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Civil society, political society and politics of disorder in Cambodia



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ABSTRACT

This paper questions under what conditions the social foundation necessary for the construction and sustenance of civil society are present in post-colonial social formations, and the extent to which there has been a need to develop concessionary politics to maintain a project of rule. It utilizes Partha Chatterjee's usage of Gramsci's political society to understand how Cambodia's ILO-led garment factory monitoring regime secures legitimacy not by the participation of worker citizens in the matters of the state, but by claiming to provide for their well being. I argue that the hegemonic project is fraught by virtue of the fact that consent-seeking forms of regulation, which aim to prevent strikes through trade union membership and tripartitism, have reached their limit and spilled over and into a disaggregated, messier terrain of struggles akin to political society. To develop the argument that workers' politics cannot be expressed in state-civil society relations, I present case studies of two forms of protest. The first form is distinguished by mass faintings, which I characterize as 'visceral protest' against the terms of workers' insertion into industrial capitalism. The second is large-scale, worker-led strikes that signal a 'politics of social disorder' is emerging, characterized by extra-legal, disruptive, and sometimes violent protest. The paper calls for a re-politicization of labor, and research attuned to workers' ambitions that cannot be reduced to a stable location or sphere within state-civil society relations.

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1. Introduction

This paper contributes to a growing body of literature on precarious labor and state-labor relations through a study of workers' mobilizations in Cambodia's textile and garment sector. According to export-led economic growth models, formal employment in sectors like textile and garment manufacturing is upheld as an inherent good. A labor contract between employers and employees that regulates working conditions can be the boundary between political inclusion and exclusion (Barchiesi, 2011). Yet for the majority in Cambodia, formal employment and trade union membership is not the way out of poverty, rather, it is the manner in which workers' are included in the labor regime that precludes a decent wage and becoming active members of the body politic. Indeed, workers protests sparked by poverty wages have fostered mobilizations among factory workers that, with their autonomy from dominant institutions of state and civil society, challenge the political order deemed necessary for capital accumulation, complicating efforts to integrate subaltern classes into economic development projects pursued by leading social groups. While both

state and civil society actors attempt to appropriate these struggles as part of hegemonic projects, the political space opened by workers cannot be reduced to a stable location or sphere within either (Doucette, 2013). How, we therefore need to ask, do workers react when civil society channels of mediation fail to realize core livelihood needs?

A Gramscian perspective is useful when analyzing tensions between subaltern workers and civil society. Civil society is regarded as the terrain upon which social classes compete for social and political leadership, or hegemony, over other social classes (Thomas, 2009). State hegemonic projects are conceived as a network of social relations for the production of consent through civil society, with hegemony 'guaranteed' 'in the last instance' by capture of the legal monopoly of violence, conceptualized by Gramsci as political society. For Gramsci, state and state power is both centralized and diffuse (Ekers & Loftus, 2008), with the integral state comprising political society and civil society. No hegemony is ever complete, and due to its partial and precarious nature hierarchies fundamental to hegemonic imperatives in capitalist social relations can never be eliminated (Davies, 2011).

To unpack such fraught hegemonies, a central problematic the paper addresses is 'order' in the global economy. In this regard,

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Jessop and Sum (2006) draw attention to capital's need not only to disembed economic relations from their old social integument but also to re-embed them into new supportive social relations. It is in this realm that states are particularly important. States provide an important facilitative role for capital, but they also must take on a regulatory role to assuage the excesses of neoliberal globalization to maintain social cohesion and political legitimacy. Engaging global production networks provide important means for national economies to be (favorably) inserted into the emerging regional and global economy, but that very insertion can fragment national economies and societies and create alternative foci of political legitimacy (Jessop & Sum, 2006). It is for this and other reasons that the reach of the state is so extensive. This understanding of order has implications not only for regulation of precarious labor, but also how we understand the state as a contingent social relation, rather than mere receptor of or reactor to capital's imperatives (Ince & de la Torre, 2016), that can be transformed by patterning social relations differently. To address this 'middle range' problematic, we must question under what conditions the social foundation necessary for the construction and sustenance of civil society are present in late developing, post-colonial social formations, considering the extent to which there has been a need to develop concessionary politics to legitimate a project of rule.

Partha Chatterjee (2004, 2011) offers a useful approach to understand state-civil society relations. He argues that even the most undemocratic of modern regimes must claim its legitimacy not from divine right or dynastic succession or the right of conquest, but from the will of the people, however expressed. Electoral-authoritarians, military dictatorships and one-party regimes all rule, or so they must say, "on behalf of the people". Most citizens, however, are only tenuously rights-bearing citizens in the sense imagined by the constitution. But it is not as though they are outside the reach of the state or even excluded from the domain of politics. Rather, Chatterjee (2004) asserts that the needs of populations within the territorial jurisdiction of the state have to be addressed and their ambitions are controlled by various governmental agencies. These activities bring these populations into a certain *political* relationship with the state, yet in a manner that does not always conform to the constitutional depiction of the relation between the state and members of civil society. As addressed in more detail below, for Chatterjee (2011), writing on India, political space has become effectively split between (a) a narrow domain of civil society where citizens interact with the state through the mutual recognition of legally enforceable rights, and (b) a wider domain of *political society* where governmental agencies deal not with citizens and their democratic-ethical significance, but with 'populations' to whom the state delivers specific benefits or services—in the Cambodia case in the form of neo-patrimonial relations. Sanyal (2007), offering a complimentary perspective, asserts that a conceptualization of post-colonial capitalism in these terms brings into visibility a new political imaginary which foregrounds the politics of exclusion rather than the politics of transition (to an industrialized, liberal democratic norm) that has dominated thinking about the Third World.

