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## **Entrapment by consent : the co-ethnic brokerage system of ethnic Yi labour migrants in China**

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### **Citation**

Ma, X. (2018, February 13). *Entrapment by consent : the co-ethnic brokerage system of ethnic Yi labour migrants in China*. Retrieved from <https://hdl.handle.net/1887/61045>

Version: Not Applicable (or Unknown)

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**Title:** Entrapment by consent : the co-ethnic brokerage system of ethnic Yi labour migrants in China

Date: 2018-02-13

## Chapter 7

# The Intersection of Yi Labour Migrants and Local Governments in Cities

Ethnic minority policies have been institutionalized and implemented in ethnic autonomous regions since the Chinese Communist Party came to power in 1949. As migration of ethnic minorities to Han-dominated, non-autonomous regions and their subsequent accumulation in cities has increased, local governments have recently had to grapple with policies specific to minorities that are new to local officials as well as the conflicts with ethnic minorities arising from economic disputes. In this chapter, by examining the interaction between ethnic Yi migrant workers and local government officials in the Pearl River Delta of South China, I demonstrate how the local state copes with ethnic Yi disputes on the one hand, and the means by which Yi labour migrants respond to the governance on the other hand.

I ask the following questions in this chapter: how do local government representatives and ethnic Yi migrants negotiate with each other given that ethnic policy outside autonomous regions has not been institutionalized? What strategies does the Chinese government use to manage ethnic minorities in cities while complying with broader policies of stability maintenance? How do the various players respond to the management of the local government when they come into contact with municipal government officials?

In the followings, I present empirical data highlighting the multiple strategies that the government uses to manage ethnic minorities: ethnic privilege, patron-clientelism and stability maintenance. The second section provides empirical data on the strategies that ethnic Yi people employ to respond to the state policy. Making troubles through collective actions is, on the one hand, to make use of their officially recognized ethnic category to add to their bargaining power. On the other hand, it is a way to express their ethnic culture to others and reconstruct the ethnic boundary in cities. I find that under the guise of ethnic minority preference (*shaoshu minzu youhui* 少数民族优惠) the local state attempts to establish a patronage relationship with Yi elites. As the stability maintenance system is overemphasized, however, Yi migrant workers who are already positioned in a marginalized status are further victimized. By demonstrating the multiple strategies that the government uses to manage ethnic minorities in cities as well as the responsive strategies of Yi migrants, this chapter reveals the dynamics of labour resistance and ethnic politics in this non-autonomous region.

## 7.1 Seeking a New Path for Ethnic Policy in Cities

The existing policy framework on ethnic minority issues in China is territorially based; namely, the ethnic preferential policies are mainly implemented in ethnic autonomous regions (Sautman, 1998; Leibold, 2013). With an ever-increasing number of migrants coming to work in cities, the labour resistance of ethnic minorities has been receiving increasing attention from the local governments of Han dominant regions. This sensitivity towards ethnic minorities is related to the 2009 Han-Uyghur conflict at the Xuri (Early Light) factory in Shaoguan City, Guangzhou, a conflict that became a spark for ethnic violence in Xinjiang that same year (Xinhuan, 2009; Hess, 2009). To many, the migration of and consequent interaction between different ethnic groups in non-autonomous regions carry a threat of rising conflicts. Such conflicts not only include religious radicals, political separatists, feudal counter-revolutionaries and so forth, but also involve the labour resistance of ethnic minority migrants in cities, as I shall show in this chapter. Many local government officials perpetuate the notion that migrants from some ethnic minority groups spell trouble, believing that they tend to stir up collective disputes in Han-dominated

society. Moreover, avoiding ethnic conflicts in cities has been prioritized as the key task of local governments has to handle regarding the ethnic minority issues. So as not to be overtaken by events, government bureaus tend to step into the breach before mass ethnic minority incidents occur.

### 7.1.1 Stability Maintenance System

The Chinese state power is multi-centered, which means that it is decentralized and fragmented not only between the central and local state, but also among different bureaucratic departments (Pieke, 2004). These characteristics of the state power give local governments space in which to explore new strategies to manage ethnic minorities, but nevertheless require the local state to echo the overarching arrangement on the central state. There are two bureaucratic systems governing ethnic minority issues in the local government. One is the stability maintenance system whose job is to cope with the mass incidents (*quntixing shijian* 群体性事件) sometimes involving minority residents;<sup>1</sup> another is the Ethnic and Religious Bureau whose remit is to coordinate ethnic affairs.

Over the past decade, *naoshi*, the English equivalent of making troubles, have emerged prominently in Chinese society. Ever since the Tiananmen Square student movement in 1989, the Chinese government has invested considerable resources in maintaining social stability and politics around this have been even more strictly implemented since President Xi Jinping came to power in 2013 (Wang and Minzner, 2015). Nowadays, handling mass incidents and preserving social stability have become a crucial, if not the only, important index for measuring the performance of local government leaders (Wang and Minzner, 2015). Local governments are required to respond vigorously to mass incidents, including strikes, protests, ethnic conflicts, and other forms of collective resistance. Failing to handle some significant mass incidents may result in the dismissal of the local government leaders. Under the pressure of being dismissed for their neglect of mass incidents that occur on their watch, local government leaders

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<sup>1</sup> There is no accurate definition of mass incidents in official documents and regulations. The only document describing mass incidents is the Law on Penalties for Administration of Public Security and Criminal Law, which lists a few categories of disturbing the peace: blocking traffic, street fighting, and endangering social security. It is often regarded as a reference by the officials of the Center for Stability Maintenance.

usually prioritize stability maintenance over any other tasks and innovate new strategies to handle these problems (Lee and Zhang, 2013).

