would be the activities of bureaucrats in the performance of their duties, not the activities of ordinary human beings in their private lives.” (2003: 13) However, Stephen Angle, a philosophy writer, claims that “throughout its history, in fact, Chinese rights discourse should be understood as an ongoing creative achievement, rather than a reaction to or misunderstanding of Western ideas and institutions.” (Angle 2003: 2) The issue of the human rights in China is definitely a serious one, as several reports claim many rights are being violated (Amnesty International 2024a, China Human Rights Report...), however the philosophical background of the Chinese understanding is more complex, and it would not be right to claim

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<sup>16</sup> Freedom House is an American organization founded in 1941, and active until the present day, which vows to protect human rights and strengthen democracy throughout the world.

<sup>17</sup> Jones claims that the basis of China’s polity was „highly centralized government headed by an absolute ruler who ruled by means of a bureaucracy.” (Jones 2003: 12) The notion of Chinese emperor being an absolute ruler can be sometimes exaggerated, and it varied with each emperor. It might be more accurate and effective to see the emperor as the source of law and authority, but not the absolute monarch.

that China does not have the tradition or the concept of human rights, albeit it is a fact that many of the rights included in the constitution and also other legal provisions are being violated in practice.

Another aspect which influences the Chinese understanding of legal system, especially laws, mostly after 1949, is Marxism, more specifically Marxism-Leninism and Mao Zedong's interpretation of these theories. Legal system after 1949 was dictated by Marxism, but mostly in regards class struggle and the possibility of depriving class enemies of their rights (this part made its way into the 1954 Constitution, namely Article 19, which is about landlords and feudal capitalists being deprived of their political rights (Xianfa 1954: art. 19).

Jones considers this a new element, which the CCP blended with the more traditional approach of centralized bureaucracy. I will not go into a detailed analysis of the abovementioned theories; I would just like to point out the importance of the word 'law' (Jones himself uses a comparison with laws of physics). Marxism put forward new 'laws' about how society operates, and according to communists, these 'laws' are definite and unshakable (Jones 2003: 23). Marxism proposes structures of society based on the productive forces, which regulate the basic structure of the relations of production, which in Marxism is considered the basis, the foundation of social life (Marx 1977). Such structures evolved over time, and this process, aided by division of labor, led to what Kolakowski calls "one of the greatest revolutions in history" (Kolakowski 1978: 337), and that is the separation of physical and intellectual work. This enabled leisure culture to emerge and according to Marxism, all the spiritual culture of humankind is built on this basis of social inequality. Society further evolves and relations of production create so-called 'superstructure' and this 'superstructure' also includes law and all political institutions (Marx 1977, Jones 2003: 23-24).

Jones sums it up nicely by saying that, according to Marxism:

...legal institutions and legal relations are, in essence, ephemeral and simply a function of the base. They are elements of the class struggle created by the class that controls the means of production in order to maintain its position. As the class struggle progresses, and a new class takes over, the institutions will change to reflect the desires and needs of the new rulers. (Jones 2003: 25)

This development is observable in Chinese constitutions too. For example, in the 1982 Constitution, the dictatorship of the proletariat is replaced by people's democratic dictatorship, since this term could include emerging capitalists, which could not be labelled as proletariat (Jones 1985, 726-727). By applying the same logic, the 1975 Constitution presumably changed

the people's democratic dictatorship into the dictatorship of the proletariat to emphasize the persisting class struggle.

The main differences in the Western and Chinese perception of law are rooted firstly in their developments. Secondly, many aspects of Chinese thought and social ethics are collective-oriented, as opposed to Western culture (i.e. English or American) which is more individual-based. Thirdly, Chinese bureaucracy was and is characterized by close ties of the top government and administration. The Chinese state apparatus was, and still is, extensive and there was a need for clear hierarchy and structure, and in many ways, the main legal document of the state was seen as a guiding principle of how to apply law. If we look at the constitution in the same way, it might explain why there are discrepancies between theory and practice. Additionally, due to sheer size of China's population (and also low levels of literacy before the second half of the 20<sup>th</sup> century,) people mostly interpreted laws on their own and it was difficult to control the spreading of this interpretation, which was oftentimes different from the official one.

As for the influence of Marxism on the understanding of law in China, Jones proposes that the CCP tried to make Marxist ideology into a glue which would hold the Chinese society together in the process of shedding the old tradition and trying to find its position in the world. At the same time, Marxist thinking can explain why many traditional institutions were disposed of or how they were dealt with after the communists resumed power in 1949. There was a need for a transitional period and therefore some institutions could keep existing, and Marxism provided a conceptual framework to justify that. But the system underwent big changes no matter what, and according to Jones, the biggest change is the "notion of permanence" (Jones 2003: 26). CCP tried to make all political institutions and legal devices into a tool to accomplish its goal of making the proletariat temporarily the main class in control, which is especially striking in the 1975 Constitution (Article 12). Because of this, the institutions themselves have no actual independent existence and substance.

### **1.3 Role of the Chinese Communist Party in constitution making**

Some researchers consider it important to distinguish between written and unwritten constitution of the state (Jiang Shigong 2010, He Xin 2014), or even if they do not attribute much importance to the distinction, they actively acknowledge it (Mitchell 2022). The term written constitution is self-explanatory; it refers to the physical document of the constitution and its contents. In the case of unwritten constitution, there is no single ultimate document

which controls the state apparatus and protects its citizens. This is considered quite important in case of PRC. One of the reasons why the Chinese constitution is usually considered more unwritten than written, is according to some researches due to the influence of CCP (He Xin 2014: 245-246).

China is a country which does have a written constitution, but in practice, it is often far from the supreme document it is supposed to be. In fact, many researchers agree that what the constitution describes is very different from the reality (Cohen 1979: 106, Jones 1985: 710). There are many factors which influence the constitution's implementation, but the most influential one is definitely the Chinese Communist Party. I assume that there is a strong connection between the CCP's influence on the constitution and legal and social standing of workers. Jones claims that in the early years of PRC, the CCP understood all institutions as a means of the Party to establish the control of the working class, as long as the institutions serve the purpose of the revolution, they are permitted to stay. These include institutions of human rights protection (Jones 2003: 26). Goldman also notices the influence of the CCP on political opposition and criticism aimed at CCP. In the early 1950s, CCP quickly learned that if criticism is allowed, the response cannot be fully under Party's control, which later led to large-scale and violent repressions (Goldman 1983: 114).

Among numerous frameworks in regards to the Party-state relationship in PRC, two main theories emerged: the political constitutional theory and dual normative system theory. The political constitutional theory states that CCP, as the ruling party, should not be bound by the constitution (Jiang Shigong 2010). The dual normative system theory on the other hand argues that there is a degree of separation of CCP from the state apparatus, as well as separation between political and administrative authority (Backer 2012, Li Ling 2015). Backer uses the term "Constitutionalism with Chinese characteristics" (2012: 116) and describes its main features:

Constitutionalism in China enshrines the core value of popular power and accountability, as well as rule of law process principles, but in a way that separates political from administrative power under the umbrella of constitutional values. Popular sovereignty is expressed politically through the institution of the CCP and administratively through the government. The government is held accountable directly by the people and indirectly through the leadership role of the Party. The Party represents the people directly but may act only to further the fundamental substantive principles on which the state is founded. The people speak through the Party but act through the state. (Backer 2012: 116)

Both approaches are valid, however, in regards to workers, I believe the political constitutional theory is a better fit in understanding how the Chinese constitution operates, since

the Party labels itself as the main channel, through which the working class exercises its leadership (Xianfa 1975: art. 2, Xianfa 1978: art. 2). Even if such a direct statement is not present in other constitutions, I believe the same notion is still present. However, once we accept the unshakeable position of the Party, what then? Is the Party in control of every aspect of legal and by extension social sphere? What then is there left for the citizens? How to approach human rights? Some of these are questions that a legal scholar He Xin tries to answer as well (2014: 246).

He Xin writes that “the contrast between the general expansion of basic rights in most areas and the severe repression in some areas has prompted scholars to wonder about the nature of law in China.” (2014: 258) This thesis is concerned with the same problem in regards to workers and possible reasons for such situation. According to He Xin, the way to overcome and understand the abovementioned difference is by comprehending how the CCP approaches its leadership and power status. CCP and its members are present in every level of the state’s power structure, but the Party itself might not want to use the full extent of its power (He Xin 2014: 245-246).<sup>18</sup> He Xin claims that even though China has a written constitution, the key to the way the state operates cannot be found in the constitution, namely because of the presence of control of the CCP. The author points out that this is an under researched, maybe even ignored topic, even in the sphere of studies of unwritten constitutions (He Xin 2014: 245-246).

CCP is trying to find a balance between the commitment to protect human rights, and the commitment to democratic centralism, and the role of the party in the process of governance. Goldman in her article shows that dissent, criticism and leadership, whether CCP’s or the emperors’, have always coexisted in China. However, the dissent has always lacked sufficient legal protection, and Goldman doubts that the rights and liberties guaranteed by law will be guaranteed in PRC, if it remains a one-party state (1983: 134). He Xin, in a more contemporary article, concludes that:

Although the party’s “indifference zone” has grown, it retains iron control over areas or activities that might damage its interest, not to mention its very survival. Whether the basic rights shall be a constitutional principle may still be debatable, but one thing is clear: the realization of such basic rights will not be understood without understanding the operation of the party’s leadership. (He Xin 2013: 258)

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<sup>18</sup> This aligns with the thoughts and findings of Adam Przeworski about the Polish Communist Party restraining itself in the Polish Constitution of 1952 (Przeworski 2014) and Ginsburg and Moustafa (2008) also support this notion.

CCP is in charge of decision-making in the state, and from that He Xin deduces that it is crucial to understanding how intertwined it is in the process of governing the state and how the party operates on all levels of power structure in order to understand the governing process. The author explains this by the absence of clear division of power, since CCP most of the times uses its own political standing as a way to assert power. He concludes his article by establishing three patterns. Firstly, we can confidently state that CCP is the absolute leader, which prompts the author to say that “there may be division of labor, but no division of power.” (He Xin 2014: 259)<sup>19</sup> Secondly, the absolute leadership is not equal to absolute control and, to a certain extent, we can observe an improvement in certain areas where the Party does not exercise full control and leaves substantial room for development. Thirdly, despite CCP giving up a certain amount of control, it still retains (and exercises) its ability to make the final decision (He Xin 2014: 259-260).

He Xin’s findings can shed some light on the contradictory development of law and constitutionalism in China. The ultimate conclusion to improving the situation of Chinese constitutionalism according to He “lies in juridification of the party’s leadership” (He Xin 2014: 260). Once there is a clear limit on the party’s power, and the set limit is legally implemented and enforced, once division of power instead of division of labor is taken as its basis, the contrasts in China’s constitutional theory and practice could slowly diminish (He Xin 2014: 260).

I agree with the researchers who argue that CCP and its ideology are an integral part of the legal system in China. CCP’s influence is observable in the constitutional development and in the ways it uses the working class as a tool to accomplish its goals. The CCP’s influence is also observable in the country’s approach to human rights. It can be said that they are not understood as an indivisible and inviolable part of human existence, but more of a device of the Party to pursue its goals. Throughout the history, Jones’ claim that the CCP only keeps the institutions which it considers beneficial at that time (Jones 2003: 26), is easily observable, and it is also visible in regards to workers (e.g the government’s attitude towards the iron rice-bowl and many more, as I show in the following chapters).

#### **1.4 Work and labor related terminology**

In everyday life, work and labor are mostly used interchangeably and people usually do not make significant distinctions between these words, as they usually refer to the way of how

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<sup>19</sup> Labor here refers to division of state functions, not labor of proletarian class.

people provide for themselves. The biggest difference is usually in the nature of the action, labor is usually more physically demanding. From a philosophical standpoint, labor is an important concept in Marxism, but there are also many philosophers and essayists of various backgrounds interested in this topic (Arendt 2019,<sup>20</sup> Hyde 2009<sup>21</sup>). Because this thesis is concerned with legal and social status of workers, and because the Chinese constitution itself states that the country follows principles of Marxism-Leninism and Mao Zedong thought, in order to properly analyze the legal documents, it is necessary to take a look at the most commonly used terms in regards to work and labor, in both Chinese and English, and also on Marxist perspective on labor.

There a few terms related to work and labor I would like to comment on, or at least provide their translation. Chinese term *gongzuo* (工作) is commonly translated as work, while *laodong* (劳动) is commonly translated as labor. This can also be seen in the names of laws and legal provisions (Labor Law, not Work Law). Analogically, worker is translated as *gongren* (工人) and laborer is translated as *laodongzhe* (劳动者). Working class is *gongren jieji* (工人阶级), while proletariat is translated as *wuchan jieji* (无产阶级), *chan* (产) meaning product or property.

*Xinhua cidian* (新华词典) from 2001 includes a long entry for the word *gong* (工) and lists several possible meanings, the first one being worker *gongren* and working class *gongren jieji* (工人阶级). The dictionary defines *gongren* as someone who does not own means of production and primarily engages in production activities, for which they receive wages (Xinhua cidian 2001: 322).<sup>22</sup> Definitions provided in slightly older dictionaries such as *Xiandai*

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<sup>20</sup> Historian and philosopher Hannah Arendt distinguishes between work, labor and action. She understands work as an activity with a set time frame and a produced result. Labor is understood as an activity aimed at self-preservation and reproduction, which can never be fully satisfied, and that makes labor a cyclical process (Arendt 2019).

<sup>21</sup> Scholar and essayist who focuses on imagination, creativity and property, Lewis Hyde adopts a slightly different approach, albeit he is talking about creative work and producing art. In *The Gift: Creativity and the Artist in the Modern World*, he defines work as the activity that is limited by working hours and people get paid for it, while labor encompasses the process of creation and has no time constraints (Hyde 2009).

<sup>22</sup> “个人不占有生产资料，以工资为主，从事生产的劳动者。” (Xinhua cidian 2001: 322)

*Hanyu cidian* (现代汉语词典)<sup>23</sup> from 1990, or *Shiyong Hanzi zidian* (实用汉字字典)<sup>24</sup> from 1985, do not differ much.

Professor for Modern China studies, Felix Wemheuer claims that in the Maoist period, *gongren* was a fairly exclusive term used to label permanently employed workers of industrial work units, and it was precisely this group which was labeled as ‘masters of the country’ (Wemheuer 2019: 87). The term *gongren* appears in 1983, 1990 and 2002 editions of *Xiandai Hanyu cidian* and even though the order of the listed meanings is altered slightly, the core definition stays the same.<sup>25</sup> The definition for *gongren* is also fairly consistent throughout the years, it is defined as someone who does not individually own means of production and relies on income for their livelihood and that this word often refers to physical laborers (*Xiandai Hanyu cidian* 1983: 433). The working class, *gongren jieji*, is defined as a class formed by the workers, who do not possess any means of production, and live on wages. It is the leading class of the proletarian revolution, representing the most advanced productive forces, it is the most far-sighted and selfless, highly organized, disciplined and thoroughly revolutionary (*Xiandai Hanyu cidian* 1983: 433).<sup>26</sup> The other versions offer the same definition and order of the entries, with the exception of the 1990 edition, in which a new term is added in-between *gongren* and

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<sup>23</sup> “1. 工人和工人阶级: 矿~I 钳 I 瓦~I 技~I 女~I~农联盟。2. 工作; 生产劳动: 做~I 上~I 加~I 勤 俭学 I 省料又省~。3. 工程: 动~I 竣~。4. 工业: 化~(化学工业)I~交系统(工 业交通系统)。5. 一个工人或农民一个 劳动日的工作: 砌这道墙要六个~。6. (儿)技术和技术修养: 唱~I 做~。7. 长于; 善于: ~诗善画。8. 精巧; 精致: 巧 I~稳。” (*Xiandai Hanyu cidian* 1990: 378)

<sup>24</sup> *Shiyong Hanyu zidian* provides examples from *Zuozhuan* (左传) or *Analects* (*Lunyu* 论语). More recent examples of what *gongzuo* is include: „工 人、工业或工人阶级的简称。如: 技 工; 矿工; 化工; 工农联盟。 2. 工作。 如: 上工; 变工; 勤工俭学。3. 工程。 如: 施工; 竣工。4. 工作量。 如: 记 工; 这项工程需要一百工。5. 功夫; 技巧。 如: 加工; 唱工。6. 细致; 巧 妙。如: 工笔画; 异曲同工。沈约 <谢灵运传论>: “工拙之数, 如有可 言。” 7. 善于; 擅长。 如: 工书善画。 <韩非子·五蠹>: “工文学者非所 用。” 8. “工尺谱”中的音名之一。 9. 古代特指乐人。 <仪礼·乡饮酒礼>: “工歌 <鹿鸣>、 <四牡>、 <皇皇者 华>。” (“*Shiyong Hanzi zidian* 1985: 223)

<sup>25</sup> “1. 工人和工人阶级: 矿~I 钳 I 瓦~I 技~I 女~I~农联盟。2. 工作; 生产劳动: 做~I 上~I 加~I 勤 俭学 I 省料又省~。3. 工程: 动~I 竣~。4. 工业: 化~(化学工业)I~交系统(工 业交通系统)。5. 一个工人或农民一个 劳动日的工作: 砌这道墙要六个~。 6. (儿)技术和技术修养: 唱~I 做~。7. 长于; 善于: ~诗善画。8. 精巧; 精致: 巧 I~稳。” (*Xiandai Hanyu cidian* 1983: 431); “1. 工人和工人阶级: 矿~I 钳 I 瓦~I 技~I 女~I~农联盟。2. 工作; 生产劳动: 做~I 上~I 加 I 勤~俭学 I 省料又省~。3. 工程: 动 ~I 竣~。4. 工业: 化~(化学工 业)I 交系统。5. 指工程师: 高~(高级工程 师)I 王~。 6. 一个工人或农民一个劳 动日的工作: 砌这道墙要六个~。 7. (~儿)技术和技术修养: 唱~I 做~。 8. 长于; 善于: - 诗善画 9 精巧; 精致: ~巧 I~稳。” (*Xiandai Hanyu cidian* 2002: 431)

<sup>26</sup> “不占有任何生产资料, 依靠工资为生的劳动者所形成的阶级, 是无产阶级革命的领导阶级, 代表着最先进的生产力, 它最有远见, 大公无私, 具有高度的组织性, 纪律性和彻底的革命性。” (*Xiandai hanyu cidian* 1983: 433)

*gongren jieji – gongren guizu* (工人贵族),<sup>27</sup> and it does not appear again in the later edition. *Gongren guizu* is defined as small number of upper elements in the ranks of the working class who have been bought by the bourgeoisie in the capitalist society. They are highly paid, bourgeois in life and thought, and are the agents of the bourgeoisie in the workers' movement (Xiandai Hanyu cidian 1990: 380). This label seems to have a negative connotation, with is ironic considering the 1990s were a period of economic reforms and re-introduction of capitalism, and one might expect that the behavior described in the definition would be at least tolerated, if not outright encouraged.

As for *laodong*, *Xinhua cidian* offers two main definitions. First one defines *laodong* as an activity, during which people use tools to transform natural objects into a purposeful activity, which serves their needs. It is also a defining characteristic which sets humans apart from other animals and the most basic condition for existence and development of human society. The second definition states that *laodong* specifically refers to physical labor (Xinhua cidian 2001: 583).<sup>28</sup> *Xiandai Hanyu cidian* defines *laodong* as human activity which creates material or spiritual wealth, and also states that it is a physically demanding process, and this definition stays the same throughout the editions (1990: 677).<sup>29</sup>

*Xiandai Hanyu cidian* defines *laodongzhe* as a person who participates in the workforce and uses the income from his or her own work as the main source of livelihood, sometimes referring exclusively to a person who participates in manual labor (Xiandai Hanyu cidian 1983: 755).<sup>30</sup> The 1990 version has an identical definition (Xiandai hanyu cidian 1990: 677).<sup>31</sup> The 1983 and the 2002 versions have an entry for *laodong tiaojian*,<sup>32</sup> however it is absent in the 1990 version. *Laodong tiaojian* describes the conditions workers are entitled to in order to properly fulfil their duties, such as sufficient space, natural lighting, ventilation etc. (Xiandai

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<sup>27</sup> “在资本主义社会里，被资产阶级收买的工人阶级队伍中少数上层分子。他们领取很高的报酬，生活和思想都已经资产阶级化，是资产阶级在工人运动中的代理人。” (Xiandai Hanyu cidian 1990: 380)

<sup>28</sup> “1. 人们使用工具改造自然物使之适合自己需要的有目的的活动。劳动专属于人类，是人类区别于其他动物的本质特征，是人类社会存在和发展的最基本条件。2. 特指进行体力劳动。例~锻炼。” (Xinhua cidian 2001: 583)

<sup>29</sup> “1. 人类创造物质或精神财富的活动: 体力~I 脑力~。 2. 专指体力劳动: ~锻炼。 3. 进行体力劳动: 他~去了。” (Xiandai Hanyu cidian 1983: 755); “1. 人类创造物质或精神财富的活动: 体力~I 脑力~。 2. 专指体力劳动: ~锻炼。 3. 进行体力劳动: 他~去了。” (Xiandai Hanyu cidian 1990: 677)

<sup>30</sup> “参加劳动并以自己的劳动收入为生活资料主要来源的人，有时专指参加体力劳动的人。” (Xiandai hanyu cidian 1983: 755)

<sup>31</sup> “参加劳动并以自己的劳动收入为生活资料主要来源的人，有时专指参加体力劳动的人。” (Xiandai hanyu cidian 1990: 677)

<sup>32</sup> “指劳动者在劳动过程中所必需的物质设备条件，如有一定空间和阳光的厂房，通风和除尘装置，安全和调温设备以及卫生设施等。” (Xiandai Hanyu cidian 1983: 755)

Hanyu cidian 1983: 755). *Xiandai Hanyu cidian* from 2002 has the same definition (Xiandai Hanyu Cidian 2002: 755), and also has *laodong tiaojian* (Xiandai Hanyu cidian 2002: 755), the same as the 1983 version. *Laodongzhe* in 2002 edition is also the same as before (Xiandai Hanyu cidian 2002: 755). These definitions show us the main differences between *gongren* and *laodongzhe*, the former being more universal, albeit the dictionary admits it is used to label those working physically.

As for how these terms are used in the analyzed documents, *laodongzhe* appears more often than *gongren* in all of the constitutions; *gongren* is most of the times part of *gongren jieji*. As for *gongzuo* and *laodong*, the numbers of their appearances are very similar in the 1975 and 1978 Constitutions. In 1954 and 1982 Constitutions, *gongzuo* is used more often, but that is because it is mostly used to describe the work of state organs and institutions. All four constitutions contain an article which states that the citizens have the right to work. In this paragraph, I am using ‘work’, because that is what translations of constitution I have encountered, commonly use, but the original Chinese documents write it as *you laodong de quanli*,<sup>33</sup> (Xianfa 1954, article, 1954; Xianfa 1975, article 17; Xianfa 1978, article 48; Xianfa 1982, article 42), and when translating and analyzing, I translate it as the right to labor.

These brief examples show that the 1990 version of *Xiandai Hanyu cidian* is slightly different in some aspects. It is the only one which has the *gongren guizu* and the only one which does not have *laodong tiaojian*. This is indicative of that time period in which the dictionary was edited. Late 1980s and early 1990s was the period characterized by numerous economic reforms, which were also accompanied by ideological changes. By early 2000s, capitalism was already firmly rooted in Chinese economy, and there was no need to use a negativistic term to label workers who were benefiting from the new policies. As for the absence of *laodong tiaojian* in the 1990 edition, that might also be related to economic reforms and opening up. Many of Asian countries, including China, are known for their cheap labor, which attracted foreign investment. However, workers in these factories, especially in the textile industry, are overworked and underpaid, all while working in unsafe working conditions. I believe it is fairly likely that in the 1990s, Chinese government was prioritizing economic gains and ignoring the working conditions of its citizens in the foreign factories. The omitted term *laodong tiaojian* in the 1990 version of *Xiandai Hanyu cidian* can be understood as an indication of this issue too.

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<sup>33</sup> “有劳动的权利”

For a comparison, the definitions provided by popular English dictionaries are a mix of the popular interpretation (i.e. not really distinguishing between the terms) and distinctions in statistics. For example, Merriam-Webster dictionary<sup>34</sup> defines work (noun) firstly as an activity, which requires one's strength or wits to achieve something, and provides more specific examples of work. The second definition is that of employment. As for labor, Merriam-Webster offers several definitions, the first one highlighting the strenuous nature of the action (Merriam-Webster b). Two of the definitions are crucial for this thesis. The dictionary defines labor as "the services performed by workers for wages as distinguished from those rendered by entrepreneurs for profits" (Merriam-Webster c) and also "human activity that provides the goods or services in an economy" (Merriam-Webster c).<sup>35</sup> Other dictionaries such as Cambridge (Cambridge b, c) and Oxford offer similar definitions for both of these terms (Oxford b, c).<sup>36</sup> The common difference among the definitions therefore lies mostly in the physical difficulty of work. Work is mostly taken as an umbrella term which includes all the other ones. Analogical approach can be used when distinguishing between workers and laborers. Workers refer to all employees, while laborers are mostly those engaged in heavy physical work.

Because I am also relying on statistics in certain parts of my thesis, it is beneficial to consider how the term work, labor and employment are treated in that field. An article at the International Labor Organization (ILO) website offers a more detailed explanation of the abovementioned terms. It states that for the purpose of statistics, it is necessary to clearly define the terms, especially work and employment, which are used as very close synonyms in everyday conversations. ILO defines employment as work which is done for pay or profit. Work is defined as "any activity performed by persons of any sex and age to produce goods or to provide services for use by others or for own use." (ILO 2019) Employment is also defined by being a labor force status, which is another term the website explains. Labor force is defined as "current supply of labour for the production of goods and services in exchange for pay or profit" (ILO 2019). Labor force does not constitute of employed people only, unemployed people who are

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<sup>34</sup> "1: activity in which one exerts strength or faculties to do or perform something:

**a:** activity that a person engages in regularly to earn a livelihood

**b:** a specific task, duty, function, or assignment often being a part or phase of some larger activity

**c:** sustained physical or mental effort to overcome obstacles and achieve an objective or result

**2:** one's place of employment" (Merriam-Webster b)

<sup>35</sup> "1 **a:** expenditure of physical or mental effort especially when difficult or compulsory

**b (1):** the services performed by workers for wages as distinguished from those rendered by entrepreneurs for profits

**(2):** human activity that provides the goods or services in an economy" (Merriam-Webster c)

<sup>36</sup> See Cambridge dictionary b, Oxford dictionary b for work, Cambridge dictionary c and Oxford dictionary c for labor.

of working age and are looking to be employed and are available to do so, are also part of the labor force. Not being part of the labor force does not mean that those people do not engage in work, in fact quite the opposite is true (ILO 2019).

What the Chinese and English definitions undoubtedly have in common is the emphasis on physical difficulty when it comes to labor. The core of all the definitions is very similar, the main difference lies in the undertone, which in Chinese definitions is definitely ideological (the Western definitions do not include terms like means of production etc.). For this reason, it is also necessary to take a look at how Marx understood labor.

Labor is an important concept in Marxism, and since Chinese constitutions claim that the country follows the principles of Marxism, Leninism and Mao Zedong thought, and Marxist terminology is also present in dictionary definitions, I want to briefly introduce what labor is under a generalized Marxist perspective. Marx notes that labor has the same two-fold nature that commodities have, “in so far as it finds its expression in value, it no longer possesses the same characteristics as when it is the creator of use-values.” (Marx 1976: 131-132) However, what is probably more important to mention is the concept of the division of labor. Division of labor leads to alienation of workers from the product of their labor (Marx 1844). Marx describes the division of labor and its consequences in the following way:

*The division of labour is the economic expression of the social character of labour within the estrangement. Or, since labour is only an expression of human activity within alienation, of the manifestation of life as the alienation of life, the division of labour, too, is therefore nothing else but the estranged, alienated positing of human activity as a real activity of the species or as activity of man as a species-being.* (Marx 1844, emphasis in original)

Marx saw the division of labor as both blessing and a curse. It is necessary for creating the conditions for human life, but at the same time it is the cause of many negative consequences, such as alienation, conflict and enslavement (Meisner 1989: 81).<sup>37</sup>

A historian Achille Mbembe summarizes the difference between work and labor according to Marx as follows:

Marx, for example, conflates labor (the endless cycle of production and consumption required to maintain human life) with work (the creation of lasting artifacts that add to the world of things). Labor is viewed as the vehicle for humankind’s historical self-creation. (Mbembe 2019: 73)

However, for Marx, arguably more important than distinction between work and labor is distinction between labor and labor power. Labor is the process of work itself, while labor

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<sup>37</sup> Sinologist Maurice Meisner (1989) delves deep into Mao’s disdain for the division of labor and specialization.

power is the capacity to work, it is the combination of person's mental and physical abilities, which are used when producing value (Marx 1887). In comparison with the Western ones, the definitions provided by Chinese dictionaries are more similar to the Marxist understanding, which also explains why *laodongzhe* and *laodong* is used more frequently in legal documents than *gongzuo* and *gongren*.

For the purpose of this thesis, unless I specifically want to highlight that I am referring to laborers only, when talking about real-life situation of workers, I am using workers as a term which refers to all employed citizens. In analyzing the legal documents and providing their translations, unless stated otherwise, I adhere to the Chinese original.

## **2. WORKERS' LEGAL AND SOCIAL STANDING IN THE PERIOD FROM 1949 TO 1975**

In this chapter I discuss first the background of the 1954 Constitution, then the contents of the document regarding the workers and also comment on other legal provisions of that time (Trade Union Law of 1950, Labor Insurance Law of 1951), then I move on to the situation the working class was then and show general trends and issues of the given period. Lastly, I provide a general overview of the period from 1954 till 1975, during which this constitution was enforced, with main focus on the period of 1950s and early 1960s. This constitution covers the period of Cultural Revolution, but due to its dubious legal nature, I will only briefly describe the general trends.

### **2.1 The 1954 constitution and its historical background**

The first official constitution of the People's Republic of China was enacted on September 20, 1954. It was based on the Common Program of Chinese People's Political Consultative Conference (CPPCC) of 1949<sup>38</sup> and further developed its ideas, as stated in the preamble (Xianfa 1954: preamble). Regarding the formal structure, the 1954 Constitution is divided into preamble and four chapters. As for state organization it proposes, it established National People's Congress (NPC) as the highest organ of state power (with the real authority being the Standing Committee), and the constitution also establishes the State Council, as the highest executive and administrative organ, and the Supreme People's Court, and lists powers of both (Xianfa 1954: art. 21).<sup>39</sup> The Constitution also includes, in contrast with previous constitutional development, quite an extensive list of individual rights, but also duties. Franklin W. Houn characterizes the constitution as socialistic, what he further explains as the constitution enabling the government "to bring about a socialist transformation of the national economy through nationalization and collectivization..." (Houn 1955: 229). Along with strong socialistic tendencies, the constitution proposes highly centralized control, with the prospects of an already partly centralized economic planning becoming even more centralized. Houn also notices what I have discussed in the previous chapter – the role of CCP and its influence on the legal system, including the constitution (Houn 1955: 232-233).

During the Second World War and later the Civil War, law-making was not the main priority for the CCP. After 1949, CCP was determined to get rid of anything old and anything

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<sup>38</sup> For a comparison between the two, see Chao Kuo-Chun 1954.

<sup>39</sup> “中华人民共和国全国人民代表大会是最高国家权力机关。” (Xianfa 1954: art. 21)

Nationalist, including the old legal provisions. It was not possible to wipe out the traces of Western law entirely and according to Jones, some Nationalist judges kept working after 1949 and presumably used the same methods as before, unless new clear directions were stated. The communists tried to create a fresh new beginning, without any traces of the past, but to what extent is that possible? (Jones 2003: 21) On one hand, this new document further confirmed the supremacy of CCP and introduced “a stronger program for collective entitlements and responsibilities of citizens” (Crout 2021 b), and on the other hand, ensured that the constitution could not be relied upon in criminal matters, because it could not be used in the Supreme People’s Court, which affected its judicial enforcement. Chinese courts could not review legislation promulgated by the National People’s Congress based on constitutionality, causing the majority of power to lay within the NPC, and therefore the CCP (Crout 2021 a: 362, 365).

In regards to the constitutional development in China in the 1950s, Mitchell points to the influence of ideological shifts within the Party after 1946. It was right before this period that Mao Zedong officially established his position as a Party leader, and his opinions, understandings of various ideologies, political programs (New Democracy etc.) influenced the Common Program, since CPPCC was dominated by the CCP. Some significant policies included in the document were “national autonomy, promoting economic development without immediate radical redistribution, cooperation among “labor and capital” (albeit now with a greater emphasis upon the interests of the former), maintaining territorial cohesion and “cooperation” among the Han majority and recognized national minorities, etc.” (Mitchell 2022: 24) Something Mitchell emphasizes is the political consensus with which these policies and the whole Common Program were presented, and the compromises were expected to serve as basis for political cooperation and unity. Another interesting aspect is that many Party members (up until 1952) were in favor of keeping the Common Program as the constitutional text, but under Stalin’s influence and persuasion, since it would help to legitimize the new regime, the CCP leadership decided to start drafting the new constitution (Mitchell 2022: 24-25, Diamant 2021: 7, Tiffert 2009: 12-13).

The 1954 Constitution remains an important document until today, despite not serving as the PRC’s current fundamental law anymore, and it can serve as a dividing point in time, ideologically and also in terms of language (Crout 2021 b). On one hand, traces of past traditions (decentralization of the individual in Confucianism or principles of a strong state in Legalism) can be found in the document, on the other hand this constitution introduced new concepts and ideology (Crout 2021 a: 361-362).

### 2.1.2 Contents of the 1954 Constitution in regards to workers

Society after 1949 was supposed to be a society based on support of working class, which is even stated in the first article of the 1954 Constitution. The political leadership of the proletariat was cemented even before the constitution was officially adopted, since in elections until 1953, approximately 75% of the representatives were workers or peasants (Chang Yu-nan 1956: 532). In the following section I will take a look at concrete articles from the constitution, which are directly related to workers and their working or living conditions, and see what kind of legal protection the constitution offered to the workers, which were supposed to be the backbone of the country. Professor of Chinese Development at Cambridge University, William J. Hurst claims that the main task of the new communist government was to industrialize the country and establish strong proletariat, which made the workers supposed ‘masters’ of the state (*zhurenweng* 主人翁) (Hurst 2009: 2). Wemheuer claims that this label only makes sense in the light of Marxist ideology, because majority of CCP’s practices were actually surprisingly consistent with those of Guomindang before 1949, during which there was no such label (Wemheuer 2019: 87-89).

The preamble acknowledges that China was still in a transitional period on the road to socialism, but praises the Chinese people for their past accomplishments, which will serve as the basis for the establishment of the new society. This society is supposed to be free from exploitation and poverty, and the main goal of people is to aid the state in fulfilling the fundamental task of the state during the transition, as well as fighting the enemies, both within and outside the country. The preamble does not explicitly mention the working class, but it does highlight the CCP as the leader of people’s democratic front (Xianfa 1954: preamble).

The first article of the constitution states that PRC is based on working class (Xianfa 1954: art. 1).<sup>40</sup> Article 16 states that labor is an honorable act of all able-bodied citizens (Xianfa 1954: art. 16).<sup>41</sup> The same article also states that people are encouraged to be active (*jjixing* 积极性) and creative (*chuangzaoxing* 创造性) in their work. All of these articles show that working class has an important place in the new society and that labor is honorable and something every citizen should strive for.

Because forms of ownership heavily influenced formation of the new society, and because state-owned enterprises (SOE) were heavily prioritized, which undoubtedly influenced

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<sup>40</sup> “中华人民共和国是工人阶级领导的、以工农联盟为基础的人民民主国家。” (Xianfa 1954: art. 1)

<sup>41</sup> “劳动是中华人民共和国一切有劳动能力的公民的光荣的事情。” (Xianfa 1954: art. 16)

the working conditions of both SOE and other workers, these articles are necessary to analyze. Article 5 is dedicated to ownership and its existing forms. First form of ownership is the state ownership, second is collective ownership by the working masses (co-operative ownership), then ownership by individual working people and lastly, capitalist ownership (Xianfa 1954: art. 5).<sup>42</sup> The sequence is of some significance. Since the country was still in the transitional period, capitalist ownership was permitted, but only as the last option. The former two forms were more much more desirable, which is later supported by a few other articles (Xianfa 1954: art. 6, art. 7), which further elaborate on the abovementioned forms of ownership. The state sector can be considered the most important one, since it is “the leading force of the national economy as well as the material basis on which the state carries out socialist transformation” (Xianfa 1954: art. 6).<sup>43</sup> This is also the reason why the state sector was heavily prioritized (and the article itself also contains such statement), which could have contributed to conflicts within working class, as I will show in the later section of the chapter. Article 7 explains the co-operative sector of the economy in more detail. Co-operative sector can be either socialist or semi-socialist, and this depends on how much of it is owned by working masses. Semi-socialist form was just transitional, and was eventually expected to result in collective ownership. This sector of economy was also supported by the state (protected, encouraged, guided and aided the development) and it is considered as the main form of transformation of individual farming and individual handicrafts (Xianfa 1954: art. 7).<sup>44</sup> This is also related to Article 9, which is about handicraftsmen and other non-agricultural individual working people. These are granted the right to own means of production according to law, while at the same time they are encouraged to voluntarily join the co-operative form of ownership (Xianfa 1954: art. 9).<sup>45</sup> As for capitalist ownership, this form is to be used, restricted and transformed, resulting in its replacement by the ownership of the whole people (Xianfa art. 10, 1954).<sup>46</sup> Houn points out that the

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<sup>42</sup> “中华人民共和国的生产资料所有制现在主要有下列各种：国家所有制，即全民所有制；合作社所有制，即劳动群众集体所有制；个体劳动者所有制；资本家所有制。”(Xianfa 1954: art. 5)

<sup>43</sup> “是国民经济中的领导力量和国家实现社会主义改造的物质基础。国家保证优先发展国营经济。”(Xianfa 1954: art. 6) Translation taken from Law of China website.

<sup>44</sup> “合作社经济是劳动群众集体所有制的社会主义经济，或者是劳动群众部分集体所有制的半社会主义经济。劳动群众部分集体所有制是组织个体农民、个体手工业者和其他个体劳动者走向劳动群众集体所有制的过渡形式。国家保护合作社的财产，鼓励、指导和帮助合作社经济的发展，并且以发展生产合作为改造个体农业和个体手工业的主要道路。”(Xianfa 1954: art. 7)

<sup>45</sup> “国家依照法律保护手工业者和其他非农业的个体劳动者的生产资料所有权。国家指导和帮助个体手工业者和其他非农业的个体劳动者改善经营，并且鼓励他们根据自愿的原则组织生产合作和供销合作。”(Xianfa 1954: art. 9)

<sup>46</sup> “国家依照法律保护资本家的生产资料所有权和其他资本所有权。国家对资本主义工商业采取利用、限制和改造的政策。国家通过国家行政机关的管理、国营经济的领导和工人群众的监督，利用资本主义工

abovementioned articles lack definitions and limitations about which activities are included in which sphere, which in turn allows the state to manipulate and regulate the economy according to its will. This results in a paradoxical situation – especially regarding the ownership by individual working people and capitalist ownership. They are completely at the mercy of the state, and they are eventually to be replaced by other forms of ownership, but at the same time a few articles in the constitution vow to protect them (Houn 1955: 205).

Article 91 states that citizens have the right to work and that the state provides better working conditions and more opportunities gradually (Xianfa 1954: art. 91).<sup>47</sup> Article 93 states that working people have the right to material assistance in old age, and also in case of illness and disability. Additionally, it mentions that state provides social insurance (Xianfa 1954: art. 93).<sup>48</sup> Article 100 mentions that citizens have to uphold discipline at work (Xianfa 1954: art. 100).<sup>49</sup> These articles are mostly focused on social provisions offered by the state, but the conditions under which the state provides social insurance, or the amount of assistance that will be offered, are not specified.