The paper, then, addresses an unresolved question generated by the globalization of production—the capacity of civil society organizations to act as institutional expression of workers' interests. The paper is organized as follows: in the next section I utilize Chatterjee's theory of political society to understand how Cambodia's factory monitoring regime secures legitimacy not by the participation of worker-citizens in the matters of the state, but by claiming to provide for workers' well-being. By design, numerous core concerns are not addressed in Cambodia's monitoring regime, rather via trade union membership and institutional tripartite bodies. I then proceed to sketch select theories on trade unions and

civil society to understand efforts to garner workers' consent. I argue that this hegemonic project is fraught by virtue of the fact that consent-seeking forms of regulation, which aim to prevent strikes, have reached their limit and spilled over and into a dis-aggregated, messier terrain of political struggles akin to Chatterjee's theory of political society. To develop the argument that workers' politics cannot be expressed in state-civil society relations, I present case studies of two forms of protest. The first form appeared in 2011, distinguished by the as-yet unexplained mass faintings that have taken in place in the thousands, characterized as 'visceral protests' against the terms of workers' insertion into industrial capitalism. The second case is large-scale, at times nationwide worker-led strikes that signal a 'politics of social disorder' is emerging, marked by extra-legal, disruptive, and sometimes violent protest. I then conclude in the final section by returning to the main strands of the argument.

The research for this paper utilizes the extended case method. Through participant observation with a Phnom Penh-based trade union confederation that began in 2006, the author has engaged select workings of the union, while observing numerous factory-level and nation wide strikes. Fieldwork for this particular paper took place between September 2013 and January 2015, comprising three two-three month stays in Phnom Penh with field visits to industrial zones and workers' housing in Phnom Penh vicinity and Bavet. Alongside participant observation, in depth interviews were conducted with stakeholders from the Cambodian government, Garment Manufacturers Association of Cambodia representatives, ILO officials and NGO staff. The author, in cooperation with a Phnom Penh-based research organization, also carried out a detailed livelihood survey among 250 workers from garments, construction and street vending, the findings of which are not specifically addressed yet inform contentions made herein.

2. Labor rights monitoring, governmentality and depoliticizing labor

Cambodia's apparel manufacturing sector speaks to global debates on political ordering of state-society relations in a manner conducive to capitalist development (c.f. Jessop & Sum, 2006; Springer, 2009). Cambodia is host to a high profile International Labour Organization (ILO)-led project enabled by an unlikely cooperative arrangement among an authoritarian and paternalistic state, trade unions, East Asian manufacturers and global garment brands and buyers. Remarkably, unionization rates in its garment sector have hovered at 60% for over a decade, unusually high in an era when trade unions' membership numbers and strength have steadily declined in other parts of the world. Despite the proliferation of unions and the branding of Cambodia as an 'ethical' manufacturing enclave, workers real wages declined between 2001 and 2013 (See Fig. 2, below). Meanwhile, workers' mobilizations have become increasingly militant, divorced from union leaders, and met by the violent-coercive hand of the state. Despite low wage, excessive working hours and increasing frequency of violence, Cambodia is still regularly upheld as a labor rights success story and an example for other industrializing countries to follow (Rossi, 2015; Tyson, 2014).

Political space is a central consideration in perceptions of Cambodia's garment sector labor rights success. DiCaprio (2013) contends that the ILO's Better Factories Cambodia project introduced political space in Cambodia's labor governance structure in two ways—by creating institutions that would give effect to the labor law, and by empowering workers to use them (DiCaprio, 2013). DiCaprio defines political space by three mechanisms: a systematic labor rights monitoring regime at the factory level, the capacity of workers to engage in collective bargaining through

trade union membership, and the establishment of a tripartite arbitration council that mediates disputes between capital and labor. DiCaprio (2013:108) suggests that the durability of worker rights in Cambodia has been a function of the inclusion of these politically 'neutral' tripartite spaces for beneficiaries to participate in labor governance. This institutionalist approach to 'fragile' or 'weak' states—low-income countries with limited government legitimacy and vulnerable populations—explains the ways in which efforts to engage domestic actors in the policy realm highlights the tumultuous nature of the state-society relationships. The objective is often centered on fostering 'neutral' political spaces of negotiation, recognizing the divergence between formal rules in the constitution and labor laws, and actual practice. Not surprisingly, analysts contend that political elites may see little benefit from engaging with citizens (Haider, 2010). Where there has been state-led violence, damaged social networks may further hinder state-society interactions, uncertainty about which state actor is in control, and a lack of qualified personnel to engage in negotiations (Earle, 2011). In these cases, the channels through which citizens' preferences are translated into government action may not exist or function properly, and social movements must forge their own channels for influence through civil society (DiCaprio, 2013).

Such institutional approaches to state-society relations consider numerous important patterns, including social movement's potential to transform institutions to suit their interests. Civil society is, whether tacitly or explicitly, proposed as an essential feature of democracy—the institutional infrastructure for political mediation and public exchange. However, the theoretical mooring is that without transformation of the institutions and practices of civil society, whether carried out from the top or from below, it is impossible to create or sustain equality and an active, engaged citizenry in the political domain. States that fail or insufficiently conform to this model of opening participatory civil society space are those most often deemed immature, fragile and weak, and exhibiting divergences from the assumed stability and efficiency of the Euro-Atlantic state form (Hill, 2005). The policy response is very often a technicist-led range of capacity-building initiatives to foster transitions to the modern, liberal norm. Yet this transitional perspective does not address the specific historical couplings of capital and the state in postcolonial settings, nor does it sufficiently consider the potential of entrenched powers to utilize emerging civil society institutional space for their own ends.