As an example, in 2011, a piece of infrastructure for the maintenance of social stability, the Comprehensive Management and Stability Maintenance Office (CMSMO) was established in Guangdong province. As a collaborative bureau and an inter-departmental agency, the CMSMO has the power to coordinate all the bureaus to cope with monitoring mass incidents. The politico-legal committee itself, the Judicial Bureau, the arbitration courts, and police have to work together to restore calm after mass incidents (He, Wang and Su, 2013). Under tremendous pressure to maintain stability, the various government agencies are naturally quick on the scene to mediate and intervene in collaboration with each other (He, Wang and Su, 2013; Lee and Zhang, 2013). This innovative strategy in Guangdong has been termed grand mediation (*da tiaojie* 大调解) and has been widely adopted across China (Zhuang and Chen, 2015).



Picture 7.1: The reception desk at a Stability Maintenance Centre in a township

It is worth noting that the government officials' attitudes towards ethnic minority groups are different from their attitudes toward the Han Chinese major. Compared with Han Chinese disputes, local governments

have more flexibility to cope with collective disputes involving ethnic minorities. As I will show in the next sections, the local government in the Pearl River Delta uses some soft strategies to manage ethnic minority migrant workers: ethnic minority preference (*shaoshu minzu youhui* 少数民族优惠) and patronage relationships with ethnic Yi elites. In addition, among the fifty-five ethnic minority groups, some groups receive more attention than others. The so-called privileged ethnic minority groups mainly consist of Hui, Uyghur, Tibetan, and Yi who carry the possibility of producing conflicts. These conflicts not only have to do with religious radicals, political separatists and feudal counter-revolutionaries, but also include the collective labour disputes involving ethnic minorities in this case.

### 7.1.2 “Ethnic Minorities Preference”

While exploring new strategies to manage ethnic minorities, local governments are required to echo the overarching arrangements of the central state. An official from the Ethnic and Religious Affairs Bureau explained his views on how ethnic minority migrants should be managed and the preferential policies applied to them.

Actually, we do treat ethnic minorities with kid gloves, taking exceptional measures and depending on specific circumstances, but we do not go out of our way to do it (既特殊又不太特殊). For instance, the police thug force (*chengguan* 城管) will usually drive Han peddlers off the streets, but none of them dares to try to remove the Uyghur peddlers, even though the skewers of meat they sell are unhygienic. The Muslim mosque is another case in point. The Hui mosque can usually count on support (from the government), but the Christian church, mostly attended by Han, encounters some restrictions. Because they are ethnic minorities, as local government [officials], we do our best to try to smooth the path for them, just as long as we do not neglect the main principles (在不违反大原则的情况下为少数民族开辟绿色通道).

As a government official, Xie is bound to open the green avenue (*lüse tongdao* 绿色通道) to some ethnic minorities. He is personally convinced that this injunction has been largely inspired by the fact that some ethnic groups appear to have a tendency to stir up “mass incidents” in Han-dominated cities, and that these surges of discontent disturb the social stability prioritized by local governments. Highly aware of the overarching

purpose of maintaining stability, local governments have been reluctant to show some ethnic minority migrants more tolerance than they might have been inclined to do toward non-ethnic minority workers, despite the act they tend to have been imprinted with negative stereotypes of these migrant groups. Another official in Shenzhen, Mr. Wang, confirmed this while commenting on Yi collective disputes in cities.

Our principle is that all migrant workers are equal, but we pay more attention to ethnic minorities. This means that we should be more concerned and tread more cautiously with some ethnic minorities, and must be more patient with them than with other non-minority groups. Why? Because the local governments' performance on handling ethnic minority issues is assessed by their superior authorities, the government dares not to make mistakes in ethnic minority issues. You never know what kind of dubious habits and religions they might have, and you never know if what you do might offend them and provoke their resistance. For us, as government staff, nobody wants to upset national solidarity and lose their jobs. I don't, nor does the head of the government ... If Han Chinese workers had done the same thing as these Yi people have done, many of them would already be in jail.

Local government officials show more flexibility in coping with collective disputes involving ethnic minorities than do their Han Chinese counterparts. However, while emphasizing the extra tolerance they showed towards ethnic minority migrants. Government officials often complained about what they saw as the backwardness of these migrant workers.

After ethnic minorities have migrated to Han cities, they are the ones who should adapt to the Han Chinese urban way of life... I believe that the reason these ethnic minorities migrate to cities is because they want to make money and begin a new life here, and not because they want to preserve their own culture and lifestyle. If they really want to preserve their own ways instead of acculturating to urban life, they should return to their own autonomous region.

Wang explicitly expressed that those ethnic minorities who insist on preserving the specificity of their own cultures and resist assimilation with Han society are not welcomed in his city. According to him, this is due to the disputes that Yi migrants produced in cities: not only do Yi migrant workers often play against the rules when they demand their unpaid wages,



they also try to claim other benefits or ask for extra payment from the factories, citing their ethnic identity. Wang's opinions mirror the majority of Han Chinese officials' points of view that were repeated time and again. In terms of social norms, the dominant ethnic Han are culturally privileged and ethnic minorities are deemed "backward" groups who will learn from the Han Chinese and assimilate with the latter's society. Nevertheless, despite the discontent, local officials often face a paradox when they have to cope with ethnic affairs in non-autonomous regions. Huang, from the Bureau for Appeals and the Maintenance of Stability Maintenance, told me of the difficulties they often came across,

One very simple case is presented by the ethnic Uyghur and the ethnic Yi. People can say, you see, other people are not allowed to set up a street stall, but the Uyghur can sell their roasted mutton kebabs on the street. This is unfair! ... I personally think that whether they are ethnic minorities or majorities, first and foremost we are citizens. As citizens we are all equal under the law and should obey it and therefore should not be treated differently because of our ethnicity... Nowadays, however, ethnic minorities get more than their fair share of attention in cities. Protecting ethnic minorities means to keep an eye on vulnerable ethnic minority groups, but does not encompass all ethnic minorities. However, what is happening nowadays is just the opposite.

While commenting on collective disputes, the local government officials mostly emphasize the otherness of ethnic Yi who fail to assimilate into Han Chinese culture and adapt to the mainstream society. The way Yi migrants deal with the disputes is irritating from the local government's perspective. However, if it is to maintain social stability, the local government finds itself in a contradictory position – on the one hand, it imposes a stigma on ethnic Yi migrants; on the other hand, it has to recognize the ethnic minority status and privilege Yi people in some cases.

