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The *Hukou* System, Migrant Workers, & State Power in the People's Republic of China

Hayden Windrow* & Anik Guha**

I. INTRODUCTION

¶1 Economic reform in the People's Republic of China since 1978 has dramatically reoriented the country's once-Soviet style planned economy toward the market, creating a vibrant, chaotic, high-growth economy in its place. With these increased freedoms have come expanded social and material choices for Chinese people. Notably, millions of rural Chinese have abandoned their plows to seek their fortunes in the city.

¶2 However, these economic reforms have not yet led to a commensurate expansion of political rights for Chinese citizens. To take one striking example, the Communist Party ("CCP" or "the Party") has retained its household registration ("*hukou*") system, which restricts the mobility of its population. The massive rural-to-urban migration occurring in China, despite the presence of the *hukou* system, has altered the state's ability to exercise power at both the national and local levels. It has also disproportionately harmed Chinese of rural origin, who are burdened more heavily by the system than urban *hukou* holders.

¶3 This paper will examine the effects of the *hukou* system on China's political structure and on its migrants. After discussing the origin of the household registration system and its Mao-Era effects on rural Chinese, it will explore its interplay with the post-1978 revival of mass migration of rural Chinese to urban centers. Specifically, the paper will elucidate the economic and political opportunities these changes have created for the central and local governments, while also examining how this same interaction between migration and the continued implementation of the *hukou* system has damaged the ability of all levels of government to project power effectively. Furthermore, the paper will explore how migrants themselves have affected and been affected by this tumultuous evolution.

II. LIBERATION & THE BIRTH OF THE HUKOU SYSTEM

¶4 Soon after the Communists defeated the KMT and founded the People's Republic of China ("PRC"), the Party initiated a series of economic reform measures that ultimately, albeit inadvertently, led to the creation of the *hukou* system and the consequent legal segregation of urban and rural Chinese. Following the Soviet economic model, Beijing's planners hoped to extract China's agricultural economic surplus to fuel urban industrialization.¹ To focus the

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¹ Hein Mallee, *Migration, Hukou and Resistance in Reform China*, in CHINESE SOCIETY, CHANGE, CONFLICT AND RESISTANCE 136, 137 (Elizabeth J. Perry & Mark Selden, eds., 2d ed. 2003); Xin Frank He, *Regulating Rural-Urban Migrants in Beijing: Institutional Conflict and Ineffective Campaigns*, 39 STAN. J. INT'L L. 177, 180 (2003); see also Ji Weidong, *Power and People in Relational Network: Dutton on Chinese Social Control* 29 LAW & SOC'Y REV.

countryside's energies on agricultural production for this purpose, the CCP collectivized agriculture and abolished the peasantry's² traditional sources of non-farming income, such as "handcrafts, small-scale livestock rearing, and petty trading."³ Likewise, to facilitate the implementation of these reforms and preempt evasion, the government created household registration books (*huji bu*) for each family to allow the authorities to track the whereabouts of all rural Chinese.⁴

¶15 Apart from fostering economic growth, the new industrialization program sought to ameliorate economic disparities between coastal and inland urban centers that surfaced during the Republican period, and so mandated that "the greater part of the new industry . . . be located in the interior so that industry may gradually become evenly distributed."⁵ From 1952 to 1957, non-coastal provinces received over 58% of industrial investment, leading to a dramatic boost to urban living standards across the country.⁶

¶16 Under these policies, new industries sprouted up in cities across the nation. Rural Chinese everywhere were drawn by the wealth of the industrializing cities and their relatively prosperous inhabitants. The allure of the urban areas, coupled with the poverty and economic devastation that pervaded the countryside (in part due to Beijing's policies), left rural Chinese with one option for economic betterment: migration to the cities. From 1949 to 1957, China's cities absorbed up to 26.27 million individuals from the countryside,⁷ which accounted for 70% of urban growth.⁸

¶17 Fearing social unrest fomented by uncontrolled urban population growth and the unraveling of their economic plans, China's State Council and the Ministries of Internal Affairs and Labor began to issue directives to halt "blind" rural migration to the cities in 1953.⁹ In 1957 the government established detention centers to return peasants to the countryside. But all of these plans failed to stem the migration tide. Finally, in 1958 the CCP issued a law that impeded migration and has distorted China's socio-economic fabric to this day: The Household Registration Regulations of the PRC. Initially it seemed this policy too would not succeed, since the contemporaneous—and economically disastrous—Great Leap Forward witnessed the

553, 557 (1995) (reviewing MICHAEL R. DUTTON, *POLICING AND PUNISHMENT IN CHINA: FROM PATRIARCHY TO "THE PEOPLE"* (1992)). For an alternate historical/cultural conception of the CCP's economic program, see BARRINGTON MOORE, JR., *SOCIAL ORIGINS OF DICTATORSHIP AND DEMOCRACY* 179 (1966).

² It is important to note that the concept of "peasant," or *nongmin*, as used in contemporary Chinese discourse lacks a deep historical context. The term, imported from Japanese, first appeared in Chinese-English dictionaries in 1912. Traditionally, rural China had a highly diversified economy, with rural households participating in numerous light- or cottage-industries along with agriculture. The concept of the peasant, in which an individual subsists almost entirely off of his agricultural production, is a modern invention in Chinese society—one made real, in part, by the imposition of the *hukou* system during the Mao Era. Li Ling, Note, *Towards a More Civil Society: Mingong and Expanding Social Space in Reform-Era China*, 33 COLUM. HUM. RTS. L. REV. 149, 167-68 (2001); *infra* text accompanying note 3.

³ R. J. R. KIRBY, *URBANIZATION IN CHINA: TOWN AND COUNTRY IN A DEVELOPING ECONOMY 1949-2000* AD 22 (1985); cf. MOORE, *supra* note 1, at 179.

⁴ DOROTHY J. SOLINGER, *CHINA'S TRANSIENTS AND THE STATE: A FORM OF CIVIL SOCIETY?* 7 (USC Seminar Series No. 1, 1991).

⁵ Mao Zedong, *On the Ten Major Relationships, Address Before the Political Bureau of the Central Committee* (Apr. 25, 1956), in *THE SELECTED WORKS OF MAO TSE-TUNG* 284, 284-307 (1977).

⁶ KIRBY, *supra* note 3, at 110, 138.

⁷ CHINA FINANCIAL AND ECONOMIC PUBLISHING HOUSE, *NEW CHINA'S POPULATION* 58 (1988); see SOLINGER, *supra* note 4, at 7; He, *supra* note 1, at 180.

⁸ KIRBY, *supra* note 3, at 109.

⁹ SOLINGER, *supra* note 4, at 7; He, *supra* note 1, at 180; Ji, *supra* note 1, at 557.

ballooning of the urban population from 99 million in 1957 to 130 million four years later.¹⁰ However, after this aberrant period of economic chaos passed, China's migration levels collapsed and remained low until the late 1970s (*See Fig. 1*¹¹).¹²

III. THE DIVISION OF RURAL & URBAN CHINA

¶8 Beijing ostensibly created the *hukou* system “to maintain social order, protect citizens’ rights and benefits, and to serve in the construction of socialism.”¹³ Its most significant effect, however, was to employ the *hujibu*¹⁴ to erect a hereditary, matrilineal system that divided China’s agricultural and non-agricultural populations, and effectively bound the peasantry to the land they tilled.¹⁵ The Household Registration Regulations declared that:

¶9 **Article 6**

Citizens should register as permanent residents in the place they regularly reside. One citizen can only have permanent resident registration in one location.

¶10 **Article 7**

Within a month after the birth of an infant, the head of the household, relatives, parental guardians, or neighbors will file the registration of the baby’s birth at the institution responsible for registering permanent residency.

Adoptive parents or an orphanage will file the registration of an orphan’s birth at the institution responsible for registering permanent residency.