Article 92 claims that working people have the right to leisure and that the state prescribes working hours (Xianfa 1954: art. 92).<sup>50</sup> Again, we come back to a problem Althenger mentions – how much does use of simplified language influence the understanding and contents of the constitution (2018: 12-13). What about the non-working people? And how exactly is leisure defined? In the later section of the chapter, I will show that because of intense pressure to fulfil the five-year plan and various quotas, workers often worker overtime and could not rest properly, resulting in exhaustion and injuries.

I also find it important to mention Articles 18 and 100, because although they are not directly related to labor, they are related to obedience of law. Article 100 states that people must be loyal to people’s democratic system and observe the constitution (Xianfa 1954: art. 100).<sup>51</sup>

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商业的有利于国计民生的积极作用，限制它们的不利于国计民生的消极作用，鼓励和引导它们转变为各种不同形式的国家资本主义经济，逐步以全民所有制代替资本家所有制。” (Xianfa 1954: art. 10)

<sup>47</sup> “中华人民共和国公民有劳动的权利。国家通过国民经济有计划的发展，逐步扩大劳动就业，改善劳动条件和工资待遇，以保证公民享受这种权利。” (Xianfa 1954: art. 91)

<sup>48</sup> “中华人民共和国劳动者在年老、疾病或者丧失劳动能力的时候，有获得物质帮助的权利。国家举办社会保险、社会救济和群众卫生事业，并且逐步扩大这些设施，以保证劳动者享受这种权利。” (Xianfa 1954: art. 93)

<sup>49</sup> “中华人民共和国公民必须遵守宪法和法律，遵守劳动纪律，遵守公共秩序，尊重社会公德。” (Xianfa 1954: art. 100)

<sup>50</sup> “中华人民共和国劳动者有休息的权利。国家规定工人和职员的工作时间和休假制度，逐步扩充劳动者休息和休养的物质条件，以保证劳动者享受这种权利。” (Xianfa 1954: art. 92)

<sup>51</sup> “中华人民共和国公民必须遵守宪法和法律，遵守劳动纪律，遵守公共秩序，尊重社会公德。” (Xianfa 1954: art. 100)

Article 18 focuses specifically on civil servants and their loyalty to people's democracy, constitution and law, with the addition of serving the people (Xianfa 1954: art. 18).<sup>52</sup> These articles are beneficial for the government, but what effect do they have on regular citizens? Chang Yu-nan in an article from 1956 proposes for articles 19 (the state protects the people's democratic system and suppresses all treasonable or counter-revolutionary activities) and 100 to be read and understood together. I agree with this statement, and additionally I think Article 18 should also be read together with them, since Articles 18 and 100 are very similar in contents, they just target different groups of citizens. The main reason for the separate existence of Article 18 is mostly to highlight the duties of civil servants and emphasize their duties towards the state. Therefore, I propose we can group the articles together in our understanding for the purpose of the goal of this thesis, since civil servants are members of working class too. As for Articles 19 and 100, Chang Yu-nan explains the significance of Article 100 in the following way:

These so-called "social ethics" imply absolute obedience to the Communist ideology by the people and subjugation of all the people's rights, as guaranteed by the Constitution, to Communist ethics. By limiting the rights of the people, governmental power is unlimited and individual freedom is destroyed. (Chang Yu-nan 1956: 522)

Because Articles 18 and 100 are so similar, I believe the same logic can be applied to Article 18. I find it quite paradoxical that Chinese constitutions are not justiciable, and yet they promise all sorts of protection, and expected people to abide by it, despite citizens not being able to turn to constitution for the promised protection.

Out of 106 articles constituting the constitution, only five of them directly mention workers, which is quite a low number. Albeit the number of articles is not directly indicative of the level of protection, one could assume that a country which prides itself on relying on working class (including peasants), would put more effort into protecting the given class. However, the 1954 Constitution was not the only document protecting the rights of workers, and in the following section I will analyze two legal provisions which were intended to improve the workers' legal protection.

## **2.2 Other related legal provisions**

Constitution was not the only legal document which was supposed to protect and empower the workers. In the following section, I will briefly analyze the Trade Union Law from 1950 and

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<sup>52</sup> “一切国家机关工作人员必须效忠人民民主制度，服从宪法和法律，努力为人民服务。” (Xianfa 1954: art. 18)

Labor Insurance Law, sometimes also translated as Labor Insurance Regulations of the People's Republic of China from 1951.

Before I delve into the laws and provisions, I would also like to briefly introduce the All-China Federation of Trade Unions (ACFTU, *Zhonghua quanguo zongonghui*, 中华全国总工会), established in 1925. Its function was halted during the Cultural Revolution, but since 1980s, it is still actively functioning until the present day,<sup>53</sup> and serves as the only legally mandated trade union in the country. The main task of the ACTFU is to protect and represent workers and to act as a middleman between the proletariat and the state. According to Wemheuer, the main tasks of the unions were “to implement government policies, enforce labor discipline and organize welfare in work units.” (Wemheuer 2019: 90) Chinese politician and CCP member Li Lisan<sup>54</sup> (李立三, 1899-1967) characterized unions as institutions that represent mostly private interests (interests of workers), whereas management represents mostly public interests (interest of the state) and the two balance each other out this way (Li Lisan 2022: 216-217). Because ACTFU is the only trade union in China, some researchers ask if it even is a trade union. Bill Taylor and Li Qi in their article (2007) claim it is not, due to several reasons. Firstly, it is expected to protect both workers and the working class and its interests, i.e. national interests. These two might sometimes clash, and ACTFU has to decide whose side to take. Secondly, there are issues in election process of the management of the union. The cadres are usually appointed, not elected and the representative elected by workers is not always chosen by the union. Thirdly, ACTFU is organized as a part of state structure, which can potentially lead to issues when it comes to workers' autonomy in their actions. The authors claim that this is not necessarily a bad thing, but in China's case it is a peculiar situation, since there is only one union and one party, which does not give workers the option of relying on a different political party which would better protect their interests (Taylor and Li Qi, 2007: 707). Due to its dubious status, it is debatable whether ACFTU nowadays is protecting interests of workers, or interests of CCP,<sup>55</sup> but in the 1950s it was definitely a good basis to build the state-worker relationship on.

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<sup>53</sup> Their website is active, see for more information. <https://www.acftu.org/> (accessed April 23 2025) and ACFTU even publishes its own newspaper Worker's daily (*Gongren ribao* 工人日报, available at <https://www.worker.cn/> (accessed April 23 2025)).

<sup>54</sup> Li Lisan was actually dismissed as the chairman of ACFTU in 1953, because he regarded the unions as the most important representatives of the workers, not the CCP (Wemheuer 2019: 91).

<sup>55</sup> For more information about the effectiveness of ACTFU in the present day, see China Labour Bulletin staff 2021.

Another institution which represented the workers were the worker congresses (Staff and Worker Representative Congress). Their history can be traced back to 1920s, but during the 1950s and 1960s their role was formalized. The congresses were to “provide workers with a voice in the democratic management of the organization with legal rights of information, consultation, and codetermination on a wide range of employment issues.” (Gunderson, Byron and Wang Hui 2024: 45). Since the first years of the PRC, there were organizations and institutions in place, which were meant to represent the workers’ rights and safeguard their interests. How effective they were, however, is debatable.

### 2.2.1 Trade Union Law of 1950

The Trade Union Law was adopted in June 1950, with the goal to better organize the working classes in order to properly play their role in the construction of the new democratic state (Trade Union Law 1950).<sup>56</sup> The general principles stipulate the definition of trade unions as mass organizations formed willingly by working classes (TUL 1950: art. 1),<sup>57</sup> and that these trade unions should be organized by the principles of democratic centralism (TUL 1950: art. 2).<sup>58</sup> ACFTU is established as the highest leading body of the unions across the country. The general principles show that in the 1950s, formation of trade unions was encouraged, but there were several rules to be obeyed in order for the trade union to be recognized and enjoy the benefits provided in the Trade Union Law.

The list of rights provided contains eight rights and duties. A few of the articles (Articles 5 and 6) focus on the right of trade unions to represent the workers and act on their behalf in regards to signing collective contracts or in negotiations etc. I would like to highlight especially articles that contain duties, such as Article 7 which states that it is the duty of trade unions to protect the interests of workers and employees, to supervise the implementation of labor protection, labor insurance, standards on wage payments, rules on sanitation and security in factories and so on (TUL 1950: art. 7).<sup>59</sup> Article 9 further lists duties of trade unions in order to protect the basic interests of the working classes. These duties include educating and organizing workers in upholding the laws and implementing government’s policies, so as to strengthen the

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<sup>56</sup> “为了明确规定工会组织在新民主主义国家政权下的法律地位与职责，使全国工人阶级更好地组织起来，发挥其在新民主主义建设中应有的作用。” (TUL 1950)

<sup>57</sup> “工会是工人阶级自愿结合的群众组织。” (TUL 1950: art. 1)

<sup>58</sup> “工会组织原则，根据全国劳动大会通过之中华全国总工会章程之规定，应为民主集中制。” (TUL 1950: art. 2)

<sup>59</sup> “工会有保护工人、职员群众利益，监督行政方面或资方切实执行政府法令所规定之劳动保护、劳动保险、工资支付标准、工厂卫生与技术安全规则及其他有关之条例。” (TUL 1950: art. 7)

people's regime under the leadership of proletariat (TUL 1950: art. 9); to cultivate a new attitude towards labor and to oversee production movement in order to guarantee the fulfilment of the production targets (TUL 1950: art. 9); to fight against the deeds which counteract the government's laws or hinder the growth of production in private enterprises (TUL 1950: art. 9).<sup>60</sup>

The Trade Union Law of 1950 established basis for how the trade unions are to function in PRC, what duties they have and what is their position in regards to workers and the state. Whether the trade unions were actually helpful in any period I analyze is a question I try to answer throughout the thesis by describing the issues the workers were dealing with and how, if at all, the ACTFU was helpful in resolving them.

### **2.2.2 Labor Insurance Law of 1951**

Labor Insurance Law is another of legal provisions that influenced the legal and by extension societal status of workers. As the first comprehensive labor insurance legislation of PRC, the regulations opted for a “all-risks-in-one” model, with all costs to be borne either by the administration or by the employer of the enterprise, and provided for the establishment of a nationwide mechanism for the coordination of funds (Zhongguo faxue wang n.d.). The LIL was amended in 1953, but for the purpose of this thesis, I am working mostly with the non-amended version, only commenting on the amendments when necessary. The general framework of the two versions is the same, the biggest difference is in the scope of the enterprises the law is extended to and the increase in labor insurance benefits. This could mean that the government felt it had enough resources to provide such insurance conditions for its citizens, and to use the LIL as a proof that the workers are a privileged group. However, due to the law's limitations, even if the scope was eventually extended, the law could still only cover a small part of the working population. Thus, many workers are still left unprotected and are left to fend for themselves.

The general principles of the LIL state that this law was formulated according to present economic conditions and was supposed to protect the health of the laborers and alleviate difficulties they are facing (LIL 1951: art. 1).<sup>61</sup> The law applies to state-owned, joint state-

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<sup>60</sup> “教育并组织工人、职员群众，维护人民政府法令，推行人民政府政策，以巩固工人阶级领导的人民政权[。。。]树立新的劳动态度，遵守劳动纪律，组织生产竞赛及其他生产运动，以保证生产计划之完成[。。。]反对违背政府法令及妨害生产的行为。” (TUL 1950: art. 9)

<sup>61</sup> “为了保护雇佣劳动者的健康，减轻其生活中的特殊困难，特依据目前经济条件，制定本条例。” (LIL 1951: art. 1)

private, private and cooperative factories, mines and their subsidiary units and business management organization, which employs more than 100 workers and staff members (LIL 1951: art. 2), as well as each railway, shipping, postal or telecommunication enterprise and its subsidiary units (LIL 1951: art. 2).<sup>62</sup> The 1953 amendment extended its coverage also to capital construction units of industrial, mining and transportation undertakings and state-run construction companies (LIL 1951: art. 2 as amended in 1953).<sup>63</sup> Even though the insurance is limited, within those that are entitled to it, there are no distinctions or limitations, except for those deprived of their political rights (LIL 1951: art. 4).<sup>64</sup> The law is less favorable to seasonal workers or personnel in probation (LIL 1951: art. 5),<sup>65</sup> which led to dissatisfaction and sense of injustice among the workers, as I will show later.

Labor Insurance Law states that the insurance payments should be paid by the administration or capital of each enterprise, and part of the payment should be handed over to the trade union organization for disposal as labor insurance funds (LIL 1951: art. 7).<sup>66</sup> The amount of money going towards the insurance fund should be equal to 3% of the total of all the wages of all the workers and staff members of the given enterprise. The law further states that the insurance is not to be deducted from the wages or be separately collected from the worker (LIL 1951: art. 8),<sup>67</sup> making it the responsibility of the management to administer the insurance. Article 12 establishes how work-related injuries and subsequent insurance and pensions are to be dealt with. What is important is that the Law sets clear regulations for how injured workers are to be compensated and taken care of by the enterprise, in case such accidents happen. The

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<sup>62</sup> “本条例的实施，采取重点试行办法，俟实行有成绩，取得经验后，再行推广。其适用范围，目前暂定为下列各企业：

甲、雇用工人职员人数在一百人以上之国营、公私合营、私营及合作社经营的工厂、矿场及其附属单位与业务管理机关。

乙、铁路、航运、邮电的各企业单位及附属单位。” (LIL 1951: art. 2)

<sup>63</sup> “本条例的实施，采取逐步推广办法，目前的实施范围暂定如下：

甲、有工人职员一百人以上之国营、公私合营、私营及合作社经营的工厂、矿场及其附属单位；

乙、铁路、航运、邮电的各企业单位与附属单位；

丙、工、矿、交通事业的基本建设单位；

丁、国营建筑公司。” (LIL 1951: art. 2 as amended in 1953)

<sup>64</sup> “凡在实行劳动保险各企业内工作的工人与职员(包括学徒)不分民族、年龄、性别和国籍，均适用本条例，但被剥夺政治权利者除外。” (LIL 1951: art. 4)

<sup>65</sup> “凡在实行劳动保险各企业内工作的临时工、季节工与试用人员的劳动保险待遇，在本条例实施细则中另行规定之。” (LIL 1951: art. 5)

<sup>66</sup> “本条例所规定之劳动保险的各项费用，全部由实行劳动保险的各企业行政方面或资方负担，其中一部分由各企业行政方面或资方直接支付，另一部分由各企业行政方面或资方缴纳劳动保险金，交工会组织办理。” (LIL 1951: art. 7)

<sup>67</sup> “凡根据本条例实行劳动保险的各企业行政方面或资方，须按月缴纳相当于各该企业全部工人与职员工资总额的百分之三，作为劳动保险金。此项劳动保险金，不得在工人与职员工资内扣除，并不得向工人与职员另行征收。” (LIL 1951: art. 8)

insurance is also supposed to cover injuries or disabilities caused while on duty, it is the enterprise's management that is supposed to bear all the costs and pay regular wages during the medical treatment (LIL 1951: art. 12).<sup>68</sup> I consider this article to be one of the most crucial ones in the whole provision, since it is a good basis for workers' legal protection. It clearly states situations in which the enterprise is to financially support or help the worker in case of a work-related injury. In this way, LIL shows the state willingness to protect the workers, but on the hand, the enterprise is the one held responsible if anything goes wrong. Because at this point in time, the Law also included other forms of ownership, it is not possible to argue that the enterprises were state-run and therefore the state is the one responsible.

Article 13 covers illnesses and injuries sustained off-duty. In such case, the worker is entitled to treatment at the enterprise's clinic. If the clinic is unable to provide sufficient treatment, the management is required to only cover treating, hospitalization and ordinary medical expenses, other expenses should be covered by the workers themselves. The article further states that the worker is to receive 50%-100% of their pay for a period of three months if they cannot work due to illness or non-work-related injury (LIL 1951, art. 13).<sup>69</sup> Articles 12

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<sup>68</sup> “因工负伤、残废待遇的规定:

甲、工人与职员因工负伤,应在该企业医疗所、医院或特约医院医治。如该企业医疗所、医院或特约医院无法治疗时,应由该企业行政方面或资方转送其他医院医治。其全部诊疗费、药费、住院费、住院时的膳费与就医路费,均由企业行政方面或资方负担。在医疗期间,工资照发。

乙、工人与职员因工负伤确定为残废时,按下列情况,由劳动保险基金项下按月付给因工残废抚恤费或因工残废补助费:

一、完全丧失劳动力不能工作退职后,饮食起居需人扶助者,其因工残废抚恤费的数额为本人工资百分之七十五,付至死亡时止。

二、完全丧失劳动力不能工作退职后,饮食起居不需人扶助者,其因工残废抚恤费的数额为本人工资百分之六十,付至恢复劳动力或死亡时止。劳动力恢复后应由企业行政方面或资方给予适当工作。

三、部分丧失劳动力尚能工作者,应由企业行政方面或资方分配适当工作,并由劳动保险基金项下,按其残废后丧失劳动力的程度,付给因工残废补助费,其数额为残废前本人工资的百分之十至三十,但与残废后复工时的工资合计不得超过残废前本人工资。详细办法在实施细则中规定之。

丙、工人与职员因工负伤而致残废者,其残废状况的确定与变更,由残废审查委员会审定。详细办法在实施细则中规定之。” (LIL 1951: art.12)

<sup>69</sup> “疾病、非因工负伤、残废待遇的规定:

甲、工人与职员疾病或非因工负伤,应在该企业医疗所、医院或特约医院医治。如该企业医疗所、医院或特约医院无法医治时,应由该企业行政方面或资方转送其他医院医治,必须住院者,得住院医治。其治疗费、住院费及普通药费,均由企业行政方面或资方负担;贵重药费、就医路费及住院时的膳费由本人自理。

乙、工人与职员疾病或非因工负伤停止工作医疗时,其医疗期间连续在三个月以内者,按其本企业工龄的长短,由该企业行政方面或资方每月发给她本人工资百分之五十至百分之一百;连续医疗期间在三个月以上时,改由劳动保险基金项下按月付给疾病或非因工负伤救济费,其数额为本人工资百分之三十至百分之五十,至能工作或确定为残废,或死亡时止。但连续停工医疗期间以六个月为限,超过六个月者按丙款残废退职待遇办理。详细办法在实施细则中规定之。

丙、工人与职员因病或非因工负伤致成残废,完全丧失劳动力不能工作而退职者,按其本企业工龄的长短,由劳动保险基金项下按月付给非因工残废救济费,其数额为本人工资百分之二十至百分之三十,至

and 13 show the willingness of the state to legally protect the workers in case of sickness and injuries. The biggest disadvantage of this provision is that it is not extended to all workers. Apart from those stated in Article 2, the law also imposes limits on insurance if the enterprise has not joined any trade union. In this case, only half of the sum for payments such as wages and relief funds during the medical treatment or diseases or injury for non-duty reasons, is paid (LIL 1951: art. 18).<sup>70</sup> On one hand, this might point to state's attempt to prioritize SOEs and insurance can be seen as another benefit workers gain from entering an SOE. On the other hand, limiting the insurance leaves a huge amount of people without a safety net.

Labor Insurance Law also covers financial support for family members in case a worker dies on the job or due to an occupational injury (LIL 1951: art. 14),<sup>71</sup> pensions (LIL 1951: art.

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恢复劳动力或死亡时止。如有其他经济来源可以维持生活，此项非因工残废救济费不予发给。详细办法在实施细则中规定之。

丁、工人与职员供养的直系亲属疾病时，得在该企业医疗所、医院或特约医院免费诊治，普通药费减半，贵重药费、就医路费、住院费、住院时的膳费及其他一切费用，均由本人自理。” (LIL 1951: art. 13)

<sup>70</sup> “凡在实行劳动保险企业内工作的工人与职员，未加入工会者，除因工负伤、残废、死亡待遇，生育假期待遇，因病或非因工负伤治疗待遇，均得按本条例的规定享受外，其他各项，如疾病或非因工负伤医疗期间的工资与救济费，非因工残废救济费，供养直系亲属救济费，养老补助费及生育补助费等，只能领取规定额的半数。” (LIL 1951: art. 18)

<sup>71</sup> “工人与职员及其供养的直系亲属死亡时待遇的规定：

甲、工人与职员因工死亡时，由该企业行政方面或资方发给丧葬费，其数额为该企业全部工人与职员平均工资两个月。另由劳动保险基金项下，依其供养的直系亲属人数每月付给供养直系亲属抚恤费，其数额为死者本人工资百分之二十五至百分之五十，至受供养者失去受供养的条件时为止。详细办法在实施细则中规定之。

乙、工人与职员因病或非因工负伤死亡时，由劳动保险基金项下付给丧葬补助费，其数额为该企业全部工人与职员平均工资一个月。另由劳动保险基金项下，按其本企业工龄的长短，付给供养直系亲属救济费，其数额为死者本人工资三个月至十二个月。详细办法在实施细则中规定之。

丙、工人与职员因工负伤致成残废，完全丧失劳动力不能工作退休后死亡时，应按本条乙款规定的待遇付给丧葬补助费与供养直系亲属救济费。

丁、工人与职员退休养老后死亡时，及非因工残废完全丧失劳动力不能工作退休后死亡时，由劳动保险基金项下付给丧葬补助费，其数额为该企业全部工人与职员平均工资一个月。

戊、工人与职员供养的直系亲属死亡时，由劳动保险基金项下付给供养直系亲属丧葬补助费。死者年龄在十周岁以上者，其数额为该企业全部工人与职员平均工资一个月的三分之一，一周岁至十周岁者为平均工资一个月的四分之一，不满一周岁者不给。” (LIL 1951: art. 14)

15),<sup>72</sup> childbearing remunerations (LIL 1951: art. 16)<sup>73</sup> and even introduces collective labor insurance facilities, such as sanatoriums. The Law offers quite an extensive system of insurance, but with numerous limitations as to who can enjoy the insurance benefits. Other than insurance and its benefits, the Law also subtly encourages proactive attitude at work, since there is a whole chapter dedicated to provisions for model workers. Model workers or combat heroes transferred to work in enterprise were to be granted more outstanding labor insurance (LIL 1951: art. 20).<sup>74</sup>

It is evident from the two abovementioned documents, that the government in the early 1950s did put forward laws which were supposed to benefit and protect the working class. However, these laws were only applicable to certain groups of workers, which fulfilled all the conditions imposed by the laws. The most benefits could be enjoyed by workers in state-owned enterprises, who also entered a trade union. Other workers' options were limited and this definitely influenced their livelihood. CIA report writes that CCP claimed that Labor Insurance Law was extended to 5.4 million people, but in reality, these were mostly elite skilled workers, many of whom were also members of All-China Trade Union (CIA 1956: 20). The constitution itself puts the state-owned enterprises as a priority; it is therefore not surprising that that is the form of ownership in which the workers can receive the most benefits. This can also be seen as a method of encouragement to enter state-owned enterprises, and slowly but surely transform other forms of ownership into the state-owned form.

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<sup>72</sup> “养老待遇的规定:

甲、男工人与男职员年满六十岁，一般工龄已满二十五年，本企业工龄已满十年者，由劳动保险基金项下按其本企业工龄的长短，付给养老补助费，其数额为本人工资百分之三十五至百分之六十，至死亡时止。如因该企业工作的需要，商得本人同意，留其继续工作时，除应得工资外，每月付给在职养老补助费，其数额为本人工资百分之十至百分之二十。详细办法在实施细则中规定之。

乙、女工人与女职员年满五十岁，一般工龄满二十年，本企业工龄已满十年者，得享受甲款规定的养老补助费待遇。

丙、井下矿工或固定在华氏三十二度以下的低温或华氏一百度以上的高温工作场所工作者，男工人与男职员年满五十五岁，女工人与女职员年满四十五岁，均得享受甲款规定的养老补助费待遇。但计算其一般工龄及本企业工龄时，每在此种场所工作一年，均作一年零三个月计算。

丁、在提炼或制造铅、汞、砒、磷、酸及其他化学、兵工工业中直接从事有害身体健康工作者，男工人与男职员年满五十五岁，女工人与女职员年满四十五岁，均得享受甲款规定的养老补助费待遇。但计算其一般工龄及本企业工龄时，每从事此种工作一年，均作一年零六个月计算。” (LIL 1951: art. 15)

<sup>73</sup> “生育待遇的规定:

甲、女工人与女职员生育，产前产后共给假五十六日，产假期间，工资照发。

乙、女工人与女职员小产，怀孕在三个月以内者，给假十五日；在三个月以上不满七个月者，给假三十日，产假期间，工资照发。

丙、产假期满(不论正产或小产)仍不能工作，经医生证明后，均应按第十三条疾病待遇规定处理之。

丁、女工人与女职员或男工人与男职员的配偶生育时，由劳动保险基金项下付给生育补助费，其数额为五尺红市布，按当地零售价付给之。” (LIL 1951: art. 16)

<sup>74</sup> “凡对本企业有特殊贡献的劳动模范，及转入本企业工作的战斗英雄，经工会基层委员会提出，并经各省、市工会组织或产业工会全国委员会的批准，得享受下列较优异的劳动保险待遇。” (LIL 1951: art. 20)

### **2.3 Everyday issues and social standing of workers after 1949**

After the communist victory of 1949, the workers were expected to become the new leading class. On the basis of these promises, many of the workers expected many benefits and rapid improvement of their situation (Wemheuer 2019: 88-89). However, despite the state putting effort into protecting the workers, as seen in the abovementioned legal provisions, their situation was complicated, the workers often faced difficulties, and it was impossible to improve the situation so rapidly, which led to frustration and dissatisfaction. This part of the chapter is divided into two main sections – before and during the Cultural Revolution, with the latter being considerably shorter. The 1950s is a period during which the CCP and the workers needed to come to terms with the new conditions of governance, when the new principles of workers' existence took shape. The period starting in 1966 with the Cultural Revolution is partly a continuation of those newly established trends, because legally, it was not a time of significant innovation; however, it was also a time of class struggles, in which the working class played one of the main roles. Main reason for that is that Cultural Revolution is generally considered to be a period where legal institutions were stagnant, and it is also a very specific period from an ideological point of view, motivated by class struggle and purges within the CCP.

#### **Data and important concepts regarding China's working population**

China's working population in the 1950s was not small, and in absolute numbers, it was actually larger compared to other countries.<sup>75</sup> However, a considerable part of the Chinese labor force consisted of unemployed and underemployed people. It is estimated that 71.7% of the population were of the working age (10 to 69 years old)<sup>76</sup> and out of these, approximately 72.5% were part of the labor force in 1953. The nonworking population included mostly children younger than 10 years of age, housewives, students and physically handicapped (CIA report 1956: 4-5). During the early 1950s, urban population grew exponentially, together with number of workers employed in SOEs, which grew from 8 million in 1949 to 24 million in 1957 (Wemheuer 2019: 92). In the second half of the 1950s and during the Great Leap Forward (1958-1960), a huge number of citizens (around 12 million) from rural areas were moved into

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<sup>75</sup> In China, working population was 52%, in USSR it was 47%, 43.7 in Japan and 39.5 in the US (CIA 1956: 4)

<sup>76</sup> This data is taken from a CIA report from 1956, which does not specify why it defines the working population from 10 years of age. At that time in China, there was no legal regulation which would specify the minimum working age, and additionally, due to the World War II and subsequent civil war, in order to provide for a family, the children had to enter the workforce much earlier. Nowadays, the standard age of working population is 18+, with workers aged 16-18 being labelled as juvenile workers which are entitled to special protection (Labor Law 1995: art. 58).

the urban areas in order to fulfil the ambitious goals of rapid industrialization set by the GLF. Later, 30 million more people were moved into the cities. However, 20 million workers were soon sent back to the rural areas to alleviate the pressure on the urban areas (Putterman and Dong Xiao-yuan 2000: 405). The labor force in the in

The 1954 Constitution recognizes four types of the forms of ownership, out of which state-owned enterprises and collectively-owned enterprises are the most prevailing. A table provided by Putterman and Dong Xiao-yuan on a basis of data from NBS show the number of workers employed in SOEs. In 1952, SOEs employed more than 5 million people. This number was mostly steadily rising until 1957 (rose to almost 7.5 million). There was a sudden increase in 1958 due to GLF, when the SOEs were employing around 23 million people, followed by sudden drop in 1961 (almost 16 million employed in SOEs), a consequence of GLF and the famine that followed. Another drop happened a year later (nearly 12 million employed), and was kept at that level for a few years. Since 1965, the number of workers employed in the SOEs was steadily rising, from slightly more than 12 million in 1965 to almost 27 million in 1975 (Putterman and Dong Xiao-yuan 2000: 409). Wemheuer provides a table covering only the period of 1960 till 1965, which shows number of workers employed in SOEs and COEs. The data he provides also show a drop in total number of workforce, from more than 59 million people in total workforce in 1960, to more than 49 million in 1965. This drop aligns with the data provided by Putterman and Dong Xiao-yuan and can be explained as a consequence of the Great Leap Forward and the ensuing re-organization of the state sector (Wemheuer 2019: 165-166).

The reason why I mostly focus on SOEs is because according to the 1954 Constitution, that is the leading sector of the economy (Xianfa 1954: art. 6), which made them the most privileged type legally, as discussed in the previous section. SOEs also offer the best conditions to their employed workers, and most of the legal provisions for this time period aimed the benefits at SOEs workers. I believe the government's changes in attitude towards workers are especially visible in its treatment of SOEs.

The SOEs are also closely connected with the iron rice-bowl (*tie fan wan* 铁饭碗) policy, which is a term referring to state's allocation of jobs for its citizens in order to provide life-time employment and alleviate the uncertainty of unemployment. The iron rice-bowl was a crucial policy until the 1980s, when it was labelled as excessive and the government wanted to disband it, which led to workers' protests. The iron rice-bowl consisted of two main parts – job entry

guarantee, i.e. a work placement was provided for anyone who entered the workforce, and exit control, i.e. policies which were aimed at protecting workers in case of dismissal and layoffs (Fung Ho-lup 2001: 259). The iron rice-bowl can be considered as another huge benefit for the workers under the new government. The welfare benefits it provided, but mostly the lifetime employment guarantee, were very attractive for the workers. For the government, the iron rice-bowl served as a tool to encourage the workers to enter the SOEs.

Fung Ho-lup in his article (2001) argues that the iron rice-bowl (i.e. guaranteed job security) was a defining feature of socialist countries, including PRC, and that it was a feature with many shortcomings (lack of labor discipline, economically inefficient etc.). However, these disadvantages were at the micro-level of economy, so the government paid little attention to the issues, because what was more important was its effectiveness at the macro-economic level (Fung Ho-lup 2001: 258-259). As summarized by Fung Ho-lup: “the determination of macro-economic management was considered more important than the survival of individual enterprises, and the “worker-in-state” relationship was paid more attention than was the “worker-in-enterprise” relationship” (Fung Ho-lup 2001: 259). His observations point to a trend of the Chinese government heavily prioritizing economic gains and development at almost any time in history, as well as the willingness to sacrifice something smaller for a bigger goal.

### **2.3.1 The 1950s and early 1960s**

Wemheuer defines the period between 1953 and 1957 as one, during which “the most fundamental social revolution of the entire Mao era” (Wemheuer 2019: 86) took place. The core of this revolution was made up by a transformation at which end’s was a planned economy. As for the workers, who were a part of this transformation, they questioned their representation, as well as the role of labor unions (Wemheuer 2019: 86-87).

Chen Feng identifies three main issues and possible causes of the tension between workers and the state in the 1950s. Firstly, the economic conditions of the country were dire and it was not possible to improve the situation as quickly and effectively as promised. CCP had to deal with inflation, then deflation, which caused bankruptcy and unemployment (Frazier 2002: 99-100, Chen Feng 2014: 494-495). Secondly, during the period of the first five-year plan (1953-1957), the government put an increasing amount of pressure on achieving the plan’s targets. To execute the plan, managerial practices, which the workers felt were far from what the ideology promised (i.e. being the masters of the country), and the pressure from the government and leaders of various projects, responsible for fulfilling the plan, further aided workers’ resentment and sense of persisting oppression, even after the “Liberation” (Wemheuer 2019: 88-89). Additionally,

there was an undertone of inadequacy and inequality, which might have stemmed from many revolution veterans occupying high managerial positions. For such veterans-turned-managers, the workers without revolutionary experience could seem less significant and more backward, causing the former to adopt a harsh managerial approach (Chen Feng 2014: 495).

The CIA report notices many pressures the workers were under in the 1950s. There was a pressure of accountability, which under the CCP has been extended to an individual level, and the pressure to raise productivity. Because of the five-year plan and goals the government wanted to achieve, the working hours increased, and continuous working shifts and other practices were encouraged. This was necessary because of the shortage of skilled workforce and machinery. This could be initially solved by using foreign specialists, mostly from the USSR (and Japan, according to the report, but this statement is questionable). Additionally, the few available specialists and skilled workers, whether domestic or foreign, were under strict control related to their allocation and finally, the government started a series of training programs at schools and factories. In the long run, these were not viable strategies (CIA 1956: 2-3). The fact that the CIA reports take note of these issues means that they were fairly widespread and the workers had to struggle with unemployment, low wages, and pressure on a daily basis, but at the same time, at least to a certain extent, the government and the party were both aware of the problems and tried to impose measures to solve them.

In the following section, I identify some of the most prevailing issues that workers were facing in the period from 1949 till 1966.

### **Unemployment, surplus labor and dismissals**

CIA report about the labor force of PRC from 1950 to 1955 notices the problems of unemployment and surplus labor. The report pinpoints unemployment as the most serious one, especially in the urban areas, along with a low number of skilled labor. The report notices other problems and causes related to unemployment too. Many workers have started to move to urban areas, but there were not enough job opportunities. Additionally, according to the report, women started to enter the workforce in much bigger numbers than before, further putting pressure on the rate of unemployment (CIA 1956: 2). High-standing politicians were aware of the unemployment. For example, Zhou Enlai said that it will persist for a long time (1997: 221). The CIA report also notices that the officials knew about the problem, but they were not able to fulfill the promises and create conditions for the expected economic progress fast enough (CIA 1956: 14-15).

CIA report also notes that even though the CCP did not pay much attention to unemployment in the rural areas, there was a continuous influx of people from the villages coming into the urban areas in order to find a job opportunity and better life, supported by the communist propaganda, which led them to believe in better future as part of the proletariat. The unemployment in the urban areas was already high and coupled with more workers coming in, the situation was dire. Promised employment opportunities could not keep up with the demand, at least not in all areas. The industrial sector did increase, but commercial and service occupations, which were heavily affected by the anticorruption campaign, were halted when many shops and small factories were forced to close down. This further decreased the possibility of employment (CIA 1956: 11).

Fung Ho-lup claims that around half of the population was unemployed in the early years of PRC. The new regime tried to provide new job opportunities, which it tried to do by letting the newly transformed SOEs have more flexible recruiting principles, and also by offering financial support, which resulted in “massive unscrutinized recruitment at the enterprise level, with the result that, within three years, 1.6 million unemployed were given jobs in the urban areas.” (Fung Ho-lup 2001: 259) Thus, the enterprises became overstaffed, and the government also began to realize that a employment guarantee was not the most rational and efficient solution (Fung Ho-lup 2001: 259).

Yang Jisheng also mentions the issue of surplus workers and describes the employment situation before the Cultural Revolution in a following way:

A person spent his or her entire working life at a single work unit. A unified work assignment resulted in stable employment but didn't allow workers to choose their occupation or place of work. In the urban areas, “Everyone had a job and enough to eat,” but five people did the work of three while three people ate as much as five. One third of those employed in any given factory were superfluous. (Yang Jisheng 2021: 186)

The government tried to take drastic measures: according to the CIA report, 1 million unemployed were to be evacuated from Shanghai, 80% of them being peasant migrants (workers), and around 400,000 people were really forced to leave the city in 1955 (CIA 1956: 15). Such actions create a vicious circle – the government promises a wonderful life to the workers, but struggles to keep its promises, which leads to a higher rate of unemployment in the urban areas, while people motivated by the socialist vision of a permanent job and other benefits connected to it flood the cities, because the conditions in the rural areas are far from ideal. The influx of new workers puts further strain on unemployment, which forces the government to send the peasant workers back to the rural areas, but because the conditions there

are unsatisfactory, it is not a viable solution. The government is therefore stuck with a big part of the population that, despite what was promised, is still unemployed and with no prospects of situation improving fast enough.

One of the ways the government tried to control the number of workers coming to the cities from the countryside by expanding the household registration system (*hukou* 户口) in 1958. Mühlhahn describes how the government intended to use it in the 1950s:

The hukou system thus allowed the government to regulate and control internal migration—which it did not only to stem the migration from rural to urban areas and from small cities to large cities, but in fact to encourage migration in the reverse direction. To prevent rural residents from entering a city and benefiting from the valuable subsidies intended for urban residents, their right to enter had to be restricted. At the same time, the large groups of refugees and migrants already in the city had to be removed—a task that had to be approached with urgency given the national priority placed on rapid industrialization. (Mühlhahn 2019: 409-410)

Since 1958, “this policy was designed to help address economic problems such as urban unemployment and low work productivity” (Mühlhahn 2019: 446).

In the 1960s, the government tried to control the number of labor force by laying off workers and sending them to the countryside (as shown in the beginning of the section 2.4), with a compensation in form of a small piece of land. From January 1961 to June 1963 around 17.50 million workers had been sent to the rural areas (Fung Ho-lup 2001:262). One of the groups which severely struggled with unemployment was the students, who in order to alleviate the pressure on urban areas, were sent to the country side where conditions were considerably less favorable and less perspective. The state left the students to mostly rely on themselves, and by 1976, almost all of the high school graduates were sent to the rural areas – “the iron rice-bowl was not readily to be handed over to them” (Fung Ho-lup 2001: 262).

### **Working conditions**

Despite unemployment being an issue, that does not mean that the employed workers had it easy. They also faced many issues and problems, which arose from working conditions, which could be very harsh in some industries. In Hunan, in 1954, there was a 225% increase in the death rate related to work injuries, the majority of which were mining accidents. Shanghai also saw an increase in work-related accidents and injuries. *Neibu cankao* reports as quoted by Chen Feng, blame the management of the enterprises, but Chen Feng attributes this to the pressure to fulfill the extreme quota set by the government, and this pressure increases even more by the end of the first five-year plan. Not enough attention and money were paid to protect the workers and ensure their safety, as well as management oftentimes practiced 'commandism'

(*mingling zhuyi* 命令主义) and ‘punishism’ (*chengfa zhuyi* 惩罚主义) to order workers around (Chen Feng 2014: 499-502). Yang Jisheng describes the working environments as “atrocious; workers spent their days surrounded by toxic substances, and diseases associated with lead, benzene, and mercury poisoning were common, as was silicosis.” (Yang Jisheng 2021: 187)

CIA report notices that the workers were expected to fulfill or even surpass quotas with the help of technical innovations, but also do overtime and holiday work. This did lead to an increase in productivity to some extent, but also to a higher rate of accidents and mechanical breakdowns. ACFTU was aware of this problem and the chairman Lai Ruoyu (赖若愚, 1910-1958) is quoted in the report as observing numerous problems related to increased shifts. According to the report, increased shifts resulted in 260,000 hours of labor, but sick leave, mainly due to exhaustion, was 220,000 hours. These numbers almost cancel each other out, and Lai also notes that the quality of products has not been satisfactory because of shock-work (CIA 1956: 18-19). The pressure is almost exclusively in regard to skilled and semiskilled workers, especially in the manufacturing and extractive sectors. Unskilled and administrative workers were in high demand and, therefore were not subjected to such pressure (CIA 1956: 19), but that does not mean they did not struggle.

The working conditions and especially the death-rate due to occupational injuries are in contrast with the promises of the legal provisions. The constitution vows to provide better working conditions (Xianfa 1954: art. 91) and under the provisions of LIL, the enterprises are supposed to financially take care of workers who were injured in the work-process. However, due to the state of economy in the 1950s (and also because in the later periods, one of the persisting issues was that workers were not paid on time), it is questionable whether the workers were actually sufficiently compensated.

## **Wages**

In socialist economies, wages “serve as a material embodiment of the “social law” that scientific socialism had discovered” (Zhang Bolun and Zhou Yimang 2025: 2). The wages in such economies are closely monitored and under strict regulations, as well as being heavily influenced by the desired model of development (Zhang Bolun and Zhou Yimang 2025: 2). The wages are an integral part of every-day lives of the citizens, including the workers. Even the dictionary definitions define *gongren* as someone who relies on wages, albeit those come from more recent years (Xinhua cidian 2001: 322; Xiandai Hanyu cidian 1983: 433). For these reasons, it is necessary to take a look at the problem of wages in this period.