### **7.1.3 Patronage: Absorb and Buy Off**

Another soft strategy that the local government uses to control ethnic Yi migrants is to establish a patronage relationship with the ethnic elites. Patronage relationship is not a new tactic in governance in China (Skinner, 1964; Shue, 1994; Walder, 1986). As Shue explains in her study of social

organizations, “In the real politics of post-revolutionary China, patron-client networks and factions became critical arenas in and through which state and society interacted and accommodated each other’s purposes.... Personal influence networks became the foundations and the perpetuator of political factions both in small communities and on national scene” (Shue, 1994, 71). During the Mao era, the patron-client system was institutionalized and used by the Chinese Communist Party as an instrument to control social instability in the *danwei* regime. By establishing patronage relationships with leading workers, the Chinese Communist Party managed to drive a wedge that divided the working class and thereby circumvented the possibility of any collective actions by the workers (Walder, 1986). In the post-Mao era, similar patronage relationships have been used by the government to dominate the state-migrant relationship.<sup>2</sup> However, the market economy is now functioning differently from the way it did in the *danwei* system. Studying a Wenzhou migrant community (*zhengjiang village*) in Beijing, Zhang Li came across a similar kind of patronage used by the government of Beijing, that also created divisions between migrant workers (Zhang, 2010). Unlike the example of the management of migrant communities in the post-Mao era illustrated in Zhejiang village, in which the migrant entrepreneurs have had to bribe the political leaders or seek for political support to sustain their businesses (Zhang, 2010), in the Pearl River Delta it is the local government that takes the initiative in offering its patronage to ethnic Yi elites.

The Ethnic and Religious Affairs Bureau is the major political apparatus managing ethnic Yi migrants at the local level. The Ethnic and Religious Affairs Bureau is subordinate to the upper layer of the Ethnic and Religious Bureau at the provincial and at the national level. Meanwhile, as part of the government body, they are all under the supervision of the National United Front Work of the Chinese Communist Party.

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<sup>2</sup> A “*danwei*”, or “work unit”, was a workplace organization in China during the Maoist era. If a worker was employed in a specific work unit, he or she affiliated to that unit and all cultural activities, education resources and hukou status were related to the work unit.



Picture 7.2: A meeting with ethnic minority delegates organized by local Ethnic and Religious Affairs Bureau

In 2010, a director of the National United Front Work Department of the CCP came to Dongguan to inspect the ethnic policy on the ground. He urged the local Ethnic Bureau to pay attention to the conditions of ethnic Yi migrant workers in the Pearl River Delta. Following this breakthrough, the Ethnic and Religious Affairs Bureau in Dongguan has been establishing relationships with ethnic Yi people since 2011. Four Yi brokers have been nominated ethnic Yi delegates and are regularly invited to conferences, meetings, and symposiums organized by the Ethnic and Religious Bureau of Dongguan. The Ethnic Minority Bureau has acknowledged the ethnic Yi delegates as “individuals advancing ethnic unity and progress” (*minzu tuanjie wending xianjin geren* 民族团结稳定先进个人). The local newspaper, Dongguan Ribao, reports on their model deeds, and in these reports, the ethnic Yi delegates are portrayed a “pioneer migrants who help their fellow migrants to get rich” (*zhifu daitou* 致富带头人) and “golden mediators in solving labour disputes” (*laowu jiu fen jin pai tiaojieyuan* 劳务纠纷金牌调解员)<sup>3</sup>.

<sup>3</sup> The Chinese version of the report regarding ethnic Yi delegates, see: <http://www.mzb.com.cn/html/report/1405215022-1.htm> (download on 3th, Nov 2015)

Nor is it all just honor and glory. Being members of an ethnic delegate brings Yi labor brokers substantial material benefits. The most important of these is the free public school entrance quota arranged by the Ethnic and Religious Affairs Bureau. The educational opportunities for migrant workers' children in Chinese cities are severely limited by their *hukou* status. If they want to send their children to public schools, non-*hukou* migrants either have to pay city schools a sponsorship fee, or leave their children back in their hometowns to be educated. Since 2011, however, ethnic Yi delegates' children have been granted a few quota-guaranteed spaces in public schools each year through the intervention of the Ethnic and Religious Affairs Bureau, and these spaces can be distributed among other ethnic Yi, the majority Yi brokers or the delegates' relatives, according to the number of candidates and places available.

Another material benefit of being an ethnic Yi delegate is that they can access the officialdom and receive gifts directly from the Ethnic and Religious Bureau on some special occasions like ethnic Yi New Year and Mid-Autumn Festival. Moreover, establishing a good relationship with the government allows Yi entrepreneurs to run their businesses without too many impediments. Sha, the owner of the Yi labour agency, proudly told me that because of his close contacts with the officials of the Ethnic Bureau, at a time when most other brokers cannot find factories, he has been introduced to some large ones.

The local government has reason enough to legitimize this strategy of making friends with ethnic minority elites. Firstly, this policy of cooptation complies with the institutional arrangement of the CCP's united front work, which adopts ethnic elites into the United Front Work Department of the CCP to ensure political security. On the central state, the political apparatus, including the United Front Work Department of the CCP and the Ethnic and Religious Affairs Bureau, manages and coordinates ethnic minority affairs by building ties with ethnic elites and coopting elites into political positions. A united front is established, nominating ethnic minority delegates and non-communist party members as delegates to the local People's Political Consultative Conference or People's Congress. Likewise, on the local level, the Ethnic and Religious Affairs Bureau regularly organises meetings and communicates with local ethnic Yi elites.

Another factor driving local governments to establish an informal relationship with Yi brokers is that the local government expects the

influential Yi delegates to keep an eye on what the officials perceive as troublemaking activities among the Yi migrants on behalf of the local governments. The Yi brokers are considered more knowledgeable about and better suited to deal with Yi culture than Han government officials. By informally adopting ethnic minority elites into the political system, the government hopes that these brokers can bridge a gap and facilitate a compromise with troublesome Yi migrants.