¶11 **Article 10**

Before a citizen moves out of his registration’s jurisdiction, he or the head of the household will file registration for moving out of the jurisdiction at the institution

¹⁰ SOLINGER, *supra* note 4, at 7; *see* SHENG LANG, RENKOU YU CHENGSHIHUA [POPULATION AND URBANIZATION] 36 (1987) [hereinafter POPULATION AND URBANIZATION].

¹¹ CHINA FINANCIAL AND ECONOMIC PUBLISHING HOUSE, *supra* note 7, at 59.

¹² *See* Mallee, *supra* note 1, at 136; He, *supra* note 1, at 177, 180.

¹³ *Zhonghua Renmin Gongheguo Hukou Dengji Tiaoli* [The Household Registration Regulations of the People’s Republic of China] § 1 (Nongcun Fagui Quanshu 1958) [hereinafter Household Registration Regulations].

¹⁴ *See supra* text accompanying note 4.

¹⁵ Zhejiang Province Propaganda Bureau, *Huji Zhidu Gaige Zhuanti Baodao* [A Report on the Special Subject of Household Registration System Reform], Nov. 2001, available at http://www.china110.com/police/plnews/gdjs/zhej/item/2001_11/574595.shtml [hereinafter *Report on the Special Subject of HRSR*]; Mallee, *supra* note 1, at 138; SOLINGER, *supra* note 4, at 7; Xin Frank He, *Sporadic Law Enforcement Campaigns as a Means of Social Control: A Case Study from a Rural-Urban Migrant Enclave in Beijing*, 17 COLUM. J. ASIAN L. 121, 122 (2003); Ji, *supra* note 1, at 557; Li, *supra* note 2, at 154; *Wo Guo Quannian Tuijin Huji Zhidu Gaige* [The Comprehensive Advancement of Our Country’s Household Registration System Reform], RENMIN RIBAO, Aug. 14, 2002, available at <http://news.tfol.com/news/zhuanti/block/html/2003080100479.html> [hereinafter *Comprehensive Household Registration Reform*]; *Zhongguo Xianxing Huji Zhidu Wu Nian Zhi Nei Chedi Gaige* [The Thorough Reform of China’s Current Household Registration System Five Years from Now], Tianfu Rexian, available at <http://news.tfol.com/news/zhuanti/block/html/2003073100449.html> [hereinafter *The Reform of China’s Current HRS Five Years from Now*].

responsible for household registration, obtain a certificate for moving, and nullify his household registration.

A citizen moving from a village to the city must hold proof from the city's Labor Department, proof of a school's acceptance, or proof of an immigration permit from the institution responsible for registering permanent residency of that city. He must then go to the institution responsible for registering his permanent residency and apply to go through emigration procedures . . .¹⁶

¶12 Articles 6 and 7 of the Regulations legally compel every individual to become a part of the *hukou* system.¹⁷ Article 10, while superficially a delineation of the household registration transfer process, in practice prohibited nearly all such movements; the bureaucratic institutions controlling the *hukou* system, such as the Public Security Bureau ("PSB" or "*Gonganju*") and work units (*danwei*), rarely provided the documents necessary to move.¹⁸

¶13 Government policies that allocated "free compulsory education, urban employment, public housing, free medical services, and retirement benefits" to holders of urban *hukou* registration broadened the system's urban/rural divide.¹⁹ Because those carrying agricultural registration received none of these benefits, which they could not otherwise acquire in an urban economy lacking even a rudimentary market system, they had to rely on the land to survive. Articles 15 and 16 of the Household Registration Regulations highlight the pervasive social controls the *hukou* system established:

Article 15: When a citizen temporarily resides outside of the place of his permanent residence for over three days, he or a household head of the place of temporary residence will register for temporary residence at the institution responsible for registering household registration within three days, and before leaving he will have it nullified. An individual temporarily residing at a hotel will simultaneously register through the hotel for a traveler-registration registry.

A citizen who permanently resides in the city and temporarily resides within that county or temporarily resides in a village outside his place of permanent residence does not need to register for temporary residency except, when temporarily residing at a hotel, for registering through a hotel for a traveler-registration registry.

Article 16: A citizen leaving his place of permanent residence for personal reasons must apply for a time extension or go through migration procedures at the institution responsible for household registration if the time for temporary

¹⁶ Household Registration Regulations, arts. 6-7, 10.

¹⁷ See also *id.* art. 4 (explicating the distribution and implementation of household registries).

¹⁸ See *id.* art. 3; Zhejiang Province Propaganda Bureau, *supra* note 15; Mallee, *supra* note 1, at 138; He, *supra* note 1, at 177; Li, *supra* note 2, at 155-56.

¹⁹ Li, *supra* note 2, at 156; see Zhejiang Province Propaganda Bureau, *supra* note 15; Mallee, *supra* note 1, at 136, 138; He, *supra* note 1, at 181; Ji, *supra* note 1, at 557; *Comprehensive Household Registration Reform*, *supra* note 15; cf. Letter from Li Yu, Teacher, Chinese University of Geosciences, Wuhan, to Hayden Windrow (June 5, 2004) (on file with author); Letter from Miao Xun, Teacher, Chinese University of Geosciences, Wuhan, to Hayden Windrow (June 2, 2004) (on file with author).

residency exceeds three months; if the individual has neither reason for a time extension nor meets the conditions for migration, he must return to the place of his permanent residence.²⁰

¶14 Even in cases of temporary location changes, from vacation to attending family affairs, individuals had to register their movement with government authorities. Furthermore, as the second part of Article 15 (and Article 10²¹) demonstrates, controls proved significantly more onerous for rural residents. Apart from the rare employment, education, or work-transfer opportunity, it was virtually impossible to change residency.²² With this system in place, Beijing could both exploit the agricultural sector to advance industrial development and ensure urban political stability to safeguard its power.

IV. ECONOMIC REFORM & SUBVERSION OF THE HUKOU SYSTEM

¶15 Soon after rural economic reforms began under Deng Xiaoping in 1978, Chinese peasants—those whom Beijing had branded with agricultural *hukou* status—initiated a push against the government’s economic and social controls to sever “the invisible belt [of household registration] that restrained [their] free movement” that continues to this day.²³ In 1978 the government issued new policies to improve the economic plight of those working on agricultural collectives.²⁴ Poorer regions, though, soon exceeded the regulation’s mandate and abolished the collectives in favor of a return to household farming. Notwithstanding central government efforts, the trend spread across rural China. In 1979 the Party responded by unveiling its policy of Contracting Output to the Household (*bao chan dao hu*), and in 1981, Contracting Work to the Household (*bao gan dao hu*) (“Household Responsibility System”), which just effectively legitimized the already-accomplished return to pre-Communist tenant farming.²⁵ By 1983, 98% of rural households had decollectivized.²⁶

¶16 Abolition of the communes quickly led to the resurrection of rural and urban agricultural markets. This development in turn severed the vital link between urban household registration and the ability to survive in the city, since migrants no longer needed to depend on government grain distributions to procure food when away from their place of residence.²⁷ The ability to survive in the cities independently of the state, in tandem with the reemergence of a 100-200

²⁰ Household Registration Regulations, arts. 15-16.

²¹ See *supra* text accompanying note 16.

²² Mallee, *supra* note 1, at 140; *Comprehensive Household Registration Reform*, *supra* note 15; cf. He, *supra* note 15, at 127.

²³ *Comprehensive Household Registration Reform*, *supra* note 15.

²⁴ See Department of International Cooperation & Department of Development Planning of the Ministry of Agriculture of the People’s Republic of China, *Reform from 1978*, at <http://www.cafte.gov.cn/5.htm> (last modified Oct. 22, 2002).

²⁵ Lucy A. Williams & Margaret Y. K. Woo, *The “Worthy” Unemployed: Societal Stratification and Unemployment Insurance Programs in China and the United States*, 33 COLUM. J. TRANSNAT’L L. 457, 465-56 (1995). This legislative acceptance of events already occurred would become a hallmark of the post-1978 *hukou* reform regime. See *infra* text accompanying notes 84-88.

