Hegemonic Transformation

A Conversation with
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Discussions of Chinese labour are generally dominated by stories of exploitation. Relatively little attention has been paid to the fact that over the past two decades the Chinese authorities have developed an impressive body of labour laws and regulations. There has been even less notice of the fact that this legislation was widely disseminated among the Chinese public through the official media, or of how these laws have regularly elicited widespread domestic discussion. But how to reconcile these notable legislative achievements with the global image of a government that apparently does not care for the wellbeing of its workers? In *Hegemonic Transformation* (Palgrave Macmillan 2017), Elaine Sio-Ieng Hui addresses this paradox.

Ivan Franceschini: The Chinese Communist Party (CCP) today still presents itself as the 'vanguard of the Chinese working class' and the Constitution describes work as a 'glorious duty'. How should we interpret such claims?

Elaine Sio-Ieng Hui: It is interesting that, despite its lack of genuine concern for workers' well-being, the CCP still presents itself as representative of the working class. What makes the situation more perplexing is that since 2003 when Jiang Zemin advocated for the Three Representatives (*san ge daibiao*)—namely, the idea that the Communist Party 'must always represent the requirements for developing China's advanced productive forces, the orientation of China's advanced culture, and the fundamental interests of the overwhelming majority of the Chinese people'—Chinese capitalists have been eligible to join the CCP. My book seeks to understand this complication associated with the Chinese state, capitalist class, and working class through the concept of 'relative autonomy of the state', which was put forward by Nicos Poulantzas, a neo-Marxist theorist. Comparing feudalism and capitalism, Poulantzas saw the relative separation between the state and the economy as an inherent characteristic of capitalism. This is to say that, although the state under capitalism is inclined towards the capitalist class, it enjoys a relative autonomy from this social group. It can even force short-term concessions from the capitalist class for the subordinate class so that the latter will not revolt against the capitalist system, thus helping reproduce the capitalist class's long-term dominance.

In Maoist China, the Party-state directly organised production and the economy. After its transition to capitalism, the overlap of the political and the economic has given way to a relative separation of the two spheres. The Chinese Party-state has disengaged itself from direct employment relations, constructing a labour market wherein workers are turned into

Elaine Sio-Ieng Hui, *Hegemonic Transformation. The State, Laws, and Labour Relations in Post-Socialist China*, Palgrave, 2018.

‘free’ sellers of their labour power. Additionally, it has put the process of production and the organisation of productive forces into the hands of capitalists, allowing them to be regulated only by market forces and laws. During state socialism, workers were supposedly the masters of the country. However, the 1982 Constitution was made less antagonistic in terms of class politics, spelling out that all ‘citizens’ are equal before the law. Jiang Zemin’s advocacy of the Three Representatives further marked the Party-state’s detachment from the working class and its closer alliance with the capitalists. However, the Party-state attempts to conceal the regime alliance with capitalists by appealing to juridico-political means that give all ‘citizens’ formal equality, regardless of their differing economic statuses, and by retaining the socialist rhetoric that describes the CCP as the ‘vanguard’ of the Chinese working class. Due to its occasional pro-labour appearance, some workers have been led to regard the Party-state en bloc or the central government as friendly to labour, believing that it is autonomous from the capitalists.

IF: In the book, you describe the labour law system in China as a form of ‘double hegemony’. Can you explain what you mean by that?

ESH: My book has drawn on the insights of the Italian theorist Antonio Gramsci. It contends that Chinese economic reform inaugurated in 1978 was a top-down passive revolution driven by state-engineered effort and coercion. However, after three decades of reform, the role of the Chinese state has changed from steering the country’s passive revolution to actively establishing capitalist hegemony, i.e. the ethico-political, moral, and cultural leadership of the capitalist class. My book argues that the labour law system is a vital vehicle through which the Chinese Party-state has secured working class consent to the leadership of both the CCP and the capitalist class. In other words, the Chinese labour law system has produced a *double hegemony*, which deflects workers’ radical opposition against both the market economy and the Party-state, and thus pre-empted their rebellion.

In the book, I distinguish between four mechanisms through which hegemony is exerted. Concerning capital-labour relations, the *normalising* mechanism embedded in the labour law system has legitimised market principles such as waged labour and private property rights. Many workers have taken labour laws as a yardstick for measuring employer behaviour. Even though they are not completely happy with their jobs, they consider their bosses to be fair if the latter are legally compliant. Moreover, despite its pro-capital essence, the labour law system provides aggrieved workers with a platform

Antonio Gramsci. (1891-1937).

for resolving labour disputes. Many workers, therefore, believe that the market economy is not structurally exploitative and that labour laws are useful tools for remedying misbehaviour occurring in the economic realm. This reveals the *countervailing* mechanism incorporated into the labour law system.