## 7.2 Fragile Alliance Between Governments and Yi Delegates

Nevertheless, the local governments are only willing to establish an informal relationship with some Yi elites. Although these brokers are recognized as delegates, they have never been officially appointed to any positions in the institutional arena. In 2015, ethnic minorities held ten seats on the Political Demographic Committee and three seats on the Political Congress in Dongguan. These avenues of political participation have never been opened to the Yi delegates. The relationship with ethnic Yi delegates, one official from the Ethnic and Religious Bureau explained: “We make friends and give them support in a less institutional way, in the hope that these brokers can exert a positive influence on their workers. If they do manage this, we shall not be slow in recognizing that the brokers do have a positive significance.” The reason ethnic Yi delegates cannot be formally acknowledged in political positions has to do with their status as migrants. This official elucidated that, on the one hand, the majority of the PCC and PC members appointed are all local citizens, whereas the Yi brokers do not have local *hukou*. On the other hand, the businesses that the brokers run are not legal under the conditions laid down in the Labour Contract Law, hence, it would be hard for government officials to justify wanting to nominate them for any formal positions.

This stumbling block prevents Yi brokers from being able to participate in local politics, in which they could make constructive suggestions. As an ethnic Yi delegate in Dongguan, Laoli has made some proposals to the Ethnic and Religious Bureau of the Dongguan government, suggesting that the government launch a bilingual common legal knowledge CD to educate the illiterate ethnic Yi workers to obey the law. However, to his

disappointment, he has little chance to influence policy makers: the officials from the Ethnic and Religion Bureau explained that they could not undertake such a project without instructions from the upper level government and without the cooperation of the local government in their home region.

In fact, having a closer relationship with the government puts these delegates in a somewhat ambiguous situation between the ethnic Yi group and the state. Those small brokers who are less influential among Yi migrant workers have never been considered part of the alliance, and this engenders discontent among them. The Yi Fire Festival organized by Boss Luo was a lesson in the power relationship between government officials, big Yi brokers and small brokers. As I have elaborated in the previous chapter, this cultural celebration facilitates the connection between ethnic Yi brokers and workers. However, unlike the Fire Festivals that I have attended on other occasions, this one was held in a restaurant. Only six workers, apart from Luo's family members, turned up for the celebration. What is more, instead of having lunch together with the other guests, those workers were obliged to cook the "Tuotuo meat" in the yard and kitchen at the restaurant. The Yi broker told me that the reason the workers did not attend the Fire Festival is that they did not have permission from factories to take the time off.

This is only partly true. Rather than a fire festival celebration in the traditional cultural sense, the Yi Fire Festival celebration at Boss Luo's place was more like a party with officials from local government bureaus - the Ethnic and Religion Bureau, Police Bureau, and the Bureau of Social and Political Affairs. On the ethnic Yi side, only those brokers who wanted to improve their acquaintanceship with government officials attended. Nevertheless, government officials do appreciate such cultural activities. Afterwards the fire festival celebration was reported in the local newspaper as an example of national unity and cultural diversity. However one incident made the atmosphere a bit embarrassing. One Yi broker proposed a toast to the government officials, saying: "Since we have come to work in your [Han Chinese] place away from our hometowns...our ethnic Yi cultural celebration is no longer authentic."

Indeed, being a delegate for the government sometimes conflicts with their role as a member of ethnic Yi. In contrast to the virtually unknown quantity of the local government, Yi migrant workers expect these brokers to

stand up for their own ethnic group, to represent the interests of ethnic minorities and to make their voice heard to the government. However, matters are not a simple and straightforward as this. Delegates have a genuine struggle to represent the interests of ethnic Yi migrant workers. In August of 2014, I interviewed a group of workers from Yunnan province who were embroiled in a labour dispute because their wages had been withheld by factories. Initially they turned to Laoli, the Yi delegate from Yunnan, hoping that he would ask the Ethnic Minority Bureau for a favour. After some consideration, Laoli eventually decided to keep out of this affair because, as he said, he knew that the “Ethnic Bureau won’t help solve all the issues.” Moreover, as a delegate, “I do not want the government officials to think that I myself had a hand in any of these ‘trouble-making’ events”, Laoli explained.

The role of political broker puts Laoli in a paradoxical and uncomfortable position. If a member of the ethnic Yi is chary about helping his own ethnic or clan members, others gossip about him. In one case I discussed in the last chapter, the people who had migrated from Yunnan were unsuccessful in reclaiming their unpaid wages. Although the group of Yi workers comes from the same prefecture in Yunnan and is relative of Laoli, when they called on Laoli to ask to give him a hand after their wages had been delayed, Laoli refused them. As a consequence, the broker, Qiu was rather damning in his faint praise, “Laoli is not really very influential among Yi people because he is now too close to the government. You see, he is always the first to give a presentation at an ethnic minority delegates conference but this is absolutely useless in solving the problems that we Yi people face.”

In addition, the local government only recognizes these “big” brokers as Yi delegates who in the eyes of most other “smaller” and younger brokers, are actually not influential enough to represent the whole ethnic Yi group. Nor are they any help in keeping Yi workers under control. As a “small” broker told me,

The ethnic Yi group is not as simple as the authorities assume it is. The government [officials] think that offering the big bosses some benefits will solve the problems [related to the ethnic Yi]. It is not that simple. There are tens of thousands of Yi working in Guangdong. Those who have become big bosses and delegates are only there because they came to the city earlier and

earned money earlier than the others. They do have big businesses, but it does not mean that they can solve the problems related to Yi workers.

The alliance between the government and the ethnic Yi delegates is more fragile than it looks. The following event confirms the fragility of the alliance.

My female informant, Haiying, called me late one night. She said anxiously, "You have to come to see! It is terrible! Last night around fifty-five Yi people were detained and most of them are bosses (brokers). This has never happened before!" I realized the importance of this event; during the previous four months of fieldwork, it had been I who always waited for opportunities to observe Yi disputes and seized chances to interview brokers and workers. If this had not been an extraordinary event, they would not have taken the trouble to reach out to me.