²⁶ GORDON WHITE, RIDING THE TIGER: THE POLITICS OF ECONOMIC REFORM IN POST-MAO CHINA 100 (1993); see Peter Ho, *Contesting Rural Spaces: Land Disputes, Customary Tenure and the State*, in CHINESE SOCIETY, CHANGE, CONFLICT AND RESISTANCE 93, 93, 95 (Elizabeth J. Perry & Mark Selden, eds., 2d. 2003); Mallee, *supra* note 1, at 136.

²⁷ He, *supra* note 1, at 181; see He, *supra* note 15, at 124; *supra* text accompanying note 19; cf. Mallee, *supra* note 1, at 142; Li, *supra* note 2, at 156-57.

million-person rural labor surplus following decollectivization²⁸ and the return of rural economic stagnation,²⁹ prompted renewed migration of millions of rural Chinese to urban areas in search of greater prosperity (See Fig. 2³⁰). By 2002 there were an estimated 120 million internal migrants in China.³¹

V. COMPETING AGENDAS: LOCAL RESPONSES TO RURAL-URBAN MIGRATION

¶17 Confronted with an explosion of rural-to-urban migration, China's local governments³² have responded with numerous, often inconsistent policies that have varied over time and by region. From the inception of the *hukou* system, the Chinese central government has delegated its enforcement to local authorities,³³ often with little or inconclusive guidance.³⁴ While this delegation of discretionary authority may have proven adequate based on the magnitude of migration in 1958, the original *hukou* system never envisioned the arrival of the market economy, and with it the unprecedented scale of "blind" migration the system was devised to combat.³⁵

¶18 The new realities of rural-urban migration have posed difficult challenges to the resources of local urban governments, which over time have erected formidable bureaucratic apparatuses to regulate migrants. Apart from the statements of official national policy, the variety of offices, rules, measures, and fees designed to control and profit from the migrant population suggests that local governments in urban areas exercise the most pervasive and tangible authority of any political institution over migrants. This haphazard, poorly regulated devolution of *hukou* enforcement has ensured that policies of different cities often diverge from and sometimes conflict with each other, and even flout promulgated national policy. These discrepancies admittedly point to underlying weaknesses and inconsistencies within household registration and Chinese migration law; but more insightfully, they reveal layers clashing objectives among different levels of government. Furthermore, the consequences of this dynamic on the migrant population are not obvious and are often unpredictable. A discussion of recent phenomena will suggest, however, that the migrants who bear the brunt of the discriminatory *hukou* system are not entirely without recourse and can potentially influence local governments to their advantage.

²⁸ He, *supra* note 1, at 181; He, *supra* note 15, at 124; cf. Mallee, *supra* note 1, at 136, 142; XU FENG, WOMEN MIGRANT WORKERS IN CHINA'S ECONOMIC REFORM 68 (2000); Li, *supra* note 2, at 152.

²⁹ Mallee, *supra* note 1, at 142; SHENG, *supra* note 10, at 52; Li, *supra* note 2, at 182; cf. *id.* at 162.

³⁰ REEITSU KOJIMA, URBANIZATION AND URBAN PROBLEMS IN CHINA 22 (1987); see Mallee, *supra* note 1, at 136.

³¹ Neidi Liudong Renkou Gaoda Yier [Internal Migrants in Mainland reach 120 million high], Xindao Ribao, Oct. 7, 2002, at China Section.

³² The term "local government" as used herein encompasses all levels of government below the national government, including provincial and municipal people's congresses, county governments, local PSBs, municipal administrative agencies, and the panoply of bureaucratic institutions whose authority touches the internal migrant population. This article deals mostly with the actions of local governments in large cities. For a description of the attitude of local governments in rural areas where migrants originate, see He, *supra* note 1, at 183 (arguing that local home governments encourage and often facilitate migration).

³³ *Id.* at 181.

³⁴ See, e.g., Li, *supra* note 2, at 159 (arguing that there is no central government agency responsible for regulating the migrant population).

³⁵ Kam Wing Chan & Li Zhang, *The Hukou System and Rural-Urban Migration in China: Processes and Changes* (1998), available at <http://csde.washington.edu/downloads/98-13.pdf>.

A. *Beijing: Administrative Proliferation & Migrant Collusion*

¶19 The story of the last twenty years of migrant regulation in Beijing exemplifies many of the tensions among the actors who promulgate *hukou* law, those who enforce it, and those who are subject to it. Official statistics report that as of 2003, of a total population of over 14.5 million, Beijing had over 4 million non-officially registered citizens; nearly 80% (3.19 million) of these non-urban *hukou* holders are migrant laborers and entrepreneurs.³⁶ This figure is all the more remarkable as, until fairly recently, there existed no legal way for migrants to conduct business in Beijing.³⁷

¶20 The incremental loosening of restrictions on migrant economic activity in Beijing began with two regulations issued by the Beijing municipal government in 1991.³⁸ These had two distinguishing features: they limited applications for petty business (*getihu*) licenses to those migrants with a pre-existing connection to a legal resident of Beijing, and they gave discretion to local administrative agencies to decide which documents were necessary to apply for a *getihu* license. The implications of the second characteristic resonate throughout the development of Beijing *hukou* and migrant regulation; the more closely Beijing has attempted to regulate non-urban *hukou* holders, the more Byzantine the network of administrative agencies required to implement these regulations has become.

¶21 A migrant attempting to establish a foothold in Beijing could potentially come into contact with a number of local institutions. He³⁹ might deal with the local public security bureau to apply for a Temporary Residence Permit.⁴⁰ If the migrant intends to apply for a *getihu* license, he would do so through the Industry and Commerce Bureau (“ICB”), which is also responsible for checking migrant licenses and extracting regulatory fees.⁴¹ To rent housing from a local landlord, the migrant would have to register with the Housing and Land Bureau (“HLB”).⁴² If he had a wife or sister with him, she would have to apply for a marriage and fertility certificate from the Birth Control Committee (“BCC”) as a prerequisite to legally obtaining work or housing.⁴³

³⁶ See Beijing Statistic Bureau, Beijing Shi Tongjiju 2003 Nian Guomin Jingji He Shehui Fazhan Tongji Gongbao [Beijing Statistics Bureau 2003 National Economic and Social Development Statistical Report] (Feb. 12, 2004), available at <http://www.bjstats.gov.cn/tjyl/tjgb/200402090012.htm>.

³⁷ He, *supra* note 1, at 186.

³⁸ *Id.* at 187. These regulations included a directive, the Notice Regarding Several Questions on *Getihu* Registration and Permission, and the Management Measures on Migrants Conducting Business in Beijing.

³⁹ Although there are migrants of both sexes, men dominate migrant construction work, whereas female migrants can constitute up to 90% of the workforce in the (mostly southern) special economic zones. See Williams & Woo, *supra* note 25, at 510-11. For a more in depth look at the demographic makeup of the migrant workforce, see ZHONGGUO JINGJI KAIFANG WAILAI RENKOU YANJIU [A STUDY OF THE MIGRANT POPULATION OF CHINA'S ECONOMIC DEVELOPMENT ZONES] 6-9 (Wu Yuping, ed., 1996) [hereinafter A STUDY OF THE MIGRANT POPULATION OF CHINA'S EDZS].

⁴⁰ Li, *supra* note 2, at 160-161. On the other hand, according to a survey published in 1992, only 3% of formal migration to Beijing was approved by public security authorities. Chan & Zhang, *supra* note 35, at 11. Of the remaining 97%, two-thirds were approved by other government departments. Higher education institutions and the military accounted for the remainder of formal migrants.

⁴¹ He, *supra* note 1, at 190-91.