As for the early years of PRC, CCP promised a steady improvement in wages, but the definitions for increasing the 'real wages' were vague (it included not only nominal wages but also funds for social or cultural benefits) and the process of increasing them was equally vague and complicated. Additionally, the system once again favored those working in mining and other heavy industries. Within these, SOEs and their workers were prioritized. CIA report disputes the communist claims regarding the large increase in 'real wages'. The report finds this almost impossible, because the 'real wages' are supposed to include funds for cultural and social benefits, but the state has not announced the precise cost of these services, so it is difficult to tell how much the situation changed for the better. Purely monetary wages are easier to check, and those have increased, but not as much as was promised (CIA 1956: 21-22).

Putterman and Dong Xiao-yuan provide a table in which they show the development of wages<sup>77</sup> the workers received in the SOEs. The table shows that in the first few years, the wages were increasing (a little more than 700 yuan in 1952 to almost 900 yuan in 1957). This increase was followed by a sharp drop in 1958 (around 670 yuan). The wages were the lowest in 1961, at 576 yuan, which is an understandable consequence of the GLF. In the following years, the wages kept slightly increasing and slightly decreasing, fluctuating somewhere around 700 yuan, but they never reached the peak of 1957 (Putterman and Dong Xiao-yuan 2000: 409).

The SOEs were guaranteed low state-set prices on raw materials, and their profits were confirmed due to higher prices on manufactured goods. Moreover, a major part of the SOEs' profits was turned over to the state as taxes, which served as new capital (Frazier 2002: 132). Theoretically, such enterprises should have enough funds to increase the wages of their workers, but due to the state-controlled wage system and priority being assigned to development and industrialization, the increase did not happen. Additionally, since more workers were hired for new construction projects, the consumption funds were being emptied faster, even without the wage increase (Zhang Bolun and Zhou Yimang 2025: 4).

According to sociologists Zhang Bolun and Zhou Yimang, the small increase in wages was influenced by how the state allocated its finances in this period. The state operated with two main funds – accumulation funds (investment capital and money used to ensure the operation of existing enterprises) and consumption funds (other expenditures related to welfare), with the wages belonging in the consumption funds. The state heavily prioritized rapid

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<sup>77</sup> The authors refer to 'full wage', which includes the pay, bonuses, as well as subsidized housing and other welfare benefits.

development and industrialization, and allocated most of its finances to the accumulation funds, while restricting the consumption funds. This led to a situation where the increases in wages were lower than the labor productivity growth (Zhang Bolun and Zhou Yimang 2025: 3).

Zhang Bolun and Zhou Yimang also analyze how the distinction between mental and manual labor influenced the wages in Maoist China. According to the authors, the wage reforms of 1952 and 1956 were crucial in establishing a unified system of wages, and they served as “the groundwork for the enduring “Position-Grade Wage System” (职务等级工资制) [*zhiwu dengji gongzizhi*] in China, a key feature of its wage administration.” (Zhang Bolun and Zhou Yimang 2025: 3, pinyin added by me) The basis of this system lays in the categorization of jobs into grades, and each grade has a corresponding salary range. This system aimed to differentiate between jobs in different industries and also between skilled and unskilled labor (Zhang Bolun and Zhou Yimang 2025: 4). The CCP was aware of the problem of low wages and how it restricted people’s welfare. Zhang Bolun and Zhou Yiming quote Liu Shaoqi and Central Archives, proving that the government was aware of the problem and expected it to last for a long time; and that to improve productivity of the workers, they needed to receive satisfactory wages. That is partly why the Position-Grade Wage System was implemented. It was possible to move into a different grade, and theoretically, the worker only needed to pass two exams, but in reality, the process was more complicated and was heavily influenced by the factory equipment and worker’s practical skills (Zhang Bolun and Zhou Yimang 2025: 6).

Zhang Bolun and Zhou Yimang define the position-grade wage system and its development as following:

Differentiated compensation was seen as a way to motivate workers not only to work harder but also to pursue personal development. The expectation was that as productivity reached a certain level, these differences would eventually be overcome. However, for the time being, maintaining these distinctions was considered necessary to unleash productivity. (2025: 4)

It is clear that the government tried to motivate the workers by adopting such system, but Yang Jisheng claims that there was no relation between economic performance and wages, namely due to the eight-grade scale system, which was adjusted once every few years, however only a small number of workers advanced to the higher grade (Yang Jisheng 2021: 186).<sup>78</sup>

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<sup>78</sup> Yang Jisheng apparently refers to the wage table for production workers, because that included eight grades. Zhang Bolun and Zhou Yimang state that there were only five groups the sectors were categorized into (2025: 4).

The wages were undoubtedly an issue in the Maoist era. Two wage-systems were present and each presented its own challenge. The cancellation of the piece-rate wage system actually led to a decline in the workers' income (13% to 30% during the GLF). The workers' response to the lower wages was in lower productivity (Zhang Bolun and Zhou Yimang 2023: 10-11) Data show that the increase in wages was rarely steady in this period, but the state tried to compensate for it by adopting a position-grade wage system, which was supposed to motivate workers. However, this system also allowed the state control over the expenses, since the wage range for each grade was firmly set (Zhang Bolun and Zhou Yimang 2025: 3-5).

## **Protests**

High unemployment, bad working conditions, low wages, and an extreme amount of pressure all combined together created an environment in which workers were dissatisfied and disillusioned with the regime and its promises. Additionally, there was the problem of prioritizing certain industries and such favoritism creating a sense of exclusion among the workers (benefits received by workers in SOEs vs. workers in other enterprises). Other than that, there were many categories the workers were divided into and it often created a sense of unfairness and competition (the position-grade wage system was also not helpful in this regard). The two main categories of workers were regular employees and temporary employees. The main difference being that regular employees could enjoy lifelong employment and other benefits, while the temporary employees could not. Throughout the 1950s, many unskilled workers were hired in order to help fulfill the quota or to assist with heavy manual work or construction projects. They essentially did the same job as the regular employees, but their treatment was not the same. Sometimes temporary workers were promised to be promoted to regular workers after the project was completed, but it rarely happened and they were either to be sent back home or to work on another project, as temporary workers (Chen 2014: 502-503). The differences were not only among ordinary workers. Yang Jisheng notices a big gap in lifestyles of regular workers and factory managers. The later enjoyed better housing, better education and work opportunities (Yang Jisheng 2021: 187). The lack of unity amongst the working class was very obvious in this period.

Workers realized protests were one, if not the only, way to improve their lives and working conditions. Workers' protests<sup>79</sup> were by no means a phenomenon only emerging after

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<sup>79</sup> For more information about protests and riots, see Perry 2015.

1949. Protests and riots<sup>80</sup> are a crucial part of Chinese history, therefore it is not surprising that workers voiced their dissatisfaction in the forms of protests and riots already in the early 1950s. Sheehan aims to prove that conflicts between workers and the party are a far more common feature of Chinese history than is generally recognized. Most of the time these conflicts originated from economic issues, but because of the dominance of the party within the enterprises, the conflicts quickly turned into a political dispute. She claims this background can shed new light on workers' involvement in movements such as the Hundred Flowers Campaign, the Cultural Revolution, and many more. According to Sheehan, it is precisely the workers' involvement that oftentimes serves as a sign to the government to end the protests by any means necessary (Sheehan 2002: 2). This supports the notion of government heavily relying on the working class and trying to satisfy their demands.

The ACFTU was not exactly helpful in assisting the workers. Already in 1950s, there were conflicts among the top leadership of the union, which overshadowed the workers' grassroots movement (Sheehan 2002: 13). According to Sheehan, "the confrontation had its roots in the conflict between workers' expectations of their new role and status after liberation and the party's more moderate policies towards the takeover of industry." (Sheehan 2002: 13)

Some workers complained to the party secretary, some stopped fulfilling their work obligations or stopped coming to work altogether, others surrounded the management's offices and demanded a pay raise. Such protests and riots were happening almost all-around China and cumulated in 1957, which saw a rapid increase in such incidents, especially in Shanghai. 27,000 workers were involved, and out of 584 enterprises that joined the protests, 518 were joint-ownership enterprises (Chen Feng 2014: 498). Chen Feng shows that 42% of these disputes were over wages and 41% over welfare benefits. This data contradicts Elizabeth Perry's opinion, who claims that most of the disputes in Shanghai happened because the state favored state employees, and this caused resentment in joint-ownership enterprises (Perry 1994: 9). This was definitely also a problem, and Chen Feng himself agrees (2014: 503), but data from *Neibu Cankao* as quoted by Chen, show that the main reason behind the protests and riots was that the workers wanted their wages to be raised at least to the level before "Liberation". They did not

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<sup>80</sup> Rebellions and uprisings were famously influential in the fates of numerous dynasties in China. Some of the most notable examples include the Red Eyebrows (*Chimei*, 赤眉) around year 18, the Yellow Turban Rebellion (*Huangjin zhi luan*, 黄巾之乱) in 184, An Shi Rebellion (*An Shi zhi luan*, 安史之乱) from 756 to 763, Red Turban Rebellion (*Hongjin Qiyi*, 红巾起义) from 1351 to 1368, Li Zicheng's Rebellion (李自成) in 1640s, Taiping Rebellion (*Taiping tianguo*, 太平天国) from 1850 to 1864, the Boxer Rebellion (*Yihetuan zhi luan*, 义和团之乱) from 1899 to 1901 and many more.

understand why the wages in the new socialist China were lower than before 1949 (Chen Feng 2014: 498-499).

Jackie Sheehan tries to disprove the common notion that workers are usually more of a passive force mobilized by the party, instead, she shows that workers are indeed very active and are ready to fight for their rights. If official channels such as unions did not provide satisfactory results, workers were willing to turn towards independent organizations and strike action without official approval (Sheehan 2002: 6). This opinion is supported by Chen Feng, who quotes *Neibu cankao* to report that by 1955, there were 19 "illegal organizations" in China, which were formed mostly by unemployed workers. The strongest point of these organizations was that they were mostly united and refused to be broken apart and dealt with individually since they believed the more people were included, the more attention their issue would attract and the sooner it would be resolved (Chen Feng 2014: 503-507).

Chen Feng analyses these protests on the basis of *Neibu cankao* in their article and mentions that this period in Chinese history is often romanticized and seen as the golden age when the working class strongly supported the CCP. Not only Chen Feng, but other researchers (Perry 1994, Frazier 2002, Sheehan 2002) as well put emphasis on workers' protests in creating and shaping the 'workers' state', while acknowledging the possible national and international causes that might have been the reasons for the protests. Chen Feng asks why in a new regime and system that was supposed to benefit the working class, the workers protested against the state. He argues it is due to the state's effort to "reconstruct state-labor relations" (Chen Feng 2014: 490) and in emergence of a new type of worker reaction – a reaction in which the workers hold the state responsible. However, the majority of the protests and strikes before 1949 were aimed at the employer, not at the state and the government (Chen 2014: 490-491). What has changed in the 1950s? I believe it is precisely due to the discrepancy between the promises made by the constitution and the reality the workers were facing. Several researchers notice the workers' disillusionment with the regime (Sheehan 2002: 56, Wemheuer 2019: 1, Chen Feng 2014: 488, 490 etc.). Before 1949, China did not claim to be led by the working class and did not try to label the workers as 'masters of the country'. Because the regime emphasized the role of the working class in the new society so heavily, it is understandable that the workers had high expectations, which when not fulfilled, the workers blamed the state, which resulted in the protests.

Data from *neibu cankao* show that the government did want to appease the workers, which was shown mostly by high-ranking officials meeting with the workers. However, these

officials oftentimes blamed enterprise cadres for not trusting the working class, for using inappropriate methods to deal with them, and for bureaucratism. We can again see how the blame was shifted to an individual, even if it was not the workers themselves, the state did not take accountability for the bad conditions and unfulfilled promises. At the same time, the government not only avoided the responsibility but, in some aspects, blamed the workers as well. The workers were criticized for chasing after monetary goals and economic benefits. The so-called economism and its very existence were attributed to a low revolutionary spirit and backwardness of the workers, especially those who migrated from the rural areas (Chen 2014: 507-508). Harsh and unfair managerial practices are also commented on by Sheehan, she claims that workers criticized bureaucratism, commandist methods, lack of trust in workers, arrogance, formalism, and lack of democracy within the trade unions (Sheehan 2002: 14).

Chen also briefly comments on the relationship between the working class and CCP. He claims that the protesting workers in the 1950s were relatively open in blaming the new regime, (in comparison with the protests in the 1980s/1990s), and anticommunist and antigovernment slogans even appeared at some of the protests. According to workers, the regime could not keep its promises, some even saying the situation was better under imperialism. Other than blaming the regimes, the protests were also "framed in terms of "anti-bureaucratism" and even "democracy"" (Chen Feng 2014: 505), with some workers even referring to the constitution once the police detained them (Chen Feng 2014: 505).

Chen Feng concludes that the wave of protests in the 1950s did indeed force the government to adjust the system and enforce managerial practices, which were more in accordance with the new image the state was trying to portray. Mao himself spoke about these issues, especially in 1957, in which he criticized the one-man system (a system adopted from the USSR, where one manager was in control of everything), bureaucratism, policy errors, and many more. He even proposed for the freedom to strike to be added to the constitution, because he saw strikes as a viable solution to resolve the disputes between the masses and the management (Mao Zedong 2021: 325-332). Chen Feng is convinced that the protests and riots in the 1950s were a major reason for the change in the management system in the 1960s, when the system was changed in accordance with the principles of An Gang Constitution (*Angang xianfa* 鞍钢宪法), named after a report about the Anshan Iron and Steel Company (*Anshan gangtie jituan gongsi* 鞍山钢铁集团公司). Despite being called a constitution, the An Gang Constitution was simply a set of rules for factory management, which opposed the one-man management system, not an actual constitution (Chen Feng 2014: 508-509).

The one-man management system relied on the factory manager at each level of the hierarchy to oversee the production and was based on the Soviet model (Hirata Koji 2024: 171-172). This system, coupled with Mao's vision of planned and decentralized economic planning and also mass mobilization led a situation, in which a significant amount of power was held by the local authorities, who exercised their control over the SOEs (Hirata Koji 2024: 262).

According to Hirata Koji, Mao interpreted the report from the CCP Anshan city committee about the positive impact of the campaigns and the revolutionary spirit on the increased production „as testament that Angang had departed from the Soviet model of technocratic management and successfully forged a distinctly Chinese model of mass-based industrial management.” (Hirata Koji 2024: 230)

The report mentioned the active participation of workers in the adoption of the new technology and how the masses (90% of workers in the area, according to the report) were eager to learn and how in this way they helped to improve mechanization and automatization. In the second part of the report, it lists five most important lessons taken from the two months of technological innovations. The first two are the most crucial in my opinion. Firstly, it is necessary to keep carrying out the ideological revolution. Secondly, it is necessary to mobilize the masses, because when the masses are mobilized, the technological innovation can be realized in a better, bigger, faster and more economical way<sup>81</sup> (An Gang xianfa 1960).

Historian Hirata Koji is quite skeptical about the effect the An Gang constitution had in the 1960s. He claims that in the year when it was published, even if Mao himself was delighted by it, the report received very little public coverage. It is only during the Cultural Revolution that the An Gang constitution is mentioned more frequently (Hirata Koji 2024: 263).

The first decade and a half of CCPs rule proved to be a challenging time for workers. Despite the constitution labelling them as one of the leading forces of the country, and the government's efforts to protect them legally by several provisions, the workers struggled with unemployment, bad working conditions, low wages and many more. The workers' used protests to voice their frustrations with their standing in the new regime. The protests were not aimed at overthrowing the regime, the workers were fighting for their own rights and using their status as the masters of the country to do so. The success of the protests in the second half of the 1950s is debatable, because they were followed by the GLF and the disastrous famine. The GLF's

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<sup>81</sup> *Duokuaihaosheng* (多快好省), meaning greater, faster, better, more economical is a slogan actively used during the Great Leap Forward.

goals of paid industrialization put even more pressure on workers to increase their performance (Mühlhahn 2019: 356, 440), so it is questionable how much attention was paid to fulfilling workers' demands. During the famine, the whole country suffered greatly, therefore the state had different priorities (albeit it is questionable how aware the officials were of the true scope of the disaster (Mühlhahn 2019: 44)). The protests are, however, important in showing that the workers were willing to use various means to stand up for their interests.

### 2.3.2 During the Cultural Revolution

Second half of the 1960s in China can mostly be characterized by the chaos which erupted after the active period of Cultural Revolution. As for the workers, they were experiencing a complex mix of empowerment and suppression. On one hand, the government tried to put forward the idea that being a proletarian was the highest possible achievement, and those that did not belong to this group are less worthy and should be punished and re-educated. Cultural Revolution was supposed to be the beginning of a new era in which the working class was the ultimate leader. However, in reality, workers' concerns were quickly suppressed and there were no significant improvements to their situation. In the following section I will delve into this complex mix and show what were the most common issues workers faced during this period.

The Cultural Revolution started as a purge within the CCP and authorities, which was ultimately confirmed by Mao in the summer of 1966 in the CCP Central Committee Decision on the Great Proletarian Cultural Revolution (*Zhongguo Gongchandang Zhongyang weiyuanhui guanyu wuchan jieji wenhua dageming de jueding*, 中国共产党中央委员会关于无产阶级文化大革命的決定), also known as Sixteen Points, in which it is written that the main goal is to fight against and overthrow those in authority that took the capitalist road.<sup>82</sup> This change in direction led to a halt in attacks on “usual suspects” of pre-Cultural Revolution period (rightists, bad class background etc.). The Sixteen Points also emphasized the importance of production and the masses were mobilized with the expectation to ‘grasp revolution and promote production’, which was often used as a tool by the enterprises to limit workers’ engagement in the mass campaigns and stick to production, since that was also one of the main goals of that period (Sheehan 2002: 108).

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<sup>82</sup>“在当前，我们的目的是斗垮走资本主义的当权派，（批判资产阶级的反动学术“权威”，批判资产阶级和一切剥削阶级的意识形态，改革教育，改革文艺，改革一切不适应社会主义经济基础的上层建筑，以利于巩固和发展社会主义制度。”（CCP Central Committee Decision on the Great Proletarian Cultural Revolution 1966）

Fung Ho-lup points out the paradoxical situation of the Cultural Revolution. Because young school graduates were sent to the rural areas, the unskilled workers from the countryside were recruited to fill in their position. In Fung Ho-lup's words: "The iron rice bowl was passed to the wrong hands, and the quality of urban industrial productivity deteriorated rapidly, resulting in very inferior and useless products and commodities." (2001: 262)

### **Issues with management and within the working class**

Sheehan points out that despite the situation of workers not improving significantly after the first three years of the Cultural Revolution, one of the benefits and changes observable after 1969 is that "large numbers of workers were by then prepared and equipped to act autonomously and collectively in pursuit of their own interests and in opposition to party-state authorities in the enterprise and beyond." (Sheehan 2002: 103) She claims that this experience is a "truly significant legacy of the Cultural Revolution as far as workers are concerned" (Sheehan 2002: 103). It is precisely this experience of large-scale collective action gained during the Cultural Revolution, which made workers confident enough to turn to self-organization and strikes during uncertain times of the 1970s and 1980s, because they have learned that under collective action, they can overthrow the power structure, even if just temporarily (Sheehan 2002: 103). At the same time, and ironically enough, this aspect of Cultural Revolution has been denied by the CCP in the late 1970s, mostly because of possible political risks. It was more convenient to point the masses against the evil represented by the Gang of Four, rather than admit that the party was actively trying to constitute a new ruling class (Sheehan 2002: 103).

The tension within the working class itself in the 1950s intensified during the Cultural Revolution. The conflicts in late 1950s were mostly between permanent and temporary workers, in the second half of 1960s the scope widens. Liu Guokai divides the workers into two camps – those benefiting from the existing order and those who were disadvantaged, mostly because of family background, but also because of an employment in a smaller enterprise and many other reasons (Liu Guokai 1987). The latter group had a tendency to attack anyone in the position of authority. According to Sheehan, this division has been proven not the most accurate, but she finds the "overall framework of beneficiaries of the existing order as conservatives and those who felt they were unfairly missing out as rebels" (2002: 110) to be a useful perspective, if is not taken as absolute (Sheehan 2002: 110). The division among the working class is a persistent trend throughout the years, the Chinese working class never seems to be truly unified, and the division of workers during the Cultural Revolution is just another example of that.

Many workers were discontented with the situation after the active phase of Cultural Revolution ended in 1969. They still had unresolved economic and political grievances. The death of Lin Biao in 1971 led to a reduction in the army's political role and its withdrawal from factories, creating the first chance to press for changes. Former leaders and activists in mass organizations, particularly rebels, still had to be careful as long as the campaigns against 'class enemies' and the 'ultra-left' were still going on (Sheehan 2002: 143-144).

### **Protests**

In the beginning of the Cultural Revolution some workers attempted to rebel against their leaders but faced suppression. Workers' organizations grew, mass action became more common, but it did not translate into a better everyday living and working situation for workers. According to Perry and Li, not even in Shanghai, which was the only city where the leaders representing workers' mass organizations, had substantial power, but in the end their efforts did not actually improve the situation of workers in any significant way. The authors argue that "the worker rebels were engaged in a personal political recognition rather than a class crusade to improve the lot of the laborers" (Perry and Li 2018: 187-188). The worker rebels of the Cultural Revolution were not exactly a worker movement, but more of an escalation of group struggles not aimed at improving material and political conditions of the proletariat as a class.

During the period of the 1950s, and also 1960s, authorities within the enterprise had control over numerous aspects of workers' lives and therefore it was easy to retaliate against workers who dared to speak up. According to *Renmin Ribao* (26 December 1966), many permanent and temporary workers were laid off or their pay had been cut as a consequence of criticizing the leaders (Sheehan 2008: 109). This resulted in a peculiar situation. The workers, as a crucial part of the proletariat, were praised and punished at the same time for speaking out, which was encouraged by the government. Sheehan claims that in the beginning of the Cultural Revolution, the workers were cautious. Firstly, they did not see the relevance of the movement to their lives, and secondly, they were aware of the risks related to speaking out (Sheehan 2002: 106). Those that saw the anti-rightist campaign in 1950s, were often penalized (Bennet and Montaperto 1971: 56), or even arrested or beaten (Walder 1996: 174). However, as Cultural Revolution spread, more and more people saw it as a way to improve their social and political status (Wemheuer 2019: 213).

Sheehan notices similarities between workers' protests in the period of 1956-1957 and some of the events of the early Cultural Revolution. November and December 1966 mark the

beginning of workers' mass action in this period, which was enabled and legitimized by the Central Cultural Revolution Group, established in 1966. Liu Guokai, a rebel-faction member in Guangzhou, describes the situation in detail:

Once the masses in one unit took the first step to rise in rebellion, the news would spread to other units, and the masses there would immediately follow suit. In a rage, the rank and file took the cadres to task, reprimanding them and complaining about the unreasonable treatment they had been subject to over the years. They accused the leadership of being relentless and brutal towards the workers and showing no concern for them, and they set forth their demands...those who had been poorly paid and had suffered horrendously in their working conditions and everyday lives were many. Therefore, the protests were manifestations of a genuine mass movement, much more vigorous than the campaign to criticize the bourgeois reactionary line. (Liu Guokai 1987: 45-46)

Liu Guokai's description highlights several issues the workers were facing which I have described in the previous section of the chapter, such as cruel and careless leadership, low wages, bad working conditions etc. Once the Cultural Revolution was launched in factories in late December 1966, chaos ensued. Wemheuer claims that especially in Shanghai, temporary workers who wanted to gain a secure employment in an SOE were a driving force of Cultural Revolution (Wemheuer 2019: 201).

The workers' protests in the 1960s are another instance which supports the notion that workers were an active, powerful and influential part of the protesting public, alongside students and other protesters, long before the wave of protests in the 1980s/1990s. However, the workers in the 1960s were not aiming to overthrow the CCP and the government. Their goals were less political in comparison with the protests in 1989.

## **Conclusion**

It is clear that in the period during with the 1954 Constitution was effective, the government tried to do at least the bare minimum to protect the workers, however, it was impossible to do it to the required extent. Only a small percentage of the labor force could use the benefits that were promised to the whole working class. The constitution states that every citizen has the right to work, but the government was unable to provide enough job opportunities. The Constitution also states that the workers have the right to material assistance in case of illness and disability and that the state provides social insurance, but only a few of the lucky ones who fell under the protection of Labor Insurance Law by fulfilling the requirements could enjoy such benefits. One article of the constitution that was endorsed, was the one about upholding discipline. We can see that the workers were expected to work longer hours and more days in order to fulfill a quota, and if something was not up to standard, the worker was the one to

blame. The state did try to promote discipline by punishments. The constitution also claims that workers have the right to leisure, but that was difficult to accomplish because they were required to work extra hours, which led to exhaustion. If we regard the Chinese constitution of 1954 in relation to workers as a *blueprint*, as a manual or a guideline, we might come to the conclusion that the Chinese government and the CCP were trying to keep their promises and tried to slowly implement necessary measures. After all, 1954 was just 5 years after the end of the Civil War, but judging by an increasing number of workers' riots throughout the 1950s, their situation was not improving fast and visibly enough, which again only led to more frustration.

In conclusion, the majority of Chinese workers in the 1950s had to deal with high unemployment, low wages, mostly empty promises from the state, barely any social or economic benefits, high pressure, and bad working conditions, all while being presented as the backbone of the country and the leading force of the state. The government had to tackle the unemployment and shortage of skilled personnel (and modern machinery), all while establishing a new system and a “new” society. The workers were vocal in their protests against the state, but the government rarely took full responsibility and instead shifted the blame. The Constitution promised rights to workers, but the government was unable to satisfy the workers in such a short period of time, leading to dissatisfaction and disillusionment with the regime. Yang Jisheng summarizes the period before Cultural Revolution nicely by saying “The leadership status of workers extolled in political theory and news media was a matter of pride, but brought little benefit in terms of social wealth or a say in the workplace.” (Yang Jisheng 2021: 186-187)

The period of Cultural Revolution brought with itself chaos, which the workers were a part of. The workers saw the Cultural Revolution as a way to enhance their own individual political standing, not as unified efforts to improve the situation of the working class.

### **3. WORKERS' LEGAL AND SOCIAL STANDING IN THE PERIOD FROM 1975 UNTIL 1982**

In this chapter, I will examine the period covered by two Chinese constitutions – Constitution of 1975 and Constitution of 1978. The reason why I cover these two constitutions in one chapter is because their contents are to an extent similar, and there are no substantial changes in regulations related to workers. The biggest differences in these two constitutions are regarding the state structure, which is not the main concern of this thesis. Additionally, these two constitutions cover relatively short periods of time, and even combined together still cover much shorter period than the 1954 Constitution and the 1982 Constitution.

In the following sections I will first briefly introduce the background of both constitutions, then delve into articles and regulations related to workers in the constitutions and other shorter legal provisions. The last section will be devoted to a brief overview of the actual situation of workers and their struggles.

#### **3.1 The 1975 Constitution and its background**

The 1975 Constitution was adopted on January 17, 1975. It was divided into preamble and four chapters. It is the shortest constitution out of the four I analyze in this thesis, including only 30 articles.<sup>83</sup> John Gardner, a scholar specifying in Chinese politics, claims that this points to a bigger trend of the CCP stirring away from detailed and precise statements, rather just producing simple and general ones (Gardner 1976: 218). Organization-wise, it proposes the NPC as the highest organ of power and the Standing Committee answers to it. However, both of these bodies are stated to be under the leadership of the CCP (or its Central Committee). This constitution does not contain any articles regarding the chairman of the PRC, possibly to avoid a position in which an individual can gather too much power at once.) The constitution also proposes integration of the revolutionary committees into the administration, and they are supposed to be elected, but their election must be approved from above (Gardner 1976: 222).

Kim Chin in his article from 1977 states that in response to political events of the second half of the 1960s, a necessity to draft a new constitution emerged. However, the process itself only started in 1970 (Kim Chin 1977: 4). Cohen claims that this was a period with two main currents – those hoping for a new period of stability, civilian government and increased protection of individual human rights; and those that wanted to affirm the changes that took

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<sup>83</sup> In comparison, the 1954 Constitution had 106 articles, the 1978 Constitution had 60 articles and the 1982 Constitution has 143 articles.

place since 1954, and legally confirm the new situation emerging after the Cultural Revolution (Cohen 1979: 66). The period after 1970 is also one of major internal changes within CCP. Mao's chosen successor, Lin Biao, died in 1971<sup>84</sup> and his followers were purged, there was a continuous power struggle inside the CCP, aided by rehabilitation of previously powerful and influential figures (such as Deng Xiaoping etc.).

The 1975 Constitution was undoubtedly under the influence of the spirit of Cultural Revolution. Philip de Heer writes it can be understood as an attempt by Mao to legalize the changes produced by the Cultural Revolution (De Heer 1978: 309). Despite Cultural Revolution nominally only lasting three years (1966-1969), many historians consider its direct influence to last until 1976 (Fairbank 2006: 385, Mühlhahn 2019: 448). In this case, the 1975 Constitution still falls into the Cultural Revolution period, and this is strongly reflected in the document. For example, the third paragraph of the preamble states that class struggle and struggle between the socialist road and capitalist road persist, as well as the threat of subversion and aggression by imperialism is still lingering, and the contradictions can only be resolved by relying on the theory of continued revolution under the dictatorship of the proletariat (Xianfa 1975: preamble).<sup>85</sup> Kim Chin claims that the 1975 Constitution “affirms the theory of transitional class struggle which ignited the Cultural Revolution” (Kim 1977: 5), which implies continual political and ideological revolution under proletarian dictatorship (Kim 1977: 5).

Gardner in an article from 1976 singles out the 1975 Chinese Constitution as one which is unique among constitutions adopted in socialist states precisely in the extent to which the party is interwoven into the state (Gardner 1976: 217, 223). The preamble mentions the leadership of the CCP a few times, and Article 2 explicitly states CCP is the core of leadership of the whole Chinese people (Xianfa 1975: art. 2).<sup>86</sup> That was different from the 1954 Constitution, which only refers to CCP as a leading force of China in the process of revolution; and these statements only appear in the preamble. CCP appearing in the main body of the constitution shows the intention of CCP to further strengthen its position as the leading political and ideological body of the state.

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<sup>84</sup> The draft from 1970 was influenced by Lin Biao, but the text had to be altered after his death.

<sup>85</sup> “始终存在着阶级、阶级矛盾和阶级斗争，存在着社会主义同资本主义两条道路的斗争，存在着资本主义复辟的危险性，存在着帝国主义、社会帝国主义进行颠覆和侵略的威胁。这些矛盾，只能靠无产阶级专政下继续革命的理论 and 实践来解决。” (Xianfa 1975: preamble)

<sup>86</sup> “中国共产党是全中国人民的领导核。” (Xianfa 1975: art. 2)

The first right, or more precisely duty, mentioned in the chapter devoted to rights and duties, is the duty to support the CCP (Xianfa 1975: art. 26).<sup>87</sup> This was a departure from the Soviet model, which originally served as an inspiration for the 1954 Constitution. The Soviets formally kept the distinction between the party and the state, but China's 1975 Constitution blurs these lines (Gardner 1976: 214-215). Kim Chin summarizes the 1975 Constitution as having the main goals to “reaffirm in document form the theory of continued revolution under the proletarian dictatorship and to inject Marxism-Leninism-Mao Tse-tung thought into the Constitution.” (Kim Chin 1977: 27)

Cohen writes that unlike public discussions and lectures regarding the 1954 Constitution, there was very little media coverage about the 1975 Constitution in China (and around the world for that matter). There was only a nationwide campaign about why China was now dictatorship of the proletariat, rather than the people's democratic dictatorship (Cohen 1979: 68). Cohen attributes this to propaganda organs not being interested in any other aspects of the new constitution. Additionally, because Mao was not attending the meetings of the NPC and the Party Central Committee, some questions about the political support of the new constitution were raised among the public (Cohen 1979: 68).

### **3.1.2 Articles related to workers in the 1975 Constitution**

The 1975 Constitution is as mentioned above, short, and it also includes the shortest bill of rights. However, when it comes to ratio of the number of articles of the constitution as a whole and the articles in the document related to workers, it is this constitution which pays the most attention to workers. There are at least ten articles that mention workers or work directly, and additionally there are other articles which even if they do not mention workers explicitly, they are still necessary to analyze in order to provide a full background image. In the following sections, I introduce the chosen articles and comment on how they might have affected the workers and what are their implications.

The preamble states that 1949 was the beginning of the dictatorship of the proletariat (Xianfa 1975: preamble), and that imperialism, feudalism and bureaucrat-capitalism was finally overthrown (Xianfa 1975: preamble). This is a significant change from the 1954 Constitution, which labelled PRC as people's democratic dictatorship (Xianfa 1954: preamble), and this change is in alignment with the rhetoric of the Cultural Revolution. The stage the dictatorship

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<sup>87</sup> “公民的基本权利和义务是，拥护中国共产党的领导。” (Xianfa 1975: art. 3)

of the proletariat was at in China in 1975 is summed up by an article written by several authors under the pseudonym Chi Heng (池恒):

To continue doing a good job of our revolution and construction and provide a reliable guarantee for our struggle of combating and preventing revisionism, all Communist Party members, cadres, workers, peasants, fighters of the People's Liberation Army and intellectuals should attach great importance to this problem and conscientiously study the theory of the dictatorship of the proletariat in order to consolidate this dictatorship. (Chi Heng 1975)

One could assume that this is a direction under which workers' livelihood will be heavily prioritized. The preamble further states that China must adhere to the policies of CCP during the entire period of socialism and persist in continued revolution under the dictatorship of the proletariat (Xianfa 1975: preamble). Another paragraph states that the working class is the leading class that should be in charge of achieving the unity of the people of all nationalities, and this consolidation should be based on the alliance of workers and peasants (Xianfa 1975: preamble).<sup>88</sup> These examples shows that in the mid-1970s, the working class was still considered the backbone of the country and was crucial in the process of building the socialism, which is further confirmed by Article 1, which explicitly states that PRC is a socialist state of the dictatorship of the proletariat led by the working class and based on the alliance of workers and peasants (Xianfa 1975: art. 1).<sup>89</sup> Article 2 also confirms this notion, by explicitly stating that the working class exercises leadership over the state through CCP (Xianfa 1975: art. 2).<sup>90</sup> Such explicit statements did not appear in the 1954 Constitution, which might show the need of the government to encourage and strengthen the position of the working class as the leading class of the country. Similarly, Article 12 states that the proletariat must exercise all-round dictatorship over the bourgeoisie in superstructure, including all spheres of culture (Xianfa 1975: art. 12). The same article also states that culture, education, art, health work and scientific research work must all serve proletarian politics, serve the workers, peasants and soldiers, and be combined with productive labor (Xianfa 1975: art. 12).<sup>91</sup> Such a radical statement did not appear in previous constitutions, and also does not appear in the current constitution. This goes

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<sup>88</sup> “开始了社会主义革命和无产阶级专政的新的历史阶段 [。。。] 推翻了帝国主义、封建主义和官僚资本主义的反动统治 [。。。] 我们必须坚持中国共产党在整个社会主义历史阶段的基本路线和政策，坚持无产阶级专政下的继续革命 [。。。] 我们要巩固工人阶级领导的以工农联盟为基础的各族人民的大团结，发展革命统一战线。” (Xianfa 1975: preamble)

<sup>89</sup> “中华人民共和国是工人阶级领导的以工农联盟为基础的无产阶级专政的社会主义国家。” (Xianfa 1975: art. 1)

<sup>90</sup> “工人阶级经过自己的先锋队中国共产党实现对国家的领导。” (Xianfa 1975: art. 2)

<sup>91</sup> “无产阶级必须在上层建筑其中包括各个文化领域对资产阶级实行全面的专政 [。。。] 文化教育、文学艺术、体育卫生、科学研究都必须为无产阶级政治服务，为工农兵服务，与生产劳动相结合。” (Xianfa 1975: art. 12)

to show that in the aftermath of the active phase of the Cultural Revolution, the 1975 Constitution was actively and radically trying to pave the way for workers being the ultimate leaders of the state by any means.

Article 9 states the socialist principle “he who does not work, neither shall he eat” and “from each according to his ability, to each according to his work.” (Xianfa 1975: art. 9).<sup>92</sup> Kim Chin claims that even if the second principle is not exactly communist (the original phrase being “From each according to his ability, to each according to his needs”), China laid down this principle due to combination of actual conditions in China and in order to follow the Party’s principles and policies (Kim Chin 1977: 14-15). Zhang Bolun and Zhou Yimang claim that “Maoists’ arguments that it was part of “Bourgeois Rights” made its practical application ambiguous, especially regarding incentive-based wages, such as piece wages and bonuses.” (2023: 12). The reformers in the following years had to try to find balance between the ideological implications and stimulating wage systems (Zhang Bolun and Zhou Yiming 2023: 12). In the same article, the state vows to protect the citizens’ right of ownership to their income from work (Xianfa 1975: art. 9).

In contrast to the 1954 Constitution (which listed four types), Article 5 states that there are only two kinds of ownership of the means of production at the present stage, and those are socialist ownership by the whole people and socialist collective ownership by working people (Xianfa 1975: art. 5).<sup>93</sup> This might reflect the completion of the transformation of the ownership of the means of production (Kim Chin 1977: 14), but at the same time, the 1975 Constitution also grants the right to rural people’s communes’ members to engage in limited sideline production (Xianfa 1975: art. 7).<sup>94</sup> According to the Report on the Revision of the Constitution, this shows the flexibility of the system in order to achieve socialist goals (Zhang Chunqiao 1975). Among the two existing types of ownership, the state sector is labelled as the leading force in the national economy (Xianfa 1975: art. 6).<sup>95</sup> These articles reflect the contents of the

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<sup>92</sup> “国家实行 “不劳动者不得食” 、 “各尽所能、按劳分配” 的社会主义原则 [。。。] 国家保护公民的劳动收入。” (Xianfa 1975: art. 9)

<sup>93</sup> “中华人民共和国的生产资料所有制现阶段主要有两种：社会主义全民所有制和社会主义劳动群众集体所有制。” (Xianfa 1975: art. 5)

<sup>94</sup> “农村人民公社是政社合一的组织。现阶段农村人民公社的集体所有制经济，一般实行三级所有、队为基础，即以生产队为基本核算单位的公社、生产大队和生产队三级所有。在保证人民公社集体经济的发展和占绝对优势的条件下，人民公社社员可以经营少量的自留地和家庭副业，牧区社员可以有少量的自留畜。” (Xianfa 1975: art. 7)

<sup>95</sup> “国营经济是国民经济中的领导力量。” (Xianfa 1975: art. 6)

preamble, which claim that the bureaucrat-capitalism has been overthrown and there is no need to accommodate other forms of ownership (with slight exceptions in rural people's communes).

In the previous chapter I have mentioned the struggles of workers with the management. The 1975 Constitution tries to fix this conflict by stating that state organs must apply principles of efficient and simple administration and states that its leading body must contain three main figures – an old person, a middle-aged person and a young person (Xianfa 1975: art. 11).<sup>96</sup> This regulation was a departure from traditional principles of authority towards more 'revolutionary' principles, and it is more likely that it was more effective in promoting values of Cultural Revolution, rather than alleviating the conflict of management and workers.

Chapter three is devoted to rights and duties of citizens, and as I have mentioned above, it is very brief and sparse. The first right, more so a duty (Kim Chin labels it a rationale (Kim 1977: 18)), listed in Article 26 is to support the CCP, the socialist system and to abide by the Constitution and other laws of PRC (Xianfa 1975: art. 26).<sup>97</sup> In the previous chapter, I have mentioned why this could be an issue and I believe that the same logic can be applied here as well. The implied absolute obedience to the CCP and the communist ideology (Chang Yu-nan 1956: 522) is even more straightforward than in the previous constitution. This is a beneficial implication for the government, but from the point of view of workers, it might restrain their individual freedom, while the power of the government keeps increasing. This way, the government is also in charge of the interpretation of the policies and ideology.