The next day I visited the scene in Sun City, a place far away from the town center, but apparently a popular entertainment area where migrant workers liked to have fun after work. Although there had been a fierce battle and a hurried detention in this street the night before, everything was back to normal. It was quiet and peaceful, as if nothing had happened. The Internet bars, saunas, foot spas, skating-rinks, DVD rental stores, pedicure parlors and so on were operating as usual. Street fighting occurs so often in this area that the people who work or live here accept it as normal. Without expressing any astonishment, the DVD storeowner directed me to the bar called Beer City, "Oh, you are asking about that fight with the Yi people? The people in that bar know everything." A waiter in Beer City received me. He recalled the previous night's fight.

Why did it happen? It was caused by just one cigarette. Probably someone wanted to borrow a cigarette from someone else, but the other person said something offensive. In just ten minutes they had begun to fight and some people had been hurt. The next day, five or six Yi guys came to our bosses to ask for fees for medical treatment, saying that their people had been beaten up and were hospitalized.

We do not have anything against their people but why should we pay their medical fees? ... These Yi people are powerful in this area... Correct. The boss of Beer City is by no means a push-over. He has strong *guanxi* with the government. The second evening their people gathered here, some sat at the tables and drank alcohol, while others parked their cars nearby. In the



meantime, policemen, including the riot police, gathered here as well... It was 11 p.m. You know, when the police arrived, they gave these Yi guys some time to vacate the place, but they did not leave within the given time. This was what happened: when a guy smashed a beer bottle intending to throw it, the waiting policemen immediately rounded them up and took them away in handcuffs. I heard that these people have done this many times. The policemen were just waiting for the chance!

Nobody expected that the policemen would actually detain the Yi brokers. From time to time, some small brokers have been detained for extortion, but a big incident like this has never happened before in this area. While these fifty-five brokers were held in the detention center for 48 hours, the ethnic Yi workers and brokers were gripped by panic and anger. To the surprise of many Yi brokers, A Niu, the ethnic Yi delegate appointed by the Ethnic and Religious Bureau, was among those detained. Although he regularly participated in the activities organized by the local Ethnic Bureau and dined with the local police officials, when his friends from the Yi group were in trouble, he automatically took the side of his ethnic Yi peers.

This event confirms the fragile alliance between the government and the ethnic Yi delegates. The local state will readjust its strategy according to the needs of governance and sometimes withdraws itself from the alliance when it finds the patronage of the elites ineffective in preventing disputes. It also rid the Yi brokers of any unreliable alliances such as that the local state proved to be. As Bailey describes in his study of political brokerage in Orissa: a broker “is the type of man who is used to bridge the gap between the locals (villagers) and the officials. Neither side feels any confidence in the bridge, but they are forced to use it because there is no other” (Bailey, 1963, 59). Although A Niu regularly participated in the activities organized by the local Ethnic Bureau and has dined with the local police officials, when his friends from the Yi group were in trouble, he automatically took the side of his ethnic Yi peers.

This event also aroused Yi brokers’ grievances and stoked their anxiety about the local government. Waiting outside the government building, one Yi man came up to me and, raising his voice, said, “All alliances are based on self-interest. They want us (brokers) to work for them to keep the Yi workers under control. But everything they do is spurred by self-interest!” “They kill the chickens to frighten the monkey away” (*shaji jinghou* 杀鸡儆猴),

meaning that some troublemakers were punished as a warning to others. After having been kept in the detention centre for 48 hours, the people who were not directly involved in the fight were released; the sixteen other brokers were put in jail, either because that they had criminal records, or because they had actually joined in the fray that night.

It is worth noting that the Chinese authorities endeavour to keep a precarious balance between overall control and oppressing the group of ethnic Yi. They generally do not pursue the brokers unless they commit crimes. Government officials are aware that the Yi brokers provide the cheap, temporary and flexible migrant workers needed to supply the labour force in the moribund low-end factories; they are equally aware that to arrest them without a proper reason could stir up unrest among the ethnic Yi. Despite the fact that many brokers did not commit crimes in this specific case, the local authorities just let them off with a caution. After this happened in Dongguan, similar actions were taken by their municipal police in the nearby cities Foshan and Huizhou.

This event acted to deter Yi migrants' collective actions for a while. In 2014 and 2015, when I returned to my fieldwork, Yi workers and government officials told me that the number of mass incidents had been significantly reduced. One of the reasons was the deterioration of the job market. Ethnic Yi workers were regarded as troublemakers and tended to be more excluded from the market because of past wrongdoings. Therefore, in order to keep their business relations with the targeted factories, brokers have to be good citizens. Another reason, that some people mentioned is related to the punishment of these Yi brokers. Gradually, people realized that because of the wrongdoing of some of these dishonest brokers, the majority of Yi workers are excluded from the labour market. In their words, "It is one mouse shits that destroys the whole pot of porridge."

One big Yi broker confirmed that the series of detentions has changed relations between the government and the Yi brokers:

The detention was to warn these brokers that they have to obey the law, regardless of which ethnic group they belong to. These farsighted bosses realize that the strategies they used in the past no longer work. Earlier, when people [brokers] gathered together, many of them discussed how to make some money... The governments in the Pearl River Delta area spoiled ethnic minorities. After the detentions, these Yi bosses know that the government will ask the factories to pay more money in order to 'buy peace'.

Nevertheless, the feeling of marginalization and vulnerability has been reinforced. In reflecting on my interviews with government officials, I paid attention to the reaction of ethnic Yi migrants to government officials when I talked to these Yi workers. Waiting outside the government building, one Yi man came up to me, raising his voice said, “Those Han Chinese who do really bad things, the government will not arrest them. They only target us, the ethnic minorities! I already know what they are going to say. They will simply drive us back and ask us to await the result.” He, as many others, emphasized a distinction between “us” and “them”. “Us” refers to the ethnic Yi migrant workers in spite of the internal divisions among them. “Them” refers to the Han-dominated government and factories that are assumed to be in collusion with each other.