⁴² *Id.*

⁴³ *Id.*; see also Guangzhou City Public Security Bureau Consolidated Identification Processing Division, *Shenban Fuqi Lai Shi Toukao Ruhu Xuzhi* [What a Couple Applying for Household Registration to Come to the City to Join Their Partner Should Know] §§ 2-3, Aug. 18, 2003 (describing the various procedures required for a wife to obtain an urban *hukou* and join her husband in the city), available at http://www.gzjd.gov.cn/jindun2/da04/DB02/c0006_039.htm; Guangzhou City Public Security Bureau Consolidated Identification Processing Division, *Shenban Xiaohai Sui Fu (Huo Sui Mu) Lai Shi Ruhu Xuzhi* [What Those

¶22

One consequence of this decentralized oversight of migrants is that the various agencies with responsibility for internal migrants interpret policies in mutually conflicting ways. Official *hukou* regulations relate the procedures for official migration, but not the precise qualifications; therefore, different departments can give different content to these procedures.⁴⁴ For example, in the early 1990s the Beijing ICB created a migrant marketplace to decrease unlicensed migrant street-vending in the Chaoyang District. The market flourished until the police, over whom the ICB exercises no authority, evicted the migrants, presumably because the market blocked traffic.⁴⁵ A consideration of why the two authorities reacted with conflicting policies leads to the next key feature of local migrant regulation: the collection of fees.

¶23

According to sections 44 and 45 of The Bylaws for the Implementation of the People's Republic of China's Resident Identification, all fees related to migration—temporary residence fees, registration & regulation fees, taxes, etc.—should accrue to the national government.⁴⁶ By the admission of administrators themselves, however, local government offices pocket a percentage of most fees migrants pay.⁴⁷ In light of the number of migrants in major cities, these fees aggregate to constitute a major source of wealth for local governments. Unsurprisingly, this profit potential spawns administrative behavior that runs counter to the nominal purpose and function of these agencies, which is to control migration.⁴⁸ Local bureaucracies instead have an incentive to preserve a migrant population high enough to boost local coffers, but not so high as to incur the disfavor of the central government.

¶24

As one can imagine, the motley assortment of agencies that oversees migrant regulation is ill-equipped to maintain this delicate balance. At times, drastic measures are needed to appease the central government. A prime example of what might euphemistically be termed a “recalibration” of the migrant population is shown in the tumultuous history of Zhejiang Village in Beijing.⁴⁹ In the early 1980s, migrants from Wenzhou in Zhejiang province began to settle in Fengtai (??), on the outskirts of Beijing, and set up small businesses. By 1986 thousands of Wenzhouese lived in the area, which came to be known as “Zhejiang Village.” By 1994 nearly 100,000 migrants populated the Village, in contrast to only 14,000 local residents. These migrants played a major part in the local textile market, especially in the production of leather goods. During this period, local authorities conducted sporadic “clean-up” campaigns, each time

Applying for Children to Obtain Household Registration to Come to the City with Their Father or Mother Should Know] § 3, (listing the myriad documents, including proof of birth control policy compliance, required for a child legally to follow one or both of her parents to the city), *available at* http://www.gzjd.gov.cn/jindun2/da04/DB02/c0006_040.htm; *Chusheng Shenbao Ruhu Xuzhi* [What One Should Know About Registering a Birth and Obtaining Household Registration] § 2, Sept. 1999 (noting the birth control policy certification required for a child to receive urban *hukou* status), *available at* http://www.gzjd.gov.cn/jindun2/da04/DB02/c0006_010.htm.

⁴⁴ Chan & Zhang, *supra* note 35, at 11; He, *supra* note 1, at 186.

⁴⁵ He, *supra* note 1, at 192-93.

⁴⁶ *Guowuyuan Guanyu Xiugai “Zhonghua Renmin Gongheguo Jumin Shenfenzheng Tiaoli Shishi Xize” Di Sishisi Tiao Di Sishiwu Tiao De Pifu* [The State Council's Revision of Sections 44 and 45 of “The Bylaws for the Implementation of the People's Republic of China's Resident Identification”] (Nongcun Fagui Quanshu Dec. 3, 1991) (stipulating in § 45 that “all local fees estimated received go up to the national treasury”); *Zhonghua Renmin Gongheguo Jumin Shenfenzheng Tiaoli Shishi Xize* [The Bylaws for the Implementation of the People's Republic of China's Resident Identification] § 45 (Nongcun Fagui Quanshu Nov. 1986) (stipulating that “all local fees estimated received go up to the national treasury”).

⁴⁷ He, *supra* note 1, at 192; *see Corruption in China: Shooting the Messenger*, *ECONOMIST*, Sept. 4, 2004, at 43.

⁴⁸ He, *supra* note 15, at 137.

⁴⁹ See *id.* for a detailed account and thorough analysis of Zhejiang Village. The following recapitulation is drawn from both that article and from Mallee, *supra* note 1, at 144.

forcing the migrants to relocate further outside Beijing or in surrounding Hebei Province. In late 1995 local police attempted to permanently raze the Village; 80,000 migrants were uprooted, and nearly fifty residential compounds were destroyed. Despite the persistence and severity of local law enforcement, migrants began to return to the Village less than six months later; within a year, they began to rebuild their homes.

¶25 The tale of Zhejiang Village reveals a great deal about the problems of *hukou* and migrant regulation. From the perspective of the municipal government, the migrants in the Village are an exploitable resource. Because official regulations governing internal migrants leave considerable discretion to administrative agencies, these agencies tailor the implementation of regulations in ways that maximize their own gain, both monetarily and in terms of the scope of their jurisdiction.⁵⁰ The result in practical terms is that migrants can eke out an existence in Beijing, but at a price that includes a more onerous regulatory burden compared to urban *hukou* holders, along with rent extraction from local bureaucracies.

¶26 The plight of Zhejiang Village suggests another, less quantifiable burden on internal migrants; the irregularity of clean-up campaigns creates an environment of unpredictability in which migrants remain unsure of their status within a city. The resulting need for greater foreseeability explains another peculiar consequence of migrant regulation: collusion between migrants and local officials. Those bureaucrats who develop economic relationships with migrant workers⁵¹ derive tremendous economic advantages from the migrants' semi-legal status and so do not comply with migrant regulations.⁵² These incentives permit migrants to engage in "legal collusion . . . to overcome . . . hostile legal regulation . . ."⁵³ Though the local officials in these "collaborative relationship[s]" behave in an economically parasitic manner, migrants still derive a net benefit, as evidenced by their willingness to often initiate the relationships.⁵⁴ Lacking political or social rights within the cities, they form *guanxi*, or connections, with local persons or entities to create a socio-economic space of their own, one with rules that, although harsh, are habitual and predictable.⁵⁵ By strengthening migrant incentives to collude in order to form a bulwark against severe and capricious state action, the irregular clean-ups in Zhejiang Village and other migrant-populated localities across China accomplish precisely what they intend to thwart.⁵⁶ Instead of cleansing the cities of the migrant presence, the cleanup campaigns strengthen the relationships between migrants and petty officials to the material benefit of both groups. These ties lay the foundation for extra-legal social structures that protect migrants' positions in urban areas and encourage more rural Chinese to leave the countryside.

B. *Hukou Commodification: Overreaching or the Market at Work?*

¶27 The starkest of the conflicts between national policy and local implementation manifests itself in the phenomenon of *hukou* commodification. For example, in 1991 the Dezhou region of

⁵⁰ He, *supra* note 1, at 205.

⁵¹ See *infra* text accompanying notes 77-80.

⁵² Mallee, *supra* note 1, at 137, 142, 150; Li, *supra* note 2, at 164; see also Elizabeth J. Perry & Mark Selden, *Introduction: Reform & Resistance in Contemporary China*, in CHINESE SOCIETY, CHANGE, CONFLICT AND RESISTANCE 3, 14 (Elizabeth J. Perry et al. eds., 2003) (2000); He, *supra* note 15, at 137; *supra* text accompanying notes 47-48.