Article 27 states that citizens have the right to labor (Xianfa 1975: art. 27), and that working people have the right to rest and the right to material assistance in old age and in case of illness and disability (Xianfa 1975: art. 27).<sup>98</sup> Both of these rights appear in all analyzed constitutions, but as I have mentioned, the 1975 Constitution contains the smallest number of rights of all of the analyzed constitutions. but that is partly because many rights are now compiled into just a few articles. The type of rights also differs; the 1975 Constitution places the most emphasis on the obedience to the CPP and the socialist system. What is missing in the 1975 Constitution, and what is also probably the most striking difference, is the statement that

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<sup>96</sup> “国家机关都必须实行精简的原则。它的领导机构，都必须实行老、中、青三结合。” (Xianfa 1975: art. 11)

<sup>97</sup> “公民的基本权利和义务是，拥护中国共产党的领导，拥护社会主义制度，服从中华人民共和国宪法和法律。” (Xianfa 1975: art. 26)

<sup>98</sup> “劳动者有休息的权利，在年老、疾病或者丧失劳动能力的时候，有获得物质帮助的权利。” (Xianfa 1975: art. 27)

all the workers are equal before law. As for the workers, the social insurance provided by the state is also not present in the constitution.

The 1975 Constitution was undoubtedly written under a strong influence of Cultural Revolution. This is mostly visible in the revolutionary tone and emphasis on persistent class struggle. Politically, it is also a constitution which officially gives a lot of power to CCP; ideologically it places emphasis on the working class, which is painted as the leading force of the revolution. This might seem like a positive aspect in regards to workers' real-life situation, but the 1975 Constitution was short-lived and quickly replaced by the 1978 Constitution, thus it is difficult to see the effect this particular constitution had on workers.

### **3.2 The 1978 Constitution and its background**

The 1978 Constitution was adopted on March 5, 1978. It is divided into a preamble and four chapters. It is longer than its direct predecessor, but still shorter than the 1954 Constitution or the 1982 one. In regard to the structure of the state, it again confirms the NPC as the highest organ of state power, and the Standing Committee is its permanent organ. This time, there is no direct mention of CCP in these articles.

As with the 1975 Constitution, the 1978 text was a compromise among interests of two groups. Cohen, among others, identifies two main groups that influenced the constitution making and claims that the 1978 Constitution achieved its form by compromises between these two groups. The first group, diversely described as 'radicals', 'the Shanghai group' or 'Maoists', were more focused on ideological purity, as well as cultural and educational policies that serve to transform the masses. The second group, 'the pragmatists' or 'the Peking group', favored rapid industrialization and economic development, and they focused more on policies which should enhance professional, technical and scientific skills (Cohen 1979: 67-68). Kim and Kearley also notice the opposing groups within the Party, and attribute the state of the 1978 Constitution less to a compromise, but more to the victory of the leadership over the Gang of Four (Kim and Kearley 1979: 255). De Heer also identifies these opposing forces, and notices that a sense of ambiguity and unease were present in the political scene, despite the 1978 Constitution allegedly being a compromise between the two groups (De Heer 1978: 309-310).

Kim and Kearley state that the preamble of the 1978 Constitution is vastly different from that of the 1975 text (Kim and Kearley 1979: 256-257). However, I disagree, mostly because I think the influence of the more radical figures in the party during the process of constitution making was still prominent, and the differences between the two preambles are not so crucial.

For example, they both possess the revolutionary spirit, emphasizing the historical achievements of the Chinese people (in the 1978 Constitution, these achievements are even explicitly accredited to Mao Zedong's leadership [Xianfa 1978: preamble]) and also underscoring the need to consolidate the united front (the 1978 Constitution involves other countries in this process as well [Xianfa 1978: preamble]). Mao Zedong's name is also mentioned several times (nine times in 1978 and only three times in 1975, mostly as a part of Mao Zedong thought). This is undoubtedly influenced by his death and the numerous mentions can be understood as a type of posthumous credit. However, De Heer also points out the discrepancy in the political situation of the late 1970s and the contents of the 1978 Constitution. He states that since 1977, people can observe the beginning of the process of 'de-Maoization', but to one's surprise, "the more his [Mao's] radical policies are dismantled, especially in the cultural and educational field, the more his name or his thoughts are invoked to legitimize these changes." (De Heer 1978: 310) The preamble does indeed accredit all the victories in revolution and construction to be won under the guidance of Marxism-Leninism-Mao Zedong Thought and Chinese people are expected to further carry out the proletarian revolution in the honor of Chairman Mao (Xianfa 1978: preamble).<sup>99</sup>

Despite being less radical and explicit than the 1975 Constitution, the 1978 Constitution bears many similarities, and sometimes whole sentences are repeated word for word. De Heer claims that is not as remarkable, if one keeps in mind the political ambiguity of the period, even if the original radical tone was muted (De Heer 1978: 310). However, for example, Kim and Kearley claim that the 1978 Constitution "dramatically revises the preceding 1975 Constitution in many respects and in fact bears a strong resemblance to the PRC's first fundamental law of 1954, a more traditional document." (Kim and Kearley 1979: 253) The biggest changes Kim and Kearley list are in regard to reinvigoration of legal organs and offering the citizens new rights, as well as defining China's historical stage and the main goal for the future (Kim and Kearley 1979: 253). It is true that rights about freedom of thought and expression are more pronounced in the 1978 Constitution, and the bill of rights contains more rights, but I am not sure it was as groundbreaking as Kim and Kearley make it seem. Majority of the 'new' rights already appeared in the 1954 Constitution, so those were mostly just reintroduced. My opinion

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<sup>99</sup> “我国革命和建设的一切胜利，都是在马克思主义、列宁主义、毛泽东思想的指引下取得的。永远高举和坚决捍卫毛主席的伟大旗帜，是我国各族人民团结战斗，把无产阶级革命事业进行到底的根本保证。[。。。] 建国以后，在毛主席和中国共产党领导下，我国各族人民在政治、经济、文化、军事、外交各条战线贯彻执行毛主席的无产阶级革命路线，经过反对国内外敌人的反复斗争，经过无产阶级文化大革命，取得了社会主义革命和社会主义建设的伟大胜利。” (Xianfa 1978: preamble)

aligns with De Heer's, who summarizes the 1978 Constitution as one which incorporated the 1975 Constitution, and the changes or additions that were made, were in most cases taken from the 1954 Constitution, and the text itself does not really contain any new relevant items (De Heer 1978: 320).

### 3.2.1 Articles related to workers in the 1978 Constitution

The 1978 Constitution is double the size its direct predecessor, but articles which are directly or indirectly related to workers have increased only slightly, to 15 out of 60. The following section is dedicated to those articles and their implications.

The preamble sets the continuation of the proletarian revolution as one of the main goals for the new period (Xianfa 1978: preamble) and emphasizes the need to persevere in the struggle of the proletariat against the bourgeoisie (Xianfa 1978: preamble). The preamble also states the need to consolidate and expand the revolutionary united front led by the working class (Xianfa 1978: preamble).<sup>100</sup> Article 1 states that the PRC is a socialist state of the dictatorship of the proletariat led by the working class (Xianfa 1978: art. 1).<sup>101</sup> Article 2 states that the working class exercises leadership over the state through CCP (Xianfa 1978: art. 2).<sup>102</sup> It is clear that the 1978 Constitution aims to keep the idea of the working class being the leading class and highlights its role and importance in several articles throughout the document. It also keeps the term 'dictatorship of the proletariat', which was written into the 1975 Constitution, but was not later present in the 1982 Constitution.

Article 10 affirms the same socialist principles as the previous constitution— "he who does not work, neither shall he eat" and "from each according to his ability, to each according to his work" (Xianfa 1978: art. 10).<sup>103</sup> As I have mentioned above, these principles stay slightly modified to fit the Chinese circumstances, and Cohen considers this another small victory of the 'pragmatists' (Cohen 1979: 73). The article further states that labor is an honorable duty for every able-bodied citizen. The state promises to promote socialist labor emulation and tries to

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<sup>100</sup> "坚持无产阶级专政下的继续革命"；"我们要坚持无产阶级对资产阶级的斗争 [。。。] 我们要巩固和发展工人阶级领导的, [。。。]" (Xianfa 1978: preamble)

<sup>101</sup> "中华人民共和国是工人阶级领导的以工农联盟为基础的无产阶级专政的社会主义国家。" (Xianfa 1978: art. 1)

<sup>102</sup> "工人阶级经过自己的先锋队中国共产党实现对国家的领导。" (Xianfa 1978: art. 2)

<sup>103</sup> "国家实行 "不劳动者不得食" 、 "各尽所能、按劳分配" 的社会主义原则。" (Xianfa 1978: art. 10)

motivate people mostly by moral encouragement, but also material rewards. This is supposed to help increase people's socialist enthusiasm and creativeness in work (Xianfa 1978: art. 10).<sup>104</sup>

The socialist enthusiasm and socialist consciousness appear a few times in the 1978 Constitution, e.g. in Article 13, which states that education must serve proletarian politics and be combined with productive labor. Additionally, education is supposed to help people develop their morality and socialist consciousness, in order to become a worker who can contribute to building of socialism (Xianfa 1978: art. 13).<sup>105</sup> This sentiment also appears in Article 14, which states that all cultural undertakings must serve the workers, peasants and soldiers and serve socialism (Xianfa 1978: art. 14).<sup>106</sup> Such statements further confirm the notion that the working class is in charge of the leadership of the country and that all the institutions are subjected to it.

Article 5 distinguishes between two main kinds of ownership of the means of production, the same as in the 1975 Constitution. These are socialist ownership by the whole people and socialist collective ownership by the working people (Xianfa 1978: art. 5).<sup>107</sup> The state sector is again labelled as the leading sector of the economy (Xianfa 1978: art. 6).<sup>108</sup> There were very little changes made regarding property relations between the 1975 Constitution and 1978 Constitution, and those that were made, are mostly related to rural people's communes, which is not the focal point of this thesis. According to Cohen, it is precisely through these small changes that the opinions of the 'pragmatists' make their way into the constitution (Cohen 1979: 71-72).

Article 11 proposes that the state adheres to the principles of doing things in a greater, faster, better and more economical way, for which it undertakes planned, proportionate and highspeed development of the national economy (Xianfa 1978: art. 11).<sup>109</sup> This is a clause which potentially puts a lot of pressure on workers. Building of socialism is one of the main goals stated in the constitution, and workers, as the leading force, are partly (if not fully)

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<sup>104</sup> “劳动是一切有劳动能力的公民的光荣职责。国家提倡社会主义劳动竞赛，在无产阶级政治挂帅的前提下，实行精神鼓励和物质鼓励相结合而以精神鼓励为主的方针，鼓励公民在劳动中的社会主义积极性和创造性。” (Xianfa 1978: art. 5)

<sup>105</sup> “国家大力发展教育事业，提高全国人民的文化科学水平。教育必须为无产阶级政治服务，同生产劳动相结合，使受教育者在德育、智育、体育几方面都得到发展，成为有社会主义觉悟的有文化的劳动者。” (Xianfa 1978: art. 13)

<sup>106</sup> “各项文化事业都必须为工农兵服务，为社会主义服务。” (Xianfa 1978, art. 14)

<sup>107</sup> “中华人民共和国的生产资料所有制现阶段主要有两种：社会主义全民所有制和社会主义劳动群众集体所有制。” (Xianfa 1978, art. 5)

<sup>108</sup> “国营经济即社会主义全民所有制经济，是国民经济中的领导力量。” (Xianfa 1978, art. 6)

<sup>109</sup> “国家坚持鼓足干劲、力争上游、多快好省地建设社会主义的总路线，有计划、按比例、高速度地发展国民经济。” (Xianfa 1978, art. 11)

responsible for completion of this goal and in order to achieve that, they are expected to do it in accordance with the principle of *duokuaihaosheng*. This is a slogan actively used during the Great Leap Forward, a period which brought a heavy strain on all working population in China (Sheehan 2002: 89-90). The pressure was put not only on workers, but also on cadres and administrators, peasants in communes, members of the service sector and many more. This type of pressure to do more and do better is not present so explicitly in other constitutions, even in the revolutionary 1975 Constitution it only appears in the preamble, not in the main body of the document.

Similarly to the 1975 Constitution, the 1978 Constitution emphasizes the need of all state organs to maintain close contact with the masses, rely on them and be concerned for them, and fight bureaucracy (Xianfa 1978, art. 15), as well as keeping the three-in-one combination (old, middle-aged, and young) in the management (Xianfa 1978: art. 15).<sup>110</sup> Article 16 demands from personnel of the state organs to study Marxism-Leninism-Mao Zedong thought, serve the people, participate in collective productive labor, accept supervision by the masses, observe the Constitution and the law, seek truth from facts and not exploit their position (Xianfa 1978: art. 16).<sup>111</sup> The reason why I am mentioning this article here is because throughout the years, the conflicts between the workers and management keep appearing, and especially in the period of 1950s, the disagreements between the two groups was one of the reasons for protests. This article explicitly states that the state personnel should heed to the masses, which demonstrates the state's ideological intention to put white collar personnel into a less prioritized position, but that was far from reality.

The third chapter of the constitution is dedicated to the rights of the people. The right to labor appears in Article 48, and in the same article, the state vows to provide employment in accordance with the circumstances, and that the state will gradually increase wages, improve working conditions and strengthen labor protection (Xianfa 1978: art. 48).<sup>112</sup> Article 49 guarantees the laborers the right to rest, and in order to ensure that, the state prescribes the

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<sup>110</sup> “国家机关必须经常保持同人民群众的密切联系，依靠人民群众，倾听群众意见，关心群众疾苦，精兵简政，厉行节约，提高效能，反对官僚主义 [。。。] 国家机关各级领导人员的组成，必须按照无产阶级革命事业接班人的条件，实行老、中、青三结合的原则。” (Xianfa 1978: art. 15)

<sup>111</sup> “国家机关工作人员必须认真学习马克思主义、列宁主义、毛泽东思想，全心全意地为人民服务，努力钻研业务，积极参加集体生产劳动，接受群众监督，模范地遵守宪法和法律，正确地执行国家的政策，实事求是，不得弄虚作假，不得利用职权谋取私利。” (Xianfa 1978: art. 16)

<sup>112</sup> “公民有劳动的权利。国家根据统筹兼顾的原则安排劳动就业，在发展生产的基础上逐步提高劳动报酬，改善劳动条件，加强劳动保护，扩大集体福利，以保证公民享受这种权利。” (Xianfa 1978: art. 48)

working hours and systems of vacations (Xianfa 1978: art. 49).<sup>113</sup> Similar formulations appear in the 1954 Constitution (Article 92), but are absent in the 1975 Constitution. Thus, both the 1954 and the 1978 constitutions show preferential treatment of working class by granting the right to rest only to this category and not to all citizens; the 1975 Constitution is exceptional in that since there the emphasis was on revolutionary enthusiasm and the right to rest had to move aside.

Article 50 covers the right of working people to material assistance in old age, in case of illness or disability and state promises expansion of social insurance and social assistance, as well as public health services (Xianfa 1978: art. 50).<sup>114</sup> Article 53 states that men and women have the right for equal pay for equal work (Xianfa 1978: art. 53).<sup>115</sup> De Heer points out that the article already states that women and men enjoy equal rights in all spheres of political, economic, cultural, social and family life, and that this repetition might indicate that equality in wages is still not a norm and difficult to reach (De Heer 1978: 319).

The list of rights in regards to workers is more detailed than in the 1975 Constitution, and in this regard, the document clearly relies on the 1954 Constitution. However, the workers' rights were still limited and kept to the basic minimum, which does not reflect the promised workers' status as the main part of the dictatorship of the proletariat.

### **3.3 Other legal provisions related to workers during 1975-1982 period**

Because this period is characterized by the aftermath of the indirect period of Cultural Revolution and then the Reform and Opening up policy, it is understandable that the period was chaotic and is generally considered to be a period of legal stagnation. The laws I have analyzed in the previous chapters, were supposedly still in effect in this period and were meant to safeguard the workers' interests. Due to changes in political and economic situation, the effective laws were also changed and amended, but these amendments officially fall into the later period (i.e. the Trade Union Law's new version went into effect in 1992). There were in fact a few new regulations proposed by the Standing committee, which were implemented, such as Provisional Measures on the Resettlement of Old, Weak, Sick and Disabled Cadres from 1978 (*Guanyu anzhi laoruobingcan ganbu de zanxing banfa* 关于安置老弱病残干部的暂行

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<sup>113</sup> “劳动者有休息的权利。国家规定劳动时间和休假制度，逐步扩充劳动者休息和休养的物质条件，以保证劳动者享受这种权利。” (Xianfa 1978: art. 49)

<sup>114</sup> “劳动者在年老、生病或者丧失劳动能力的时候，有获得物质帮助的权利。” (Xianfa 1978: art. 50)

<sup>115</sup> “男女同工同酬” (Xianfa 1978: art. 53)

办法), which mostly focuses on cadres that have participated in the revolutionary activities before and in 1949.

These revolutionary cadres are to receive generous pensions after their retirement, as long as they fall into the categories described in the provision. In relation to workers, an article worth mentioning is Article 5, which states that those that have been awarded the title of National labor hero (*Quanguo laodong yingxiong* 全国劳动英雄) or Model worker (*Laodong mofa* 劳动模范) are to have their pensions increased by a certain amount (Provisional measures on resettlement of old, weak, sick and disabled cadres 1978: art. 5), which in alignment with some articles of the 1978 Constitution (e.g. Article 10) is supposed to motivate the workers and increase their productivity. Article 14 places the responsibility of relocation at the work unit of the cadres, with emphasis on studying Marxism-Leninism and Mao Zedong thought. This article is again in alignment with the constitution (Xianfa 1978: art. 16) and with an observable trend of the government shifting the responsibility towards the employer.

Another regulation, and much more closely related to regular workers, is Provisional measures on the retirement and resignation of workers from 1978 (*Guanyu gongren tuixiu, tuizhi de zhanxing banfa* 关于工人退休、辞职的暂行办法). This regulation states that the elderly workers who have lost their ability to work, have contributed to the socialist revolution are to be provided for by the state. Providing for them properly in their older age is understood as a manifestation of the superiority of the socialist system (Provisional measures on retirement and resignation of workers 1978).<sup>116</sup> The regulation further specifies conditions under which worker in enterprises under the collective ownership can retire (Article 1), and specifies financial compensation after retirement (Article 2). In the following paragraph, I will briefly comment on some articles that are worth mentioning in regards to workers.

Article 4 states that those that have been awarded the title of National labor heroes or Model workers are to have their pensions increased, which is supposed to motivate the workers in order to engage themselves in work and increase their productivity (Article 4).<sup>117</sup> Article 8

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<sup>116</sup> “老年工人和因工、因病丧失劳动能力的工人，对社会主义革命和建设做出了应有的贡献。妥善安置他们的生活，使他们愉快地度过晚年，这是社会主义制度优越性的具体体现。” (Provisional measures on retirement and resignation of workers 1978)

<sup>117</sup> “获得全国劳动英雄、劳动模范称号，[...] 其退休费可以酌情高于本办法所定标准的百分之五至百分之十五，但提高标准后的退休费，不得超过本人原标准工资。” (Provisional measures on retirement and resignation of workers 1978: art. 4)

guarantees the retired workers the right to enjoy public healthcare (Article 8).<sup>118</sup> Something that both of the abovementioned regulations have in common is the willingness of the state to provide for retired workers and cadres, and the emphasis on their resettlement in the far rural areas (Provisional Measures on the Resettlement of Old, Weak, Sick and Disabled Cadres 1978: art. 7, art 9; Provisional measures on the retirement and resignation of workers 1978: art. 10), possibly in order to create job opportunities for younger workers, as well as alleviate the pressure on resources in urban areas.

The third regulation from 1978 is the Notice on the implementation of incentives and piece-rate wage system (*Guanyu shixing jiangli he jijian gongzi zhidu de tongzhi* 关于实行奖励和计件工资制度的通知). As the name suggest, one of the main purposes of the regulation is to establish the piece-rate wage system, if there are conditions for it,<sup>119</sup> in which workers get paid not by the time they have spent working, but on the basis of how many units they produce or tasks they complete. This system shall be only implemented in enterprises which meet the conditions set by this regulation (Notice on the implementation of incentives and piece-rate wage system 1978: 3). The piece-rate wage system was present throughout most of the 1950s, and it was mostly for manual labor and production related work. The different types of wages were useful in differentiating among the workers – the manual and production workers were mostly paid on the basis of the piece-rate system, while the administrative and management workers were paid for how much time they have spent working. Many enterprises abolished the piece-rate wage system in the second half of the 1950s and relied mostly on the position-grade wage system (Zhang Bolun and Zhou Yimang 2024: 6). The re-introduction of the piece-rate wage system can be understood as an effort of the state to motivate the workers. In this way, the state could also offer greater flexibility to enterprises and in this way, prepare for the new economic reforms.

Reward systems shall also be implemented and the workers should be rewarded if they increase production, improve quality or reduce consumption (Notice on the implementation of incentives and piece-rate wage system 1978: 4).<sup>120</sup> The regulation further specifies the type of

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<sup>118</sup> “退休、退职工人本人，可以继续享受公费医疗待遇。” (Provisional measures on retirement and resignation of workers 1978: art. 8)

<sup>119</sup> “要有条件、有计划地实行奖励和计件工资制度。” (Notice on the implementation of incentives and piece-rate wage system 1978: 3)

<sup>120</sup> “生产工人的奖励条件，应当根据增加生产，提高质量，降低消耗等确定。” (Notice on the implementation of incentives and piece-rate wage system 1978: 4)

rewards and the type of enterprises which can allocate the rewards, as well as establishing how these rewards shall be calculated. This regulation seems fairly promising in financially motivating workers to work more and in a more effective way. However, Sheehan argues that the opposite was true. The individual bonuses put forward as a part of the new economic reforms were not successful in ending the egalitarian ‘eating from one big pot’ mentality (Sheehan 2002: 169).

Despite the abovementioned regulations’ promising nature and potential to improve workers’ livelihood, I do not think they are equivalent to the laws I analyze in other chapters. Firstly, they are considerably shorter and secondly, two of them focus on specific groups of workers, and therefore do not extend to the whole working class. For that reason, and in order to understand the economic and political context for the conditions of workers, in the following paragraph I also briefly outline the key aspects of reforms related to SOEs. I believe these reforms can be taken as a crucial turning point in regards to discrepancies between theory and practice.

The reforms started in 1978 in six factories in Sichuan province. The factories were allowed certain flexibilities in regards to production plans, worker employment and technological innovation, provided that the state plans were fulfilled. The factories were also allowed to share profits. The new system spread quickly and by the beginning of 1979, around 100 factories in Sichuan were trying out this system, accumulating to 6,600 throughout the whole country by the summer of 1980 (Huang Yiping 2012: 99). Professor of law, Henry Gao and an expert in economic law, Zhou Weihuan divide the reforms into four phases, the first of which is relevant for this period. The first phase lasted from 1978 until 1986 and its main focus was “the devolution of corporate power” (Gao and Zhou 2022: 15) In this phase, it was crucial to increase the autonomy of SOEs, however the reforms did little to change the ownership or management structure of SOEs, and the state was still in charge of ownership and majority of SOEs’ activities (Gao and Zhou 2022: 15). Barry Naughton points out that it is necessary to see these reforms on the basis of reorientation of the economic development strategy, because “the initial commitment to reform was, in a sense, a side effect of that reorientation” (Naughton 1995: 59). This reorientation involved reduction of industrial investment and a considerable amount of resources was shifted towards the household sector, as well as restructuring of the capital stock and reintegration of human resources. According to Naughton, the policy of reorientation, which was the most prevalent from 1971 till 1981, later served as a basis for other reforms and economic policy (Naughton 1995: 60).

These reforms were different from the system China has grown familiar with over the last thirty years, during which at least permanent employees of SOEs could rely on job security and welfare provided by the employer. Albeit the constitution still offered protection for workers and labelled them as the leaders of the United Front and the dictatorship of the proletariat, now profit seemed to be the key element the state was looking out for. If the targets set by the state were met, the 'experimental' SOEs were granted significant flexibility, even in regards to workforce, leaving workers of those SOEs vulnerable. Apart from this issue, in the following section I try to describe some other problems the workers were facing in this period.

### **3.4 Everyday issues and social standing of workers (1975-1982)**

As for a data source for this period, the National Bureau of Statistics (NBS)<sup>121</sup> does offer publicly accessible data about China's labor force. The earliest year available on their website is the year 1978, and data show that the labor force has been steadily increasing (40682 in year 1978 rose to 45674 in 1982) (NBS n.d., a). Data provided by International Labor Organization (ILO) show the same numbers, except year 1982, in which ILO relies on population census and claims that the labor force was 524907 thousand (ILO n.d. a). ILO's data also show that the percentage of unemployed citizens has been decreasing (5.3% in 1978 to 3.2% in 1982) (ILO n.d. b).

Sheehan shows that during the period of 1976-1984, several discrepancies existed between the legal and ideological framework and the reality of workers' lives. While the official ideology emphasized the working class as the leading class and masters of the enterprise, the reality was often quite different. The "iron rice bowl" system, guaranteeing lifetime employment, was acknowledged as a benefit of socialism, yet the new reforms threatened job security, causing widespread concern among workers (Sheehan 2002: 161). Some of the issues the workers were dealing with in this period included the state of economy, low, if not stagnant production, and low wages, as well as persistent issue of managerial practices and workers' participation in management. The workers were less interested in the policy of Four Modernizations, but more so in potential improvement in their living standards and economic situation (Sheehan 2002: 158-162).

For a better illustration of the situation, we can take a look at the state the iron rice-bowl was in. After the start of the reforms, the youth, which was sent to the rural areas during the Cultural Revolution, demanded to come back to the cities. However, similarly to the period of

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<sup>121</sup> Most of the time they use a unifying unit of 10 000 people (万人).

the 1950s, the government shifted the responsibility, or more precisely, required of others to share the responsibility. The state adopted policies which allowed other forms of enterprises to recruit employees, with state only being responsible for providing employment in SOEs. In Fung Ho-lup words: “The “worker-in-state” relationship was thus shifted to one of “worker-in-economic sector”.” (Fung Ho-lup 2001: 263) For the state sector, which in 1981 covered only 0.39% of all the enterprises, employed around 26% of urban labor force. The most essential industries were usually SOEs, so the workers in those could enjoy the benefits of iron rice-bowl. Collective enterprises played a major role in this transformation. SOEs were encouraged to form smaller COEs, which would allow for the surplus labor force to be moved to a different sector. The state even allocated land, facilities and financial resources for the new COEs (Fung Ho-lup 2001: 263), which meant these workers were no longer eligible to benefits provided by the SOEs. However, the situation was not as bad as it might seem for the transferred workers, because COEs were still supported and guided by the state, and the state also helped to provide resources. The main benefits of COEs for the employers were in more flexible recruitment policies, wages and also price levels for the manufactured goods or provided services (Fung Ho-lup 2001: 263). The private enterprises were also being slowly established again, but majority of workers by 1981 were employed in the COEs (Fung Ho-lup 2001: 263). Fung Ho-lup summarizes the situation in a following way: “there were three types of rice bowls—the “hard” iron rice bowl of the state sector, the “soft” iron rice bowl of the collectively owned sector, and the “porous” iron rice bowl of the private sector.” (Fung Ho-lup 2001: 264)

Something worth noting for this period is the lack of involvement of ACTFU, and lack of workers’ trust in it. The ACTFU was seen as something that only existed in paper and did nothing to actually improve workers’ lives. The tasks of labor protection and workers’ representation were considered less important than the tasks of mobilizing the workforce to fulfil the targets set by the state. On the other hand, there was also a notable improvement, because the unions gained at least theoretical independence from the CCP, and previously notable figures involved with ACTFU (Li Lisan, Lai Ruoyu), who were criticized in the 1950s were posthumously rehabilitated (Sheehan 2002: 165). I believe this lack of trust stems from the fact that in the previous decades, the ACTFU was not helpful in resolving the disputes and protecting the workers’ interests, making the people lose trust in the organization.

### **Economy and low wages**

Sheehan claims that official sources declared that real wage increases outpaced rising prices, but many workers perceived a decline in their living standards. Some workers'

congresses were ineffective, merely serving as forums for directors' reports and party instructions. Additionally, some unions were still being perceived mostly as controllers (Sheehan 2002: 161). The economic reforms of early 1980s worsened the issue of wages, since according to the reforms, the enterprises were now allowed to keep some of the profit and handle it as they see fit. This resulted in different pays among workers at different enterprises. The government-initiated wage increases, but this period also saw a rise in inflation, and suddenly, the wage increase and price increase in everyday necessities did not match (Sheehan 2002: 160-161).

Sheehan notices that even if workers complained about their low wages throughout the CCP's history, when contrasted with the possibility of (in their eyes) unfair distribution of rewards and wages which led to much more noticeable differences in income, many workers preferred more fair distribution, even if it meant lower individual wages (Sheehan 2002: 169).

### **Sense of inequality**

When describing the Democracy Wall movement, Sheehan writes that albeit the issue of insufficient housing was crucial for the workers active in the movement, what was more intense was the feeling of inequality the poor housing brought, especially in comparison with mansions built by prominent party cadres (Sheehan 2002, 159). This sense of inequality was also deepened when it came to management. The constitution claimed that there were only two forms of ownership, and both of them belong to the people, but ordinary people actually had little to no say in how the enterprises were operating (Sheehan 2002: 162). Wei Jingsheng wrote that the issues in authority and authority's dominance in management was one of the main causes of workers' low status (Wei Jingsheng 1978: 51).

Connected to the sense of inequality, is the threat to job security, which started to linger around workers in late 1970s. The iron rice-bowl system was slowly but surely going to be dismantled, but the iron armchair (lifetime tenure for cadres) was apparently under no threat (Sheehan 2002: 161).

### **Protests**

There were many similarities in everyday life of workers and struggles they were facing in mid-1970s and in 1950s, including the protests. The workers were quite active in the Democracy Wall movement (1978-1979), the main connection between workers and the Democracy Wall movement being in young workers and students, who by gaining political

experience during the Cultural Revolution, became active, if not outright the leading part of the movement. The main goals of the Democracy Wall movement were to fight against bureaucracy, autocracy and dictatorship (Seymour 1980: 267). Sheehan claims that the generation of Red Guards was unlikely to be satisfied just by Deng Xiaoping's promises of democratizations, unless they saw actual improvement. The workers saw this as an opportunity to express their concerns and issues, which have been building up for quite some time (Sheehan 2002: 158).

One of the main concerns brought up by workers was their mostly lowly position in society, which was in sharp contrast with the rhetoric about superiority of socialism. Sheehan claims that questions and comparisons about workers' actual living standards and the promises made by the government helped pressure the state into adopting measures which would aid the democratization of management, as well as offer improved housing and price stabilization (Sheehan 2002, 159).

Sheehan argues that the workers' engagement in the Democracy Wall movement proved that the workers were more than willing to actively participate in the enterprises' management, and by extension in economic and political questions of the country. Additionally, they saw this as "the beginning of the process of the withering away of the party and the state as predicted in Marxist theory." (Sheehan 2002: 164)

Given the history of workers' protests, the government tried to appease them, mostly by emphasizing democratic management as part of the new economic reforms, which was also commented on by Deng Xiaoping, who argued that increased workers' participation in management was necessary to balance out the power of CCP (Peter N. S. Lee 1987: 138). One of the key parts of this was the promotion of workers' congress, which Sheehan describes in a following way:

In the process of developing a workers' congress for the post-Mao era, a process which began with experimentation with radical reforms but ended in a return to the formalism and disillusionment of the mid-1950s, the demands of Democracy Wall activists and some workers gradually diverged from what enterprise and party leaders were prepared to concede, until the gulf between them became unbridgeable. This ultimately led workers to look for other ways of asserting their right to a greater degree of control over their working lives, in the shape of autonomous organizations with a political as well as an industrial remit. (Sheehan 2002: 172)

Sheehan, on the basis of articles from various Chinese newspapers, concludes that the reforms in regards to workers of the late 1970s and early 1980s were clearly a result of the Democracy Wall activists and reform-favoring officials. She accredits the relatively sudden change in the government's willingness to adopt policies which would aid in democratic

management and active workers' participation precisely to the Democracy Wall movement and other external pressures on authorities (Sheehan 2002: 174).

Workers were actively questioning the extent to which their theoretical status as masters of the enterprise and leading class in society had been realized. Some Democracy Wall activists demanded the right to elect management cadres, highlighting the gap between their demands and what reformists were offering (Sheehan 2002: 165). The Democracy Wall movement also provided an opportunity for workers to voice their concerns publicly. However, despite increased power under enterprise autonomy for factory directors, democratic management and the role of workers' congresses were neglected, weakening workers' sense of being masters (Sheehan 2002: 156, 182-183).

## **Conclusion**

The period from 1975 to 1982 was a transformative and often contradictory era for Chinese workers, marked by major shifts in legal frameworks, social policies, and economic reforms. The two main constitutions of this period, the 1975 and 1978 Constitutions, both proclaimed the privileged position of the working class and emphasized the continuation of the proletarian revolution. Legally, both constitutions enshrined the rhetoric of worker leadership and their central role in the socialist state, but the actual rights and detailed protections offered to workers remained limited and often ambiguous.

The 1975 Constitution, steeped in the spirit of the Cultural Revolution, was the shortest and most ideologically charged of Chinese constitutions. It stressed absolute obedience to the Chinese Communist Party (CCP) and framed workers as the backbone of state power under the dictatorship of the proletariat, blending party and state roles more tightly than before. While it rhetorically empowered workers, its focus was more on maintaining political control and less on enshrining specific workers' rights or social protections. Under the classification of roles of the constitutions as proposed by Ginsburg and Simpser (2014: 6-8), the 1975 Constitution can be labelled as a *billboard*, stating the regime's intentions, and due to its revolutionary undertone, I believe *blueprint* is also a suitable role. Due to the gap between legal theory and practice, it might also be sensible to say that the 1975 Constitution also played the role of *window-dressing*.

The 1978 Constitution, while still revolutionary in tone and language, began incorporating elements aimed at balancing ideological purity with pragmatic governance. It expanded the list of citizens' rights and revived some legal and social mechanisms present in the earlier 1954 Constitution. Notably, it reintroduced (and slightly enhanced) rights such as

rest, material assistance, and gender equality for workers, yet these remained minimal compared to the promises made in official discourse and often did not translate into practice. The role this constitution most likely played was the *operating manual* and a *blueprint*.

During this time, the state modestly improved social policies for workers—such as pensions for model workers and public healthcare for retirees, and expanded piece-rate wage incentives. However, legal stagnation, lack of detailed implementation, and persistent bureaucratic control limited these reforms’ real-world impact. Workers’ congresses and unions, in theory, existed to represent labor interests, but in practice lacked power and credibility, serving more as instruments for state mobilization than genuine advocates for workers.

The launch of the Reform and Opening Up policy at the end of the 1970s began to dismantle the guaranteed job security of the “iron rice-bowl,” exposing workers to new uncertainties, wage disparities, and a greater emphasis on productivity and profit in SOEs. This economic shift, while promising increased autonomy and potential efficiency, also meant that many workers faced stagnating or even declining living standards and rising inequality, fueling unrest and spurring the Democracy Wall movement, where workers openly called for democratization of management and more meaningful participation in enterprise and state decisions.

In summary, between 1975 and 1982, workers in China experienced a period of strong ideological affirmation of their rights and status, but in reality, their legal protections were limited, their social standing often did not match official rhetoric, and their organizations lacked true independence. While reforms brought some improvements and laid groundwork for more significant changes in the 1980s, this short period ultimately highlighted the gap between the revolutionary ideals of the state and the lived experience of China’s working class.

#### **4. WORKERS' LEGAL AND SOCIAL STANDING IN THE PERIOD FROM 1982 UNTIL 2019**

This chapter is devoted to the period after the adoption of 1982 Constitution, which is the constitution effective in present day China. 2019 serves as a dividing point, because the COVID-19 pandemic abruptly changed the working situation for a few years. Years after 2019 also cover a very recent period, which I believe would benefit more from sociological research based on interviews or other type of fieldwork, which I am unqualified for. At the same time, I believe that the 37-year long period this chapter covers is a sufficient timeframe to understand and show trends in legal and social standing of workers.

In the first section, I will briefly explain the background of 1982 Constitution, then I will cover articles related to workers in the constitution as well as other legal provisions, such as Labor Law (1995) and Labor Contract Law (2008). Secondly, I will describe the general situation of the working class in the given period, while paying special attention to the transition period on the break of 80s and 90s, which was especially hard on workers due to multiple reasons I will introduce and analyze in later sections of the chapter.

##### **4.1 1982 Constitution and its background**

The 1982 Constitution of PRC is active until the present day, with five rounds of amendments (1988, 1993, 1999, 2004, 2018). It was first adopted on December 4, 1982. As for formal structure, it is divided into a preamble and 4 chapters, the same as previous constitutions. It is however also different in many aspects, for example chapter II, which is devoted to people's rights, was moved to the second position, ahead of chapter devoted to state institutions. In the preceding constitutions, the order was reversed. The document is the most similar to the 1954 Constitution, much less to the 1975 and 1978 Constitutions (Weng 1982: 492). As for the state organization, it preserves the NPC as the highest state organ, which together with the Standing Committee exercise the legislative power of the state. Since this is the most detailed Chinese constitution so far, the document describes in detail the powers of the NPC, the Standing Committee, the President of the PRC, the State Council etc.

Byron Weng in an article from 1982, while commenting on the draft of the constitution, mentions that it appears to be “the most comprehensive, detailed (if somewhat wordy) and reasonable (as opposed to revolutionary, erratic) since 1949.” (Weng 1982: 492) Jones sees both American (general structure and form, inclusion of bill of rights) and Soviet (presence of ideology and emphasis on economics, as well as institutional similarities) elements in the

Constitution (Jones 1985: 707). Weng adds that the document is definitely a result of more balanced efforts of combined work of politicians, scholars and legal professionals (Weng 1982: 492). According to Zhai Zhiyong, who approaches the document from a historical perspective, the 1982 Constitution is “retrospective in nature and a reiteration and reconstruction of the history of constitutionalism since 1949.” (Zhai 2015: 143) He points out that the process of writing this constitution was long and meticulous, with attention being paid to every word. Thus, it is impossible to analyze the 1982 Constitution without understanding the historical context (Zhai Zhiyong 2015: 143).

To understand the 1982 Constitution, it is necessary to briefly introduce the environment which shaped its creation. The 1982 Constitution was supposed to completely reject Cultural Revolution and (ideologically) return to the period of 1950s (Jones 1985: 712). During the period after 1978, China has slowly but surely started to transform into a more open, urbanized and modernized country. During this period the ideology was dampened, China’s economy grew rapidly<sup>122</sup> and the number of people living in poverty decreased rapidly too. Most CCP members were rejecting policies pushed forward by Mao, and having both personal (they themselves or their families being victims of purges) and data-based reasons to do so (Worldbank n.d.). CCP’s focus shifted from ideological to pragmatic policies and ideological campaigns, which were so prevalent during Mao’s era, were downgraded in favor of economic development (Fairbank 2006: 407).

The most significant programs of the reform period were ‘socialism with Chinese characteristics’ (*Zhongguo tese shehui zhuyi* 中国特色社会主义), which intended to establish market economy and encourage participation in international trade, while maintaining the Communist party-state (Fairbank 2006: 407-408, Mühlhahn 2019: 502), and the Four Modernizations (*Si ge xiandaihua* 四个现代化), firstly introduced by Zhou Enlai as early as 1963. The Four Modernizations were one of the ways of strengthening the national economy and they focused on the fields of agriculture, industry, defense, and science and technology, however their implementation was delayed due to Cultural Revolution. Jones considers the emphasis on Four Modernizations in this period to be the most noticeable aspect of political life in PRC in the period of 1980s and 1990s (Jones 1985: 725).

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<sup>122</sup> It was during the 1980s and 1990s, and the first few years of the 21<sup>st</sup> century, that China’s economy became the fastest growing economy in the world at that time and one of the fastest growing in history.