Chatterjee, by contrast, locates and conceptualizes political society in welfarist forms of governmentality associated with the developmental and late developmental state. He asserts something resembling what Li (2009) calls a "make live" biopolitics, aimed at mitigating the force of primitive accumulation and other residual effects of the development project, which prevails in areas like poverty alleviation programs, health policies, etc., without which the exclusions produced by capitalist development are unsustainable on political-ideological grounds (Sanyal, 2007). The core of Chatterjee's theory is the tracing of two lines to and from the state. One is the line connecting civil society to the nation-state, and founded on popular sovereignty and granting equal rights to citizens. The other is the line connecting populations to governmental agencies pursuing multiple policies including (national) security and welfare. The first line points to a domain of politics analyzed in much detail for over two centuries, and one that institutionalist approaches are primarily concerned. From the normative perspective identified above, it is along this 'neutral' line that sensitized worker-citizens are emerging as rights bearing trade union members in the body politic.

The second line Chatterjee identifies points to a different political space. To distinguish it from the classic associational forms of civil society, he calls it political society—differing from Gramsci's

use of the term in that governmentality supplants force in governance logics. Civil society is restricted to a small section of culturally equipped citizens, and represents the 'high ground' of modernity, as does the constitutional model of the state. But he argues that in practice governmental agencies must descend from that high ground to the terrain of political society, in order to renew their legitimacy as providers of well being, and to confront multiple configurations of politically mobilized demands. Chatterjee applies his theory within the national-state scale, but it is also useful in analyzing Cambodia's multi-scalar labor rights monitoring regime that aims to repackage dead end jobs that treat the third world woman's body as a site of exploitation and disposability (Wright, 2006), into exemplars of the export-led development project.

2.1. De-politicizing labor

In the late 1990s Cambodia had just emerged from nearly two decades of international and civil war, entered the neoliberal global economy with an eviscerated state, ruined infrastructure, and social disintegration. A violent 1997 coup contributed to fears on the return to civil war, generating consternation in the international community experiencing a collective sense of guilt for its connivance in the suffering brought on by the years of war (Hughes, 2003). Around the same time, export garment manufacturing was established in the country in 1994, and exports to the US, Cambodia's main market, grew to the point that in 1998 the domestic US textile and garment manufacturers associations called for import restraints (Polaski, 2006). Requests for interventions also came from US trade unions, which supported burgeoning Cambodian union militancy, and from other civil society groups alarmed by reports of abuses against workers in Cambodian factories, including debt bondage, forced overtime and failure to pay the minimum wage (Polaski, 2006).

Since then, the country has become well known for its unique, and arguably innovative approach to labor rights monitoring in global garment supply chains (DiCaprio, 2013; Polaski, 2006; Rossi, 2015). The seeds of the ethical labor regime in Cambodia were planted in 1999, when the US and Cambodian governments initiated the 3-year US-Cambodia Textile and Apparel Trade Agreement. It was extended for another three years, ending on the same day as the Multi fiber Agreement phase-out on 1 January 2005, which signaled the transition from quota-restricted to 'free' trade under WTO regulations. It was eventually utilized as a showcase for 'fair', export-led development in the midst of neoliberal globalization's legitimacy crisis under the Clinton administration (Arnold & Toh, 2010).

In 2001 the ILO established an independent but complimentary factory monitoring project, later named Better Factories Cambodia, engaging the Cambodian government, garment manufacturers, and trade unions. The Better Factories' initial purpose was to inform US import quota allocation decisions. If labor conditions in Cambodia's factories improved, the US-Cambodia trade agreement stipulated that the country would be granted increased US market access under the Multi fiber Agreement. US market access was the carrot, and ILO monitoring the stick.

The Better Factories program is rooted in a set of multi-scalar activities. The broader national aim is to devise public policy initiatives to articulate with global textile and garment supply chain actors' demands for quality, on-time delivery, and rapid response to order changes (Rossi, Luinstra, & Pickles, 2014), while addressing local factory level work conditions. The Better Factories monitoring process is based on unannounced visits to the factories, in the course of which monitoring teams interview managers and workers, check documental records and make direct observations (BFC, 2014a). Assessments are measured against a 52-point

checklist that includes 21 'critical issues' and 31 'low compliance issues' (BFC, 2014a). These include core national and international labor standards such as compensation, contracts, discrimination, child labor, forced labor, working hours, occupational safety and health, freedom of association and collective bargaining.

At the national level, the Better Factories program is comprised of a project advisory committee composed of members of the government (from ministries of labor and trade), employers' associations and trade unions. According to the ILO, the program emerged in a highly contested political space where the capacity of stakeholders is limited, and where the legal and institutional framework constitutes an impediment to effective social dialogue (Rossi, 2015). Thus, it provides technical services and knowledge transfer in efforts to foster transitions to an institutional environment conducive to labor rights norms, codified in social dialogue institutions and forums. At the global level, the ILO's Better Work program, of which Better Factories is the flagship, has established 'partnerships' with prominent buyers in the garment industry. The broader objective of this multi-scalar strategy—characterized by a hierarchically conceived articulation of global buyers' interests with national policy and workplace regulation—is to demonstrate to manufacturers that improved compliance with labor standards does not come at the expense of sustained sourcing relations (Rossi, 2015).

In sum, the Better Factories program has promoted the entire national space as 'brand' of least developed countries 'modernizing with a human face'. Participants in the governance model must strive to adhere to certain norms in efforts to maintain and bolster positions in the global division of labor. From a micro perspective, the processes of worker-citizen subject formation requires that individuals internalize particular "truth" claims—particularly the "rightness" of rule of law, civilization, and capitalism and convert them into rules of conduct (Foucault, 1988; Springer, 2013). This arrangement has produced a global garment manufacturing enclave that seeks to embed corporate social responsibility initiatives at the individual factory level. Yet Cambodia's garment sector is a precarious balancing act between compliance branding, and the necessity to suppress wage and legitimize excessive over-time work to maintain investments among manufacturers operating on thin profit margins.