⁵³ He, *supra* note 15, at 129.

⁵⁴ See *id.* at 129-30; *cf. id.* at 131 (discussing migrant collusion with locals to avoid adverse implementation of local laws).

⁵⁵ See Li, *supra* note 2, at 164-65.

⁵⁶ He, *supra* note 1, at 205.

Shandong Province publicly announced the price of an official urban registration.⁵⁷ It is difficult to imagine a practice more at odds with the objective of controlling rural-urban migration; offering urban *hukou* at a price can only increase the number of a region's migrants.⁵⁸ Though exorbitant prices of these "economic *hukou*" (*jingji hukou*) were prohibitive for most migrants,⁵⁹ the soaring demand for urban *hukou* justified the introduction of the program for the local government:

At places where the transaction . . . took place, long lines formed [and] traffic was blocked. . . . Peasants in surrounding villages and townships filled satchels and flour bags with money they had earned by their blood and sweat and had saved for several years to conduct [the] transaction⁶⁰

¶28 In effect, local governmental institutions reap profits by 'liberating' rural Chinese from the legal constraints Beijing has forced upon them through the *hukou* system; bureaucrats skim off the arbitrage-cost differential between urban and agricultural registration status. It is important to note that even in these circumstances, repugnant as they appear, migrants themselves have proven willing to bear the costs of obtaining urban *hukou* status.⁶¹ They, more than other agents in the public or private sphere, have pushed against the system and weakened Beijing's control. As the popular idiom among migrants states, "there are policies on high but those below have countermeasures" (*shang you zhengce, xia you duice*).⁶²

¶29 The commodification of *hukou* by lower levels of government was not passively accepted by the national government. The Ministry of Public Security (*Gonganbu*) first issued an order in 1992 banning the sale of urban *hukou*,⁶³ yet the practice flourished in spite of the central government's repeated warnings.⁶⁴ The *Sichuan Yearbook 1993*, for example, openly admitted that 50% of the growth of the non-agricultural population was due to these economic registrations.⁶⁵ However extortionate the practice of urban-*hukou* sale may appear, especially considering that were it not for the continued implementation of the *hukou* system itself this problem would not exist, one cannot deny the widespread demand among migrants. For many, purchasing an urban *hukou* may be the only avenue for obtaining political, social, and economic rights.

⁵⁷ Mallee, *supra* note 1, at 147.

⁵⁸ It is interesting to note, however, that the central government itself has experimented with *hukou* commodification, most notably in the "blue-stamp" urban *hukou* program. Introduced in 1992, the Ministry of Public Security (*Gonganbu*) (? ? ?) offered urban *hukou* in small cities, towns, and special economic zones (SEZs) to those migrants who made "significant contributions" to the urban economy. The criteria for blue-stamp *hukou* eligibility are typically broad and multivalent. See Chan & Zhang, *supra* note 35, at 21-22.

⁵⁹ The price varied by region, ranging from a few thousand *Ren Min Bi* (RMB, the currency unit of the PRC) up to 50,000. According to one estimate, by early 1994 three million urban *hukou* books had been sold to migrants, accumulating revenues of RMB 5 million. See *id.* at 21, 26.

⁶⁰ Mallee, *supra* note 1, at 147-48.

⁶¹ *Id.* at 148; see *infra* note 66; cf. He, *supra* note 15, at 131.

⁶² Mallee, *supra* note 1, at 148.

⁶³ *Id.*

⁶⁴ Chan & Zhang, *supra* note 35, at 25.

⁶⁵ Mallee, *supra* note 1, at 148.

C. *Silent Masses: The Costs of Migrant Organization & Resistance*

¶30 The various manifestations of local government authority over migrant regulation paint a bleak picture: between rent extraction, *hukou* sales, and unpredictable clean-up campaigns, it seems that migrants are victims of the extortionate implementation of an already unfair institution. Yet, as noted, migrants continue to flock to cities in growing numbers.⁶⁶ A question lurks behind this paradox: do rural-urban migrants have any say over the policies that control their lives?

¶31 The most fundamental obstacle to migrant organization is legal. For a non-governmental organization of migrants to be officially recognized, it must be approved by professional superiors or a responsible government branch.⁶⁷ Because migrant laborers and entrepreneurs are excluded from urban civic franchise, it would be difficult for a group to find a sponsor organization; the political risk assumed by such a sponsor would make the project untenable.⁶⁸ However, there have been a number of informal migrant organizations, most of which attempt to play the role of a trade association, guaranteeing product quality and initiating public relations campaigns.⁶⁹

¶32 Although attempts to carve out a legitimate role through informal associations are laudable and generally more realistic than organized resistance to unfair policies, there have been isolated instances of migrants successfully combating local governments. In 1986 a group of several hundred migrant traders in Tianjin's Hexi District, frustrated with excessive assessment of fees, surrounded and physically assaulted local tax and public security officers.⁷⁰ A more significant act of resistance arose in Beijing's Zhejiang Village in 1994; there a group of migrant traders sustained a strike for a week until local authorities agreed to charge fewer discretionary fees.⁷¹ These isolated examples suggest that, since the revenue derived by local governments from migrants is earned on a quasi-legal basis, an organized group of migrants can target those practices that are most suspect. In other words, due to the illicit means by which local officials extract benefits from migrant workers, who already greatly contribute to urban economic growth and thereby help maintain a rather apolitical urban population, to a certain degree migrants can employ both the potential ire of the central government and the threat of general economic instability against local officials to achieve their political goals.

¶33 Limited evidence points to the potential for successful migrant organization. In Wuxi County, for example, there is a large group of migrant transport workers under the leadership of one migrant.⁷² Local bureaucrats have developed relations with this man, resulting in his

⁶⁶ Interview with Men Nixia, migrant worker, (June 23, 1997) (revealing that she came from her village to Beijing to work to supplement her family's income and "to see the world"); Interview with Mi Yun, migrant worker, (June 23, 1997) (explaining that she migrated to the city "to see the world," but primarily to provide her family with a more stable income than could be acquired back home); Interview with Zhang Shan, migrant worker, (June 23, 1997) (telling how she came to work in Beijing to provide a stable income to supplement her parents' farming income); see *China on the Move*, *ECONOMIST*, Jul. 6-12, 1996, at 33 (noting that migrant remittances comprise an average of 20% of rural household income).

⁶⁷ Li, *supra* note 2, at 171.

⁶⁸ *Id.*

⁶⁹ *Id.* at 176. Besides these commercially-oriented groups, there have also been clinics and schools established solely by and for migrants. These, however, are subject to the same sudden and categorical action as occurred in Zhejiang Village.

⁷⁰ Mallee, *supra* note 1, at 149.

⁷¹ *Id.*

⁷² *Id.* at 153.

controlling a monopoly over most of the county's transport work.⁷³ Although the group has done little to change the legal status of migrant laborers, it has a certain degree of bargaining power because of its size and strict organization.

¶34 These instances serve as a reminder that migrant regulation by local government is a two-way street. To the extent that administrative agencies wish to profit from migrant labor, the migrants are a necessary presence. Theoretically—and one should not forget that any prescriptions for migrant empowerment are speculative—migrants can leverage their numbers into an amelioration of local policies. In this particular task they have an ally, oddly enough, in the central government. In one of several peculiar alignments of incentives, Beijing, for obvious fiscal reasons, also has an interest in eliminating local discretionary fees.

¶35 In 2004 the Ministry of Finance issued a directive banning all irrational surcharges by local governments on rural laborers in cities.⁷⁴ The cynical reaction to this promulgation is that the central government will never enforce the directive to the extent necessary to eradicate rent extraction. Nevertheless, the directive derogates from the authority of local governments; it strips the veneer of legal justification from the exploitation of migrants by administrative agencies. A result of this loss of validity is that well-organized groups of migrants can have enhanced bargaining power. The threat of suppression and reprisal by the state looms over any overt expression of resistance, but this is a relatively constant factor. Insofar as the migrant population has any opportunity to assert itself, there are no risk-free strategies. Now that the central government has officially condemned the major direct benefit local governments procure from the migrant population, migrants have more rhetorical momentum behind them than ever before.