Jones also points out that many of principles, for which Deng was criticized and purged during Cultural Revolution as well as in the period of 1975 till 1976, became the guiding principles of the country after 1978. Such principles include Deng's theories on education, in which he advocated for more attention to be paid to theory than to practice, seeking the truth, emphasis on economic production under the theory of productive forces, as opposed to class struggle and many more (Jones 1985: 725-726). These principles were naturally also reflected in the 1982 Constitution. For example, the 1982 Constitution claims that China will stay in the period of socialism for a long time and that the main task of the country is the process of socialist modernization (Xianfa 1982: preamble). This statement implies the Four Modernizations, which are not mentioned directly in the text, but "their spirit governs" (Jones 1985: 727).

#### **4.1.1 Articles related to workers in the 1982 Constitution**

The 1982 Constitution is the longest and the most detailed constitution I have analyzed in this thesis. However, the number of articles related to workers has not substantially increased, it is the same as in the 1978 Constitution, at around 15 articles. The small number of articles is telling in itself, since the 1980s mark the start of the reform period and substantial changes in the forms of the ownership of the means of production, which undoubtedly influenced the legal, and mostly societal, status of workers. However, this period later saw introduction of two important labor-related laws, which I will analyze in the later part of the chapter and these can, to a certain extent, make up for the small number of articles related to workers in the 1982 Constitution. In this section, I am working with the unamended version from 1982. The amendments will be analyzed in the section 4.1.2.

The preamble states that:

The socialist transformation of private ownership of the means of production has been completed, the system of exploitation of man by man abolished, and a socialist system established. The people's democratic dictatorship led by the working class and based on an alliance of workers and peasants, which in essence is a dictatorship of the proletariat, has been consolidated and developed. (Xianfa 1982: preamble, translation by State Council 2019)<sup>123</sup>

According to these statements, workers are now the leaders, just like the previous constitutions stated. In the previous chapters, I have already touched upon the issue of workers being the leaders of the state and that it is not as certain as the constitution makes it seem. Additionally, the period which is covered by the 1982 Constitution is, even more so than the

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<sup>123</sup> “中华人民共和国成立以后，我国社会逐步实现了由新民主主义到社会主义的过渡。生产资料私有制的社会主义改造已经完成，人剥削人的制度已经消灭，社会主义制度已经确立。工人阶级领导的、以工农联盟为基础的人民民主专政，实质上即无产阶级专政，得到巩固和发展。” (Xianfa 1982: preamble)

previous period, marked by capitalist elements re-entering the economy. It is therefore expected that there will be major differences in workers' legal and social standing.

The preamble states that in the process of building socialism, it is necessary to rely on the workers, peasants and intellectuals (Xianfa preamble).<sup>124</sup> This shows that workers are still an important part of society, but they are no longer the sole driving force the way they were portrayed to be in the 1950s. The preamble also claims that the exploiting classes have been eliminated, but class struggle does still exist. The preamble does not state specifically which classes are to be fought against, just “the people of China must fight against those domestic and foreign forces and elements that are hostile to and undermine our country’s socialist system.” (Xianfa 1982: preamble, translation by the State Council 2019)<sup>125</sup> Such formulation offers a flexible interpretation, whether it comes to the ‘forces’ and ‘elements’ or to the ‘socialist system’. Anyone could belong to any group, and anything can become or stop being part of the socialist system, it is up to CCP’s interpretation of these terms. Before 1982, the working class was acknowledged as the leading force, in accordance with the ideology of socialism and the constitutions stated more clearly which forces were to be fought against (e.g. 1954 Constitution art. 10, which restricts capitalists (Xianfa 1954: 10), or Article 19 which temporarily deprives landlords and bureaucrat-capitalists of political rights (Xianfa 1954: 19)).

Article 1 states that PRC is a socialist state under the people’s democratic dictatorship, which is led by the working class, based on alliance of workers and peasants (Xianfa 1982: art. 1).<sup>126</sup> This shows that working class is theoretically still regarded as the leading force, but according to Jones, the ‘people’s democratic dictatorship’ is supposed to be just a code term, which can include intellectuals and former capitalists. These two groups, which were crucial in the reform period, could be labelled as ‘people’ or ‘workers’ but definitely not ‘proletariat’. Stating that China is people’s democratic dictatorship meant that the abovementioned groups could be part of the dictatorship, and not the target of it (Jones 1985: 726-727). This points to the beginning of the process in which workers slowly but surely lose their, in a way privileged status, and go from a respected part of the society, to one which is not the main focus of the state’s attention and efforts.

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<sup>124</sup> “社会主义的建设事业必须依靠工人、农民和知识分子” (Xianfa 1982: preamble)

<sup>125</sup> “中国人民对敌视和破坏我国社会主义制度的国内外的敌对势力和敌对分子，必须进行斗争。” (Xianfa 1982, preamble)

<sup>126</sup> “中华人民共和国是工人阶级领导的、以工农联盟为基础的人民民主专政的社会主义国家。” (Xianfa 1982: art. 1)

Similarly to the 1954 Constitution, the 1982 Constitution proposes that all citizens, but also state organs, armed forces, political parties, public organizations, all enterprises etc. must follow the constitution, uphold it and ensure its implementation (Xianfa 1982: preamble).<sup>127</sup> The number of categories of people required to obey the constitution by the constitution has increased in comparison with the 1954 Constitution (previously it extended only to workers and those employed in government institutions). The obligation to obey the constitution is also repeated in Article 5, this time with focus on state organs, armed forced, political parties, public organizations and all enterprises and undertakings (Xianfa art. 1).<sup>128</sup> Article 5, as a reaction to events of 1960s and early 1970s, also states that no organization or individual may enjoy the privilege of being above the constitution and the law (Xianfa art. 5).<sup>129</sup> This might seem irrelevant in regards to working class, however as Mitchell (and others) point out, there is a strong relation in historical narration of PRC (and CCP) and constitutionalism, and this relation might be helpful in identifying future trends (Mitchell 2022: 29).

Mitchell draws parallels between the 1954 and 1982 Constitution. He shows that the adoption of new policies was preceded by CCP's consensus regarding the history, errors of previous leaders and guiding principles for the future. One of the examples can be seen in how the 1982 Constitution uses the reintroduction of the position of the state chairman to distance itself from Mao's policies which are now understood as faulty. The position of the state chairman and Party leader were initially intended to be strictly separated, but that did not even last until the 21<sup>st</sup> century. In Xi Jinping's era, the tide seems to be turning toward concentration of power in one individual's hands again. It is impossible to predict what the future of constitutionalism in China will look like, but there is a possibility that in a few years we will again see limitations imposed on individual's power (Mitchell 2022: 28-29).

The influence of the inter-Party consensus is also partly emphasized in Article 15. This article states that the state has put socialist market economy into practice and that it forbids any units or individuals from interfering with the social economic order (Xianfa 1982: art. 15).<sup>130</sup>

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<sup>127</sup> “本宪法以法律的形式确认了中国各族人民奋斗的成果，规定了国家的根本制度和根本任务，是国家的根本法，具有最高的法律效力。全国各族人民、一切国家机关和武装力量、各政党和各社会团体、各企业事业组织，都必须以宪法为根本的活动准则，并且负有维护宪法尊严、保证宪法实施的职责。” (Xianfa 1982: preamble)

<sup>128</sup> “一切法律、行政法规和地方性法规都不得同宪法相抵触。一切国家机关和武装力量、各政党和各社会团体、各企业事业组织都必须遵守宪法和法律。” (Xianfa 1982: art. 1)

<sup>129</sup> “任何组织或者个人都不得有超越宪法和法律的特权。” (Xianfa 1982: art. 5)

<sup>130</sup> “国家在社会主义公有制基础上实行计划经济。[。。。] 禁止任何组织或者个人扰乱社会经济秩序，破坏国家经济计划。” (Xianfa 1982: art. 15)

The obligation to obey the constitution is again repeated in Article 53, which states that all citizens must abide the Constitution and the law (Xianfa 1982: art. 53), as well as observe labor discipline (Xianfa 1982: art. 53).<sup>131</sup>

Article 6 states that socialist public ownership, namely ownership by the whole people and collective ownership by the working people, is the basis of the socialist economic system of PRC (Xianfa 1982: art. 6).<sup>132</sup> Article 7 seconds this notion by stating that state-owned economy is the leading force of national economy and that the state ensures consolidation and growth of state-owned economy (Xianfa 1982: art. 7).<sup>133</sup> This points to persisting preferred standing of state-owned enterprises, and by extension implies that these are the privileged enterprises. The constitution guaranteed some privileges to the working class (both industrial and agricultural workers), such as the right of private farming of land plots granted in Article 8 (Xianfa 1982: art. 8).<sup>134</sup> The article is about rural collective economic organizations, and it specifically mentions that working people who are members of rural economic collectives have the right to farm plots of land for private use, engage in household sideline production and raise privately owned livestock. The article further states that forms of cooperative economy in cities and towns (handicraft, industrial, building, transport, commercial and service trades) all belong to the sector of economy under collective ownership by the working people and that these collectives are protected by the state, as well as state encouraging, guiding and helping the growth of the collective economy (Xianfa 1982: art. 8).<sup>135</sup> Unlike the constitutions of 1975 and 1978, during which the economy was fully controlled by the state and permitted only two forms of the means of production, the 1982 Constitution in Article 11 states that the individual economy is a complement to the socialist public economy (Xianfa 1982: art. 11).<sup>136</sup> This way, a form of capitalist ownership makes its way back into the constitution, and also into daily lives of the Chinese.

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<sup>131</sup> “中华人民共和国公民必须遵守宪法和法律 [。。。] 遵守劳动纪律” (Xianfa 1982: art. 53)

<sup>132</sup> “中华人民共和国的社会主义经济制度的基础是生产资料的社会主义公有制，即全民所有制和劳动群众集体所有制。” (Xianfa 1982: art. 6)

<sup>133</sup> “国营经济是社会主义全民所有制经济，是国民经济中的主导力量。国家保障国营经济的巩固和发展。” (Xianfa 1982: art. 7)

<sup>134</sup> “参加农村集体经济组织的劳动者，有权在法律规定的范围内经营自留地、自留山、家庭副业和饲养自留畜。” (Xianfa 1982: art. 8)

<sup>135</sup> “城镇中的手工业、工业、建筑业、运输业、商业、服务业等行业的各种形式的合作经济，都是社会主义劳动群众集体所有制经济。国家保护城乡集体经济组织的合法的权利和利益，鼓励、指导和帮助集体经济的发展。” (Xianfa 1982: art. 8)

<sup>136</sup> “在法律规定范围内的城乡劳动者个体经济，是社会主义公有制经济的补充。” (Xianfa 1982: art. 11)

According to the Article 14, the state raises labor productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of working people, improving their skills, improving and disseminating advanced science and technology, improving the systems of economic administration, enterprise operation and management, instituting the socialist system of responsibility in various forms and improving organization of work (Xianfa art. 14).<sup>137</sup> This shows that state was, at least to a certain degree, committed to improving the working conditions of the people.

Article 16 increases the involvement of workers in management, which was one of the issues of the protests in the 1950s. The article specifically states that state-owned enterprises practice democratic management through congresses of workers and staff and in other way in accordance with the law (Xianfa 1982: art. 16).<sup>138</sup> Article 27 is about administration, which is intended to improve quality of work and combat bureaucratism (Xianfa 1982: art. 27). Additionally, the same article states that all state organs and functionaries must rely on the support of the people and listen to their opinions while working hard to serve the people (Xianfa 1982: art. 27).<sup>139</sup>

Chapter 2 of the 1982 Constitution contains the most extensive list of rights out of any Chinese constitutions. The right and duty to labor<sup>140</sup> is mentioned in Article 42 (Xianfa 1982: art. 42). In the same article the state vows to create conditions for employment, strengthen labor protection, improve working conditions and also increase remuneration for work and social benefits (Xianfa 1982: art. 42). Work is described as glorious duty of every able-bodied citizen (Xianfa 1982: art. 42), and workers are encouraged to perform their tasks with an attitude consistent with their status as masters of the country (Xianfa 1982: art. 42). The article further states that the state promotes socialist labor emulation and rewards model and advanced workers, as well as encourages citizens to participate in voluntary labor (Xianfa 1982: art. 42). Lastly, the article states that the state provides vocational training to citizens before they are

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<sup>137</sup> “国家通过提高劳动者的积极性和技术水平，推广先进的科学技术，完善经济管理体制和企业经营管理制度，实行各种形式的社会主义责任制，改进劳动组织，以不断提高劳动生产率和经济效益，发展社会生产力。” (Xianfa 1982: art. 14)

<sup>138</sup> “国营企业依照法律规定，通过职工代表大会和其他形式，实行民主管理。” (Xianfa 1982: art. 16)

<sup>139</sup> “一切国家机关实行精简的原则，实行工作责任制，实行工作人员的培训和考核制度，不断提高工作质量和工作效率，反对官僚主义 [。。。] 一切国家机关和国家工作人员必须依靠人民的支持，经常保持同人民的密切联系，倾听人民的意见和建议，接受人民的监督，努力为人民服务。” (Xianfa 1982: art. 27)

<sup>140</sup> The chapter starts with Article 33; in comparison with the 1954 Constitution, in which the chapter starts with article 85 and the right to work is mentioned in Article 91, making it seem as if the right to labor is less important.

employed (Xianfa 1982: art. 42).<sup>141</sup> This article is similar in contents with Article 91 in the 1954 Constitution, but is also considerably longer than the latter article. This might point to the state trying to keep the position of workers as the leading class as stable as possible, despite China slowly stepping away from strongly state-controlled economy and welcoming foreign investment. Throughout the constitution, the position of workers as the leading class or master of the country is highlighted several times, but their position is simultaneously becoming slightly undermined (e.g. the change from dictatorship of the proletariat to people's democratic dictatorship).

Article 43 states that working people have the right to rest and that the state expands facilities for rest and recuperation, as well as prescribes working hours and vacations (Xianfa 1982: art. 43).<sup>142</sup> I would like to point out that the 1975 Constitution is the only constitution which does not mention any prescribed working hours, but despite all the other constitutions writing this regulation into the text, the workers often worked overtime, usually due to pressure to fulfill the quota given by the state. Article 44 is about the retirement system and states that the state provides a system of retirement for workers and staff in enterprises, undertaking and for functionaries of organs of the state (Xianfa 1982: art. 44).<sup>143</sup> It also states that the livelihood of retired personnel is ensured by the state and society (Xianfa 1982: art. 44).<sup>144</sup> This is a significant improvement, the previous constitutions have no mention of retirement. Article 48 is about equality of men and women, stating that women and men should receive equal pay for their work (Xianfa 1982: art. 48).<sup>145</sup> Similar comments can be made about this article, as De Heer has made about Article 53 in the 1978 Constitution. The need of constitution writers to highlight the equality in pay might just as well point to the difficulty in reaching this goal (De Heer 1978: 319).

#### **4.1.2 Amendments to the 1982 constitution in relation to workers**

The 1982 Constitution went through five rounds of amendments so far, but none of them were directly related to workers. Some amendments have indirectly influenced the workers' real-life

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<sup>141</sup> “中华人民共和国公民有劳动的权利和义务 [。。。] 国家通过各种途径，创造劳动就业条件，加强劳动保护，改善劳动条件，并在发展生产的基础上，提高劳动报酬和福利待遇 [。。。] 劳动是一切有劳动能力的公民的光荣职责 [。。。] 国营企业和城乡集体经济组织的劳动者都应当以国家主人翁的态度对待自己的劳动 [。。。] 国家提倡社会主义劳动竞赛，奖励劳动模范和先进工作者。国家提倡公民从事义务劳动。” (Xianfa 1982: art. 42)

<sup>142</sup> “中华人民共和国劳动者有休息的权利。国家发展劳动者休息和休养的设施，规定职工的工作时间和休假制度。” (Xianfa 1982: art. 43)

<sup>143</sup> “国家依照法律规定实行企业事业组织的职工和国家机关工作人员的退休制度。” (Xianfa 1982: art. 44)

<sup>144</sup> “退休人员的生活受到国家和社会的保障。” (Xianfa 1982: art. 44)

<sup>145</sup> “实行男女同工同酬” (Xianfa 1982: art. 48)

situation or legal standing, and in the following section, I will analyze those. Many of the amendments are much more extensive than I will describe, but my main goal for this section is to show the scope of the amendments in regards to workers and highlight some trends which accompanied each round of amendments.<sup>146</sup>

In the first round of amendments, a new paragraph was added to Article 11 in 1988. The article now permits the existence of the private sector of the economy and states that it is a complement to the socialist public economy. The state is still exercising control over the private sector (Xiuzhengan 1988: art. 1).<sup>147</sup> This change aligned with the theory of ‘socialism with Chinese characteristics’ and provided legal backing for the economic reforms. The state keeping the control over the private sector of the economy was potentially beneficial for workers, since the state was expected to fulfil the promises in the constitution. The private enterprises on the other hand, were more difficult to control and had more freedom and flexibility in the management and operation. However, in reality, the iron rice-bowl was being shattered, so even the SOE’s could no longer provide the benefits it used to.

The second round of amendments happened in 1993<sup>148</sup> and was a bit more extensive, amending eight articles (and also added a sentence to the preamble), a few of which were relevant for the workers. This round of amendments provided even more legal support for the economic reforms. The preamble now explicitly states that the main task of the country is to build socialism with Chinese characteristics and modernize the country, as well as open up to the world (Xiuzhengan 1993: art. 3).<sup>149</sup> Article 15, which originally stated that the state practices planned economy on the basis of socialist public ownership (Xianfa 1982: art. 15),<sup>150</sup> was changed as well. The state now practices socialist market economy (Xiuzhengan 1993: art. 7).<sup>151</sup> This round of amendments is an important turning point in Chinese economy from the legal standpoint, since the constitution now explicitly states that China practices socialist market economy.

This round of amendments also tried to tackle some issues in management. Article 16 originally stated that the SOEs have decision-making power when it comes to operation and

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<sup>146</sup> For a more detailed and comprehensive analysis of the amendments, see Albert 2019.

<sup>147</sup> “国家允许私营经济在法律规定的范围内存在和发展。私营经济是社会主义公有制经济的补充。国家保护私营经济的合法的权利和利益，对私营经济实行引导、监督和管理” (Xiuzhengan 1988: art. 1)

<sup>148</sup> For more information, see Conner 1993.

<sup>149</sup> “国家的根本任务是，根据建设有中国特色社会主义的理论，集中力量进行社会主义现代化建设；坚持改革开放” (Xiuzhengan 1993: art. 3)

<sup>150</sup> “国家在社会主义公有制基础上实行计划经济” (Xianfa 1982: art. 15)

<sup>151</sup> “国家实行社会主义市场经济” (Xiuzhengan 1993: art. 7)

management, as long as they submit to unified leadership by the state and fulfill their obligations under the state plan. The article also states that the state enterprises practice democratic management through congresses of workers and staff (Xianfa 1982: art. 16).<sup>152</sup> The amended version now states that state-owned enterprises have decision-making power with regard to operations within the limits prescribed by law and that state-owned enterprises practice democratic management through congresses of workers and staff (Xiuzhengan 1993: art. 8).<sup>153</sup> The most striking difference is the absence of the obedience to the leadership of the party, but in regards to this thesis, I find it important to mention that the part regarding congresses of workers had not been changed. How effective and active were these congresses in reality? The role of workers' congresses has not received much attention. Gunderson, Byron and Wang Hui aim to challenge that notion and claim that the congresses were quite diverse in their make-up: "They are to include representatives of blue-collar workers, technical and managerial staff and leading cadres who were also often members of the Communist Party of China." (Gunderson, Byron and Wang 2024: 45) The representatives were elected from the employees of each department and each level in the enterprise (Gunderson, Byron and Wang 2024: 45). The authors conclude that the workers' congresses do matter, because they provide a platform for workers to voice their concerns, and according to their analysis, the congresses were helpful in providing the labor contracts for workers, as well as positively impacting the amount of financial compensation (Gunderson, Byron and Wang 2024: 45, 55-56).

The 1982 non-amended version of Article 17 stated that the entire body of workers elects or removes their managerial personnel and decides on major issues concerning operation and management (Xianfa 1982: art. 17).<sup>154</sup> This statement was later changed into collective economic organizations practicing democratic management, electing and removing their managerial personnel in accordance with the law and deciding major issues concerning operation and management (Xiuzhengan 1993: art. 9).<sup>155</sup> This round of amendments, other than explicitly providing legal framework for the market economy, showed that the government was aware of the issues workers had with management, but the new changes are not in workers'

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<sup>152</sup> “国营企业在服从国家的统一领导和全面完成国家计划的前提下，在法律规定的范围内，有经营管理的自主权。国营企业依照法律规定，通过职工代表大会和其他形式，实行民主管理” (Xianfa 1982: 16)

<sup>153</sup> “国有企业在法律规定的范围内有权自主经营。国有企业依照法律规定，通过职工代表大会和其他形式，实行民主管理” (Xiuzhengan 1993: art. 8)

<sup>154</sup> “集体经济组织依照法律规定实行民主管理，由它的全体劳动者选举和罢免管理人员，决定经营管理的重大问题” (Xianfa 1982: art. 17)

<sup>155</sup> “集体经济组织实行民主管理，依照法律规定选举和罢免管理人员，决定经营管理的重大问题” (Xiuzhengan 1993: art. 8)

favor. It seems that the workers were being indirectly excluded from the decision-making process, since democratic management is characterized by cooperative decision making, while the manager has the final say and therefore the ultimate decision is up to the manager, and not the workers and their representatives.

Changes to Article 42 are very small in word count, but big in their meaning. Originally, the article stated that workers in state-run (*guoying* 国营) enterprises should treat their labor with the attitude of national masters. The amendment changed it to workers in state-owned (*guoyou* 国有) enterprises should treat their labor with the attitude of national masters (Xiuzhengan 1993: art. 10). This was another instance in which the new economic policy was firmly planted into the constitution. What is important for this thesis, is that no matter the type of economy, workers were still labelled as masters of the country in the constitution. However, that does not mean they were treated as such in reality, because economic gains and development were heavily prioritized.

The 1999 amendments were significant in several aspects, e.g. Deng Xiaoping's theory was officially written into the constitution, alongside Marxism, Leninism and Mao Zedong thought (Xiuzhengan 1999: art. 12). This round of amendments also further confirmed China's economic transformation.

Article 6 was slightly revised, the principle of 'from each according to his ability, to each according to his work' is kept, but a new section is added after it, which states that during the primary stage of socialism, the state adheres to the basic economic system with the public ownership remaining dominant, while other sectors of the economy develop side by side. The distribution according to work remains dominant, but the constitution at the same time permits the coexistence of a variety of modes of distribution. (Xiuzhengan 1999: art. 24).<sup>156</sup> Such changes further support the economic reforms China has undertaken. The best reflection of that is the Article 11, which has been amended each time, and the 1999 round was no exception. After 1999, the article now states that individual, private and other non-public economies that

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<sup>156</sup> “社会主义公有制消灭人剥削人的制度，实行各尽所能、按劳分配的原则。国家在社会主义初级阶段，坚持公有制为主体、多种所有制经济共同发展的基本经济制度，坚持按劳分配为主体、多种分配方式并存的分配制度” (Xiuzhengan 2004: art. 22)

exist within the limits prescribed by law, are major components of the socialist market economy and that the state protects their rights and guides them (Xiuzhengan 1999: art. 16).<sup>157</sup>

Not many of the 2004 amendments were related to the workers, but many of them were very significant.<sup>158</sup> Socialism with Chinese characteristics was changed into Chinese-style socialism (Xiuzhengan 2004: art. 18) and Article 33 now states that the State respects and preserves human rights (Xiuzhengan 2004: art. 24).<sup>159</sup> A clause was added to Article 14, which promises that the State establishes a sound social security system compatible with the level of economic development (Xiuzhengan 2004: art. 23).<sup>160</sup> Previous rounds of amendments were mostly focused on changes related to economic and political reforms, and it seems that the government now wanted to pay more attention to its citizens and their rights. This round of amendments also allowed the citizens to own private property - Article 13 now states that Citizens' lawful private property is inviolable and that the State protects the rights of citizens to private property and to its inheritance (Xiuzhengan 2004: art. 22).<sup>161</sup>

Article 11 has been amended again. The state encourages, supports and guides the development of the non-public sectors of the economy and exercises supervision and control over the non-public sectors of the economy (Xiuzhengan 2004: art. 21).<sup>162</sup>

In many instances, the 2004 round of amendments was the one which might have brought the most direct benefits to the citizens, including workers, and it might have increased the feeling of legal protection due to clause in Article 33. However, the China Human Rights Reports by TFD from this period often mention the violation of social rights in regards to workers (TFD 2004, TFD 2005, TFD 2006...).

The last round of amendments so far took place in 2018 and it was also significant in many ways, mostly politically. Amended preamble now replaces rule by law (*fazhi* 法制) with rule of law (*fazhi* 法治) (Xiuzhengan 2018: art. 32), and the period of reforms was now officially

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<sup>157</sup> “在法律规定范围内的个体经济、私营经济等非公有制经济，是社会主义市场经济的重要组成部分。国家保护个体经济、私营经济的合法的权利和利益。国家对个体经济、私营经济实行引导、监督和管理” (Xiuzhengan 1999: art. 16)

<sup>158</sup> For better context, see Killion 2005 or Li Li 2005.

<sup>159</sup> “国家尊重和保障人权” (Xiuzhengan 2004: art. 24)

<sup>160</sup> “国家建立健全同经济发展水平相适应的社会保障制度” (Xiuzhengan 2004: art. 23)

<sup>161</sup> “公民的合法的私有财产不受侵犯。国家依照法律规定保护公民的私有财产权和继承权。国家为了公共利益的需要，可以依照法律规定对公民的私有财产实行征收或者征用并给予补偿” (Xiuzhengan 2004: art. 22)

<sup>162</sup> “国家保护个体经济、私营经济等非公有制经济的合法的权利和利益。国家鼓励、支持和引导非公有制经济的发展，并对非公有制经济依法实行监督和管理” (Xiuzhengan 2004: art. 21)

written into the history of the country. This round is also characterized by the strengthening of CCP's presence in the constitution. For example, Article 1 now has an added clause of leadership by the Communist Party of China being the defining feature of socialism with Chinese characteristics (Xiuzhengan 2018: art. 36).<sup>163</sup> Article 27 has an added paragraph which states that the State employees, when assuming office, should make a public pledge of allegiance to the Constitution in accordance with the provisions of law (Xiuzhengan 2018: art. 40).<sup>164</sup> Feng Lin comments that unlike the previous rounds of amendments, the 2018 amendments have been mostly criticized. The main reason for criticism is that many of the amendments are seen as a major step back in Chinese constitutional development. However, Feng partly challenges this negative notion by saying that leadership of CCP is a persistent feature of Chinese politics, so the amendments will probably not bring about much change (Feng Lin 2019: 11).

## **4.2 Other legal provisions from the period of 1982 till 2019**

In the following section I will analyze the Labor Law of 1995 and the Labor Contract Law of 2008. Both of these laws serve as the basis for legal standing of workers. Due to limits on the length of the thesis, I have chosen chapters and articles which are relevant to problems that workers were facing in the period of 1982 till 2018, which I will describe in section 4.3.

### **4.2.1 Labor Law of 1995**

The Labor Law of the People's Republic of China has been in effect since 1995 and serves as the fundamental set of principles for workers. Labor Law consists of 13 chapters, with each chapter dedicated to a certain sphere of workers' lives. Article 1 states that the labor law is formulated in accordance with the Constitution in order to protect legitimate rights and interests of laborers etc. (Labor Law 1995: art. 1).<sup>165</sup> Article 2 stipulates that the Law applies to enterprises, individual economic organizations and laborers working in China (Labor Law 1995: art. 2).<sup>166</sup> According to Wang et al., the Labor Law was ambiguous and vague, and the workers were not educated about its contents, which allowed employers to use the regulations in their favor and twist the interpretation of the law (Wang et al. 2009: 486).

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<sup>163</sup> “中国共产党领导是中国特色社会主义最本质的特征” (Xiuzhengan 2018: art. 36)

<sup>164</sup> “国家工作人员就职时应当依照法律规定公开进行宪法宣誓” (Xiuzhengan 2018: art. 40)

<sup>165</sup> “为了保护劳动者的合法权益” (Labor Law 1995: art. 1)

<sup>166</sup> “在中华人民共和国境内的企业、个体经济组织（以下统称用人单位）和与之形成劳动关系的劳动者，适用本法。” (Labor Law 1995: article 2)

Article 3 enumerates the rights of laborers. It is a crucial section of the document, because it provides the legal framework for how workers are treated and what is expected of them. According to the Law, they have equal right to employment and choice of occupation, the right to remuneration for labor, the right to rest, the right to protection of occupational safety and health, the right to training in vocational skills, the right to social insurance and welfare etc. (Labor Law 1995: art. 3).<sup>167</sup> In turn, laborers are required to fulfill their labor tasks, improve their skills, follow rules on safety and health, as well as observe labor discipline and professional ethics (Labor Law 1995: art. 3).<sup>168</sup> Article 7 states that laborers have the right to participate and organize trade unions in accordance with the law (Labor Law 1995: art. 7).<sup>169</sup> Article 12 states that laborers should not be discriminated against in employment due to any reasons (ethnic group, race, sex, religious belief) (Labor Law 1995: art. 12).<sup>170</sup> Article 13 seconds this notion by stating that women are to enjoy equal right to employment, with the exception of work or post unsuitable to women (Labor Law 1995: art. 13).<sup>171</sup> Article 56 states that laborers have to strictly obey the rules on safe operation in the working process (Labor Law 1995: art. 56),<sup>172</sup> but at the same time the laborers have the right to refuse working under unsafe conditions, as well as have the right to criticize, report or file charges against any acts endangering the safety of their life or health (Labor Law 1995: art. 56).<sup>173</sup> Overall, this chapter of the Labor Law provides a good basis for protecting the workers' rights and is much more extensive the previous legal provisions of similar nature.

Chapter 4 is dedicated to working hours, rest and vacations. The constitution does include set working hours (Xianfa 1982: 43), but does not specify the range in any way. Article 36 states that State should practice a working system in which laborers work for no more than 8 hours per day and no more than 44 hours a week on average (Labor Law 1995: art. 36).<sup>174</sup> The workers are to be guaranteed at least one day off in a week (Labor Law 1995: art. 38).<sup>175</sup>

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<sup>167</sup> “劳动者享有平等就业和选择职业的权利、取得劳动报酬的权利、休息休假的权利、获得劳动安全卫生保护的权利、接受职业技能培训的权利、享受社会保险和福利的权利” (Labor Law 1995: art. 3)

<sup>168</sup> “劳动者应当完成劳动任务，提高职业技能，执行劳动安全卫生规程，遵守劳动纪律和职业道德。” (Labor Law 1995: art. 3)

<sup>169</sup> “劳动者有权依法参加和组织工会。” (Labor Law 1995: art. 7)

<sup>170</sup> “劳动者就业，不因民族、种族、性别、宗教信仰不同而受歧视” (Labor Law 1995: art. 12)

<sup>171</sup> “妇女享有与男子平等的就业权利。在录用职工时，除国家规定的不适合妇女的工种或者岗位外” (Labor Law 1995: art)

<sup>172</sup> “劳动者在劳动过程中必须严格遵守安全操作规程” (Labor Law 1995: art. 56)

<sup>173</sup> “劳动者对用人单位管理人员违章指挥、强令冒险作业，有权拒绝执行；对危害生命安全和身体健康的行为，有权提出批评、检举和控告” (Labor Law 1995: art. 56)

<sup>174</sup> “国家实行劳动者每日工作时间不超过八小时、平均每周工作时间不超过四十四小时的工时制度” (Labor Law 1995: art. 36)

<sup>175</sup> “用人单位应当保证劳动者每周至少休息一日” (Labor Law 1995: art. 38)

The working hours may be extended (up to one hour a day, maximum of three hours per day, while not exceeding the limit of thirty six hours per month), but only if it is necessary and after a consultation with the laborers and the trade union (Labor Law 1995: art. 41).<sup>176</sup> The employing unit is obligated to compensate laborers for extended working hours (Labor Law art. 44)<sup>177</sup> and specifies the amount of financial compensation.

These regulations sound fairly promising and offer reasonable working hours with at least one day of rest. China however belongs to countries where annual working hours are relatively high (World in Data n.d.). This might be partly attributed to the fact that Chinese enjoy a relatively low number of public holidays. Only during the four holidays the employing unit should arrange holidays for its employees (Labor Law art. 40).<sup>178</sup> Annual vacation is also limited. Article 45 does not specify the length of annual vacation, but it does state that only those who have worked for one successive year or more are entitled to an annual paid vacation (Labor Law 1995: art. 45).<sup>179</sup>

The Labor Law does not only list rights and duties of workers, it also lists promises and obligations of the state and the employer. These are equally, if not more important, since they set the framework for how the employing units operate. The employing unit is required to establish rules and regulations in accordance with the law as to ensure the laborers can enjoy the right to work and fulfill labor obligations (Labor Law 1994: art. 4).<sup>180</sup> As for the state, it is required to use various measures to promote employment, develop vocational education, lay down labor standards, regulate incomes, perfect the social insurance system, coordinate labor relationship and gradually raise living standards of laborers (Labor Law 1995: art. 5),<sup>181</sup> as well as create conditions for employment and increase opportunities by means of promotion of economic and social development (Labor Law 1995: art. 10).<sup>182</sup> Both the employers and the state are therefore expected to provide for the employed masses, each in a slightly different area

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<sup>176</sup> “用人单位由于生产经营需要，经与工会和劳动者协商后可以延长工作时间，一般每日不得超过一小时；因特殊原因需要延长工作时间的，在保障劳动者身体健康的条件下延长工作时间每日不得超过三小时，但是每月不得超过三十六小时” (Labor Law 1995: art. 41)

<sup>177</sup> “有下列情形之一的，用人单位应当按照下列标准支付高于劳动者正常工作时间工资的工资报酬” (Labor Law 1995: art. 44)

<sup>178</sup> “元旦；春节；国际劳动节；国庆节；法律、法规规定的其他休假节日” (Labor Law 1995: art. 40)

<sup>179</sup> “劳动者连续工作一年以上的，享受带薪年休假” (Labor Law 1995: art. 45)

<sup>180</sup> “用人单位应当依法建立和完善规章制度，保障劳动者享有劳动权利和履行劳动义务。” (Labor Law 1995: art. 4)

<sup>181</sup> “国家采取各种措施，促进劳动就业，发展职业教育，制定劳动标准，调节社会收入，完善社会保险，协调劳动关系，逐步提高劳动者的生活水平。” (Labor Law 1995: art. 5)

<sup>182</sup> “国家通过促进经济和社会发展，创造就业条件，扩大就业机会。” (Labor Law 1995: art. 10)

and with various degree of involvement. For instance, in Article 10, the state is expected to encourage enterprises, institutions and public organizations to expand their business in order to increase employment (Labor Law 1995: art. 10).<sup>183</sup> The main responsibility therefore does not lie with the state, but with the employer. Yet another case in which the state is shifting the responsibility, albeit it is more understandable in the context of the economic reforms. By the time the Labor Law became effective, the constitution already underwent two rounds of amendments and capitalism was not only entering the economy, but was also supported from the legal standpoint.

Unemployment has always been an issue in PRC, and the period of 1990s is no different (Leung 1995: 139). The fact that the government was aware of this issue is reflected in the Labor Law as well. The whole Chapter 2 is dedicated to the promotion of employment, however, the responsibility to provide employment does not lie entirely within the state. According to Article 10, the state is expected to create conditions for employment and increase opportunities for enterprises.<sup>184</sup> Additionally, the state also encourages enterprises, institutions and public organizations to expand for the increase of employment (Labor Law 1995: art. 10),<sup>185</sup> but the laborers themselves are expected to achieve employment by organizing themselves or by engaging in individual businesses (Labor Law 1995: art. 10).<sup>186</sup> The state once again shifts responsibility in this way, and this shift might potentially lead to workers' frustration, since the pressure to find a job was now put almost exclusively on their shoulders. Additionally, the employment was now radically different from before, since due to the reforms, the possibility of a lifetime employment in the SOEs declined rapidly (Gang et al. 1998: 17).

In order to compare the Labor Law of 1995 and the Labor Contract Law of 2008, it is necessary to analyze Chapter 3 and its contents. The chapter establishes what is a labor contract, its potential invalidity and its structure. Article 20 distinguishes between three forms of terms – fixed term, open term and a completion of a specific assignment as a term. The Article also states that if an employee worked in the same unit for ten or more consecutive years, and the contract is to be extended, if the laborer requests a labor contract with a non-fixed term, such

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<sup>183</sup> “国家鼓励企业、事业组织、社会团体在法律、行政法规规定的范围内兴办产业或者拓展经营，增加就业。” (Labor Law 1995: art. 10)

<sup>184</sup> “创造就业条件，扩大就业机会” (Labor Law 1995: art. 10)

<sup>185</sup> “国家鼓励企业、事业组织、社会团体在法律、行政法规规定的范围内兴办产业或者拓展经营，增加就业” (Labor Law 1995: art. 10)

<sup>186</sup> “国家支持劳动者自愿组织起来就业和从事个体经营实现就业” (Labor Law 1995: art. 10)

contract should be concluded (Labor Law 1995: art. 20).<sup>187</sup> This shows that workers loyal to one unit can achieve an employment with non-fixed term, which provides job stability. This regulation might serve as a tool of control of people, so that they do not jump around different jobs and stick to only one.

The conditions under which a labor contract can be terminated are listed in Article 25. These include not being up to requirements and proving that during probation period, violating labor discipline or rules and regulations, causing losses to the employer due to neglect or malpractice for personal gains, and being investigated for criminal responsibility (Labor Law 1995: art. 25).<sup>188</sup> The first two of the abovementioned reasons for termination are phrased fairly vaguely, which gives power to the employer to terminate the contract under other circumstances as well. As long as the reason for termination is worded in accordance with legal regulation, there is not much a worker can do to keep their job, even if the actual reason for their termination has nothing to do with the causes listed in the Labor Law.

Article 28 states that in case of cancellation of labor contracts, only under circumstances described in Article 24 (mutual agreement reached through consultation), Article 26 (the employee cannot carry out the job properly, or is unqualified even after training) and Article 27 (bankruptcy, difficulties in production and management), is the employing unit required to provide financial compensation (Labor Law 1995: art. 28).<sup>189</sup> On the contrary, Article 29 also lists the instances under which the employer shall not cancel the labor contract. These include losing ability to work due to occupational injuries, receiving medical treatment within the prescribed period of time, pregnancy, puerperal or breast-feeding period (Labor Law 1995: art. 29).<sup>190</sup> These articles show that the government has the intention to protect vulnerable groups of workers.

Another problem I have touched upon in previous chapters was the problem of wages. Article 46 states that the distribution of wages shall follow the principle of distribution

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<sup>187</sup> “劳动合同的期限分为有固定期限、无固定期限和以完成一定的工作为期限 [。。。] 劳动者在同一用人单位连续工作满十年以上，当事人双方同意延续劳动合同的，如果劳动者提出订立无固定期限的劳动合同，应当订立无固定期限的劳动合同。” (Labor Law 1995: art. 20)

<sup>188</sup> “在试用期间被证明不符合录用条件的 [。。。] 严重违反劳动纪律或者用人单位规章制度的 [。。。] 严重违反劳动纪律或者用人单位规章制度的 [。。。] 严重失职，营私舞弊，对用人单位利益造成重大损害的 [。。。] 被依法追究刑事责任的” (Labor Law 1995: art. 25)

<sup>189</sup> “用人单位依据本法第二十四条、第二十六条、第二十七条的规定解除劳动合同的，应当依照国家有关规定给予经济补偿” (Labor Law 1995: art. 28)

<sup>190</sup> “患职业病或者因工负伤并被确认丧失或者部分丧失劳动能力的 [。。。] 患病或者负伤，在规定的医疗期内的 [。。。] 女职工在孕期、产期、哺乳期内的” (Labor Law 1995: art. 29)

according to work and equal pay for equal work (Labor Law 1995: art. 46).<sup>191</sup> The same article also promises gradual increase in wages on the basis of economic development and that the state exercises macro-control over the total payroll (Labor Law 1995: art. 46),<sup>192</sup> but the employing unit should independently determine the form of wage distribution and wage level for its unit (Labor Law 1995: art. 47).<sup>193</sup> On the basis of these articles, the workers could expect an increase in their wages. However, by giving the power to the employing units to determine the wages, the state again shifts the responsibility to someone else.