Better Factories has largely bypassed state-civil society relations at the scale of the factory, while the existence of trade unions is integral to the program. Better Factories addresses work conditions, not the working class. Indeed, the potential for trade unions to organize around a redistributive agenda has been limited, and radical action has been subordinated to a cautious, atomizing, problem-solving neoliberal order that is one instance of broader reform agendas in post-conflict Cambodia (Hughes, 2007). In this sense it is a response to the new technologies of governance which have developed their own flexible instruments to break up, or in this case delimit, the class based political solidarities of the Fordist industrial age, and create a new grid within which precarious workers could make their demands in an orderly manner (Chatterjee, 2011). This monitoring regime secures legitimacy not by the participation of citizens in matters of state but by claiming to provide for the well being of 'disposable women' during their short stints as factory workers. In short, it attempts to de-politicize labor, but this is, of course, impossible. De-politicization has precluded the emergence of a united labor movement—in fact it is unnecessary for an individualized factory monitoring program—while simultaneously undermining the capacity of the state to reduce worker militancy that cannot be contained by the monitoring regime. Protest is primarily oriented around wage, the core concern for most any factory worker. As a matter of 'national sovereignty', the Better Factories program does not address this issue. Instead, it is picked up in the tripartite Labour Advisory Committee, the focus

of the following section.

3. Social dialogue and trade UNIONS: repoliticizing labor relations

A national tripartite wage setting body, the Labour Advisory Committee, has been established in Cambodia to address wage and other essential labor market concerns outside of the Better Factories mandate. Labor relations in Cambodia are unusually complex. A defining feature is the institutional overcrowding of unions—at the national level there are over 90 trade union federations, up from 24 in 2008, roughly 90% organize primarily in the garment sector (interview, interview, Ath Thorn, 17-1-14). Unionization rates in the garment sector have hovered around 60% for over a decade. It is quite common for one factory to have five or more in-house unions. Cambodia's garment workers, whether with or without union support, regularly make class oriented demands over wage, better regulation of working conditions and unionization rights, while citizen-based demands for social entitlements such as health care, schooling and pensions are rare. Yet they are proletarians of a particular kind. Their occupational and geographic identities are in regular flux, with the Secretary General of the Coalition of Cambodian Apparel Workers Democratic Union estimating that employment durations in the garment sector are typically around 5–7 years. Workers' politics and livelihood concerns include and extend beyond the (peri-) urban factory floor to rural households. Indeed, when viewed from the household scale, livelihood strategies regularly cobble together factory work, work in the informal economy, and farming, and the onus of social reproduction remains outsourced to the household, rather than state-backed, employer (co-) financed social welfare programs (Mezzadri, 2015). To understand the potential and limitations for Cambodian trade unions to operate in this social context, considering institutional form and power relations in the tripartite mode of labor relations, this section explores the first line identified by Chatterjee, the line connecting civil society to the state and founded on the granting of equal rights to (worker) citizens.

Civil society, as has been suggested above, is central to a form of rule that focuses, on the one hand, on the identity of the citizen and the processes of civilization and, on the other hand, on the organization of abstract labor.¹ These processes are variously conceived as education, training, or discipline, but what remains common is the active engagement with social forces (through either mediation or production) to order social identities within the context of institutions (Hardt & Negri, 1994). Indeed, as Foucault's work made clear, the institutions or enclosures of civil society, including the church, the school, the prison, the family and the union, constitute the paradigmatic terrain for the disciplinary deployments of power in modern society—producing normalized subjects and exerting hegemony through consent in a way that is more subtle but no less authoritarian than the exertion of dictatorship through coercion (Hardt, 1995).

A thorough review of these claims and a critical reflection on trade unions in contemporary capitalism is beyond the present scope. Instead, needed is a lens to view trade unions capacity to mediate or be embedded in subaltern workers' engagements and negotiations with the state. (Post) autonomist insights are instructive. For Hardt and Negri (1994), through much of the 20th Century trade (i.e. labor) unions constituted a fundamental point of mediation between labor and capital, and between society and

¹ In Capital Volume I Marx makes the distinction between concrete labor, which refers to the use-value that is made, and abstract labor, which is labor in general, or labor without reference to the concrete 'output' or activity of labor.

state. Collective bargaining held a privileged position in the establishment and reproduction of the social contract. The trade union has the dual purpose of providing an avenue for workers' interests to influence the state and capital, thus potentially legitimating state rule, and at the same time deploying the discipline and control of the state and capital through the workforce (Hardt & Negri, 1994). The trade union is viewed not so much as a passage for the expression of worker interests to be represented in the plurality of rule, but rather as a means to mediate and recuperate the antagonisms born of capitalist production and capitalist social relations—thus creating a worker subjectivity that is recuperable within and actually supportive of the order of the capitalist State.

A core concern for many working with an autonomist understanding of labor is workers' (and the others) ability to further their own agendas, rejecting an emphasis on the structural domination of labor by capital. Regarding the role of unions and civil society more generally, Hardt and Negri (1994, 2000) have adopted Deleuze's (1992) contention that the collapse of the enclosures/disciplinary institutions of civil society—including the dialectic between the state and trade unions fading from the scene—signals the shift from society of discipline to society of control. Social space has not been emptied of disciplinary institutions, Deleuze asserts, but completely filled with modulations of control conducive to capitalist order. With the shift, Hardt and Negri (1994) argue that civil society is no longer of primary necessity as institution of rule, meaning, in turn, that the conditions for civil society no longer exist as in previous eras. Thus, Gramscian theories of civil society-located counter hegemonic projects will have no, or a very limited capacity to express the interests of workers and the poor. It is in this passage from discipline to control societies that they identify and theorize the multitude as revolutionary 'subject'. Hardt and Negri are writing with the Euro-American experience in mind, while in Cambodia we find civil society institutions like trade unions only recently emerging as disciplinary enclosure.