In sum, preference for ethnic minorities, patronage, and stability maintenance system are the recurring and related themes in government policies that heavily emphasize the maintenance of stability. Together, they form an alternative dispute-resolving mechanism alongside the legal framework to deal with mass incidents involving Yi workers. In their efforts to cope with mass incidents, the local government tries to buy off big brokers as political intermediates to surveil Yi migrant workers, however, due to the fragmentation between government officials, Yi brokers and workers, Yi brokers do not function as intermediates to bridge the gap between the local government and their Yi communities effectively. As I will show in the next section, in answering to the state manipulation, Yi migrants developed their own responding strategies to organize collectively.

### **7.3 Yi Migrants’ Responding Strategies**

As mentioned earlier, the legal framework implemented over the past twenty years has indeed improved the situation of workers’ rights, but the protraction of the legal procedures involved drives workers to search for other ways of dealing with labor disputes. Many workers perceive that the Stability Maintenance System provides a channel for them to address the local government directly and quickly. Previous successful experiences among labour migrants have made people believe that whether the government takes the disputes seriously depends not just on the issue itself, but more on whether people can organize supporters and make a collective

public presence. Chatting with a Han migrant who has witnessed various collective actions in a labour agency recruiting temporary workers, I was told that,

You know what? The governments bully the weak and fear the strong. The more the naoshi, the greater the government fears. If you come as an individual, it will never work because nobody will pay much attention. Only when significant numbers of people gather will the government take any matter seriously. If someone has reliable relatives or laoxiang (people from the same place) who can help collectively, he/she is very likely to get payment. Otherwise, suggesting that he or she follow the legal channel! It might also work, but will cost much more time, at least a few months. That's usually too long for workers to wait.

The following popular saying circulating among migrant workers captures the dispute-resolving mechanism: "Big dispute, big solution; small dispute, small solution; no dispute, no solution." It means that the more people who turn up in the public space, the greater the apprehension of the local government. Hence, making collective disputes public is a handy way of responding to the parallel [disputes-resolving] mechanism of conflict resolution, and this has almost become the sensible thing to do among migrant workers, both the Han majority and the ethnic Yi migrants.<sup>4</sup>

### 7.3.1 Being Ethnic Minorities: an Bargaining Chip

Under these circumstances, ethnic Yi migrant workers, like their Han counterparts, seek a resolution to disputes by organizing collective bargaining. Lu, a Yi broker, explained to me how he claimed wage arrears on behalf of a young Yi man:

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<sup>4</sup> Regarding the strategies of collective resistance and rightful resistance among Chinese migrant workers, see the abundant the studies by Kevin O'Brien, Liangjiang Li, Ching Kwan Lee and Mary E. Gallagher and so on. For instance, O'Brien, Kevin J. and Lianjiang Li. 2006. *Rightful Resistance in Rural China*. Cambridge: Cambridge University Press. Lee, Ching Kwan. 2007. *Against the Law: Labour Protests in China's Rustbelt and Sunbelt*. Berkeley, CA: University of California Press. Kuruvilla, Sarosh, Ching Kwan Lee and Mary E. Gallagher (eds). *From Iron Rice Bowl To Informalization: Markets, Workers, and the State in A Changing China*. Ithaca and London: Cornell University Press.

I did not know the young man (who was injured) personally. He was brought to me by one of my relatives. They knew I have experience in bargaining; therefore, his boss summoned me here. The injured man's family did not want to follow the legal channels for the injury assessment and have to wait for the labour authorities... You know it wastes too much time. Very few people like to go through down that road.

We sat inside the office of the village committee. It was just like an official negotiation hosted by the members of the village committee. Interestingly, before the village head intervened, the sub-contractor was quite harsh. He said he would not pay our Yi people that much. You know what? When he said that, I immediately took my phone and recorded it! Nowadays, when engaged in negotiations, it is important to have a record. Once you have a record, you can either use it in the legal channels as evidence or put it online! Although it is useful, I have never really used it. These factory bosses fear it! That is enough...

There is a basic price that the Labour Bureau officials calculate according to the Labour Contract Law. I usually asked a bit extra on top of the price calculated by the Labour Bureau officials. Why? Because we are ethnic minorities and we have our own laws and customs. Ethnic minorities are treated differently according to the national policies. People here all know that. They do take this into consideration and pay more!

On the basis of their previous experience interacting with the local government, Yi brokers are aware of another bargaining chip during their bargaining, which is their officially recognized ethnic minority status. In this case, Liu perceived that he could ask extra on top of the price calculated by the Labor Bureau officials by claiming their ethnicity when negotiating with factories. This matters with the increasing emphasis on the stability maintenance, which has opened up political opportunities for labour migrants to claim their rights collectively. Previously successful experience in reclaiming unpaid wages has given people the belief that whether and to what extent their claims can be addressed depends on the number of people who turn up in the public space, causing the local government some degree of apprehension (Lee and Zhang, 2013). In other words, organizing themselves collectively is a mean of putting pressure on the government to do something about resolving disputes. Correspondingly, Yi migrants are very practised in organizing and participating in collective actions (Chapter 6).

Under the pressure to prevent ethnic minority mass incidents, the Labour Bureau often transfers the responsibility of ensuring social stability to factories that have violated the Labour Law. As factories employing temporary Yi workers often contravene the Equal Work, Equal Payment Act enshrined in the Labour Contract Law, consequently they have to heed the government officials' instructions. In addition, embellishing this common strategy in dealing with collective disputes, ethnic Yi brokers have gained an extra bargaining chip from the "ethnic minority privilege". This, according to Broker Liu, is based on the assumption that the ethnic minority category entitles them a different status to that of the Han Chinese. This is to say, compared to most Han Chinese labour workers who claim labour rights in seeking a resolution to disputes, ethnic Yi migrants gained an additional handle from their officially recognized "ethnic identity" to claim their rights.