The workers are guaranteed minimum wage, and states that wages paid by the employing unit should not be lower than the local standards of minimum wage (Labor Law 1995: art. 48).<sup>194</sup> Article 50 states that wages shall be paid monthly and not embezzled or delayed without justification (Labor Law 1995: art. 50).<sup>195</sup> However, as I will later show, one of the causes of workers' protests in the 1990s was because their wages were not paid on time.

Chapter 6 is dedicated to occupational safety and health, and there are quite a few articles which are supposed to guarantee workers' safety. According to Article 52, the employing unit is required to establish a system of occupational safety and health, as well as carry out education among laborers in occupational safety and health, prevent work accidents and lessen occupational hazards (Labor Law 1995: art. 52).<sup>196</sup> Article 55 states that if engaged in specialized operations, the laborers must receive specialized training and acquire qualifications for such special operations (Labor Law 1995: art. 55).<sup>197</sup> Article 57 states that the State should establish a system of statistical report and dispositions of work-related accidents and deaths (Labor Law art. 57).<sup>198</sup> This is an intriguing article, because it is true that China Labour Statistical Yearbook (中国劳动统计年鉴) and China Social Statistical Yearbook (中国社会统计年鉴) both include sections on work-related injuries and deaths, but for example the website of China Labor Bulletin, which actively gathers data and news regarding this issue, is

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<sup>191</sup> “工资分配应当遵循按劳分配原则，实行同工同酬” (Labor Law 1995: art. 46)

<sup>192</sup> “工资水平在经济发展的基础上逐步提高。国家对工资总量实行宏观调控” (Labor Law 1995: art. 46)

<sup>193</sup> “用人单位根据本单位的生产经营特点和经济效益，依法自主确定本单位的工资分配方式和工资水平” (Labor Law 1995: art. 47)

<sup>194</sup> “国家实行最低工资保障制度”；“用人单位支付劳动者的工资不得低于当地最低工资标准” (Labor Law 1995: art. 48)

<sup>195</sup> “工资应当以货币形式按月支付给劳动者本人”；“不得克扣或者无故拖欠劳动者的工资” (Labor Law 1995: art. 50)

<sup>196</sup> “用人单位必须建立、健全劳动安全卫生制度”；“对劳动者进行劳动安全卫生教育，防止劳动过程中的事故，减少职业危害” (Labor Law 1995: art. 52)

<sup>197</sup> “从事特种作业的劳动者必须经过专门培训并取得特种作业资格” (Labor Law 1995: art. 55)

<sup>198</sup> “国家建立伤亡事故和职业病统计报告和处理制度” (Labor Law 1995: art. 57)

not accessible in China. The issue of workers' safety and the working conditions is another prevalent issue in PRC. Data reports by TFD pay a lot of attention to this issue and provide numerous examples in which the rights guaranteed by the Labor Law are violated (TFD 2005: 34, TDF 2011: 41, TDF 2016: 30...).

In the chapter dedicated to period of the 1954 Constitution, I have discussed the Labor Insurance Law of 1951. More than forty years later, the issue of social insurance became integrated into the Labor Law and Chapter 9 contains stipulation related to social insurance and welfare. The state shall establish a social insurance system and set up social insurance funds, in order for laborers to receive assistance and compensations due to old age, illness, work-related injury, unemployment and childbirth (Labor Law 1995: art. 70).<sup>199</sup> Article 72 states that the employing unit must participate in social insurance and pay social insurance premiums (Labor Law 1995: art. 72).<sup>200</sup> Article 73 lists circumstances under which the laborers are entitled to social insurance benefits in accordance with the law. These include being retired, being ill or injured, being injured or disabled while on duty or contracted with occupational diseases, being unemployed, or childbirth (Labor Law 1995: art. 73).<sup>201</sup> Additionally, in case of death of a laborer, the surviving family members are also entitled to subsidies according to law (Labor Law 1995: art. 73).<sup>202</sup> These articles show the willingness of the state to provide for its working citizens, but even despite the best efforts, social insurance is still not available to everyone, despite the official sources claiming that the insurance funds are increasing (TFD 2005: 107). Labor Insurance Law of 1951 it was explicitly stated that the employing unit is responsible for paying the insurance and that the insurance is not to be deducted from the wages (LIL 1951: art. 8). Labor Law of 1995 lacks such a statement. The main tasks of the employing unit are to create conditions to improve collective welfare and increase social benefits (Labor Law 1995: art. 76).<sup>203</sup>

In previous chapters I have shown that workers often turned to protests as the last resort. Protests were most of the time preceded by unsuccessful attempts to negotiate with the superiors. In order to set clear rules for handling labor disputes, and possibly to prevent more protests,

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<sup>199</sup> “国家发展社会保险事业，建立社会保险制度，设立社会保险基金，使劳动者在年老、患病、工伤、失业、生育等情况下获得帮助和补偿” (Labor Law 1995: art. 70)

<sup>200</sup> “社会保险基金按照保险类型确定资金来源” (Labor Law 1995: art. 72)

<sup>201</sup> “劳动者在下列情形下，依法享受社会保险待遇：（一）退休；（二）患病、负伤；中华人民共和国劳动法；（三）因工伤残或者患职业病；（四）失业；（五）生育。” (Labor Law 1995: art. 73)

<sup>202</sup> “劳动者死亡后，其遗属依法享受遗属津贴” (Labor Law 1995: art. 73)

<sup>203</sup> “用人单位应当创造条件，改善集体福利，提高劳动者的福利待遇” (Labor Law 1995: art. 76)

Article 77 states that disputes can be solved by means of mediation, consultation, arbitration or take legal proceedings (Labor Law 1995: art. 77).<sup>204</sup> The Labor Law describes in detail how such action should proceed (Articles 79 and 80 are devoted to mediation, Articles 81 and 82 set rules for arbitration). The fact that the Labor Law includes such regulations possibly shows the state's willingness to appease workers before they start protesting. After all, 1995 was just a few years after the workers' participation in the 1989 series of protests. Presumably, also in order to avoid strikes and protests, the Labor Law includes an extensive chapter about the legal responsibility of the employing unit. For example, the employing unit is to be fined if it extends working hours of laborers (Labor Law 1995: art. 90),<sup>205</sup> or when the employing unit violates enumerated rights of laborers, the employer is to pay remuneration of wages etc. The enumerated rights include: delays in wage payments, refusal to pay for overtime work, paying laborers less than minimum wage, or to not compensate laborers in case of cancelation of a labor contract, if they are entitled to it (Labor Law 1995: 91).<sup>206</sup> Article 92 states that if the conditions of occupational safety and health conditions do not comply with the state's provisions, the employing unit might be fined, or if the conditions are exceptionally serious, the production might be stopped (Labor Law 1995: art. 92)<sup>207</sup> If the laborers are forced to work under unsafe conditions, resulting in injuries and deaths, the responsible person in charge is to be criminally investigated (Labor Law 1995: 93).<sup>208</sup> Majority of the articles in this chapter are aimed at the employing unit and its legal responsibility. There is only one article which discusses the legal responsibility of the laborer (Labor Law 1995: 102). The ratio tells us that the intention of the Labor Law really was to protect the workers, at least on paper. However, in

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<sup>204</sup> “用人单位与劳动者发生劳动争议，当事人可以依法申请调解、仲裁、提起诉讼，也可以协商解决。调解原则适用于仲裁和诉讼程序。” (Labor Law 1995: art. 77)

<sup>205</sup> “用人单位违反本法规定，延长劳动者工作时间的，由劳动行政部门给予警告，责令改正，并可以处以罚款。” (Labor Law 1995: art. 90)

<sup>206</sup> “用人单位有下列侵害劳动者合法权益情形之一的，由劳动行政部门责令支付劳动者的工资报酬、经济补偿，并可以责令支付赔偿金：

（一）克扣或者无故拖欠劳动者工资的；

（二）拒不支付劳动者延长工作时间工资报酬的；

（三）低于当地最低工资标准支付劳动者工资的；

（四）解除劳动合同后，未依照本法规定给予劳动者经济补偿的。” (Labor Law 1995: art. 91)

<sup>207</sup> “用人单位的劳动安全设施和劳动卫生条件不符合国家规定或者未向劳动者提供必要的劳动防护用品和劳动保护设施的，由劳动行政部门或者有关部门责令改正，可以处以罚款；情节严重的，提请县级以上人民政府决定责令停产整顿；对事故隐患不采取措施，致使发生重大事故，造成劳动者生命和财产损失的，对责任人员依照刑法有关规定追究刑事责任。” (Labor Law 1995: art. 92)

<sup>208</sup> “用人单位强令劳动者违章冒险作业，发生重大伤亡事故，造成严重后果的，对责任人员依法追究刑事责任。” (Labor Law 1995: art. 93)

reality, many of the workers' rights are often violated and the employing unit is not held responsible in any way. I will show this in section 4.3.

#### **4.2.2 Labor Contract Law of 2008**

Labor Contract Law of 2008 went into effect on January 1, 2008 after a series of layoffs (series of staff-sacking scandals) in many companies all around China. ACFTU played major role in putting the law forward, one of the few instances in which ACFTU was active and helpful (Li 2024: 67). On the other hand, Wang et al. claim that the Labor Contract Law was a way for ACTFU “to win for itself a measure of institutional and ideological legitimacy” (Wang et al. 2009: 485), so its motivation may not have been exactly selfless. China Human Rights Report from 2006 comments on the draft of the Labor Contract Law (released March 21<sup>st</sup>, 2006) and claims this draft “not only is this law unable to limit the management, but it is in fact a subtle means of violating the workers' interests” (TFD 2006: 30). However, the final version promulgated in 2008 contains many improvements, and the 2009 CHRR also takes a note of that, claiming the state was actively trying to improve the protection of workers, but data prove that there has not been much of an improvement in reality so far (TDF 2009: 27-28). The report also notices many loopholes and issues the Labor Contract Law has and shows ways in which the employers are using it. One of the biggest issues is that even if the Labor Contract Law requires of the employer to pay the employees social insurance, this insurance is nontransferable among different employees, so the workers often reject this opportunity. The Labor Contract Law in fact only states that the measures to solve this problem will be adopted, but does not impose any time frame<sup>209</sup> (Labor Contract Law 2008, art. 49).<sup>210</sup> CHRR also points out an ironic aspect. The Labor Contract Law is meant to establish clear regulations for labor contracts, since many especially migrant workers worked without a contract, but because some employees cut the workers' wages in order to comply with the Labor Contract Law, some workers are refusing to sign the contracts (TFD 2008: 38-39).

So far, there was only one amendment to the Labor Contract Law, from 2013. In this section, I analyze a few articles from the original version from 2008. The Labor Contract Law contains 9 chapters and 98 articles. As the name suggest, the main aim of this law is specifying conditions under which work contracts can and cannot be concluded and terminated. In the following section, I point out several articles which are intriguing and are aimed at improving

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<sup>209</sup> By 2011, the measures were still not adopted (TFD 2011: 35).

<sup>210</sup> “国家采取措施，建立健全劳动者社会保险关系跨地区转移接续制度。” (Labor Contract Law 2008: art. 49)

the situation of workers. The Labor Law of 1995 does contain one whole chapter devoted to labor contracts, but Labor Contract Law is much more specific and detailed. The stipulation of the Labor Contract Law can be seen as an attempt of government to protect the workers, but not only that. Wang et al. write that it is “a product of both unprecedented industrial unrest as well as the Chinese government’s decision to move its economy to a higher-wage, higher-technology future” (Wang et al. 2009: 485). The Labor Contract Law also brought negative consequences, mostly in a way the employers are trying to find loopholes in the regulations (Wang et al. 2009: 485).

According to Article 1, this law is meant to improve the labor contract system, to specify the rights and obligations of the parties signing the contracts, to protect the rights and interests of workers, and to develop harmonious and stable employment relationships (Labor Contract Law 2008: art. 1).<sup>211</sup> Article 2 further specifies what exactly is the subject of this law and that is the conclusion, performance, amendment, revocation and termination of labor contracts between state authorities, institutions or social organizations, as well as workers (Labor Contract Law 2008: art. 2).<sup>212</sup>

In several articles, the law emphasizes the need of employers to communicate or negotiate any changes directly related to workers’ interests (Article 4,<sup>213</sup> Article 5,<sup>214</sup> Article 6,<sup>215</sup> Article 18<sup>216</sup>).

The Labor Contract Law keeps the same categories of contracts as the Labor Law of 1995 (Article 20), namely fixed-term labor contract, open-ended labor contract and a contract aimed at completion of a certain task) and also specifies under which conditions such contracts can be concluded (Article 13 deals with the fixed-term contracts, Article 14 with the open-ended ones etc.). The conditions described the Labor Contract Law are much more extensive than

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<sup>211</sup> “了完善劳动合同制度，明确劳动合同双方当事人的权利和义务，保护劳动者的合法权益，构建和谐稳定的劳动关系，制定本法” (Labor Contract Law 2008: art. 1)

<sup>212</sup> “国家机关、事业单位、社会团体和与其建立劳动关系的劳动者，订立、履行、变更、解除或者终止劳动合同，依照本法执行” (Labor Contract Law 2008: art. 2)

<sup>213</sup> “...劳动纪律以及劳动定额管理等直接涉及劳动者切身利益的规章制度或者重大事项时，应当经职工代表大会或者全体职工讨论，提出方案和意见，与工会或者职工代表平等协商确定。” (Labor Contract Law 2008: art. 4)

<sup>214</sup> “县级以上人民政府劳动行政部门会同工会和企业方面代表，建立健全协调劳动关系三方机制，共同研究解决有关劳动关系的重大问题。” (Labor Contract Law 2008: art. 5)

<sup>215</sup> “工会应当帮助、指导劳动者与用人单位依法订立和履行劳动合同，并与用人单位建立集体协商机制，维护劳动者的合法权益。” (Labor Contract Law 2008: art. 6)

<sup>216</sup> “劳动合同对劳动报酬和劳动条件等标准约定不明确，引发争议的，用人单位与劳动者可以重新协商；协商不成的，适用集体合同规定” (Labor Contract Law 2008: art. 18)

those provided by the Labor Law. Article 17 lists all the necessary parts of a labor contract and these are more extensive and favorable to workers than the ones in the Labor Law (Labor Contract Law 2008: art. 17).<sup>217</sup> For example, the labor contract now has to include names and contact information of both the employer and the employee, as well as social insurance, and while the Labor Law just states that the contract has to include working conditions (Labor Law 1995: art. 19), the Labor Contract Law expands on this and requires working hours, rest and leave (Labor Contract Law 2008: art. 17).

Article 26 delves into conditions under which a labor contract is invalid. These are also more extensive than in the Labor Law, and now they include a part where the contract is invalid if the employer denies the employee his legal rights (Labor Contract Law 2008: art. 26).<sup>218</sup> Overall, the part regarding labor contracts in the Labor Law is much more favorable towards the employer than it is towards the employee. The Labor Contract Law marks a huge progress in this aspect, since it seems to pay more attention towards workers' interests.

The Labor Contract Law also on some occasions guarantees rights to workers. For example, Article 31 states that the employer cannot force the employee to work overtime, but if there is overtime work, the employee should be financially compensated in accordance with state regulations (Labor Contract Law 2008: art. 31). Article 32 states that the employees have the right to criticize and report their employers if they are forced to work in conditions which might endanger their health (Labor Contract Law 2008: art. 32). These rights are also present in the Labor Law of 1995, but CHRR or CLB continuously point out their violation.

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<sup>217</sup> “劳动合同应当具备以下条款：

- (一) 用人单位的名称、住所和法定代表人或者主要负责人；
- (二) 劳动者的姓名、住址和居民身份证或者其他有效身份证件号码；
- (三) 劳动合同期限；
- (四) 工作内容和工作地点；
- (五) 工作时间和休息休假；
- (六) 劳动报酬；
- (七) 社会保险；
- (八) 劳动保护、劳动条件和职业危害防护；
- (九) 法律、法规规定应当纳入劳动合同的其他事项。

劳动合同除前款规定的必备条款外，用人单位与劳动者可以约定试用期、培训、保守秘密、补充保险和福利待遇等其他事项。” (Labor Contract Law 2008: art. 17)

<sup>218</sup> “下列劳动合同无效或者部分无效：

(一) 以欺诈、胁迫的手段或者乘人之危，使对方在违背真实意思的情况下订立或者变更劳动合同的；

- (二) 用人单位免除自己的法定责任、排除劳动者权利的；
- (三) 违反法律、行政法规强制性规定的。

对劳动合同的无效或者部分无效有争议的，由劳动争议仲裁机构或者人民法院确认。” (Labor Contract Law 2008: art. 26)

Article 38 states conditions under which an employee may terminate the labor contract, and these include the employer's failure to pay labor compensation in full or on time, failure to pay social insurance premium in accordance with law, or if the employer adopts new rules which violate laws or regulations (Labor Contract Law 2008: art. 38). The problem with this article is that China has a lot of surplus labor and unemployment. There are at least dozens of people willing to replace one worker, who dares to voice his concerns. This can possibly be one of the reasons why the situation regarding the workers' rights is not improving. The seemingly endless labor supply allows the employer to bend the laws in their favor (TFD 2011: 34). Such a situation also appears in Leslie T. Chang's work:

The girls spent four nights in the bus station and finally got in touch with someone from home, who found them work in an electronics factory for three hundred yuan a month. It was a poor salary, but they were in no position to negotiate. (2010: chapter 2)

Aside from not having a place to stay, the girls were in no position to negotiate for one main reason – they were migrant workers. And there were thousands like them in the city, who would take that job with any salary.

Article 41 handles workforce reduction and this part is much more detailed than Article 27 of Labor Law, which describes the same problem. The biggest difference lies in the necessity to submit a workforce lay-off plan and specifying categories of personnel which should be prioritized when it comes to retained workers (Labor Contract Law 2008: art. 41).<sup>219</sup>

Article 43 states that in case of contract termination, the employer is to inform the labor union first and if the union finds any issues regarding violation of laws, administrative regulations or the labor contract, the union has the right to demand adjustments (Labor Contract

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<sup>219</sup> “有下列情形之一，需要裁减人员二十人以上或者裁减不足二十人但占企业职工总数百分之十以上的，用人单位提前三十日向工会或者全体职工说明情况，听取工会或者职工的意见后，裁减人员方案经向劳动行政部门报告，可以裁减人员：

- (一) 依照企业破产法规定进行重整的；
- (二) 生产经营发生严重困难的；
- (三) 企业转产、重大技术革新或者经营方式调整，经变更劳动合同后，仍需裁减人员的；
- (四) 其他因劳动合同订立时所依据的客观经济情况发生重大变化，致使劳动合同无法履行的。

裁减人员时，应当优先留用下列人员：

- (一) 与本单位订立较长期限的固定期限劳动合同的；
- (二) 与本单位订立无固定期限劳动合同的；
- (三) 家庭无其他就业人员，有需要扶养的老人或者未成年人的。

用人单位依照本条第一款规定裁减人员，在六个月内重新招用人员的，应当通知被裁减的人员，并在同等条件下优先招用被裁减的人员。” (Labor Contract Law 2008: art. 41)

Law 2008, art. 43). This is one of the few articles which mention a specific function of a trade union and is supposed to be beneficial to workers.

Both Labor Law of 1995 and Labor Contract Law of 2008 offer the workers significant legal protection. However, in reality, many of these laws were and still are violated. In the following section, I describe how.

#### **4.3 Every day issues and social standing of workers (1982-2019)**

The period of reforms has been characterized by diverse trends and the pace of economic development, with notable distinctions between the first half (the 1980s and 1990s) and the more recent decades (the 2000s and 2010s). The period since 1982 was a tumultuous one, characterized by re-introduction of capitalism ownership into the economy, emphasis on agriculture, but also on industry and by streams of foreign investments into the country. This boosted the economy and China became one of the biggest economies in the world. In the 21<sup>st</sup> century, capitalism was fully reintroduced, more emphasis was put on market economy and China's rapid development, while less attention being paid to workers and the human cost, they have to sacrifice in order to develop the country (Mühlhahn 2019: 488-489).

This chapter covers a relatively recent period, and it is also due to its recency, that it offers variety of sources. For my main sources for this period, I rely on data provided by the NBS and ILO, and also China Human Rights Reports by TFD. I will complement those by relevant literature, as well as some journalistic independent sources, such as China Labour Bulletin (CLB). CLB is an organization established in 1994, with headquarters in Hongkong, and claims that its main goal is “to hold the ACFTU accountable to its members; to encourage and empower workers to meaningfully participate in the union and make it their own; and thereby to transform enterprise and local trade unions into genuinely democratic and worker-centered institutions.” (CLB n.d. a) Their website provided regular news about work accidents, update on workers' movement, legal updates, and much more. I also occasionally use literary sources, which are not strictly academic, such as a book published by a journalist Leslie T. Chang *Factory Girls*, a novel *Northern Girls: Life goes on* by Sheng Keyi (盛可以) and short stories by Shuang Xuetao (双雪涛). Leslie T. Chang's and Sheng Keyi's works focus on female migrant workers, mostly young girls who emigrated from their home villages to bigger cities with a goal to find a job and make it in the world. Even if the primary focus of my thesis is not on female workers, and neither on migrant workers, these two works provide complementary information to what life everyday life of the workers looked like in the 1990s and early 2000s.

Shuang Xuetao's writing focuses more on the period of 1980s and 1990s. Workers' situation or problems are not the main topic in his writings, but it is undoubtedly an underlying theme, showing how the reforms affected industrial cities and citizens of China's northeast.

According to data provided by NBS, the labor force of China has been steadily increasing, from 45674 in 1982 to 78653 in 2019 (NBS n.d., a). The rate of unemployment rapidly dropped in from 4.9% in 1980 to 1.8% in 1985, but keeps rising ever since (Knoema 2018). According to data sourced from China Yearbook of Labor Statistics 1997 by Gang Fan, Lunati and O'Connor show that the rate of total employment (urban and rural) was rising (from 423.61 in 1980 to 688.5 in 1996). The percentage of urban employment was slightly increasing (almost 25% in 1986 raised to almost 29% in 1996), while the rural employment was slightly decreasing (from 75.5% in 1986 to around 71% in 1996). As for the workers employed in SOEs, the percentage was decreasing, from almost 19% in 1986 to barely 16% ten years later. COEs suffered similar fate, the percentage of urban employment in them went from 23% in 1986 to barely 15% in 1996. The employment in the remaining forms of enterprises was increasing, from 0.34% to almost 5% (Gang Fan, Lunati, O'Connor 2000: 16, table 1).

#### **4.3.1 1980s to 1990s**

This period of Chinese history can be characterized mostly by re-introduction of the capitalist form of ownership and reforms which accompanied this transition. These industrial reforms made workers lose many benefits, most importantly, security employment. They also faced increased pressure in the workplace, leading to increased sense of exploitation. In the early 1980s, struggles between the management and the workers were still present, but more attention was directed towards carrying out the Four Modernizations. Workers initially had high hopes for the new reforms, since the reforms carried out in the countryside were effective and urban workers felt like they were more organized and more educated to push the reforms forward. They were mostly expecting better management and organization, as well as increased wages and other material benefits. (Sheehan 2002: 19)

A big part of the reforms was the introduction of capitalist elements. The government tried to convince the workers that the iron rice-bowl system of job security was not a fundamental feature of socialism in China. The government tried to frame the concept in a way, in which the iron rice bowl system was responsible for the low labor productivity and many of the quality issues in the industry. The government essentially put the blame on workers, claiming that it was their laziness due to job security that led to low labor productivity. Pat

Howard points out that that the government ignored the lack of proper technology and the goal of full employment as factors which heavily contributed to low productivity (Howard 1991: 94). The workers were not fully convinced by CCP's claims, especially the older generation. They felt that something they were fighting their whole life for was being taken away from them (Sheehan 2002: 197-198).

As for the younger workers, Sheng Keyi in her novel *Northern Girls* describes everyday life of regular factory workers at the factories near Shenzhen in the 1990s in a following way:

Her work became even more tedious, an unending line of monotony. She counted it off on her fingers. Twenty days she'd been at it, twenty days on end. Other than the half-day of sick leave, every day was the same and she went through it all in that robotic fashion. Clock in at eight a.m., clock out at eight p.m., without any margin of error. Back to the dorm, eight beds to a room. People were always coming and going, each individual's smell mixing with the rest. Only the odour coming from the shared toilet was stronger, becoming especially offensive when a queue of women waited to clear their systems. The tap water was always cold but they had so little time for washing their faces that it didn't matter much. When they did have time for a quick spit bath, they just had to grin and bear it. Factory regulations allowed a fan in the summer and a small space heater in the winter. It was lucky that winters this far south were mild, making it easy to bear. Frostbite and flu, at least, were not major problems. Each day when they came back, they'd dillydally through their cleaning up. At ten-thirty, it was lights out, and they went to bed. They slept till morning, then got up and queued for the toilet. After washing, dressing and running a comb through their hair, they were herded back into their cage on the factory floor where they repeated the previous day's routine. (Sheng Keyi 2012: chapter 5, section IX)

Several issues the workers were facing are observable in this quotation. Firstly, prolonged working hours at twelve hours a day (which violates the Labor Law of 1995: art. 36),<sup>220</sup> secondly living in shared dorms with limited livelihood conditions, a set time schedule and no privacy. And last but not least, the monotonous nature of factory work.

In the following section, I describe several of the issues that appear in data sources, human rights reports, academic literature and also in fiction, proving how widespread they were.

### **Unemployment and *xiagang***

One of the biggest issues of this period was so large in scale, that the term *xiagang* (下岗), used to describe it is exclusive to the PRC. The term first officially appears in 1995, but Guang Lei traces its origins back to 1982. At that time, the word did not simply mean getting laid off, it specifically referred to a big number of workers who were laid off from the state enterprises during the transitional period (Guang Lei 2009: 20). The number of workers employed in SOEs

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<sup>220</sup> The novel does not specify during which exact years it takes place, it could have been before 1995. Even if that was the case, on the basis of reports from later years, it is unlikely that the employers would not keep on violating the law, especially in regards to prolonged working hours.

was around 80 million in 1990, with the number decreasing each year after the market reforms (Lee Hong Yung 2000: 917). In case of *xiagang*, “the employer relieves the workers of their posts but continues to supply certain minimal benefits to them after they are laid-off.” (Guang Lei 2009: 15) Guang Lei defines *xiagang* as a “special category of laid-off workers who maintain a special *non*employment relationship with their former employers.” (Guang Lei 2009: 15) *Xiagang* also prompted a large-scale series of protests all around the country, and I will describe those in more details in the later sections of the chapter.

According to Guang Lei, it is however important to keep in mind that *xiagang* is not unique (the term is, but the phenomenon itself is not) only for the period of the 1990s, and there are many parallels in the history of PRC, especially a series of lay-offs and relocations in the 1960s, which I have briefly mentioned in section 2.3. Guang Lei shows that in the period from 1957 until 1990, there was barely a long time period during which there was no report of a government-coordinated campaign to dismiss workers. The lay-offs actually peaked twice before the reform in the break of the 1980s and 1990s. Remarkable reductions happened in the late 1950s and early 1960s, as well as the early 1970s. In the 1960s, there was even a period where more workers were dismissed than those officially labeled as *xiagang* in the 1990s (Guang Lei 2009: 16, 28-30). Sheehan comments on the lay-offs after 1986 and claims it was “one of the most significant reform milestones in terms of the build-up of workers’ discontent” (Sheehan 2002: 206).

The main reason for lay-offs in the SOEs was due their economic unprofitability due to retention of surplus worker, which was a result of the full employment and the iron rice-bowl policies. The number of surplus workers in SOEs varied, but it was the highest among all the enterprises, at a rate of 8.7% to 21% (Lee Hong Yung 2000: 918-919).

According to Guang Lei, the government kept coming up with various terms that were used to cover up the high rate of unemployment, *daiye* (待业) in the 1980s, *xiagang* in the 1990s. Other words used to euphemize lay-offs include: internal transfers or diverted (*fenliu* 分流), internal retirees (*neitui* 内退), early retirees (*zaotui* 早退), workers on long vacation (*fang changjia* 放长假), or clean breakers<sup>221</sup> (*liang bu zhao* 两不找), (Solinger 2001: 680) but *xiagang* later became the most prevalent and the most known one. This way, these categories could be differentiated from unemployment *shiye* (失业) in statistics and create the illusion that

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<sup>221</sup> Clean breakers is Guang Lei’s translation, but essentially this term’s meaning is that the employees have left the enterprise, and simultaneously keeping a tie to that company and receiving income from another enterprise.

the rate of unemployment was lower than it actually was. Admittedly, the strict distinction between has been on a decline, and Guang Lei shows that during 1980s and 1990s, *shiye* has been mostly in press to describe international affairs, whereas the other terms were reserved for China. By 2002 however, the terms began to be used fairly interchangeably. The government insisted on distinction between *xiagang* and unemployed, because *xiagang* workers still received some benefits related to employment, unlike the unemployed. As for the workers, there was barely any difference since in both cases, they have lost their job, no matter what term was used to describe it.<sup>222</sup> Another possible reason for this differentiation is to divide the working class, since in this way the government is able to create new ‘categories’ of workers and hinder their potential unified action against the state. Guang Lei argues that this claim is not fully convincing when applied to *xiagang*, because all the other terms used for lay-offs have already spread around, and after the mid-1990s, the emergence of the term *xiagang* probably had more of a unifying effect (Guang Lei 2009: 17-20).

Lay-offs are by no means exclusive to the 1990s, but the conditions under which it happened are. As Guang Lei puts it: “The legitimation of the market furnished state managers with new justifications for laying off workers, such as requirements for labor flexibility and cost efficiency.” (Guang Lei 2009: 20) Due to implications for social stability after massive lay-offs, the government had to keep a certain degree of control, which resulted in *xiagang* being a mix of “new ideological ingredients” (Guang 2009: 20) and “old labor reform practices” (Guang Lei 2009: 20).

The core of the problem with *xiagang* lies in government’ social responsibility towards its citizens. The state framed itself in that way and social responsibility became a crucial feature of the CCP’s regime since 1949, resulting in its citizens developing collective expectations. Lee Hong Yung goes as far as claiming that “fulfilling these expectations about the state’s social responsibility may constitute the regime’s sole remaining claim to legitimacy.” (Lee Hong Yung 2000: 915) Lee Hong Yung further develops on this idea, claiming that the necessity to improve working conditions by means of the market economy coupled with the state’s social obligations to its citizens result in an ironic situation.

Shuang Xuetao briefly comments on the effect the lay-offs had on the workers’ mental state:

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<sup>222</sup> Solinger’s article dives deep into this issue, showing precise data about the rate of unemployment and re-employment, see Solinger 2001.

—Lately the streets have been full of workers who've lost their jobs and become desperate. Remember the one we caught not long ago? He would hide inside building entrances and bash people's heads in with an ax, sometimes for as little as five yuan. (Shuang Xuetao 2022: Moses on the Plain, Jiang Bufan)

I am not attempting to say that the lay-offs turned the workers into violent murderers, but the loss of employment security definitely did not help in their wellbeing.

Because of China's ideology, and also due to the size of the population, it can be said that China struggled less with unemployment, but more so with surplus workers and their underemployment. According to statistics, majority of the population was employed, but productivity of many workers was extremely low (Banister and Taylor 1989: 3-4). Guang states that a set of policies, which eventually led to the policy of *xiagang*, started due to surplus workers and the necessity to deal with them (Guang Lei 2009: 16). According to Banister and Taylor, majority of surplus workers in the 1980s were concentrated in the rural areas, numbering as high as 60 to 156 million surplus workers. This is contrasting with the situation in the 1950s, when majority of surplus workers were in the urban areas (mainly due to the goal of rapid industrialization). The authors attribute this to three main reasons – first was the focus of the government on heavy industry, which is more capital-intensive, at the expense of light industry and agriculture, which are more labor-intensive, leaving many workers unemployed. Government favored the heavy industry and hindered the productive employment, which led to a high concentration of workers in the countryside, since that was the only alternative employment option. Second reason was China's rapid population growth, which resulted in a huge number of people entering workforce without adequate employment opportunities being provided. Thirdly, the rural areas had to accommodate millions of mostly young adults who were transferred there during the Cultural Revolution and also after (Banister and Taylor 1989: 5).

The lay-offs started as early as 1987, when the managers gained the power to dismiss surplus workers, which resulted in 300,000 workers being laid off nationwide (Chen Feng 2000: 46). In the following ten years, it is estimated that around 10 million workers were laid off (Chen Feng 2000: 46). After the lay-offs, the SOEs were to provide a minimal living allowance for the laid-off workers, but as the time progressed, less and less enterprises were able to do so.

The laid-off workers were left to fend for themselves and finding a new place of employment was difficult, and many resorted to simpler jobs, as seen in Shuang Xuetao's description of one such experience:

In my father's whole life, he'd only ever worked in one place, and his business trips only ever took him to one destination. When he was away on business, he'd call home at six every evening, before settling onto the kang of whichever village home he was staying in to read. After he lost his job, he sold tea eggs in the square, again always in one spot; then he'd fold up his stall, come home to make dinner, and return to reading. (Shuang Xuetao 2022: *The Aeronaut*, section 4)

In another short story, a small part of a dialogue shows how long it took the laid-off workers to re-employ, if they even managed to do it: “—Isn't he at the factory? —It closed down. He's been out of work for two years now.” (Shuang Xuetao 2022: *Bright Hall*, section 1)

An article by CLB claims that in the second half of the 1990s, women were the first groups of workers to be laid-off, despite the legal documents claiming that women enjoy the same rights as men in all spheres. CLB states that female workers make up to 60% of unemployed workers in China. This has wider social implications – unemployed women face difficulties in family relationships and partnerships (CLB 1997), as shown in the following quote:

In Beijing, Zhou Guizhi, a 28-year-old worker interviewed by a journalist from the official *Workers Daily*, said she had been laid off in 1994 when pregnant. Her husband began beating her so she sued for divorce. However, the courts insisted that custody of the child be given to the violent father, because Zhou herself had no guaranteed income. The father now denies Zhou access to the child. “ (CLB 1997)

Gender inequality aside, the quote points to the vulnerability of the unemployed and their struggles. The article further comments on the problem of re-employment. In many cases, even if they finally manage to find a job, it is a job with minimal wage, barely any benefits and horrible working conditions (CLB 1997).<sup>223</sup>

Chen Feng provides an analysis of the workers' protests also on the basis of surveys conducted by ACTFU in the 1990s and concludes that workers only went to protest when the “minimal well-being was threatened and they had become desperate.” (Chen Feng 2000: 47-49)

### **Animosity and inequality within the working class**

A trend of the working class being not unified and equal is observable since early 1950,<sup>224</sup> when there were mostly differences between permanent and temporary workers. In the second half of 1960 the biggest clash among the working class was on the basis of the class and family background, there were also differences among workers from state enterprises and collective enterprises. In the present day, the biggest distinction is between the migrant workers and non-migrants.

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<sup>223</sup> The problem of gender inequality and how that manifests in a workplace is also a serious one. For more information, see Chen Liwei 2018 or Bulger 2000.

<sup>224</sup> There have always been differences, long before 1950, I use this time frame in regards to my thesis.

Sheehan points out that in the beginning stages of reforms in the early 1980s, the workers did not take lightly to the sudden divergence from egalitarianism at the workplace. Sheehan writes that:

Particularly sharp resentment was generated by the widening gap between the bonuses paid to workers and those received by top management in the enterprise, which on occasion might be twenty or thirty times greater than the equivalent payment to workers, and which were not always subject to prior approval by the workers' congress, further reducing their legitimacy in workers' eyes. (Sheehan 2002: 198)

A few issues can be observed in this quote. Firstly, there is the obvious difference in pay among workers and management, secondly the distrust towards the institutions which were supposed to represent them and the authorities. Despite the laws encouraging workers to participate in the trade union and emphasizing its importance, the representative organizations are either completely ignored or are not putting in much effort to protect the workers' interests (Yang M.M. 1989: 50).

Both the difference in income and lifestyle and the distrust towards the workers' representative institutions were also observable in 1989 protests. The workers were mostly complaining about inflation, corruption and lack of ACTFU's involvement. They complained that the rich minority was taking away the basic living expenses of ordinary citizens in order to safeguard their own interests. Many workers also expressed interests in a representative organization, that would express their concerns (Walder and Gong Xiaoxia 1993: 2, 4-5), proving that ACTFU was not effective in this regard, mostly because of its connection to CCP.

Chen Feng also comments on the issue of differences among the workers and management. On the basis of an ACTFU survey from 1997 he concludes that "feelings of injustice are considerably stronger among workers who realize that while they are struggling to make ends meet, their managers are spending lavishly and living extravagantly" (Chen Feng 2000: 50). The situation did not improve by late 1990s, CLB reports that more than 80 directors of state-owned companies are now millionaires or even billionaires, while at the same time workers were informed to expect a 70-90% cut from their wages and the level of unemployment was expected to keep rising (CLB 1998).

In the beginning of the reforms, management was also blamed for the low labor productivity, but eventually, not much was done about it in reforms. This again strengthened the sense of abandonment and disappointment among the workers, because despite the promises from above, nothing really changed in regards to management (Sheehan 2002: 198-199).

Additionally, managers often only felt the need to obey those above them, and barely had any care and sense of responsibility for the workers below them (Yang M. M. 1989: 49).

In the 1990s, the differences among workers were also reflected in the *xiagang* policy, which focuses only on state enterprises, excluding other workers (Guang Lei 2009: 21). That was certainly a good thing for workers in other types of enterprises, but it surely did not contribute to the feeling of unity amongst the working class.

### **The protests of 1989**

By late April 1989, the workers realized that they shared similar opinions with the protesting students. Both groups were dissatisfied with similar issues – mostly officials' corruption. One of the most significant ones was Beijing Workers' Autonomous Federation (*Beijing gongren zizhi lianhehui* 北京工人自治联合会), which was founded on a basis of two handbills issued by Beijing's workers in April 1989 (but officially emerged in public only in May) as a reaction to a protest, which was broken up violently (Walder and Gong Xiaoxia 1993: 2). BWAFF was short-lived, but that does not take away from its significance.

Walder and Gong Xiaoxia describe the significance of BWAFF in two most important aspects. Firstly, the federation was crucial in mobilizing the protests after the martial law was declared. Secondly, the workers had informal ties in workers and work units throughout the city, which were willing to offer continuous support. On the contrary to the students, "the workers' movement had picked up momentum after martial law and appeared to gain confidence and strength as May turned into June." (Walder and Gong Xiaoxia 1993: 3)

Some of the reasons for the workers to join were loss of confidence in CCP's ability to carry out the reforms, high urban inflation and widespread corruption among officials. According to Sheehan, the workers' participation in the students' protests led to "the most widespread, overt formation of autonomous workers' organizations in the history of the PRC." (2002: 196) Walder and Gong Xiaoxia support this notion. The authors claim that BWAFF signifies an emergence of a new type of political protests in PRC. It is not comparable with the activities during the Cultural Revolution, and neither with the "traditional model of intellectual remonstrance" (Walder and Gong Xiaoxia 1993: 3-4). Some similarities could probably be drawn between the involvement of workers in Cultural Revolution, mostly in regards to their level of education, but there was one crucial difference. The 1989 protests saw the ordinary workers expressing their opinions "as part of an unabashed working-class trade-union mentality" (Walder and Gong Xiaoxia 1993: 4).

The workers united in BWAFF were, for the most part, young, employed and with limited education. They focused on “bread-and-butter economic issues” (Walder and Gong Xiaoxia 1993: 15), and their political demands were in alignment with that. The workers felt they were supporting extravagant lifestyles of a few elite politicians, they there were not represented and heard in the decision-making processes. Additionally, because of inflation, even the little they had was being taken away from them (Walder and Gong Xiaoxia 1993: 12, 16-17). The workers in their demands pushed for democratization, which in their understanding meant being represented by an organization, which would genuinely protect the workers’ interests (Walder and Gong Xiaoxia 1993: 17), once again proving that ACTFU was not effective in this aspect.