In contrast, the analytical purchase of Chatterjee's theory is oriented towards the seeming exhaustion of revolutionary struggles, on one hand, and the validity of the idea of a pure revolutionary subject, on the other. Whereas Foucault theorizes governmentalality in post-68 France, Chatterjee theorizes political society, drawing on Foucault, after the apparent passing of movements like the Naxalite insurgency, which first inspired scholars to search out a pure subaltern revolutionary consciousness. After Spivak's (1999) constructive critique of their attachment to a bourgeois conception of agency and historical action, an interest in more disaggregated, messier political struggles come to the fore, e.g., political society – which approaches capital and the state not from the possibility of overthrow or seizure, but as a grounds of engagement and possible negotiation, in however contextual/exceptional/differential ways.² Chatterjee suggests that political society operates within spaces of informality, where people are, in effect, barred from the formal, rights-based channels of civil society. In so far as Cambodian garment workers are formal workers in the formal sector, the application of Chatterjee's theory to this case has limitations. However, despite the legal 'formality' of these workers, they are pursuing 'informal' tactics (wildcat strikes and mass faintings, discussed below) outside of civil society channels. They are thus informal in their tactics (i.e. political society), even if formal (i.e. civil society) in their employment status. Furthermore, political society is bound up with the informalization of labor, including in the Cambodia case the proliferation of fixed duration contracts (Sonnenberg & Hensler, 2013), the fact that strikes almost

never—if ever—follow channels proscribed by the labor law (GMAC, 2015), the widespread use of fake IDs that enables underage workers to sidestep child labor laws (Kong and Amaro, 2016), and a restrictive environment for 'pro-worker' unions to operate (Human Rights Watch, 2015). In sum, as is common elsewhere, these workers are de-facto informal (Chang, 2009).

3.1. Cambodia's Labour Advisory Committee

The contemporary export from North to South of the institutions of civil society and labor relations is part of the political economic modernization project, concerned centrally with the establishment of a stable set of institutions necessary for an integrated global economy (Hardt, 1998). They are, simply put, necessary elements to order the otherwise disorderly growth of capitalist development. Springer (2009:155) asserts that 'ordered visions' take precedence over the method used to enforce such an order, "explaining why [violent] authoritarian governments, as long as they adhere to free market economics, are so complacently accepted by donors who subscribe to a neoliberal agenda". While there is no denying the violent tendencies of the Cambodian state, as demonstrated in later case studies, this perspective points to but cannot fully account for the proliferation of trade unions in Cambodia, an outlier in the neoliberal era which has seen sharp unionization rate declines or restrictions throughout the world. A majority of unions in Cambodia are aligned with the ruling Cambodian People's Party (Arnold, 2014; Nuon & Serrano, 2010), who have assisted the ascendant faction within the ruling Cambodian People's Party in consolidating power through a strategy of neo-patrimonialism (Hughes, 2007). Several union federations are aligned with the opposition Cambodia National Rescue Party, and its precursor the Sam Rainsy Party, and a handful of unions that maintain (quasi-) political independence and a 'pro-worker' stance, the most prominent being the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU), a union whose three federation leaders are all former garment factory workers. Of the handful of opposition and 'independent' unions, only CCAWDU maintains a position in the tripartite Labour Advisory Committee.

Not surprisingly, much union activity in Cambodia is oriented around wages. From a value chain perspective, Cambodia is not deemed competitive in terms of low labor productivity, high costs of electricity, and long lead times due to lack of deep seaport and other infrastructure (Staritz, 2011). These factors, combined with steadily declining purchase prices from international buyers (Fig. 1, below), has led the Cambodian government to privilege wage suppression as its primary competitive advantage, with ethical branding acting as supplement. Fig. 2, below, shows that real wage declined between 2001 and 2013, reaching its low point in 2008–2010. Despite declining wages, workers were still expected to keep sending home remittances and/or contribute to household-scale social reproduction. This led to increasing anger and anxiety among the garment workforce, which came to be addressed, or not, by trade unions in national tripartite institutions.

The tripartite Labour Advisory Committee was established in 1999 and it consists of 28 representatives: from the government (14 representatives), trade unions (7) and employers associations (7). The Labour Advisory Committee has a broad social dialogue mandate, and is scheduled to meet twice a year to analyze, consult and respond to issues related to labor disputes and labor complaints, labor law reforms, employment, wages, vocational training, migration, improvement of material and moral conditions of workers, as well as health and safety. The Labour Advisory Committee is the only formal venue for negotiations at the national level, yet several factors hinder effective functioning of the committee. For one, although the committee has a social dialogue

² Thanks to Soe Lin Aung for sharing his thoughts on the intellectual trajectory at work here.

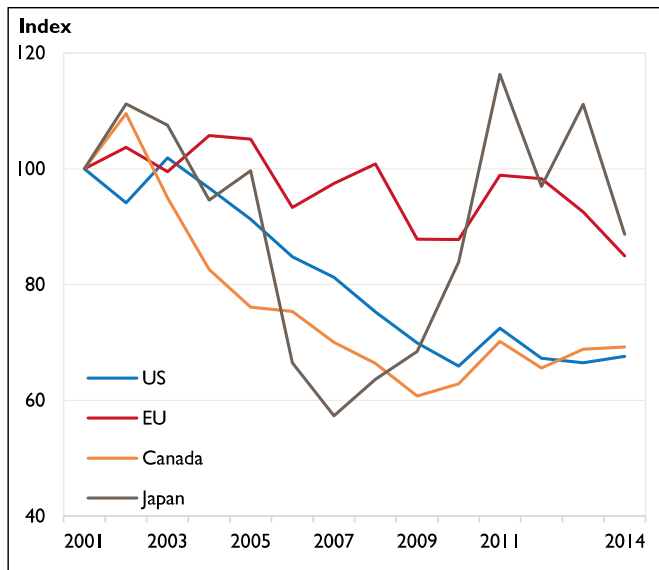


Fig. 1. Cambodia garment export price index (per dozen) to its major markets (Index, 2001 = 100).