Broker Liu was regarded as a law-abiding citizen among Yi brokers – in the collective bargaining he only asked for extra payment instead of advocating making money by creating mass incidents. In many other cases, ethnic Yi migrants have demanded their payment by organizing collective actions, including strikes, public protests, street fights, traffic blockades, and so on. The following case shows the course of a medical dispute in which a group of Yi migrants were involved. I use it as an example to show how Yi workers and brokers solve disputes by referring to their own system of customary law.

### 7.3.2 Customary Law

One day in 2013, I visited Aga, who had been the victim of a medical mistake in the hospital that aggravated her injury. I accompanied her to the Stability Maintenance Bureau and the Government Medical Office, and hence witnessed the whole negotiation process. With Aga were sixteen Yi men, including both brokers and workers. She did not know any of them except the broker who also happened to be her uncle from the same village. These Yi men assembled at the gate of the local government building.

Gathering a group of workers to stand outside a government building is just one trick to draw the attention of the local government. This ruse worked immediately. It was not long before the officials inside the building noticed the group. Just a few minutes later, a staff member of the medical

bureau came out of the building, shouting at the group rather insolently: “You guys do not have to turn up with so many people! What does this look like? Why not select two or three delegates and come to our office this afternoon? That’s the way to solve a problem! Simply making trouble by assembling a large number of people defeats your purpose!” The Yi group was required to go back and write a statement describing the whole history of the medical mistake, and the officials promised to summon the other side – the manager of the hospital – to sit down with them and seek a solution.

Two eloquent brokers who had already mediated several cases like this were assigned to bargain on behalf of the injured girl, Aga. Before entering the government building, Aga was instructed to tell the government officials that the group of Yi men were all relatives – brothers and uncles – who had journeyed all the way from her hometown. Knowing that she had had difficulties in the hospital, they had come to demand justice for her. Escorting Jin Aga, I was allowed by Yi brokers to attend their collective bargaining that was hosted in the office of the Medical Bureau. During that hour, debates in the following vein were held.

Initially, the two Han Chinese hospital staff were more dominant in the bargaining process. The evidence favored them more than the Yi workers. They had the greater advantage in speaking fluent Mandarin and being better acquainted with the ins-and-outs of labour law than the Yi workers. Importantly, these Yi workers were aware that taking the legal channel would cost them more time, and they could produce little real evidence to win the lawsuit. During the bargaining, the two Yi delegates just repeated the same argument:

We are an ethnic minority. We do not know the legal channels. All we know is that our niece was injured in your hospital. Your hospital should take responsibility... Take a legal channel? We won’t do that. We are migrant workers. We couldn’t afford to wait so long... Legal channels will drag on for a few months, and the little girl will probably die. Who will take responsibility if this should happen!

Weighing up the situation, the Yi delegates intentionally emphasized the numbers of Yi workers assembled outside the building. “The little girl’s families are terribly worried about her. Look outside! Dozens of our relatives have come from our hometown. They will not leave without receiving the compensation!” This claim did foster a certain anxiety in the

government officials. I noticed that those of the Medical Bureau had provided the two sides with a place to bargain and the officials tried to retain a neutral position and not mingle in the debate. This sitting-on-the-fence is perhaps best captured by the following answer, which almost all the representatives of the government bureau would emphasize in their interviews: “Nobody wants to make mistakes, especially not in ethnic minority issues.”

This fruitless bargaining lasted for an hour. Outside the government building, as the other brokers waited for the result, they drafted a petition and a list of demanded compensation. When taking a break after an hour’s bargaining, Sha showed me a list of the items that they had written down.

Fares of her relatives from their hometowns	10,000 RMB
Transportation costs back to their hometowns	10,000 RMB
Invalid insurance	20,000 RMB
Further medical treatment	40,000 RMB
Fees for Bimo services	8,000 RMB
Spiritual/mental compensation	7,000 RMB
Total	95,000 RMB

The items they claimed included the fees for carrying out religious observances, spiritual compensation, and transportation of relatives, reflecting two interesting features of Yi collective bargaining, very much connected to ethnic Yi customary law. As is the case in many other rural villages in China, people rarely, if ever, solve disputes by turning to the modern legal system. In traditional Yi society, disputes between people from different clans are resolved by the mediation of their traditional arbitrators, *ndeggu* or *suyy* according to their customary law. The compensation that the defendant is awarded reflects the degree of the respect for and harm caused the injured party and, behind the money, looms the honor and dignity of the whole clan. Likewise, emphasizing the compensation in terms of practicing the Bimo ritual and asking spiritual compensation stresses the value behind the material object (money). In this case, the fees for practicing the Bimo



ritual and the mental compensation were an integral part of Yi customary law.<sup>5</sup>

Over the process of negotiating their disputes, Yi workers make claims in line with their customary law and try to make sense of their collective action. From the group of Yi workers' point of view, referring to the customary law in the dispute-resolution signals their cultural difference that is not recognized and accepted by the Han Chinese majority. In addition, participating in solving disputes collectively, which is termed "making troubles" in the words of the local government, is a way of expressing their ethnic cultural differences to the majorities who label them as trouble-makers and fail to acknowledge their ethnic culture. In other words, while the state and society label Yi migrants, Yi migrants do not simply assimilate or refuse their otherness; they try to make sense of their otherness by referring to and introducing their culture difference.

This does not mean that Yi migrants simply replicate their customary law during collective bargaining. To find out what they had to say about the enormous price they asked for as compensation, 95,000 RMB, I pointed to the column showing the total amount and asked Broker Wang. He told me that setting a high bargaining price is like setting a benchmark between the two sides, and they regard this as leaving room for mediation.

We just jot something like that down first. It does not have to represent the eventual price... The price depends on the results of what they bargain for inside. Let them (the other two) bargain and see how much we can gain. Only when you write a big number, do you to have room to bargain.