The biggest contribution of BAWF lies in the “submerged working-class populism” (Walder and Gong Xiaoxia 1993: 28), which will persist as long as:

...reform politicians and their intellectual advisers continue to debate only ways of motivating workers through rewards, punishments, and the threat of unemployment, while continuing to ignore the growing desire of workers to be treated as full citizens in their workplaces, if not in the state as well. (Walder and Gong Xiaoxia 1993: 29)

Despite agreeing with this statement, history shows that the protests in the 1990s took on another form, as will be discussed in the following section.

### **Protests in the 1990s**

Chen Feng’s article identifies two main reasons behind the workers’ need to protest in such huge numbers in the 1990s. First reason is a subsistence crisis (author refers to a situation in which workers have incomes lower than minimum wage or no incomes at all for a long period of time) and second is managerial corruption (Chen Feng 2000: 42). Chen Feng analyzes the workers’ protests of the 1990s in the light of the theory of the moral economy.<sup>225</sup> However, this approach, according to Chen Feng, is not sufficient to understand the motivations behind the protests, because the workers were not explicitly aiming to restore the Maoist era, nor were they completely opposed to the new reforms and emerging market economy (Chen Feng 2000: 44).

The situation of workers in the late 1990s is described well by CLB: “In China, we are ruled by a government that has delivered laid-off, retired and unemployed workers to the very door of destitution, and still it does not have to answer for its mistakes.” (CLB 1998) Chen Feng agrees, stating that in the 1990s “subsistence crisis can no longer be explained as a necessary

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<sup>225</sup> The moral economy approach is often associated with the loss of subsistence and worsened welfare and security of peasant and workers in the process of capitalist development. Under this approach, workers’ protests can be seen as “primarily restorative, defensive and egalitarian – namely aimed at regaining previous living standards eroded through economic change” (Chen Feng 2000: 43).

cost of reform, but reflect the failure of the state to provide minimum protection for a social group doomed to vulnerability and powerlessness in the transition to a market economy.” (Chen Feng 2000: 45-46)

Chen Feng argues that the reason for such large-scale protests erupting in the 1990s is to be found in China’s political structure. In Chen Feng’s words:

The PRC’s history shows that, with all the means of control at its disposal, the Chinese state has been able, when necessary, to enforce policies that infringe upon the interests of social groups without having to face the open resistance of these groups. Labour is no exception. [...] The state used propaganda to convince the working class that reform policies should be supported and that the current sacrifice was only temporary and necessary for the best interests of themselves and their country in the long run. (Chen Feng 2000: 45)

According to Chen Feng, it is clear that workers were willing to temporarily sacrifice certain part of their wellbeing, as long as the final outcome was beneficial for them (Chen Feng 2000: 45).

Chen Feng argues that the main concern of workers was not to take a large share of the economic benefits of the reforms, they were simply trying to hold on to the baseline they have known for years – job security being at its core (Chen Feng 2000: 45).

Chen Feng concludes by saying that the main reason why the workers’ protests in the 1990s were so large and prominent was because the layoffs “changed the form of resistance” (Chen Feng 2000: 60). Those laid-off could not express their grievances by slowing down the production process or by slacking off, so they resorted to open confrontation. Moreover, because they have been laid-off, they lost their job security and the enterprises were oftentimes unable to pay the workers’ their minimal living allowances. The workers had nothing to lose, which allowed them to freely engage in the protests (Chen Feng 2000: 60).

Lee Ching Kwan, on the basis of protests of factory workers in Liaoyang in 2002 comments on the change in the types of protests. She claims that the protest in Liaoyang was by no means a unique occurrence. Since 1990s, there were at least several thousand similar incidents, but the Liaoyang one was extraordinary in its scale, participation from numerous factories and also its clear political demand (Lee Ching Kwan 2006: 17). Lee points out that the workers demanded not only for their delayed wages and pensions to be paid, but also “they insisted on the removal of business officials and the head of the local legislature, whose seven-year tenure as mayor had spawned rampant corruption and wreaked havoc with the lives of local people.” (Lee Ching Kwan 2006: 15).

There were many such protests in the 1990s and early 2000s, with oftentimes common goals. The most common reasons were delayed wage payments demanding increase in welfare benefits and opposition to corruption (Lee Ching Kwan 2006: 16, 22, 27). Another characteristic of these protests is that workers generally sought redress within the existing legal and political framework rather than challenging the regime itself, focusing their demands on local officials and enterprise management, while often reaffirming faith in central authorities and socialist values (Lee Ching Kwan 2006: 29). Lee claims these protests operated on the basis of cellular activism – “a process that entails localized and for the most part work-unit-based action and disruption, with an eye to generating pressure on local officials rather than creating lateral association among workers.” (Lee Ching Kwan 2006: 10)

In the 1990s and early 2000s, there were two main groups of protesters, albeit they often overlapped. The first one consisted of the workers that were laid-off, and the second one of those that were still employed, but had to deal with corrupted management.

Many of the abovementioned issues are also described by the main character of *Northern Girls*, Qian Xiaohong, in a letter to her dad:

In the factories, it costs half a *kuai* to eat a simple meal of instant noodles or boxed rice. It's always endless overtime, working ten hours a day just so the monthly salary is sufficient. Even then, it's only three or four hundred *yuan*. Eight or nine people squeeze into one room and all year long you've only got cold water to wash up in. The beds are narrow and people often fall out of the top bunk at night. Some have been injured. Even crippled! But the factory doesn't take responsibility. No manufacturer is ever sympathetic to the plight of their employees. All they want is to see the workers live and labour like money-making machines. At a metalwork plant, a boy had his hand cut off at the wrist by a machine and the company only paid him a few thousand *yuan* – and that's considered humane. Some manufacturers do nothing, even if you're injured or killed and the labourers don't even know where to go to report it. (Sheng Keyi 2012: chapter 7, section IV)

In the quote, firstly, the protagonist mentions endless working hours and yet because the salary is low, the workers still struggle to live a decent life; secondly the bad living conditions at factory dorms and thirdly, which is probably the most concerning, is the description of what happens to workers injured during the working process, and even more alarming, that the workers do not know who to report to or ask for help in such situations. Albeit Sheng Keyi's work is fiction, her descriptions are vivid and undoubtedly based in reality.

#### **4.3.2 21<sup>st</sup> century**

For this period, I heavily relied on China Human Rights Reports (CHRR) by Taiwan Foundation for Democracy (TFD). The introduction to the CHRR claims that Taiwan Foundation of Democracy is an “independent, non-profit organization” (CHRR 2003), but on their website

they admit that they are funded by the Taiwanese government (Taiwan Foundation for Democracy n.d.). It is not the focal point of this thesis to analyze the relations of China and Taiwan, but it is clear that in terms of human rights, Taiwan is way ahead of China.<sup>226</sup> Additionally, the reports rely on a plethora of publicly accessible articles and data. Therefore, I believe these reports can be used as a reliable source to see how the living situation of workers developed throughout the 21<sup>st</sup> century. Taiwan Foundation for Democracy was founded in 2003, so the reports are available from 2004. I believe the 15 years covered by these reports are able to provide a sufficient background in how the workers' wellbeing has improved or worsened in the first two decades of the 21<sup>st</sup> century.

For a better illustration of the workers' lives in factories in the city of Dongguan, I gathered several quotes from Leslie T. Chang's work, which also highlight the issues that will be discussed in the following section. "Sometimes on a Saturday afternoon they had no overtime, which was their only break. The workers made four hundred yuan a month—the equivalent of fifty dollars—and close to double that with overtime, but the pay was often late." (Chang Leslie T. 2010: chapter 1) The workers who managed to get a job at an office were luckier: "A day in the office stretched ten hours, with sometimes a Saturday or Sunday off. Min would make eight hundred yuan a month—one hundred dollars, double the base pay at her old factory." (Chang Leslie T 2010: chapter 1). But none of the employers really care about the workers, they wanted profit: "Local governments have little incentive to protect workers; their job is to keep the factory owners happy, which will bring in more investment and tax revenue." (Chang Leslie T. 2010: chapter 1)

CHRR from 2004 notices several issues the workers were facing and contrasts it with the right to labor guaranteed by the constitution. Firstly, household segregation system led to migrant workers (mostly those coming to urban areas from the countryside) not being able to earn equal wages, not having insurance or even labor contracts. Other than that, among most prevalent issues noticed by the report are: long working hours, low wages, limited living conditions in workers' dorms, lack of medical facilities, no employment insurance as well as no guidance when looking to be re-employed. The employed workers were also not safe, factories often suddenly shut down and the workers were not being financially compensated. The report also adds that China lacked protective mechanisms for workers and workers often

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<sup>226</sup> For comparison, see Amnesty International's report on Taiwan (2024b) and China (2024a). According to Freedom House, Taiwan scored 94/100 on a scale of global freedom in 2025, while China scored 9/100 (Freedom House 2024 a, b)

did not know who to turn to if they were facing difficulties (CHRR 2004: 40-41). These issues are fairly consistent throughout all the reports I use in the following section. Firstly, that means these issues are widespread and serious. Secondly, the government does not impose sufficient measures to solve these problems. In the following section, I describe a few of the most prevalent issues in the 21<sup>st</sup> century on the basis of these reports. There are many more issues the workers are facing, and the scope of this thesis does not allow me to dive deep into each problem, that is why I have chosen a few which were a consistent issue also in previous decades, or those that are particularly serious.

This period is also the time when the social status of workers actually became less prestigious, despite the constitution's claims about the importance of the working class. character in Shuang Xuetao's short story expresses his thoughts simply: "He's in business now, in Beijing. He's asked me to join him, but I want to get some money together first to buy my way into his company—I don't want to be just a worker." (Shuang Xuetao 2022: Bright Hall, section 2) Being a worker no longer carried the honorable it once did.

## **Unemployment**

CHRR has long highlighted the persistent problem of unemployment in China, noting significant discrepancies among sources. Official Chinese statistics placed the rate at 4% in 2002, whereas a U.N. report estimated 7%, and the BBC even cited figures as high as 50%.<sup>227</sup> The official Chinese figures likely understate the true level, since they typically exclude laid-off SOE workers, migrant laborers, and surplus rural labor (TFD 2005: 103; TFD 2006: 2–3).

By 2006, CHRR estimated around 20 million laid-off workers, many of which were unprotected and not unionized. CHRR blames this issue on the weakness of ACTFU under CCP control. Without legal safeguards, "labor movement has emerged in China", illustrating the depth of the crisis (TFD 2006: 5). Unemployment is undoubtedly a serious problem that China has been dealing with for a long time. However, I would like to point out that as for the CHRR, while the 2004, 2005, 2006 and 2007 reports all mention unemployment as a severe issue, the 2008, 2009<sup>228</sup> do not. Out of two reasons behind this, only one is likely to be true. The

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<sup>227</sup> See table 5 in the section Economic rights (TFD 2004: 126).

<sup>228</sup> From CHRR 2006 onwards, the section about economic rights (in the first few reports this is where unemployment was described as one of the factors influencing the development of China's economic rights) is coupled with the environmental rights, with much more emphasis on the environmental rights. I assume that with the global focus being on the environmental protection, the CHRR followed suit. Unemployment still appears in the report, but now in the part dedicated to educational and cultural rights, with emphasis mostly on young graduates, who struggle to find a job in an oversaturated market. In later years, majority of the concern for

unemployment rate in the PRC stayed high (World Bank 2025), so the change in structure did not happen due to an improved situation. Presumably, the other issues the report mentions were considered more pressing at the time.

The later reports do not ignore the issue of unemployment. They drew attention to the rising graduate unemployment and issues stemming from that (TFD 2011: 188). Even later issues turn their attention to the issue of workers' shortage and low labor replacement rate in some areas such as services or manufacturing, as one of the negative consequences of the One Child Policy (TFD 2012: 36; TFD 2013: 40). This seems like a rather sudden development, but taking into account that the One Child Policy became effective in 1979, enough time has passed for such issues to be observable. The 2012 report couples the workers' shortage with the unwillingness of many young people to do menial jobs and lack of migrant workers' training and skills. Under such conditions, there are many people who would prefer to stay jobless, while skilled personnel and professionals remain rare (TFD 2012: 36). The situation in 2012 resembles the situation in the 1950s, when the state struggled with surplus labor on one hand, and lack of skilled personnel on the other.

### **Lack of insurance**

In 2004, the government increased funding for urban employment insurance and minimum living standards by 19.9 percent (TFD 2004: 127). Despite rising allocations, an 18.1% hike in 2004 alone (TFD 2005), many insured workers failed to receive benefits (TFD 2004: 131). Occupational insurance remained limited, covering just one-fifth of employees. By 2007, less than 10% of migrant workers had health insurance (TFD 2007: 30). By 2009 there were no visible improvements in this regard (TFD 2009: 10–11).

Surveys of 1,000 enterprises in 2011 revealed especially low coverage among young migrants. According to CHRR:

(1) 66.7% have old-age insurance, 23.7% less than their urban counterparts; (2) 77.4% have medical insurance, 14.6% lower than urban counterparts; (3) 55.9% have unemployment insurance, 29.1% lower than urban counterparts; (4) 70.3% have workplace injury insurance, 9.1% lower than urban counterparts; (5) 30.7% have childbirth insurance, 30.8% lower than their urban counterparts. (TFD 2011: 36–37).

CHRR attributed this gap to migrant workers' short-term outlook and limited funds, administrative barriers to transferring insurance, and employers' cost-cutting practices (TFD

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workers' are moved into the section of economic rights, and make appearance in the social rights section only scarcely.

2011: 35). The preference for short-term benefits is observable in a following quote from Factory Girls:

We were paid today. I got 365 yuan. After repaying a fifty-yuan debt, I still have three hundred yuan. I want to buy a watch, clothes, and personal items. How will I have any left over? . . . Summer is here and I don't have any clothes . . . and I must buy a watch. Without a watch, I cannot make better use of my time. (Chang Lesie T. 2010: chapter 3)

The administrative barriers to transferring insurance refer to an issue which Labor Contract Law promised to solve by adopting measures, which would allow the workers to transfer their insurance (Labor Contract Law 2008: art. 49). However, in the years that passed since the adoption of the Labor Contract Law, no such efforts could be seen. A slight improvement is observable, from 2012 to 2016, unemployment insurance funding grew at an average annual rate of 11.3% (TFD 2017: 157).

I have previously gathered data from *China Labour Statistical Yearbook (Zhongguo laodong tongji nianjian 中国劳动统计年鉴)* for the period of 2006 until 2022 regarding work injury insurance. According the official data, the number of workers protected by the insurance is steadily increasing, as shown in the table below:

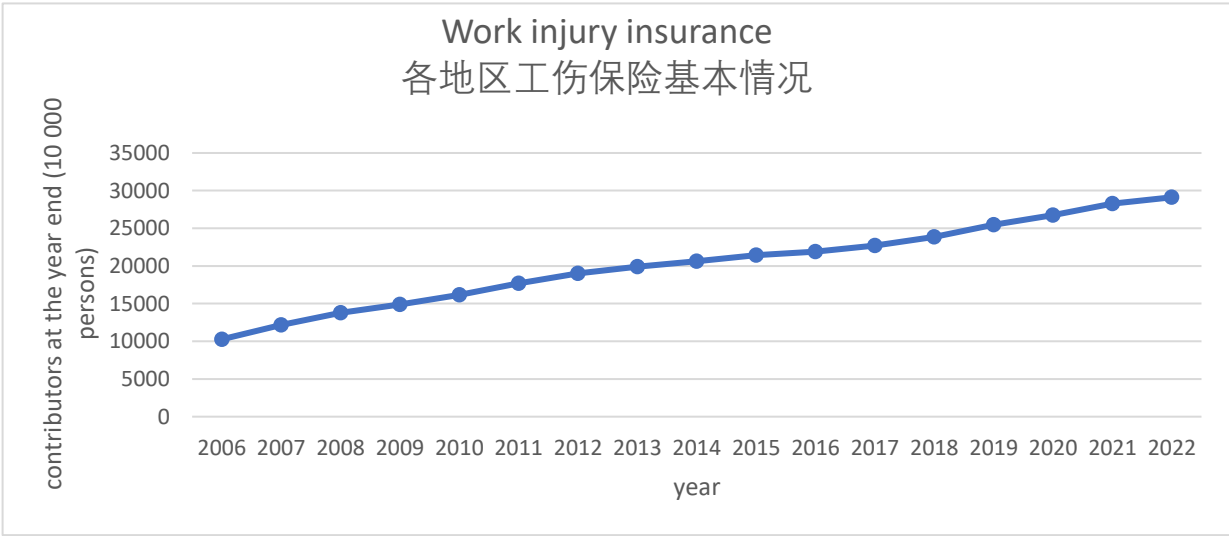


Fig. 2: Contributors of work injury insurance at the year-end (10 000 persons)  
(China Labour Statistical Yearbook 2007-2023)

**Long working hours**

When China's Labor Law took effect in 1995, annual working hours peaked at 2,002 per worker (World in Data n.d.). According to Our World in Data, hours rose further to a high in 2005, dipped slightly by 2008, and then stabilized around 2010. Western nations, by contrast, either

declined (USA, Germany, Australia) or remained flat (Sweden, UK, France) (World in Data n.d.). Despite legal limits imposed by the Labor Law (44 hours per week plus limited overtime), many employers enforce a “996” schedule (working from 9 am till 9 pm, six days per week), requiring about 60 hours weekly without proper compensation. By 2006, CHRR found migrants working up to 69 hours, and by 2007 some industries reported averages of 80 hours per week; daily working hours often exceeded the legal limits (TFD 2006: 32; TFD 2007: 10, 26). Working overtime is a part of work culture in many Asian countries, including China, even in the present day.<sup>229</sup> Workers who follow 996 schedule should be paid 2.275 times of their base salary, but that is rarely the case (996.ICU n.d.).

### **Poor working conditions, occupational accidents and lack of work safety**

The CLB website also provides and regularly updates an accident map, in which you can see by sector, place and time the number of accidents that happened (CLB n.d. a). CHRR reports chronicle frequent industrial accidents, especially in mining. In 2005, CHRR criticized unsafe facilities and lack of protective equipment, noting outdated machinery, untrained staff, and weak enforcement, particularly in small, often illegal, mines (TFD 2005: 34–37). By 2006, the problem of health issues, mostly caused by working in unsafe conditions without proper equipment, was urgent: in Shenzhen, only 58 medics served over a million workers, far below the required ratio (TFD 2006: 25). In 2010, only 64.3% of the workers at China National Coal Group Corporation (*Zhongguo zhongmei nengyuan jituan youxiangongsi* 中国中煤能源集团有限公司) did not undergo a medical examination (TFD 2010: 38). A tacit cover-up system also discouraged reporting accidents, as officials feared punishment (TFD 2006: 28–29).

Sweatshop conditions further exemplified exploitation. The workers labor for long hours for sub-minimum wages in hazardous, unregulated environment (TFD 2005: 37–39; TFD 2011: 34). It was reported that over 200 million workers have been exposed to harmful chemicals by 2007 (TFD 2007: 33). Factory girls tackle the issue of occupational safety several times: “No one in the factories of Dongguan had been properly educated for the task at hand.” (Chang Leslie T. 2010: chapter 7)

In early June, a newly hired worker in Min’s factory lost four fingers of his left hand on the single-punch machine. A week later, the same machine ate the tips of three fingers of another recent hire. Neither employee had been properly trained. (Chang Leslie T. 2010: chapter 4)

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<sup>229</sup> For more information, see Tsai, Ming-Chang 2016.

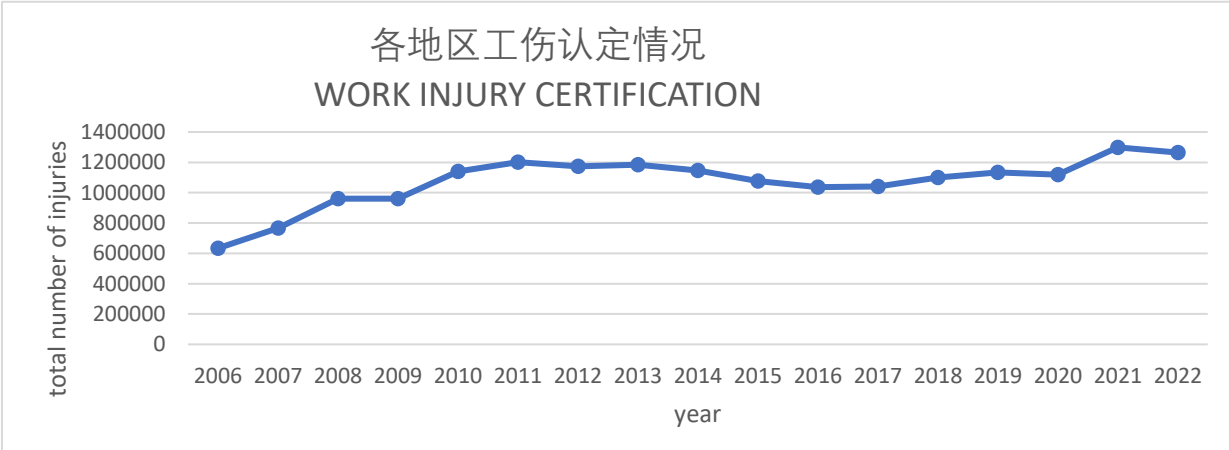
Chang explains it by the enterprises not being willing to waste time and energy on training, because the training brought no profit. The wages were paid according to the piece-rate wage system, meaning more was always better, no matter the number of injuries sustained in the process (2010: chapter 4). Additionally, even if the brands, especially the foreign enterprises, are pushing for better treatment of workers, they are also forcing the factories to cut costs, which results in more pressure on workers:

Workers say that while they work shorter hours now, the time on the line is more stressful; tasks are parceled out precisely and there is almost no downtime. Assembly lines have been restructured into small teams so workers can switch tasks every few days, whereas before they might have done the same thing for a month at a time. This makes production more flexible, but it is exhausting for the workers. Also in the name of efficiency, living for the workers. Also in the name of efficiency, living arrangements have been reshuffled so workers live with their assembly-line colleagues rather than with their friends. (Chang Leslie T. 2010: chapter 5).

While official data show a drop in mining deaths from 6,995 in 2002 to 1,973 in 2011, which the report accredited to the State Administration of Work Safety’s (founded in 2005), the reliability of these figures is contested, given persistent underreporting (TFD 2013: 29–30). Yet by mid-2015, workplace incidents fell by 7.5% and deaths by 5.5% compared to the same period in 2014; the trend continued into 2016 with further declines across coal, non-coal mines, and transport sectors (TFD 2015: 45; TFD 2016: 31).

CHRR points out that there is a huge gap between the economic development and neglect of occupational diseases and injuries (TFD 2010: 35), which is true, but the situation is improving, even if occasional accidents keep happening (such as the Tianjin port explosion in 2015) (TFD 2015: 44).

Data from *China Labour Statistical Yearbook* and *China Social Statistical Yearbook* (*Zhongguo shehui tongji nianjian* 中国社会统计年鉴) offer conflicting data regarding occupational injuries. The amount of work injuries certification is fairly stable (Fig. 3), and so



is the number of work injury certifications resulting in death (Fig. 4), both provided by the China Labour Statistical Yearbook.

Fig. 3: Total number of work injury certification  
(China Labour Statistical Yearbook 2007-2023)

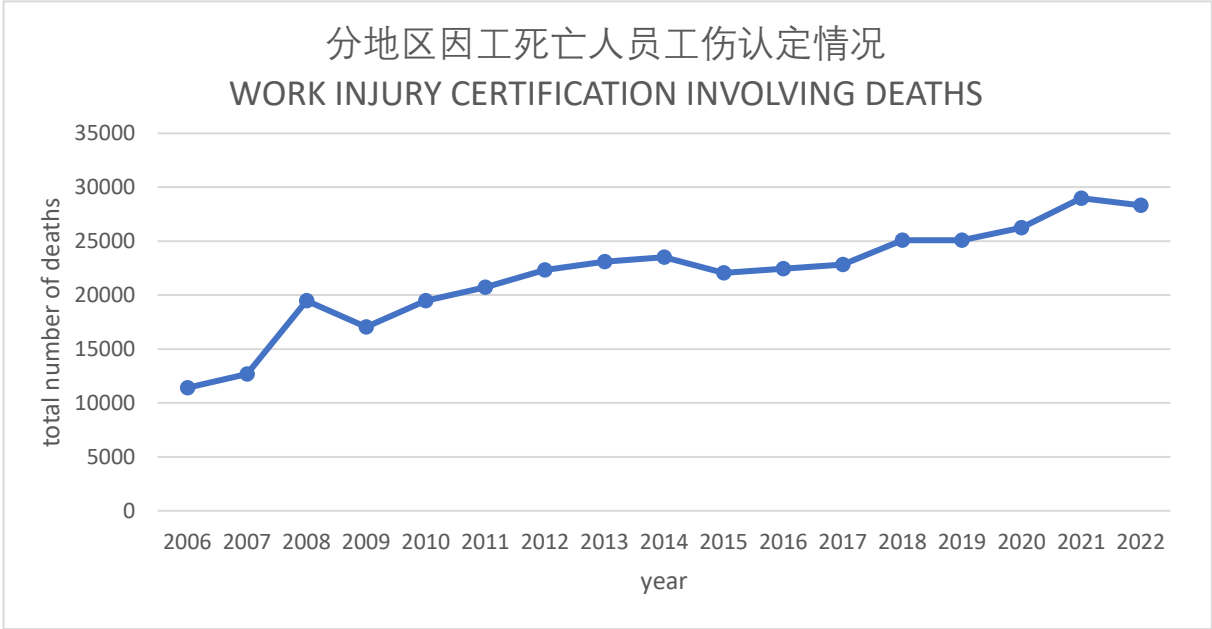


Fig. 4: Total number of work injury resulting in death certification  
(China Labour Statistical Yearbook 2007-2023)

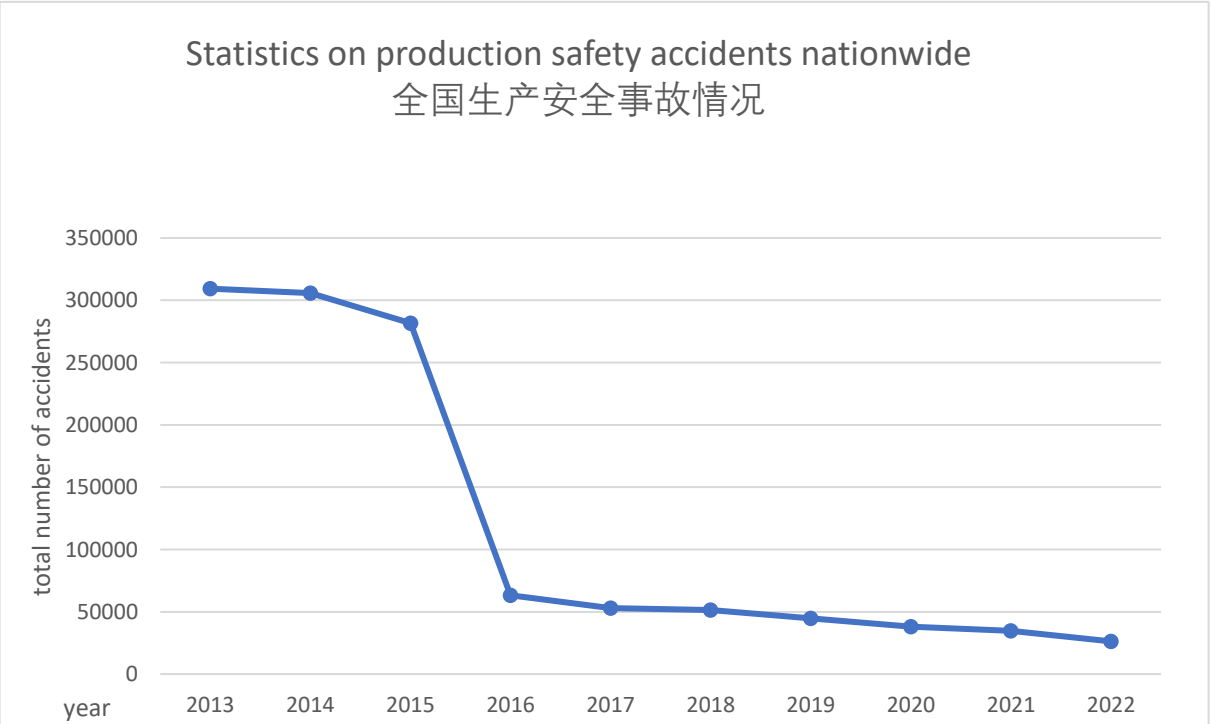


Fig. 5: Statistics on production safety accidents in China

Source: *China Social Statistical Yearbook 2014-2023*

On the other hand, the data provided by the China Social Statistical Yearbook about the number of production accidents shows a sharp decline in 2016 and the numbers stay low (Fig. 5). I do not quite understand how is it possible that the number of production safety accidents decreased so rapidly, but there is no effect on the number of injury certifications. If there are fewer accidents, there should also be fewer injury certificates.

### **Low wages and delayed payments of wages**

Lee Ching Kwan states that the arrear wages were one of the most prominent reasons for protests in China on the break of the century (Lee Ching Kwan 2006: 22). In 2005, 72% of peasant workers earned under 800 yuan per month<sup>230</sup>; out of which 29% made 300–500 yuan; 40% made 500–800 yuan, and only 27% of workers earned more than 800 yuan (TFD 2006: 33–34). From 1998 to 2003, GDP grew 11.4 % annually, while wages rose by 6.4%, stretching household budgets (TFD 2006: 34). Wage arrears were common, by 2007, only 45% of workers reported timely pay (TFD 2007: 28). The report claims that by January 2014, over 1.5 million migrants reclaimed 10.887 billion yuan in unpaid wages and/or compensation (TFD 2014: 41). Protests over unpaid wages resulting in injuries and even deaths occurred in Shanxi, Jiangxi, and Harbin in late 2014 and early 2015 (TFD 2015: 48); with conditions remaining dire in 2017 (TFD 2017: 214).

Minimum wages increased unevenly. By 2010, fourteen provinces saw 10–20% hikes amid a tighter labor market and demographic shifts (TFD 2010: 118). Average minimum wages rose by 22% in 2011 (TFD 2013: 34), 12% in 2014 (TFD 2015: 48–49), and 10% in 2015 (TFD 2016: 34).

### **Protests and lack of representation**

Some of the main reasons for workers' protests (or if not outright protests, then at least bringing their cases to the court) in the 21<sup>st</sup> century are unpaid wages (which are often really low to begin with) (TFD 2006: 33-34, TFD 2010: 38). CHRR agrees that labor unions in China are incompetent when protecting the workers' rights and interests (TFD 2006: 32-33). Not only that, the system for handling labor disputes is also insufficient "One of the party-state's motives for establishing the system for labor disputes was to provide workers an alternative to collective

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<sup>230</sup> 800 yuan in 2005 equals a bit more than 1,2000 yuan in 2024 (China Inflation Calculator n.d.). The average monthly wage in China varies greatly by the region and by industry, for more information see The EARLY team (2024).

representation, and in this manner prevent disruption of Chinese Communist Party-dominated social stability. As rights-consciousness increases, however, could worker resentment over the operation of the institutions be translated into demands for the very collective representation that the Party opposes?” (CHRR 2010: 39)

Unpaid wages rank among the primary catalysts for worker protests and court actions (TFD 2006: 33–34; TFD 2010: 38). CHRR critiques both ACTFU’s ineffectiveness and the state’s dispute-resolution system, designed to preclude collective action while maintaining social stability (TFD 2006: 32–33; TFD 2010: 39). Despite gradual growth in enterprise unions and occupational representative systems since 2004, true freedom of association remains elusive under CCP-controlled ACTFU (TFD 2004: 133; TFD 2005: 29, 31, 41).

The workers are also willing to protest and strike. CLB website offered not only an accident map, but also a strike map. Figure 1 shows the number of workers’ strikes from the period of 2011 till 2019. The highest number of protests happened in 2015 and 2016.<sup>231</sup> Many of the reasons for strikes were already mentioned above – delayed wage payment, lack of social security and factory closures due to slowing down of the Chinese economy (Huey Fern Tay 2015).

In CHRR 2015, China is described as a country where “as much as the central government strived to implement various economic and innovative policies, some crucial issues were deliberately ignored: market management, income distribution, labor rights, and so on” (TFD 2015: 213). The CHRR 2016 also noticed systematic negligence in regards to labor rights and lack of non-government organization that would protect the workers (TFD 2016: 152). The 2017 report finds that those same problems persist. Namely:

(1) despite some institutional, political response to the outcry for labor rights, a huge number of workers are still ineligible to benefit from labor regulations or protection measures; many are still owed back-pays despite new policies. (2) In the face of political oppression, labor groups and NGOs now incur much higher costs to expose labor right abuses; undoubtedly detrimental to upholding or pushing forward labor rights. (3) Government's attempt to clean up the air in northern China forced many steel and coal factories to shut down causing massive layoffs; meanwhile the authorities have not addressed the job placement issues for those laid-off. (TFD 2017: 214)

Point one is a persistent feature of the workers’ lives in China, as is the point three. Point one describes the same issue this thesis is trying to grasp. The legal provisions for workers in China are sufficient from a legal perspective, and the situation keeps improving, as more

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<sup>231</sup> See Hurst 2015.

regulations are being promulgated. However, there is barely any effect of these provisions in reality. Point three and the lay-offs it mentions are also not a unique phenomenon. Throughout the history, the Chinese government allocated the masses and exercised massive lay-offs (GLF, the Cultural Revolution, *xiagang*...).

Lee Ching Kwan argues that the protesting workers in the rustbelt (the Dongbei region in the northeast), “typically pursue cellular mobilization and embrace the insurgent identity of the underprivileged.” (Lee Ching Kwan 2006: 35) The protests did bring some positive results in the economic demands, but so far have failed to address the lack of accountability, widespread corruption and the rule of law (Lee 2006: 35). This might be due to the nature of the cellular protests. This type of activism usually does not operate under a unified organization and lack coordinated action. Lee extends the cellular activism also to the divisions within the workers and the different categories they have created for themselves (Lee Ching Kwan 2006: 25), further supporting the notion that the Chinese working class is not unified.

## **Conclusion**

From the adoption of the 1982 Constitution through to 2019, the legal and social standing of workers in China underwent profound and complex transformations. On paper, the 1982 Constitution and subsequent major labor laws, namely, the Labor Law of 1995 and the Labor Contract Law of 2008, articulated comprehensive protections for workers, promoting rights to employment, fair wages, rest, safety, and social insurance. Amendments throughout this period further enshrined market economy principles while repeating constitutional commitments to the working class and public ownership. The role most often attributed to the 1982 Constitution is that of *blueprint* (Ginsburg and Simpser 2014: 6), and I agree with this statement. The Chinese working class always faced problems, but the confirmation of the new economic direction in the constitution, took away the workers’ privileged status and really only left it on paper. If we look at the constitutional provisions and the real-life situation as a whole, we can see there were always discrepancies between the legal theory and everyday reality, but at least a chosen few of the workers could rely on the security provided by the iron-rice bowl. Even this was now being taken away from them, which is why I am more inclined to say that the Constitution played (and still plays) the *window-dressing* role.

The tumultuous period of China’s history in the second part of the 20<sup>th</sup> century history is captured well by Shuang Xuetao when describing a street in his hometown:

You’re right, though, Yanfen Street did have mines, back in the sixties. This place has a complicated past. [...] The Nationalist government sent people to dig up the land, but they came

up empty. During the Cultural Revolution, coal was found, and about two hundred miners were recruited from among the downtrodden—rural migrants, unregistered households, demoted rightists, injured laborers—and corralled in Yanfen Township. After Liberation, “township” sounded too old-fashioned, and the name was changed to Yanfen Street. Still the same people, though. If I had to guess, I’d say that quite a few of the present company have done things they shouldn’t and been stuck in jail for a bit. I bet a few owe money and they’re lying low here. And others are planning to get more booze after the service. (Shuang Xuetao 2022: Bright Hall, section 1)

The quote briefly, but effectively, describes the changes that workers also went through. The city which is described, Shenyang in the province of Liaoning, went through many transformations throughout the years, out of which the *xiagang* policy and the series of lay-offs greatly affected its citizens.

Despite these legal provisions, the lived realities for workers often fell short of the promises outlined in the law. The reintroduction of capitalist elements and sweeping economic reforms, especially from the 1980s through the 1990s, resulted in the dismantling of the “iron rice-bowl”. While China’s economy grew rapidly, these reforms led to significant layoffs (*xiagang*), unemployment, widening income inequality between workers and managers, and an overall sense of insecurity for many.

Working conditions often failed to comply with legal standards. Long working hours, delayed or unpaid wages, unsafe environments, and inadequate social insurance coverage persisted, especially for migrant and female workers. Even when protection existed in law, enforcement and access to recourse were weak, with local management, corruption, and ineffective trade unions leaving many workers vulnerable. Discontent sparked large waves of worker protests, commonly organized at a local or “cellular” level, seeking to address subsistence crises and demand fairer treatment.

In sum, between 1982 and 2019, the legal framework for protecting workers’ rights in China improved substantially. However, the benefits of these reforms were unevenly realized, often depending on industry, region, gender, and migration status. The push for economic growth and modernization typically outweighed the state’s promises to workers, causing widespread precarity even as China rose to become a global economic powerhouse. This dichotomy between law and reality remains one of the defining features of the Chinese labor landscape leading up to the COVID-19 pandemic.

## CONCLUSION

In my analysis I have shown that the legal provisions throughout the years continuously include more or less direct statements about a privileged position of working class (Xianfa 1954: art. 1; Xianfa 1975: preamble; Xianfa 1975: art. 1; Xianfa 1978: art. 1; Xianfa 1982: preamble; Xianfa 1982: art. 1), which show that from a legal perspective, workers were indeed seen as the leading force of the new society after 1949. The state also quickly implemented legal provisions, which were supposed to benefit the workers, establish conditions for insurance (Labor Insurance Law 1951) and provide the workers with an organization, which could protect their rights and interests (Trade Union Law 1950). However, the reality in which the workers were living was far from the promises and statements written in the legal documents. Legal ambiguities, lack of awareness among workers, and significant gaps in enforcement enabled employers and local governments to skirt regulations, reflecting a persistent disconnect between the rhetoric of rights and lived experience. This disconnect was further exacerbated by waves of economic reforms, marketization, and frequent, disruptive lay-offs, as well as the marginalization of migrant and female workers.

In the period covered by the 1954 Constitution, especially in the 1950s, the main issues the workers were facing was unemployment, as well as huge numbers of surplus workers and at the same time, low number of skilled workforce, workplace conflicts between workers and management, as well as conflict among the workers themselves (permanent vs. temporary workers), low wages, bad working conditions, and disillusionment with the new regime, which promised they will be a privileged group in a society. Despite the state actively putting into effect laws which were intended to protect the workers and improve their situation, it was not possible to adopt necessary measures fast enough and for such a huge number of people. The workers, who now saw themselves as the new masters of the country, took to protests as a way of improving their livelihood, once discussions with the ACTFU representatives became futile (Chen Feng 2014). In the 1960s, the workers, alongside the students, became an active force in the Cultural Revolution, since it was seen as a way of improving their political and social standing, but they were not functioning as a unified working class, which is another issue further complicating the relationship between the workers and the state. The working class in China is not united, and bases on the analysis of primary and secondary sources, it never truly was. Maybe except for a brief period of time, due to the efforts of the BAWF.

The period covered by the 1975 and 1978 Constitution also proved to be not an easy time for the workers. The 1975 Constitution was revolutionary, focused on ongoing class struggle, and emphasized the workers' privileged position as the masters of the country. In reality, the situation was still far from ideal. The state was recovering from the aftermath of the Cultural Revolution and the country decided to adopt reforms in order to for the country to develop economically. These reforms were however not beneficial to the workers, if anything, this was period was exact the breaking point when their social standing started shifting, and quite rapidly so. The iron rice-bowl provided by the SOEs started breaking, and what made it even worse was the government's attitude towards it. The government attempted to convince the workers that the iron rice-bowl was not actually a crucial part of socialism.