Source: ILO 2015

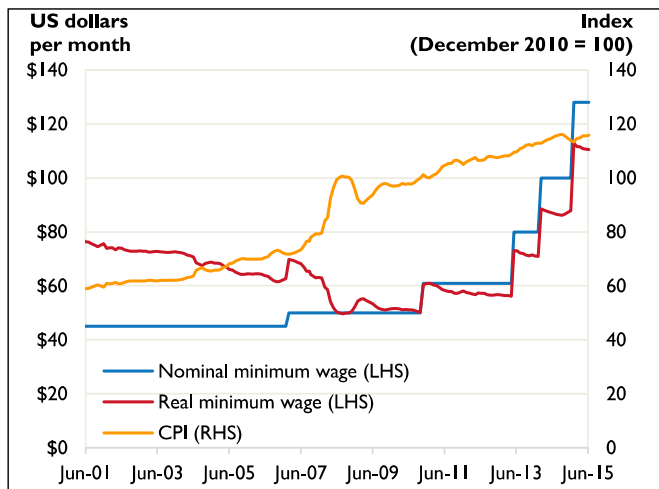


Fig. 2. Nominal and real minimum wage of garment and footwear sector, 2000–2015 (US\$ per month).

Source: ILO 2015

mandate, negotiations are restricted to the garment sector minimum wage. Second, meaningful negotiation is limited as unions lack information and are expected to rubber stamp decisions made by the government or employers. According to the CCAWDU President, there are no formal procedures to take up issues and proposals from the workers' side, and in practice they do not have sufficient time to study the proposals, prepare their arguments, and properly coordinate their position among the LAC union representatives (interview, Ath Thorn, 17-1-14). Heng Sour of the Ministry of Labour and Vocational Training recognizes this shortcoming, stating "... the Labour Advisory Committee is not

sufficiently transparent ... [and] may not be consistent with democratic principals; there is not enough time for stakeholders to consider the proposals" (interview, 15-1-14).

Another major impediment to effective negotiation is the government uses their connections with aligned unions to neutralize the position of the independent or pro-opposition unions. Heng Sour recognizes the pro-CPP bias, "Of seven trade union representatives, five are considered pro-government," while he considers the other two pro-opposition, though both unions claim political independence (interview, 15-1-14). The minimum wage proposals and justification has been a constant source of contention. Heng Sour notes, "In the past there has been no specific formula to set the minimum wage. It has been irregular, spurred by strikes or when other demands were made, at which point the government calls for a Labour Advisory Committee meeting on an ad hoc basis" (Interview, 15-1-14), an issue discussed further in the following section.

The development of trade unions, tripartitism and the hegemonic projects in which they figure centrally, inevitably takes place both within and beyond the arena of the state (Glassman, 2004). A majority of Cambodian unions are dependent upon the state for their existence. Few unions can secure operating budgets from foreign 'solidarity support organizations', as is the case with CCAWDU. Furthermore, few unions can consistently weather the hostility of employers without the backing of the state or international networks (Glassman, 2004). Thus, in Cambodia a tendency is for unions to either come under state patronage, or rely on international trade unions for financial, organizational and solidarity support. For the pro-government oriented unions, they might well qualify as direct components of the state apparatus. For the few 'pro-worker' unions, their organizational structure and strategies are heavily influenced by European unions, which have been in steady decline for decades. Indeed, it is not only the institutional forms that are exported, but also the general crisis of the institutions (Hardt, 1998). Unions' success depends upon some prospects for real material gains for their members, and in exchange workers are expected to accept their subordinate position. However, this hegemonic project is fraught, by virtue of the fact that consent-seeking forms of regulation have, until recently, precluded the potential for material and social gains. Furthermore, the potential for hierarchically organized, workplace-oriented unions, typically male-led in a feminized sector, to represent adequately the complex multiplicity of class subjects, experiences and desires is in question. Indeed, the way scale has been deployed by trade unions—from the individual to workplace 'up' to the federation, etc—evokes a presupposition that restricts the potential power of more horizontal forms of politics (Springer, 2014). This reflects the crisis of Euro-American unions, heightened in developing countries where authoritarian and paternalistic states have extended their reach over many unions from their inception. For Hughes (2007:846) the implications include an emphasis on 'professionalizing' the technical capacities of trade unionists and creating an official structure for negotiations that has had a delegitimizing effect on spontaneous mobilizations, thus undercutting any agenda of "collective representation of the poor that could have emerged within the garment sector and potentially spread into wider public life in Cambodia". With the steady erosion of garment workers' livelihoods since the mid-2000s, this situation has changed. To better understand these unfolding dynamics, the following section looks at the implications of failed consent.

4. Case study: workers protests and politics

There is distinctiveness to workers' struggles in Cambodia given their features as proletarians of a particular kind, the extensive

monitoring regime employed in their factories, and the institutional overcrowding of trade unions. This section demonstrates that failed consent building has sparked subaltern workers resistance, opening spaces of struggle that intersect with and are autonomous from dominant institutions of state and civil society, both of which attempt to appropriate workers' struggles as part of hegemonic projects. Workers may pursue civil society tactics through institutionalized consent-building mechanisms, but they also pursue political society tactics (informal, extra-institutional strikes and mass faintings) when they reach the limits of civil society channels. This motivates a wider theoretical point of reflection oriented on challenging structured ways of knowing that generate epistemic distance between representations of the world and immanent experiences of it (Ince & de la Torre, 2016). The specific objective, drawing on Chatterjee (2011) (see also Katz, 2004), is to move toward a different conceptualization of the subject of political practice—neither as abstract and unencumbered individual selves, nor as manipulable objects of governmental policy. Rather, they are groups of people, defined by class or citizenship, acting within multiple networks of collective obligations and solidarities to work out strategies of coping with, resisting, or using to their advantage technologies of power deployed by the modern state and factory monitoring regimes.