On that day, the negotiations in the medical bureau lasted until late afternoon, but proved absolutely useless. As evening fell, I followed the group of Yi brokers and the two hospital managers as they moved to the local police station, where they continued negotiating and squabbling until midnight. About ten more Yi man gathered in the police station after hearing this news from their peers. Confronted with a large group of Yi

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<sup>5</sup> Regarding the Yi Customary Law in Liangshan, see Chen, Guoguang and Baqie Rihuo. 2008. *The Report of the Fieldwork Investigation of the Customary Law in Liangshan* [Liangshan Yizu Xiguanfa Tianyediaocha Baogao], Beijing: People's Publisher. 陈国光、巴且日火, 2008, 凉山彝族习惯法田野调查报告, 北京: 人民出版社。Li, Jian. 2011. *The Study of Yi Dispute Resolution in Liangshan*. Beijing: National Publishing House. 李剑. 2011. 凉山彝族纠纷解决方式研究, 北京: 民族出版社。

males, the arrogance and confidence of the hospital staff gradually dissipated. Empowered by their dominance and demographic imbalance, the group of Yi men, with little of the legal knowledge and less eloquence than the two hospital staff, gained the upper hand. The quarrel between the two parties eventually ran out of steam. By 2 a.m., with another dozen Yi men arriving at the police station to support their peers, the advantage lay with the Yi side. Finally, this bargaining ended with the hospital paying the Yi people 60,000 RMB.

Perceiving the government's special treatment of ethnic minorities, Yi labour brokers actively play decisive roles in organizing collective actions and collective bargaining. Although the brokers claim to function as mediators, like *ndeggu* or *suyy*, they often prioritize their own economic benefit above the interests of workers. A covert rule has developed among brokers: every time they have helped to resolve a dispute successfully, they will get a certain percentage as mediation fee. The more compensation they can wheedle, the more pecuniary benefit the mediators will receive. However, this only benefits the Yi brokers, not the Yi workers. In the above cases, Aga got only 4,000 RMB for further treatment and the rest of this money was eventually given to the men who participated in this collective action. That is partly in line with the Nuosu custom of sharing. Nevertheless, Aga's face radiated with relief and happiness afterwards. As she put it, "Without the help of my uncle (the broker) and other bosses, I had no access to any solution if I were bullied." She thought getting protection from her community when she was in trouble meant much more than getting compensation.



Picture 7:3-4, Aga and her brokers resolving the medical dispute

In sum, against a background of structural disadvantage, ethnic Yi migrants show a scenario quite different from those in mainstream discussions of labour resistance. The co-ethnic brokerage system is organized for workers to withstand the great and unexpected dangers that Yi workers frequently encounter in informal, precarious employment: including wage arrears, injury, suicide, and others. While trade unions neither mobilize nor delegate Yi workers to organize bargaining collectively, Yi brokers are obliged to organize workers collectively to demand compensation and to provide the workers protection. However, because of the frequent collective actions in which both Yi brokers and workers are involved, Yi migrant workers have earned themselves the stigma of troublemakers in cities and receive considerable attention from the local state. Ultimately, Yi workers are caught in a vicious circle and end up as victims whenever they are inveigled into collective disputes.

## 7.3 Conclusion

This chapter demonstrates the tension between the local government and one ethnic minority by exploring the case of ethnic Yi migrants in the Pearl River Delta area of China.

The first section of this chapter shows the means by which Chinese governments exercise closer surveillance and political domination of the ethnic Yi migrant workers. The national government adopted multiple forms of institutional arrangement, both formally and informally, to manage ethnic Yi migrant workers: the stability maintenance system, ethnic minority privilege and the patronage of ethnic Yi elites. Firstly, the maintenance of stability is overwhelmingly highlighted on the agenda of the Chinese government at the present time. Underneath the overarching purpose of maintaining social stability, the local government pays special attention to ethnic Yi migrants' collective claims, especially these designated ethnic mass incidents: strikes, protests, collective fights. Secondly, in their efforts to cope with mass incidents involving ethnic minorities, local governments have been reluctant to show extra tolerance toward ethnic minority workers in comparison to non-ethnic minority workers. Thirdly, local governments often establish a patronage relationship with ethnic minority elites. This strategy seems to be in line with the national ethnic policy that adopts ethnic minority elites into the political arena. However, these strategies mainly aim to prevent mass incidents rather than empower the vulnerable ethnic minority migrant workers.

The second section of this chapter demonstrates the agency of ethnic Yi migrant workers. Ethnic Yi migrants are not completely subjected to the surveillance of the local state; instead, they have their own agency to respond to the policies of the local state. In some cases, ethnic Yi brokers articulate their identities because they seize the opportunities released from the stability maintenance system and mobilize workers into collective actions in the name of ethnic minorities. In other cases, Yi migrants articulate their ethnic identities by referring to ethnic culture norms, such as customary law in dealing with labour disputes. In this way, they highlight different culture meanings than those generated by the dominating society. This paper shows a different scenario from the one that predominates in labour studies: while ethnicity serves as a useful mobilizing force among the

Yi sojourners, it is also an obstacle to transcending ethnic differences and forge a sense of solidarity among all migrant labourers.

It is worth noting that, rather than being empowered by current ethnic policies and Stability Maintenance Strategies in China, that might appear to be the situation at first glance, Yi migrant workers are eventually victimized in situations in which collective resistance plays a part. For one thing, their consistent participation in collective actions has earned Yi workers in cities the stigma of being troublemakers and fewer factories are willing to employ Yi workers if other choices are available. For another, the preferential policies and material benefits that local government provides informally are restricted to a small number of elites – the Yi big brokers – for the purpose of buying them off and using them to prevent social conflict. The great majority of Yi migrant workers still are still employed to do informal, precarious work to which they have been introduced by their brokers. The result is that they constantly face big and unexpected problems like wage arrears, injuries, suicidal tendencies and the like. However, as long as these workers provide a large proportion of the labor essential to the local economy, policies designed to prevent labor instability rather than to improve the social wellbeing of migrants and change their inbuilt structural disadvantages, the Yi workers' situation will continue to be marginalized and hence provoke more labor resistance.