VI. CENTRAL GOVERNMENT REACTIONS & RESPONSES

¶36 In contrast to the mixed, often ambivalent reaction of local governments, the central government has grown ever-more alarmed at the post-1978 'emancipation' of migrant labor from the communes, since Beijing can no longer effectively monitor a large segment of the population.⁷⁵ Government enforcement of the *hukou* system, traditionally one of its most potent tools to control population mobility in the face of the massive number of rural migrants in China's towns and cities,⁷⁶ has failed. As already discussed, household registration restrictions have spawned unlikely alliances between migrant workers and local urban private and public institutions. These alliances in turn have fractured the central government's ability to exercise its political will. Ironically, by creating perverse incentives for public institutions and private actors to disobey government policies, the semi-legality of migrants' urban presence that the *hukou* system itself creates has exacerbated this impotence. Yet simultaneously, the negative reactions of urban Chinese to their newly arrived rural brethren actually bolster approval of those state institutions of oppression that appear to check migrant behavior, such as the Public Security Bureau; thus, by a circuitous route, the *hukou* system buttresses the CCP's legitimacy.

⁷³ *Id.* at 154.

⁷⁴ *Surcharges on Chinese Migrant Workers to Be Terminated*, XINHUA NEWS AGENCY, Mar. 29, 2004.

⁷⁵ Mallee, *supra* note 1, at 136; Perry & Selden, *supra* note 52, at 14; He, *supra* note 1, at 177; He, *supra* note 15, at 137. It is important to note that "[t]hree types of governments . . . have jurisdiction over internal migrants: the central government, the local home government, and the local host government." He, *supra* note 1, at 182.

⁷⁶ According to Public Security Bureau and other "experts," in 2002 China already had over 110 million migrant workers; the number likely surpasses 130 million today. He, *supra* note 1, at 177; *Comprehensive Household Registration Reform*, *supra* note 15.

¶37

Nonetheless, bureaucrats clearly benefit from flouting the central government's will. Therefore, it comes as no surprise that in a February 2002 article from the Xinhua News Agency, the Vice-President of the Ministry of Public Security's Bureau of Public Order, Bao Suixian, declared that the Household Registration System "cannot be eliminated" as it constitutes the "foundation . . . for managing social order" and has "great effect on fighting crime."⁷⁷ Among its other pertinent state uses, he noted that hukou also helps determine "family bloodline relationships."⁷⁸ His first two justifications carry little weight since the government has utterly failed to control the migration process and increasing crime rates. The last simply smacks of a desperate attempt to validate the system by any means. The underlying institutional motivations behind these justifications appeared most brilliantly when Bao advocated the right of free movement within the country for all citizens, but continued to insist China would still need hukou ((even though its function will have become moot, and national identity cards (shenfenzheng) are already widespread)).⁷⁹ More convincingly, the central Gong'anbu supports the hukou system because it provides its local branches with financial support. As would be expected, competition between different administrative organs to extract rent from migrants further hampers implementation of the law.⁸⁰

¶38

As early as 1982 Beijing recognized the difficulty of coordinating its migrant management policies with local institutions, but did not overtly comprehend the underlying causes. The Announcement of the State Council's Approval of the Ministry of Public Security's Request for Instructions Regarding Solving the Problem of Taking Up Residence Away from the Village noted that

[r]ecently the number of people in the country without household registration has been very large, attracting great repercussions of every kind and having influence on the People's lives and the stability of social order. Every level of the People's government must pay great attention to this issue, strengthen its leadership, and closely coordinate with every related institution to carry out effective measures. Every level must help those without household registration to settle down and work, conscientiously safeguarding migration of the Masses according to national policies and regulations, and help them settle down with rights and benefits according to the law.⁸¹

¶39

Beyond expressing Party fear of wandering migrants,⁸² the Announcement's repeated emphasis on coordination between government agencies at all levels to carry out national

⁷⁷ *Gonganbu: Huji Zhidu Bu Hui Quxiao, Hukou Qianyi Jixu Fangkuan* [Ministry of Public Security: The Household Registration System Cannot Be Eliminated, Hukou Transfer Continued to Be Relaxed], XINHUA SHE, Feb. 2, 2002, available at <http://www.china.org.cn/chinese/2002/Feb/111419.htm> [hereinafter *Ministry of Public Security: The HRS Cannot Be Eliminated, Hukou Transfer Continued to Be Relaxed*].

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ He, *supra* note 1, at 192.

⁸¹ *Guowuyuan Pizhuan Gong'anbu Guanyu Jiejue Youguan Nongcun Luohu Wenti De Qingzhi De Tongzhi* [Announcement of the State Council's Approval of the Ministry of Public Security's Request for Instructions Regarding Solving the Problem of Taking Up Residence Away from the Village] (Nongcun Fagui Quanshu 1982) [hereinafter State Council's MPS Request Response].

⁸² See *Gonganbu Guanyu Jiejue Youguan Nongcun Luohu Wenti De Qingzhi (Shangyao)* [The Ministry of Public Security's Request for Instructions Regarding Solving the Problem of Taking Up Residence Away from the Village (Summary)] (Nongcun Fagui Quanshu) [hereinafter MPS Request].

policies highlights the obstacles facing Beijing's ability to govern. However, the document gives no indication that the central government understood the problem to derive from active coordination between local officialdom and migrants; it simply treats these circumstances as a product of inept local governance.

¶40

Similarly, the opportunistic, *ad hoc* partnerships between migrants and local officials have also neutered the Chinese government's multiple regulations that aspire to manage migratory flow.⁸³ At best, national-level reforms have marked tacit acceptance of the (migrant-created) status quo.⁸⁴ In 1984 the State Council's Notification on the Question of Peasants Entering Towns tried to divert migrants away from the largest cities toward small towns and villages in a policy labeled "*litu bulixiang*", or "leave the land but not the countryside".⁸⁵ By funneling rural Chinese to small- and medium-sized towns rather than the country's largest cities, the government hoped to thwart the rise of social instability in urban areas.⁸⁶ Economically self-sufficient migrants who did not require state aid for food and housing could change their *hukou* status to "'urban registration with self-supplied grain' (*zili kouliang chengzhen hukou*)".⁸⁷ Unfortunately for Beijing, the policy's principal effect was not a diversion of migrants toward towns and villages; instead, mixed-*hukou* families, a result of the matrilineal design of the Household Registration System, formed the bulk of those who took advantage of the law "by giving the 'agricultural' members (mostly women) official urban status."⁸⁸ Migrant families hijacked the law to legalize their previously unregistered presence in urban areas. And now, twenty years later, Beijing has proposed another *hukou* reform that would "enabl[e] migrants residing in small and medium-sized cities to become local residents."⁸⁹ Likely, the results this time will scarcely differ.

A. *Poor Peasants, Urban Disgust & Legitimization of Communist Control*

¶41

While the migrant presence in cities has tremendously enhanced the vibrancy of the country's economy and benefited most urban residents,⁹⁰ much to the consternation of the Party, it has also amplified social tensions in urban areas between legal urban residents and the migrants.⁹¹ Ironically, in contrast to the central government's incessant policy defeats in the realm of migration control, this unintended dual socio-economic role for rural-*hukou* migrants—as individuals who power urban economic growth and concurrently annoy those legally residing in the cities—has actually buttressed the CCP's power via an odd combination of boosting urban residents' quality of life and bringing renewed legitimacy to the state's instruments of oppression.⁹²

⁸³ See Mallee, *supra* note 1, at 145, 147; Li, *supra* note 2, at 154.