4.1. Visceral protests

In 2010 the Labour Advisory Committee agreed upon a \$61/month minimum wage, a mere \$5 increase, and concluded by stating that the next round of negotiations would take place four years later (Arnold, 2014). Two pro-worker unions in the Committee had demanded \$93 per month in the negotiations, reflecting research findings that it was a minimal 'survival wage' (CIDS, 2009). A three-day nationwide strike ensued, a strike led by the two pro-worker union federations. Ultimately, the strike failed to achieve its aims, and the minimum wage did not increase. Rather, nearly 900 striking workers were suspended or sacked during the strike (Arnold, 2014). In the following years the number of strikes rose dramatically, up nearly 250 percent between 2010 and 2013 (BFC, 2014b). However, the upward trend of factory-level, ephemeral and atomized strikes did little to blunt the hardships workers were facing.

In this context an as-yet fully explained phenomenon took hold of national and international headlines—mass faintings in garment and shoe factories. Reliable statistics are found from 2012, when there were 1686 faintings, with 823 in 2013, 1806 in 2014 and again 1806 in 2015 (Mom, 2016; Teehan & Mom, 2015). Studies have found that a driver of many faintings is poor occupational health and safety—including exposure to chemicals, poor ventilation, excessive heat and insufficient access to drinking water (McMullen, 2013). Faintings are also attributed to overwork and undernourishment. An ILO-led survey, attempting to discern the causes of and solution to the faintings, finds that 43.2 percent of garment workers suffer from anemia, and 15.7 percent are underweight (ILO, 2014). The study also found that workers spend only \$9 per week on food, or \$1.30 per day. An underlying factor is inflation-adjusted minimum wage had not risen above its 2001 level until the new minimum wage was implemented on 1 February 2014 (BFC, 2014b; see Fig. 2, above), forcing workers into excessive overtime shifts while compromising sufficiently nutritious food in order to save money. But there is more to the story.

During the 2010 strikes, few outside of labor rights circles seemed preoccupied with garment workers' rights. Then *neak ta* arrived on the scene. Although Theravada Buddhism has been the official religion of Cambodia since the 13th century, it never supplanted the existing pantheon of ancestral spirits, local gods and

Brahmanical deities (Wallace, 2014). One of the most important of these is the *neak ta*, a spirit strongly associated with a specific natural feature—a rock, a tree, a patch of soil—spirits representing a village-based morality and are inseparable from the land (Wallace, 2014). One explanation, and perhaps the most widespread among Cambodians for the mass faintings, is that workers are possessed with *neak ta* on the factory floor, registering a bodily objection to their harsh working conditions and difficult lives (Wallace, 2014). Wallace (2014) argues,

“These voices from beyond are speaking up for collective bargaining in the here and now, expressing grievances much like the workers' own: a feeling that they are being exploited by forces beyond their control, that the terms of factory labor somehow violate an older, fairer moral economy.”

Mass faintings in garment factories increased exponentially in early 2011, just months after it became evident that the 2010 national strike had failed to deliver on workers' demands. Whether or not spirits have been bargaining with management on the factory floor, public sentiment started to shift. Both national and international media and researchers began to more seriously consider whether workers were earning enough to eat properly, were they working excessive hours, etc. The most common response has been to look for medical or technical explanations for the faintings—including undernourishment and exposure to chemicals, as previously mentioned. Both go some way in explaining the faintings. Advocates for workers' rights prefer to not use terms such as mass psychogenic illness due to concerns that a psychiatric label would delegitimize the pressing socio-economic problems that workers face (Wallace and Neou, 2012), even though “longstanding, pent-up stress in poorly treated, poorly paid garment workers” are considered attributing factors (Robertson, 2015). Still, to date no plausible scientific explanation has been agreed upon.

There is basis and precedent for '*Neak ta*'-derived explanations. Annuska Derks' (2008) research with Cambodia's rural-urban migrants uncovered a common perception, with a manager stating that Cambodian women are not strong and they faint easily, “especially during menstruation, but also due to stress caused by homesickness” (2008:70). Countering such claims, Derks finds that stories among workers of ghosts inhabiting the factories were common, suggesting that the workers' perceptions “indicate that both the working and the spiritual environment in the factory are related to the forms of supervision under which the workers find themselves” (2008: 70).

Outside of Cambodia, the most prominent study related to this phenomenon was conducted by Aihwa Ong (1987, 1988; see also Pun, 2005), who documented an outbreak of spirit possession among electronics factory workers in industrializing Malaysia in the 1980s. These workers, “seized by vengeful spirits explode into demonic screaming and rage on the shop floor” (Ong, 1988, p. 28), often attacked their supervisors under the influence of a native spirit called a *datuk*. Ong interpreted these acts as a spiritual rebellion against the alienation of factory life and the rupturing of the women's longstanding social ties as they migrated from rural villages to the export processing zones. The employers were annoyed with the production delays and, using 'western' medical models, converted the workers into deviants and patients, with possession regarded as the intrusion of archaic beliefs into the modern setting (Ong, 1987). Ong concludes that the spirit visitations did little to improve workers' situation, because the factory managers and owners portrayed the women's valid complaints about working conditions as gendered mass hysteria—a pattern that may be repeating itself in Cambodia.

4.2. Worker-led protests, coercion and politics of disorder

On May 1, 2013, the Labour Advisory Committee increased the minimum wage from \$61 to \$80 per month. The new minimum wage figure included a \$5 per month allowance that workers already statutorily received, so the real value of the increase was \$14 per month (WRC, 2014). While this was the largest increase in the minimum wage that garment workers had seen in more than a decade, it only restored wages, in terms of purchasing power, to the level they had in 2000 (WRC, 2014), prior to the advent of ILO-led 'ethical' practices in Cambodia when the country was a quintessential global garment industry sweatshop.