Concerning state-labour relations, the abundance of labour laws has convinced some workers that the Party-state protects workers, and that the political regime is ‘autonomous’ from the market economy and is willing to curb economic misdeeds. Hence, they do not fundamentally challenge its legitimacy. This reflects the *concealing* mechanism of the labour law system. Furthermore, owing to the decentralised politics of China, local governments are delegated the task of capital accumulation, while the central government is preoccupied with maintaining political legitimacy and social harmony. With the mediation of the labour law system, some workers perceive government corruption and its pro-business bias as being the fault of local governments and do not criticise the central government or the Party-state as a whole. This demonstrates the *transmuting* mechanism of the labour law system, which shifts the target of workers’ contempt from systemic state–capital collusion to individual officials and/or local governments.

IF: In the book, you write that ‘comparatively speaking, the worker-interviewees that never ran into labor disputes viewed labor laws in a more positive light, and they were quite receptive to legal hegemony.’ Since most workers in China have never had any direct experience of a labour dispute, should we assume that the majority of Chinese workers are falling into the trap of this legal hegemony, rendering active consent to worldviews promoted by the CCP?

ESH: My book argues that this double hegemony has influenced Chinese migrant workers in an uneven manner. Affirmative workers approve of the official legal discourses and labour law practices, and have readily rendered active consent to capitalist leadership through the mediation of the labour law system. The indifferent, ambivalent, and critical workers have only rendered passive consent to capitalist leadership—i.e. they have neither completely assented to it, nor fundamentally challenged it. The indifferent workers are unmotivated to gain legal knowledge and have submitted themselves to the economic and political status quo. They feel detached from the cities and consider their working life there transitory. Therefore, they see labour laws and socioeconomic development as irrelevant to them. Both the ambivalent and critical workers do not place full trust in the labour law system because of the gap between their work experiences and official legal rhetoric. However, the labour law system is still able to elicit passive consent from them as reflected by how their discontent is ‘contained by the

Chinese workers on strike.
PC: libcom.org

pre-existing categories of the dominant ideology'. Although critical workers discredit the labour law system and ambivalent workers partially disapprove of it, their criticism usually targets implementation issues rather than asymmetrical power relations embedded within the system. Many of them maintain that the central government holds good intentions to protect workers and attribute the failings of the labour law system to local governments. Only radical workers have formulated radical challenges to both the capitalist economy and the Party-state. They refuse to accept the capitalist values and practices normalised by the labour law system. They understand that the legal and the economic spheres are not independent of each other, and that the law-making process and legal content are biased towards capitalists. They also see through the intricate relations between government and businesses, and do not construe the Party-state as autonomous from the capitalist class.

Going back to the question of if we should assume the majority of Chinese workers, who do not have labour dispute experiences, are falling into the trap of this legal hegemony, it should be emphasised that the double hegemony in China does not only have an uneven impact on workers, it is also fragile and precarious. Although workers that have no labour dispute experiences may more readily render consent to the ruling bloc, their susceptibility towards the double hegemony may change overtime or abruptly due to their changing life and work experience. The affirmative workers' endorsement of the legal-political and economic system is based on the coherence between what they have been indoctrinated into and the legal reality. If the ruling bloc is unable to produce legal working experience for them, they may shift into the ambivalent, critical, or even radical mode. For the indifferent workers, who often may not have any labour dispute experiences due to their sense of apathy and irrelevancy concerning the labour law system, it is possible that they will take extra-legal means to fight for their interests if they become extremely agitated. This is because the Party-state-constructed legal discourses and legal knowledge have not yet become common sense for them, and the belief that legal channels are the most appropriate means for settling disputes has not taken root in their minds.

IF: The last chapter of your book is dedicated to those 'radical' workers who refuse to consent. What venues do they have to express their dissenting views in today's China?

ESH: The radical workers have formulated fundamental criticisms of the systemic problems connected to uneven economic development, the political regime, and the labour law system. They are aware that the legal system is manipulated by

the Party-state, and that the capitalists and government have a symbiotic relationship. They do not acquiesce to capitalist leadership and have managed to transcend capitalist hegemony. The radical workers have developed stronger class and political consciousness. Therefore, these workers cannot be placated by merely creating legal working conditions for them or by making employers legally compliant. They do not simply demand legal minimum wages, but wages in fair proportion to the labour that they put in. Hence, they represent a serious threat to capitalist dominance. It is very likely that the radical workers would resort to extra-legal means, such as strikes and protests, to express their dissenting views, rather than appeal to the mediation, arbitration, and adjudication systems promoted by the Party-state. ■