As for the period covered by the 1982 Constitution, it was probably the most challenging and difficult one for the workers. The period of 1980s and 1990s saw the full-scale implementation of the new economic reforms, which led to rise in capitalist form of ownership, which was not even acknowledged in the previous two constitutions. The workers were facing massive lay-offs. The term *xiagang* was used to euphemize the situation, but that could have maybe worked in statistics, not in real life. Many workers were effectively unemployed, with poor prospects of re-employment. As the state focused on economic gains, the workers were left behind. The workers' grievances manifested themselves also during the 1989 protests in Beijing, one of the few instances when the working class was unified. In these protests, the workers directly expressed their dissatisfaction with widespread corruption and called for democratization at the workplace. In the 21<sup>st</sup> century, the gap between the workers social and legal standing is widening. This is happening not only on the basis of the working class being labelled as the leading class of the country, but because of the state's disregard for human rights. This is a stance evident in almost every CHRR, and I have to agree that the data the reports provide, are convincing in proving their point. The workers struggle with high levels of unemployment, long and unpaid overtime (which violates the Labor Law 1995 and Labor Contract Law 2008), unsafe working conditions and oftentimes non-existent training (which also violates the same legal provisions), and low levels of labor insurance.

What are the possible reasons behind such developments in the workers legal and social standing? I have identified a few in my analysis. Firstly, constitutions in authoritarian regimes are not a useless piece of paper, and they actually play number of roles, which oftentimes overlap. Chinese constitutions are no exception, and in regards to workers, almost all the constitutions can be labelled as a *blueprint* – describing the state of things as it should be, not

as it is. If we look at the Chinese constitution in regards to workers from this angle, it might explain why there are discrepancies between theory and practice. The 1954 Constitution is the best example of that, since in the 1950s, the government actively tried to impose measures which were meant to be align with the workers' 'masters of the country' or at least leading class of the country status, but it failed to do so on an adequate scale and the workers felt the process was too slow.

Secondly, the role of CCP in the constitution making is undeniable and it is observable that CCP uses the constitution to promote the historical narrative which it currently prefers, and that changes throughout the constitutions (Mitchell 2022: 28-29). In regards to workers, this can be seen in the statement "dictatorship of the proletariat" (Xianfa 1975) being replaced by "people's democratic dictatorship" (Xianfa 1982), which legally allowed for the existence of capitalists and other elements in Chinese society, which could not be labelled as proletariat. The policy of iron rice-bowl is another example. In the first years, it was labelled as an achievement and superiority of the Chinese socialist system, but when the economic gains became more important than the citizens' wellbeing, the bowl shattered and was labelled as the main cause of low labor productivity.

Thirdly, I think a concept '*Anaconda in the Chandelier*' is very useful tool to understand the relationship between the CCP, constitution and the workers. '*Anaconda in the Chandelier*' refers to a threat lurking above a person and (sub)consciously influencing one's actions. Perry Link explains it as a form of self-censorship, which relies on each person's own judgement on whether a topic is overly risky to discuss publicly. Link mentions possible consequences, which might be detrimental not only to the person, but to their family. What is important, however, is

...the *fear* of such happenings. By "fear" I do not mean a clear and present sense of panic. I mean a dull, well-entrenched leeriness that people who deal with the Chinese censorship system usually get used to, and eventually accept as part of their natural landscape. (Link 2002: 1231)

This concept can be applied to any area of life, and that includes the rights and duties of citizens. Link himself later describes China's legal situation and its constitution as following:

[Constitution] provides that citizens have freedom of speech, of assembly, and of the press. But its preamble also sets down the inviolability of Communist Party rule, Marxism-Leninism-Mao-Zedong-Thought, the dictatorship of the proletariat, and the socialist system. The huge space between these two contradictory poles (both of which, by the way, are poor descriptions of the actual patterns of life in China) gives leaders immense room to be arbitrary while still claiming to be legal. (Link 2002: 1233)

Perry's quote explains how the CCPs managed to get away with oftentimes very blatant disregard for human rights for such a long period of time.

Throughout the seventy-year long period I analyze, some trends are observable. The first one is workers' active participation in protests. The workers actively protested for an improvement in their livelihood in the mid and late 1950s (Chen Feng 2014), as well as some of the workers becoming part of the rebels during the Cultural Revolution (Sheehan 2002). The most well-known series of protests happened in the 1980s-1990s, but those were by no means a unique phenomenon as they are sometimes considered to be (Perry 2015, Walder and Gong Xiaoxia 1993, Chen Feng 2000). The protests in early 2000s operated mostly on the basis of cellular activism, not under unified guidance (Lee Ching Kwan 2006). Connected to this is also the issue of the unity of the working class. Throughout the years, tensions within the working class are observable. In the 1950s, there was animosity between the full-time workers and temporary workers, where the temporary workers felt mistreated and expected the same treatment and working conditions as the full-time workers. In the period of the Cultural Revolution, the conflict was based on one's background, and being a part of proletariat was the best option, all the others were looked down upon and often tormented. The period of late 1990s and 2000s is especially rich in stories of migrant workers, who oftentimes had lived for decades in the city, but because of *hukou*, they are not entitled to any benefits.

Secondly, the social standing of workers is getting worse and from both legal and social perspective, they are far from the masters of the country they were once meant to be. Thirdly, despite the state trying to promote equality among men and women, women are still a long way from being treated equally at the workplace. Women face discrimination, sexual harassment and are often treated as something less.

Thirdly, the state's attention being directed to industrialization or economic gains, and not workers, who, from a legal standpoint, are still the leading class of the country.

Last but not least, there is a continuous trend of workers' migration to urban areas, albeit their motivations have changed. In the 1950s, the main reason was (under the influence of ideology) to become part of a new society and aid in building it, while in the 21<sup>st</sup> century workers, particularly young workers, are motivated by the need to prove themselves and make it as an individual in the 'big world'. The works of Sheng Keyi (2010) and Chang Leslie T. (2012) do these migrant workers, and especially migrant women, justice. In their books, they are portrayed as fearless, ready to be free and stand on their own. Both authors describe in detail

how these young girls change, and how they cannot fit into their home village, it is now too small and constricting for them. The big city, despite its threats and dangers, is still a better option for these individualistic young girls. Even if they become relatively successful, they do not forget where they came from:

The assembly-line workers in Min's factory made 320 yuan a month. That was low for Dongguan, and it bothered Min. She always said hello to the workers but she never got to know them better. "Some of the people in the office won't even speak to the workers, because they look down on them," Min said. "But I used to be a worker too." (Cheng Leslie T 2010: 4)

This quote shows that despite the lack of unity among the Chinese working class, many of the workers' still feel a strong sense of belonging and even pride for being a worker, even if their societal status is not as privileged as it used to be, in fact quite the opposite is truer.

**Number of cases**

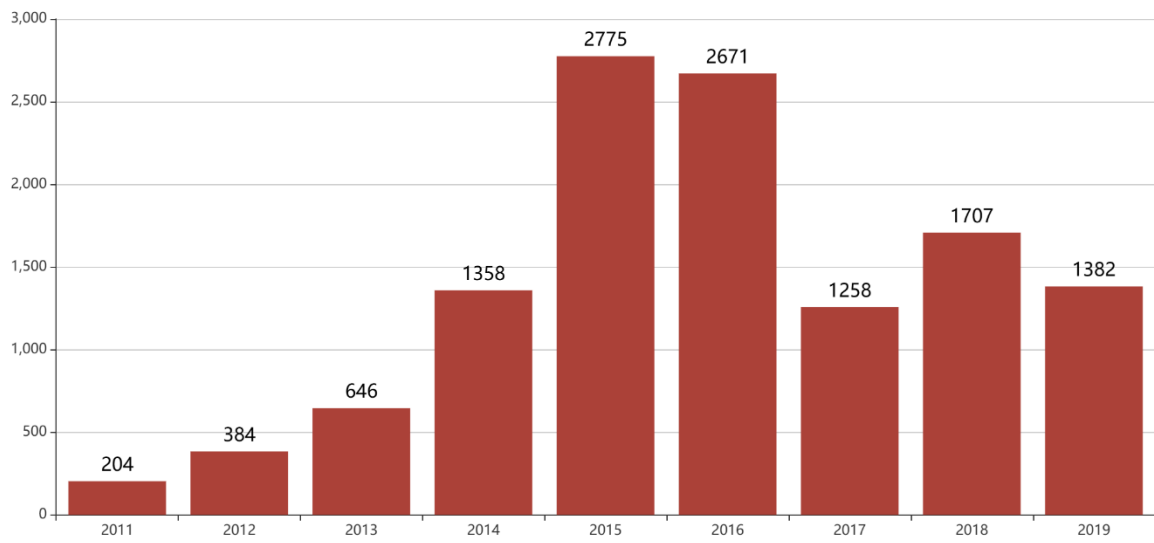


Fig. 1 Number of cases in workers' strikes (CBL n.d. b)

## BIBLIOGRAPHY

### PRIMARY SOURCES

#### Constitutions and legal provisions

Universal Declaration of Human Rights. 1948. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed 14.06.2025)

*Zhonghua renmin gongheguo xianfa* (1954) 中华人民共和国宪法 1954 年 [Constitution of the People's Republic of China 1954]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426665514681575.shtml> (accessed February 27 2025)

*Zhonghua renmin gongheguo xianfa* (1975) 中华人民共和国宪法 1975 年 [Constitution of the People's Republic of China 1975]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426666984513758.shtml> (accessed April 2 2025)

*Zhonghua renmin gongheguo xianfa* (1978) 中华人民共和国宪法 1978 年 [Constitution of the People's Republic of China 1978]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426667115741768.shtml?from=singlemessage> (accessed April 3 2025)

*Zhonghua renmin gongheguo xianfa* (1982) 中华人民共和国宪法 1982 年 [Constitution of the People's Republic of China 1982]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426664689523381.shtml> (accessed May 14 2025)

*Zhonghua renmin gongheguo xianfa xiuzhengan* (1988) 中华人民共和国宪法修正案 [Amendment to the Constitution of the People's Republic of China 1988]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426664030986323.shtml> (accessed May 15 2025)

*Zhonghua renmin gongheguo xianfa xiuzhengan* (1993) 中华人民共和国宪法修正案 [Amendment to the Constitution of the People's Republic of China 1993]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426664910960419.shtml> (accessed May 15 2025)

*Zhonghua renmin gongheguo xianfa xiuzhengan* (1999) 中华人民共和国宪法修正案 [Amendment to the Constitution of the People's Republic of China 1999]. Available at: <https://news.12371.cn/2015/03/18/ARTI1426665149510505.shtml> (accessed May 15 2025)

*Zhonghua renmin gongheguo xianfa xiuzhengan* (2004) 中华人民共和国宪法修正案 [Amendment to the Constitution of the People's Republic of China 2004]. Available at: [https://www.gov.cn/gongbao/content/2004/content\\_75645.htm](https://www.gov.cn/gongbao/content/2004/content_75645.htm) (accessed May 15 2025)

*Zhonghua renmin gongheguo xianfa xiuzhengan* (2018) 中华人民共和国宪法修正案 [Amendment to the Constitution of the People's Republic of China 2018]. Available at: [https://www.gov.cn/xinwen/2018-03/11/content\\_5273222.htm](https://www.gov.cn/xinwen/2018-03/11/content_5273222.htm) (accessed May 15 2025)

*Zhonghua renmin gongheguo gonghui fa* (1950) 中华人民共和国工会法 [Trade Union Law of the People's Republic of China]. Promulgated by the Standing Committee of the National People's Congress on June 28, 1950. Available at: <https://www.marxists.org/chinese/reference-books/1950/a001.htm> (accessed 01.03.2025)

*Zhonghua renmin gongheguo laodong baoxian tiaoli* (1951) 中华人民共和国劳动保险条例 [Labor Insurance Regulations of the People's Republic of China]. Promulgated by the

Government Administration Council on 26 February 1951, effective March 3, 1951. Available at: <https://xzfg.moj.gov.cn/front/law/detail?LawID=1350> (accessed 01.03.2025)

*Zhonghua renmin gongheguo laodong baoxian tiaoli* (1953) 中华人民共和国劳动保险条例 [Labor Insurance Regulations of the People's Republic of China]. Amended on January 2, 1953. Available at: <https://xzfg.moj.gov.cn/front/law/detail?LawID=1620> (accessed 02.03.2025)

An Gang Xianfa (1960) 鞍钢宪法 [An Gang Constitution]. Available at: <https://zhuanlan.zhihu.com/p/642308102> accessed 20.06.2025

*Guanyu anzhi laoruobingcan ganbu de zanxing banfa* (1978) 关于安置老弱病残干部的暂行办法 [Provisional measures on the retirement and resignation of workers]. Approved by the Standing Committee of the National People's Congress on June 2, 1978. Available at: [http://www.gd.gov.cn/zwgk/wjk/zcfgk/content/post\\_2531473.html](http://www.gd.gov.cn/zwgk/wjk/zcfgk/content/post_2531473.html) (accessed 02.06.2025)

*Guanyu gongren tuixiu, tuizhi de zhanxing banfa* (1978) 关于工人退休、退职的暂行办法 [Provisional measures on the retirement and resignation of workers]. Approved by the Standing Committee of the National People's Congress on June 2, 1978. Available at: [http://www.gd.gov.cn/zwgk/wjk/zcfgk/content/post\\_2531473.html](http://www.gd.gov.cn/zwgk/wjk/zcfgk/content/post_2531473.html) (accessed 02.06.2025)

*Guanyu shixing jiangli he jijian gongzi zhidu de tongzhi* (1978) [关于实行奖励和计件工资制度的通知] Notice on the implementation of incentives and piece-rate wage system. Available at: <http://rd.reformdata.org/xinwen/2021/show-355.html> (accessed 02.06.2025)

*Zhonghua renmin gongheguo laodong fa* (1995) 中华人民共和国劳动法 [Labour Law of the People's Republic of China]. (1995) Promulgated by the Standing Committee of the National People's Congress on 5 July 1994, effective January 1, 1995. Available at: <https://hr.shu.edu.cn/info/1037/3322.htm> (accessed 04.05.2025)

*Zhonghua renmin gongheguo laodong hetong fa* (2008) 中华人民共和国劳动合同法 [Labour Contract Law of the People's Republic of China]. (2008) Promulgated by the Standing Committee of the National People's Congress on 29 June 2007, effective January 1, 2008. Available at: [https://www.gov.cn/ziliao/flfg/2007-06/29/content\\_669394.htm](https://www.gov.cn/ziliao/flfg/2007-06/29/content_669394.htm) (accessed 05.05.2025)

State Council. (2019) Constitution of the People's Republic of China 1982. Available at: [https://english.www.gov.cn/archive/lawregulations/201911/20/content\\_WS5ed8856ec6d0b3f0e9499913.html](https://english.www.gov.cn/archive/lawregulations/201911/20/content_WS5ed8856ec6d0b3f0e9499913.html) (accessed May 15 2025)

## Statistics and reports

China Labour Bulletin. (n.d. a) China Work Accident Map. Available at: [https://maps.clb.org.hk/?i18n\\_language=en\\_US&map=2&startDate=2024-11&endDate=2025-05&eventId=&keyword=&addressId=&parentAddressId=&address=&parentAddress=&industry=&parentIndustry=&industryName=&pageEmbed=](https://maps.clb.org.hk/?i18n_language=en_US&map=2&startDate=2024-11&endDate=2025-05&eventId=&keyword=&addressId=&parentAddressId=&address=&parentAddress=&industry=&parentIndustry=&industryName=&pageEmbed=) (accessed May 24 2025)

China Labour Bulletin. (n.d. b) China Strike Map. Available at: [https://maps.clb.org.hk/statistics?i18n\\_language=en\\_US&map=1&startDate=1982-11&endDate=2019-](https://maps.clb.org.hk/statistics?i18n_language=en_US&map=1&startDate=1982-11&endDate=2019-)

[05&eventId=&keyword=&addressId=&parentAddressId=&address=&industry=&parentIndustry=&industryName=](#) (accessed May 24 2025)

*Zhongguo laodong tongji nianjian.* (2007)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2008)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2009)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2010)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2011)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2012)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2013)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2007)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2014)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2015)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2016)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2017)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2018)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2019)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2020)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2021)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2022)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo laodong tongji nianjian.* (2023)中国劳动统计年鉴 [China Labour Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2014) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2015) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2016) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2017) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2018) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2019) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2020) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2021) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2022) 中国社会统计年鉴 [China Social Statistical Yearbook]

*Zhongguo shehui tongji nianjian.* (2023) 中国社会统计年鉴 [China Social Statistical Yearbook]

Central Intelligence Agency (1956) *The industrial labor force of communist China, 1950–55.* CIA/RR PR-133. Washington, DC: Central Intelligence Agency.

International Labor Organization. (n.d., a) Labor force in China. Available at: [https://rshiny.ilo.org/dataexplorer57/?lang=en&segment=indicator&id=UNE\\_DEAP\\_SEX\\_AGE\\_RT\\_A&ref\\_area=CHN](https://rshiny.ilo.org/dataexplorer57/?lang=en&segment=indicator&id=UNE_DEAP_SEX_AGE_RT_A&ref_area=CHN) (accessed May 23 2025)

International Labor Organization. (n.d., b) Unemployment in China. Available at: [https://rshiny.ilo.org/dataexplorer57/?lang=en&segment=indicator&id=UNE\\_DEAP\\_SEX\\_AGE\\_RT\\_A&ref\\_area=CHN](https://rshiny.ilo.org/dataexplorer57/?lang=en&segment=indicator&id=UNE_DEAP_SEX_AGE_RT_A&ref_area=CHN) (accessed May 23 2025)

Knoema. (2018) China – unemployment rate. Available at: <https://opendataforafrica.org/atlas/China/Unemployment-rate?lang=zh> (accessed June 13 2025)

National Bureau of Statistics. (n.d., a) Laodong li. Available at: <https://data.stats.gov.cn/easyquery.htm?cn=C01> (accessed May 23 2025)

Taiwan Foundation for Democracy. (2004) China human rights report 2004. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2005) China human rights report 2005. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2006) China human rights report 2006. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2007) China human rights report 2007. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2008) China human rights report 2008. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2009) China human rights report 2009. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2010) China human rights report 2010. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2011) China human rights report 2011. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2012) China human rights report 2012. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2013) China human rights report 2013. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2014) *China human rights report 2014*. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2015) *China human rights report 2015*. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2016) *China human rights report 2016*. Taipei: Taiwan Foundation for Democracy.

Taiwan Foundation for Democracy. (2017) *China human rights report 2017*. Taipei: Taiwan Foundation for Democracy.

Worldbank (n.d.). GDP (current US\$) – China. Available at:  
<https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=CN> (accessed May 22 2025)

Worldbank (2025). Unemployment in China. Available at:  
<https://data.worldbank.org/indicator/SL.UEM.TOTL.NE.ZS?locations=CN> (accessed May 8 2025)

World in Data. (n.d.) Annual Working Hours per Worker. Available at:  
<https://ourworldindata.org/grapher/annual-working-hours-per-worker> (accessed May 6 2025)

### **Fiction and journalism**

Chang, Leslie T. (2010) *Factory girls: From village to city in a changing China*. London: Picador Books. (e-book version without page numbers)

Liu Guokai. (1987) *A brief analysis of the Cultural Revolution*. Translated and abridged by A. Chan. Armonk, NY: M.E. Sharpe.

Sheng Keyi. (2012) *Northern girls: Life goes on*. London: Penguin. (e-book version without page numbers)

Shuang Xuetao. (2022) *Rouge Street*. Shanghai: Shanghai Publishing House. (e-book version without page numbers)

Yang Jisheng. (2021) *The world turned upside down*. NY: Farrar, Straus and Giroux.

### **Other primary sources**

CCP Central Committee. (1966) Zhongguo gongchandang zhongyang weiyuanhui guanyu wuchanjieji wenhua dageming de jueding [中国共产党中央委员会关于无产阶级文化大革命的決定] Decision on the Great Proletarian Cultural Revolution. Available at:  
<https://www.marxistphilosophy.org/Hongqi/66/196610-01.htm> (accessed May 7 2025)

Deng Xiaoping. (1994) *Deng Xiaoping wenxuan* 邓小平文选 [Selected works of Deng Xiaoping], vol. 2. Beijing: Renmin chubanshe. Available at:  
<https://www.marxistphilosophy.org/Deng/Dengxiaowen2.pdf> (accessed 17 June 2025).

*Han Ying da cidian*. (1993) Juan [1], A–M. Shanghai: Shanghai Jiaotong Daxue Chubanshe.

*Hanyu da cidian*. (1988) vol. 2, 1st ed. Shanghai: Hanyu da cidian chubanshe.

Information Office of the State Council of the People's Republic of China. (2005) *China's progress in human rights in 2004*. Available at: [http://by.china-embassy.gov.cn/rus/zt/rqwt/200607/t20060726\\_2413635.htm](http://by.china-embassy.gov.cn/rus/zt/rqwt/200607/t20060726_2413635.htm) (accessed June 21 2025)

Marx, Karl. (1844) *Estranged Labor, Economic and Philosophical Manuscripts of 1844*. Available at: <https://www.marxists.org/archive/marx/works/1844/manuscripts/labour.htm> (accessed 26 March 2025).

Marx, Karl. (1976) *Capital*. Vol. 1. London: Penguin.

Marx, Karl. (1977) *A Contribution to the Critique of Political Economy*. Moscow: Progress Publishers. Available at: <https://www.marxists.org/archive/marx/works/1859/critique-pol-economy/preface.htm> (accessed 25 March 2025).

Mao Zedong. (2021) *Selected Works of Mao Zedong*, vol. 5. Paris: Foreign Language Press.

Chi Heng. (1975) “Conscientiously Study the Theory of the Dictatorship of the Proletariat”. *Peking Review*, (7), pp. 6–10. Available at: <https://www.marxists.org/subject/china/peking-review/1975/PR1975-07b.htm> (accessed 18 June 2025).

Renmin Ribao. (1966) “Renmin Ribao” edition 26 December 1966. Available at: <https://cn.govopendata.com/renminribao/1966/12/26/> (accessed 14 June 2025).

United Nations. (1948) Universal Declaration of Human Rights. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed 15 May 2025)

*Xinhua cidian*. (2001) 3<sup>rd</sup> ed. Beijing: Shangwu yinshuguan.

*Xiandai Hanyu cidian*. (1983) 2<sup>nd</sup> ed. Beijing: Shangwu yinshuguan.

*Xiandai Hanyu cidian*. (1990) Beijing: Shangwu yinshuguan.

*Xiandai Hanyu cidian* (2002) 3<sup>rd</sup> extended ed. Beijing: Shangwu yinshuguan.

Zhang Chunqiao. (1975) “Report on the Revision of the Constitution 1975.” Available at: <https://www.marxists.org/reference/archive/zhang/1975/01/13.htm> (accessed 20 May 2025).

Zhou Enlai. (1997) *Zhou Enlai nianpu 周恩来年谱 (1949–1976): shang juan*. Beijing: Zhongyang Wenxian Chubanshe, p. 221.

## SECONDARY LITERATURE

Albert, Richard. (2019) *Constitutional amendments: making, breaking, and changing constitutions*. Oxford University Press.

Altehenger, Jennifer. (2018) *Legal Lessons: Popularizing Laws in the People's Republic of China, 1949–1989*. Cambridge, MA: Harvard University Press.

Amnesty International. (2024a) *Human rights in China*. Available at: <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/china/report-china/> (accessed June 21 2025)

Amnesty International. (2024b) *Human Rights in Taiwan*. <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/taiwan/report-taiwan/> (accessed June 21 2025)

- Angle, Stephen C. (2003) *Human Rights in Chinese Thought: A Cross-Cultural Inquiry*. Cambridge: Cambridge University Press.
- Arendt, Hannah. (2019) *The human condition*. University of Chicago press.
- Backer, Larry. (2012) "Party, People, Government and State: On Constitutional Values and the Legitimacy of the Chinese State-Party Rule of Law System." *Boston University International Law Journal* 30: 331-408.
- Banister, Judith, and Jeffrey R. Taylor. (1989) "China: surplus labour and migration." *Asia-Pacific Population Journal* 4.4 (1989): 3-20.
- Bennett, G.A. and Montaperto, R.E. (1971) *Red Guard – The Political Biography of Dai Hsiao 'ai*. New York: Doubleday.
- Bulger, Christine M. (2000) *Fighting gender discrimination in the Chinese workplace*. *BC Third World LJ*, 20, p.345.
- Chang Yu-nan. (1956) "The Chinese Communist State System under the Constitution of 1954." *The Journal of Politics*, 18(3), pp. 520–546.
- Chao Guo-chun. (1954) "The National Constitution of Communist China." *Far Eastern Survey*, 23(10), pp. 145–151.
- Chen Feng. (2000) "Subsistence Crises, Managerial Corruption and Labour Protests in China." *The China Journal*, 44, 41–63. <https://doi.org/10.2307/2667476>
- Chen Feng. (2014) *Against the state: labor protests in China in the 1950s*. *Modern China*, 40(5), 488-518.
- Chen, Liwei. (2018) *Impact of gender discrimination on workplace gender inequalities in China in the last decade*. (Dissertation). Retrieved from <https://urn.kb.se/resolve?urn=urn:nbn:se:lnu:diva-80855> (June 15 2025)
- China Inflation Calculator. (n.d.) Available at: <https://www.in2013dollars.com/china/inflation/2005?amount=800> (accessed June 20 2025)
- China Labour Bulletin staff. (2021) "Looking for Excuses: How the All-China Federation of Trade Unions' Responds to Workers' Calls for Help." *International Union Rights*, vol. 28, no. 1. pp. 11–13.
- China Labour Bulletin (n.d. c) About Us. Available at: <https://clb.org.hk/en/content/about-us> (accessed May 24 2025)
- China Labour Bulletin. (1997) Lay-offs hit women workers hardest. Available at: <https://clb.org.hk/en/content/lay-offs-hit-women-workers-hardest> (accessed May 24 2025)
- China Labour Bulletin. (1998) Protesting against poverty. Available at: <https://clb.org.hk/en/content/protesting-against-poverty> (accessed May 24 2025)
- Clarke, Donald C. (2003) "Puzzling Observations in Chinese Law: When Is a Riddle Just a Mistake?" In: Hsu, C. Stephen (ed.) *Understanding China's Legal System*. Essays in Honour of Jerome A. Cohen. Hong Kong: University Press.
- Cohen, Jerome Alan. (1979) "China's Changing Constitution." *Northwestern Journal of International Law & Business*, 1, p. 57.

- Conner, Alison E. (1993) *Commentary: Amendments to the Chinese Constitution*. *Hong Kong LJ*, 23, p.224.
- Crout, Leigha. (2021a) “*The Evolution of Constitutionalism in the People’s Republic of China: Past and Present*.” *Indiana International & Comparative Law Review*, 31, p. 351.
- Crout, Leigha. (2021b) “*China’s Constitutions: Past and Present*.” *ECLR Hub blog*. Available at: <https://blog.uni-koeln.de/eclrhub/2022/11/06/chinas-constitutions-past-and-present/> (accessed 24 March 2025).
- De Heer, Philip. (1978) “*The 1978 Constitution of the People’s Republic of China*.” *Review of Socialist Law*, 4, pp. 309–322.
- Diamant, Neil J. (2021) *Useful Bullshit: Constitutions in Chinese Politics and Society*. Ithaca: Cornell University Press.
- Fairbank, John K. and Goldman, Merle. (2006) *China: A New History*. Cambridge, MA: Harvard University Press.
- Fearon, James D. (2011) “*Self-Enforcing Democracy*.” *The Quarterly Journal of Economics*, 126(4), pp. 1661–1708.
- Feng Lin. (2019) *The 2018 constitutional amendments: Significance and impact on the theories of party-state relationship in China*. *China Perspectives*, (1), pp.11-21.
- Frazier, Mark W. (2002) *The Making of the Chinese Industrial Workplace: State, Revolution, and Labor Management*. Cambridge: Cambridge University Press.
- Freedom House. (2025a) Taiwan. Available at: <https://freedomhouse.org/country/taiwan> (accessed June 21 2025)
- Freedom House. (2025b) China. Available at: <https://freedomhouse.org/country/china> (accessed June 21 2025)
- Fung, Ho-lup. (2001) “*The Making and Melting of the ‘Iron Rice Bowl’ in China 1949 to 1995*.” *Social Policy & Administration*, 35, pp. 258–273.
- Gang Fan, Lunati, Maria and O’Connor, David. (1998) “*Labour Market Aspects of State Enterprise Reform in China*”, *OECD Development Centre Working Papers*, No. 141, OECD Publishing, Paris, <https://doi.org/10.1787/451251088062>.
- Gardner, John. (1976) “*The Chinese Constitution of 1975*.” *Government and Opposition*, 11(2), pp. 212–223.
- Gao Henry and Zhou Weihuan. (2022) *Between Market Economy and State Capitalism: China’s State-Owned Enterprises and the World Trading System*. Cambridge: Cambridge University Press.
- Ginsburg, Tom, Moustafa, Tamir. (2008) *Rule by law: the politics of courts in authoritarian regimes*. Cambridge: Cambridge University Press.
- Gold, Thomas, William Hurst, Jaeyoun Won and Qiang Li (eds.) (2009) *Laid-Off Workers in a Workers’ State: Unemployment with Chinese Characteristics*. New York: Springer.
- Goldman, Merle. (1983) “*Human Rights in the People’s Republic of China*.” *Daedalus*, 112(4), pp. 111–138.

- Guang Lei. (2009) “Broadening the Debate on xiagang: Policy Origins and Parallels in History.” In: Gold, Thomas et al. (eds.) *Laid-Off Workers in a Workers’ State*. New York: Springer, pp. 15–37.
- Gunderson, Morley K., Byron Y. Lee and Hui Wang. (2024.) “Worker Congresses in China: Do They Matter?” *Industrial Relations: A Journal of Economy and Society* 63 (1): 43–58. <https://doi.org/10.1111/irel.12336>.
- He Xin. (2014). “The Party’s Leadership as a Living Constitution in China.” In: *Constitutions in Authoritarian regimes*. Cambridge: Cambridge University Press.
- Hirata Koji. (2024) “The Three Lives of the Angang Constitution.” In: *Making Mao’s Steelworks*. Cambridge Studies in the History of the People’s Republic of China. Cambridge: Cambridge University Press.
- Howard, Pat. (1991) “Rice Bowls and Job Security: The Urban Contract Labour System.” *The Australian Journal of Chinese Affairs*, (25), pp. 93–114.
- Houn, Franklin W. (1955) “Communist China’s New Constitution.” *Western Political Quarterly*, 8(2), pp. 199–233.
- Huang, Philip C.C. (2001) *Code, Custom, and Legal Practice in China: The Qing and the Republic Compared*. Stanford: Stanford University Press.
- Huang, Yiping. (2012) “State-Owned Enterprise Reform.” In: Garnaut, Ross and Song, Ligang (eds.) *China: Twenty Years of Economic Reform*. Canberra: ANU Press, pp. 95–116. Available at: <http://www.jstor.org/stable/j.ctt24hcx9.10> (accessed 25 May 2025).
- Huey Fern Tay. (2015) *Strikes, protests on the rise in China, labour rights group says*. Published 15.04.2015 in ABC News. Available at: <https://www.abc.net.au/news/2015-04-15/strikes-protests-on-the-rise-in-china-report-says/6394490> (accessed June 14 2025)
- Hurst, William J. (2009) “The Creation and Undoing of the Chinese Working Class”. In: *Laid-off workers in a workers’ state: Unemployment with Chinese characteristics*. New York: Springer.
- Hurst, William J. (2015) “Chinese Labor Divided”. In *Dissent magazine* (Spring 2015). Available at: <https://www.dissentmagazine.org/article/chinese-labor-divided/> (accessed June 20 2025)
- Jiang Shigong. (2010) “Constitutionalism, Reform and the Nature of the Chinese State: Dialogues among Western and Chinese Scholars, III.” *Modern China*, 36(1), pp. 12–46.
- Jones, William C. (1985) “The Constitution of the People’s Republic of China.” *Washington University Law Quarterly*, 63, pp. 707–735.
- Kahn, Paul W. (2019) *Origins of order: Project and system in the American legal imagination*. Yale University Press.
- Killion, M.Ulric. (2005) *China’s Amended Constitution: Quest for Liberty and Independent Judicial Review*. *Wash. U. Global Stud. L. Rev.*, 4, p.43.
- Kim Chin. (1977) “The 1975 Constitution of the People’s Republic of China.” *Hastings International & Comparative Law Review*, 1, pp. 1–36.
- Kim Chin and Kearley, Timothy G. (1979) “The 1978 Constitution of the People’s Republic of China.” *Hastings International & Comparative Law Review*, 2, pp. 251–280.

- Kolakowski, Leszek. (1978) *Main Currents of Marxism*. Oxford: Oxford University Press.
- Kroll, Susan. (2013) “*The Emergence and Transformation of International Order: International Law in China, 1860–1949.*” *Asian Perspective*, 37(1), pp. 31–52. Available at: <http://www.jstor.org/stable/42704817> (accessed 25 March 2025).
- Law of China. (n.d.) The 1954 Constitution. Available at: <https://www.lawinfochina.com/display.aspx?lib=law&id=14754&CGid> (accessed June 26 2025)
- Lee Ching Kwan. 2006. *Working in China: Ethnographies of labor and workplace transformation*. Taylor & Francis.
- Lee Hong Yung. (2000). *Xiagang, the Chinese Style of Laying Off Workers*. *Asian Survey*, 40(6), 914–937. <https://doi.org/10.2307/3021195>
- Lee, Peter N. (1987) *Industrial management and economic reform in China, 1949–1984*, Oxford: Oxford University Press.
- Leung, J. C. B. (1995) *The political economy of unemployment and unemployment insurance in the People’s Republic of China*. *International Social Work*, 38(2), 139–149. <https://doi.org/10.1177/002087289503800204> (Original work published 1995)
- Li David Daokui. (2024) *China’s World View: Demystifying China to Prevent Global Conflict*. New York, NY: W.W.Norton & Company, p. 67.
- Li Li. (2005) *China’s constitutional amendments and their implications*. *China Report*, 41(1), pp.75-81.
- Li Ling. (2015) “‘Rule of Law’ in a Party-State: A Conceptual Interpretative Framework of the Constitutional Reality of China.” *Asian Journal of Law and Society*, 2(1), pp. 93–113.
- Lin Fang. (2019) “*The 2018 Constitutional Amendments: Significance and Impact on the Theories of Party-State Relationship in China.*” *China Perspectives*, 116, pp. 11–22. Available at: <https://www.jstor.org/stable/26663900> (accessed 25 March 2025).
- Link, Perry. (2002). *The anaconda in the chandelier: Chinese censorship today*. *The New York Review of Books*, 49(6), 1230-1254.
- Mbembe, Achille. (2019) *Necropolitics*. Durham: Duke University Press.
- Meisner, Maurice. (1989) “*Marx, Mao and Deng on the Division of Labor in History.*” In: *Marxism and the Chinese Experience*, pp. 79–116. London: Routledge.
- Mühlhahn, Klaus. (2019) *Making China Modern: from the Great Qing to Xi Jinping*. Cambridge, MA: Harvard University Press.
- Naughton, Barry. (1995) *Growing out of the Plan: Chinese Economic Reform, 1978–1993*. Cambridge: Cambridge University Press.
- Perry, Elizabeth J. (1994) “*Shanghai’s Strike Wave of 1957.*” *China Quarterly*, (137), pp. 1-27.
- Perry, Elizabeth J. (2015) *Challenging the Mandate of Heaven: Social Protest and State Power in China*. London: Routledge.

- Perry, Elizabeth J. and Li Xun. (2018) *Proletarian power: Shanghai in the cultural revolution*. Routledge.
- Przeworski, Adam. (2014) “*Ruling against rules*”. In: *Constitutions in authoritarian regimes*. Cambridge: Cambridge University Press.
- Putterman, Loren and Dong Xiao-yuan. (2000) “*China’s State-Owned Enterprises: Their Role, Job Creation and Efficiency in Long-Term Perspective*.” *Modern China*, 26(4), pp. 403–427. Available at: <http://www.jstor.org/stable/189426> (accessed 25 March 2025).
- Ryan Martínez Mitchell. (2022) “*Constitutional Projects in Modern Chinese History*.” In: *Routledge Handbook of Constitutional Law in Greater China*. London: Routledge.
- Seymour, James D. (ed.) (1980) *The fifth modernization: China’s Human Rights Movement, 1978–1979*, Stanfordville, NY: Human Rights Publishing Group.
- Sheehan, Jackie. (2002) *Chinese Workers: A New History*. London: Routledge.
- Shiyong Hanzi zidian*. (1985) 1st ed., 2nd printing. Shanghai: Shanghai cishu chubanshe.
- Solinger, Dorothy J. (2001) “*Why We Cannot Count the ‘Unemployed’*.” *China Quarterly*, (167), pp. 671–688.
- Taiwan Foundation for Democracy. (n.d.) Our Tasks. Available at: <https://www.tfd.org.tw/en/about/ourTasks> (accessed June 21 2025)
- Taylor, Bill and Li, Qi. (2007) “*Is the ACFTU a Union and Does It Matter?*” *Journal of Industrial Relations*, 49(5), pp. 701–715. Available at: <https://doi.org/10.1177/0022185607082217> (accessed 24 May 2025).
- Tiffert, Glen. (2009) *Epistrophy: Chinese Constitutionalism and the 1950s*. Palgrave Macmillan: UC Berkeley.
- The EARLY Team. (2024) Average salary in China. Available at: <https://early.app/average-salary/china/> (accessed June 20 2025)
- Tsai Ming-Chang, et al. (2016) “*Working overtime in East Asia: convergence or divergence?*” *Journal of Contemporary Asia* 46.4: 700-722.
- Walder, Andrew G. and Gong Xiaoxia. (1993) Workers in the Tiananmen Protests: The Politics of the Beijing Workers’ Autonomous Federation. *The Australian Journal of Chinese Affairs*, 29, 1–29. <https://doi.org/10.2307/2949950>
- Wang Hui, Appelbaum, R.P., Degiuli, Francesca and Lichtenstein, Nancy. (2009) “*China’s New Labour Contract Law: Is China Moving Towards Increased Power for Workers?*” *Third World Quarterly*, 30(3), pp. 485–501.
- Wei Jingsheng (1978) ‘*The fifth modernization*’, translated in J. D. Seymour (ed.) (1980) *The Fifth Modernization—China’s Human Rights Movement, 1978–1979*, Stanfordville, NY: Human Rights Publishing Group.
- Wemheuer, Felix. (2019) *A Social History of Maoist China: Conflict and Change, 1949—1976*. Cambridge: Cambridge University Press.

- Weng Byron. (1982) “*Some Key Aspects of the 1982 Draft Constitution of the People’s Republic of China.*” *The China Quarterly*, 91, pp. 492–506.
- Xinhua Wang. (2019) “70 年，中国人均预期寿命翻了一倍多” [70 Years: Chinese Life Expectancy Has More Than Doubled]. Xinhua. Available at: [http://www.xinhuanet.com/politics/2019-09/05/c\\_1124963756.htm](http://www.xinhuanet.com/politics/2019-09/05/c_1124963756.htm) (accessed 16 June 2025).
- Yang Mayfair Mei-hui. (1989) “*Between State and Society: The Construction of Corporateness in a Chinese Socialist Factory.*” *The Australian Journal of Chinese Affairs*, no. 22, 1989, pp. 31–60.
- Zhai Zhiyong. (2015) “*The Making and Structure of the 1982 Constitution of China.*” *Tsinghua China Law Review*, 8, pp. 141–170.
- Zhang Tiedao. (2005) “*Literacy Education in China.*” Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000146208> (accessed 21 March 2025).
- Zhang Bolun and Zhou Yimang. (2025) “Wages and the Division between Mental and Manual Labor in China.” *World Development*, 188, p. 106878.
- Zhongguo faxue wang. (n.d.) [http://iolaw.cssn.cn/shf\\_379/201006/t20100617\\_4606834.shtml](http://iolaw.cssn.cn/shf_379/201006/t20100617_4606834.shtml) (accessed April 24 2025)
- 996.ICU. (n.d.) What is ICU? Available at: [https://996.icu/#/en\\_US](https://996.icu/#/en_US) (Accessed May 14 2025)