⁸⁴ Mallee, *supra* note 1, at 140-41.

⁸⁵ *Id.* at 145, 148; see *Guowuyuan Guanyu Nongmin Jinru Jizhen Luogu Wenti De Tongzhi* [State Council's Notification on the Question of Peasants Entering Towns] (Nongcun Fagui Quanshu 1984) [hereinafter State Council's Notification on the Question of Peasants Entering Towns]; He, *supra* note 1, at 182.

⁸⁶ See *supra* text accompanying note 9.

⁸⁷ Mallee, *supra* note 1, at 145; see State Council's Notification on the Question of Peasants Entering Towns, *supra* note 85.

⁸⁸ Mallee, *supra* note 1, at 145. 80% of the registrants were women; 84% had relatives in town, usually including at least a spouse. *Id.*

⁸⁹ *Migrants May Register for Equal Rights*, CHINA DAILY, Jan. 6, 2004, at <http://www.cpirc.org.cn/en/enews20040107.htm>.

⁹⁰ See *Report on the Special Subject of HRSR*, *supra* note 15; Perry & Selden, *supra* note 52, at 4.

⁹¹ Cf. Mallee, *supra* note 1, at 150.

⁹² *Report on the Special Subject of HRSR*, *supra* note 15; SOLINGER, *supra* note 4, at 5.

¶42 By becoming urban economic actors, migrants maintain otherwise moribund urban industries;⁹³

supply[] vegetables to the cities and so work[] against inflation; stock[] its markets and servic[e] its “proper” city residents; . . . [and] empty[] out the countryside and so solv[e] problems of rural under-development, poverty and rural unemployment.⁹⁴

¶43 They also regularly take on the “dirty, dangerous, and degrading” jobs more prosperous city dwellers will not perform.⁹⁵ Essentially, they act as an economic mortar, filling the labor and supply gaps that would otherwise pervade the urban market, and strengthening the edifice of the current (government-maintained) economic system.

¶44 Nevertheless, urban residents often overlook migrants’ economic contributions and regard rural Chinese as economic competitors and the source of China’s urban social ills.⁹⁶ Popular lore holds that migrants place great pressure on urban infrastructure and government finances;⁹⁷ specifically, they purportedly inconvenience urban residents by overburdening housing, education, sanitation, electricity, traffic, and even food-service conditions.⁹⁸ Furthermore, urbanites believe migrants have greatly contributed to increasing crime rates and rampant excess births outside of the population control system.⁹⁹ In effect, urban Chinese hold migrants responsible for all social afflictions, from economic instability and drug dealing, to general disruption of the social peace.¹⁰⁰

¶45 On the economic front, reforms have eroded urban residents’ job stability, and incoming migrants have exacerbated this stress by increasing labor market competitiveness.¹⁰¹ Aside from simply adding to the labor pool, migrants have fallen into a role akin to illegal immigrants in other countries because of their agricultural *hukou* status.¹⁰² They receive few or no institutional protections, permitting employers to hire, fire, and pay them at abnormally low cost.¹⁰³ The legal disabilities foisted upon rural *hukou*-holding Chinese erode the comparative advantage of urban Chinese with respect to migrants in the urban labor market, thereby making urban Chinese workers relatively unattractive to hire. Consequently, just as one finds in other countries, urban residents believe the ‘illegal alien’ migrants subvert their economic opportunities.

¶46 For example, the semi-legal migrant labor market the *hukou* system has created¹⁰⁴ exacerbates the social strains caused by the failure of the planned economy’s state-owned

⁹³ See *infra* text accompanying notes 105-06.

⁹⁴ SOLINGER, *supra* note 4, at 5.

⁹⁵ Li, *supra* note 2, at 182; see Mallee, *supra* note 1, at 137; Williams & Woo, *supra* note 25, at 510.

⁹⁶ *Report on the Special Subject of HRSR*, *supra* note 15; SOLINGER, *supra* note 4, at 5.

⁹⁷ Perry & Selden, *supra* note 52, at 14; He, *supra* note 1, at 177-78, 183; Li, *supra* note 2, at 154-55.

⁹⁸ *Report on the Special Subject of HRSR*, *supra* note 15; A STUDY OF THE MIGRANT POPULATION OF CHINA’S EDZS, *supra* note 39, 12-13.

⁹⁹ A STUDY OF THE MIGRANT POPULATION OF CHINA’S EDZS, *supra* note 39, at 13; Mallee, *supra* note 1, at 138, 150; Perry & Selden, *supra* note 52, at 4, 14; He, *supra* note 1, at 178, 183.

¹⁰⁰ A STUDY OF THE MIGRANT POPULATION OF CHINA’S EDZS, *supra* note 39, at 13; Williams & Woo, *supra* note 25, at 510.

¹⁰¹ *Report on the Special Subject of HRSR*, *supra* note 15; He, *supra* note 1, at 178; cf. Williams & Woo, *supra* note 25, at 467-68.

¹⁰² XU, *supra* note 28, at 125; Williams & Woo, *supra* note 25, at 510-11; He, *supra* note 15, at 127.

¹⁰³ SOLINGER, *supra* note 4, at 4; see Williams & Woo, *supra* note 25, at 510-11; Li, *supra* note 2, at 151, 164, 169-70.

¹⁰⁴ See Li, *supra* note 2, at 156.

enterprises (“SOEs”). As SOEs have shed millions of urban-*hukou* employees in desperate attempts to reduce financial losses, they have turned to migrants as less expensive replacements and “a path to easy profit ability.”¹⁰⁵ By facilitating massive job displacement among urban Chinese, who once received lifetime employment guarantees from the government as a part of Mao’s fabled ‘iron rice bowl’ (*tie fanwan*), job market competition between those with urban *hukou* and those with agricultural *hukou* registrations has spawned destabilizing tensions within urban areas.¹⁰⁶

¶47 Consequently, because urban residents disdain migrants for the perceived social and economic problems they create, the periodic government campaigns to deport them and “strike hard” against (migrant) criminals (regardless of the tier of government that instigates them) receive broad support among urbanites despite the campaigns’ ambiguous effects.¹⁰⁷ By ostensibly addressing one of the greatest concerns among urban Chinese—protecting the cities from this dangerously “unaccountable, untraceable, [and] hard to control” group—the central government burnishes its own image along with that of its repressive institutions at the expense of its rural citizens.¹⁰⁸

VII. CONCLUSION

¶48 Within the three decades following China’s opening to the world, the *hukou* system has changed from a policy designed to glean the economic surplus of rural China to fuel urban industrialization into a bewildering hodgepodge of legal constraints that inadvertently aid economic growth and simultaneously preserve the aura of the state’s mandate to rule. Though maintaining the household registration system has created various unexpected benefits for government officials at national and local levels, for urban residents, and even for China’s economy as a whole, the system has invariably done so in an inefficient manner that facilitates economic and social violence against the country’s most vulnerable citizens—its peasants. Perhaps even more worrying due to its grand scale and unforeseeable implications, Beijing’s desire to control migratory behavior through *hukou* restrictions has undermined the state’s overall ability to project non-violent power and to implement the rule of law.¹⁰⁹ Despite the media’s incessant fawning over the mammoth economic potential of China’s growing market and its assured future status as a great power, Beijing’s inability to govern effectively and to establish a sound legal system will significantly postpone the day that vision reaches fruition.

¹⁰⁵ He, *supra* note 15, at 131; see XU, *supra* note 28, at 69; Mallee, *supra* note 1, at 142; Perry & Selden, *supra* note 52, at 3-4, 14; *supra* text accompanying note 65.

¹⁰⁶ Perry & Selden, *supra* note 52, at 14; Williams & Woo, *supra* note 25, at 469-70.

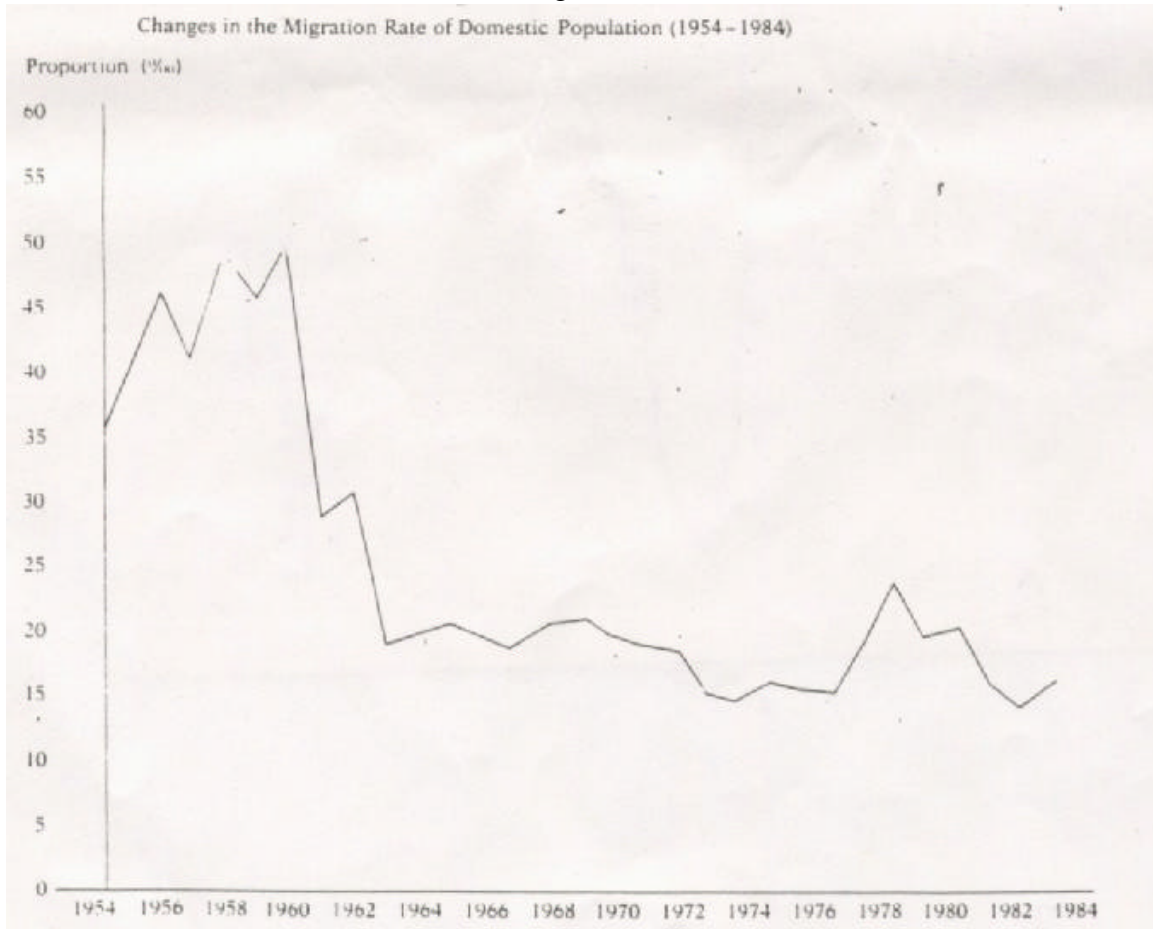
¹⁰⁷ Cf. He, *supra* note 1, at 180, 196, 203-04 (noting how periodic anti-migrant campaigns by the Beijing government fail in their goal of migrant-control and further erode state power).

¹⁰⁸ Mallee, *supra* note 1, at 139, 151; Perry & Selden, *supra* note 52, at 4.

¹⁰⁹ See He, *supra* note 15, at 137, 145.

VIII. TABLES & FIGURES

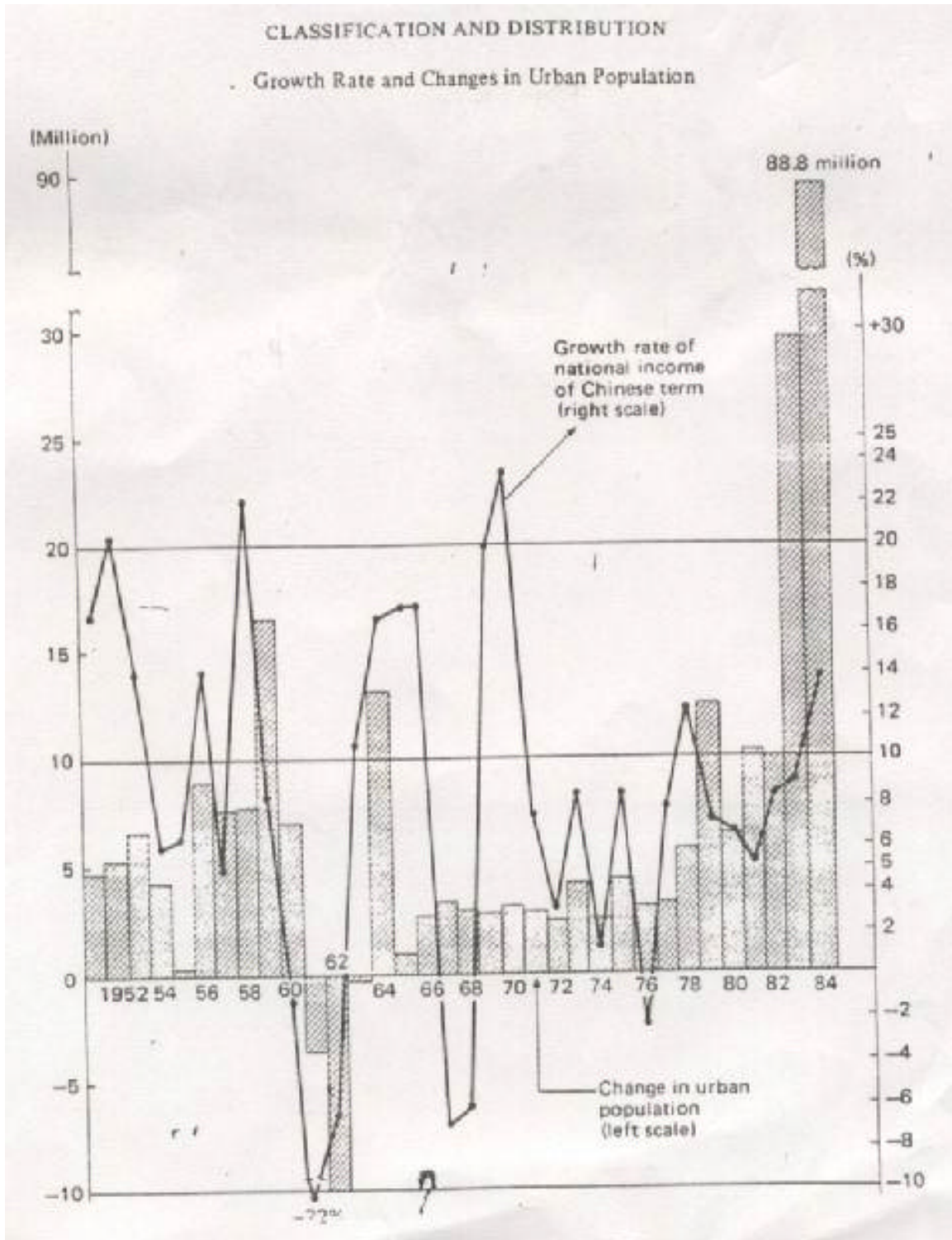
Figure 1



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¹¹⁰ China Financial and Economic Publishing House, *New China's Population* 59 (1988).

Figure 2



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¹¹¹ Reaisu Kojima, *Urbanization and Urban Problems In China* 22 (1987).