In response to contentions that this was not enough, in December 2013 the Labour Advisory Committee re-convened. Instead of discussing the level of minimum wage increase, the head of the Labour Advisory Committee announced the plan to increase the legal minimum wage from \$80 to \$95. Still unsatisfied with the ruling—workers and pro-worker unions were calling for roughly \$160—a wave of strikes shut down Cambodia's entire garment industry between 24 December 2013 and 3 January 2014. Workers organized various forms of protests, including mass rallies in streets, sit-ins, slowdowns in factories and absenteeism. A feature of this strike was that it was an autonomous strike by rank-and-file workers who initiated actions and participated in them without instructions by union federations (AMRC, 2014), as opposed to the 2010 nation-wide strike that was initiated and led by union federations (Arnold, 2014). Collective actions took place in factories without any union leadership, as well as in factories with pro-government union leadership. The unions, whether government controlled or 'pro-worker', were largely unable to lead or contain the protests.

Around the same time, garment workers' concerns had become central to the populist campaign platform of the opposition Cambodia National Rescue Party (CNRP) in the lead up to July 2013 elections - with opposition leader Sam Rainsy promising a US\$160 per month minimum wage if elected. The CNRP had been holding mass protests over irregularities in the July 2013 election, which the CNRP claims to have won. From September 2013 to January 2014 the Freedom Park in Phnom Penh attracted several tens of thousands of protestors at numerous rallies, largely comprised of the middle class and poor rural residents impacted by land grabbing. Sam Rainsy, who was instrumental in setting up the country's first non-Cambodian People's Party aligned trade union in 1997, along with CNRP leader Mu Sochua, began to rally workers at the nation-wide strike in late December, in efforts to bring together the two distinct protests. Indeed, on two occasions workers attempted to march from their main protest site in front of the Ministry of Labour, to the CNRP protest site at Freedom Park, but were blocked by military barricades.³ Surprised by the scale of the strike, as well as the gradual dovetailing of the two distinct yet related protest movements, the Cambodian People's Party acted.

Recognizing failed efforts at consent, an emerging alternative political voice, and under pressure from the South Korean embassy and investors (AMRC, 2014) to end the protests and resume production, the Council of Ministers issued a letter to urge the Ministry of Labor to send an ultimatum to striking workers that they must return to work by 2 January 2014. Protesters were confronted with an increasing number of army and police. Nevertheless, workers refused to accept the Ministry of Labor's modified proposal to increase the minimum wage to US\$100, and continued to protest. The

first violent crackdown occurred in front of the gate of Yakjin, a Korea-US owned company. The Military Special Command Unit 911 was called in and attacked the workers with iron bars and arrested 10 workers, including leaders of the leading informal economy union and the plantation workers union. In total, 23 protest leaders were arrested, 21 were held in prisons until April 2014. The authorities also cracked down on protesters in the Canada Industrial Zone on the same day. The military police attacked protesters with electric batons, smoke grenade, slingshots and finally AK-47 rifles with live ammunition. The military fired at unarmed protesters at around 2 a.m. on 3 January. Five garment workers were killed and 25 protesters suffered bullet wounds, while another 13 had other types of serious injuries (AMRC, 2014). 13 more were arrested.

Following the violence, arrests and numerous court cases⁴, an unprecedented 28% wage increase, from \$100 to \$128/month plus allowances and bonuses was confirmed in November 2014—still short of calls for a living wage. Heng Sour stated that they arrived at \$128 because the government "wants to please unions and make them understand \$128 is the basis of future negotiations, which will be based on percentage increases, not over set dollar amounts". According to the Heng, wage increases should not exceed 10% annually, and the government plan is to gradually increase the minimum wage to \$160 by 2018. In January 2016 the minimum wage again increased to \$140, reflecting the incremental approach. Heng Sour adds that other initiatives should be considered alongside the minimum wage. For instance, the government implemented its health care scheme for apparel workers in 2015. In January 2015 the government increased the income tax threshold to \$200, to ensure the wage increase benefits workers (interview, 15-1-14). These are important concessions to workers, yet it has not quelled dissent.

The largest strike in the two years following the national strike took place over the last two weeks of December 2015. Workers brought production to a standstill in three special economic zones (Manhattan, and Tai Seng 1 and 2) in Bavet at the Vietnam border, where there are no registered trade unions and minimal efforts to organize unions⁵. Some 30,000 workers from 39 factories went on strike over the proposed January 2016 minimum wage hike, demanding \$148/month rather than the scheduled increase to \$140. Eventually, provincial and military police attempted to disperse the crowd with water cannons after arresting 58 protesters, and in turn the protesters pelted the police with stones and chased them away from the scene, injuring two police officers. Ros Tharith, provincial administration director said, "The protests continued this morning and became stronger; they did not listen to authorities or anybody, and they threw rocks at authorities, fire fighter trucks and factories;" the police "almost lost control" of the situation and were unable to fight back, with one fire truck "completely destroyed" (Mech, 2015).

When a state consistently maintains a neo-patrimonial position of not listening to the demands of the people it is meant to represent, then it is not surprising that its legitimacy is compromised and violence from below erupts as workers' frustrations boil

⁴ In 2013 and 2014, there were 20 lawsuits lodged mostly by factory owners, the employers' association (GMAC) and government officers against CCAWDU alone. Facing these court cases, CCAWDU has been restricted in their public assembly, movement, expression, and union activities, while financial compensation is demanded in several of the cases lodged against the unions.

⁵ Bavet SEZs are infamously associated with an instance of the violent-coercive hand of the state. On 20 February 2012 Chhouk Bandith, then the mayor of Bavet, opened fire on a crowd of roughly 6000 protesters at the Manhattan SEZ in Bavet (Lim, 2013). Two were shot in the hand, and one nearly died after a bullet punctured her lung (Lim, 2013).

³ The author was present at the CNRP rallies in September–October 2013, the December–January 2013–2014 workers' strike, as well as the nation-wide strikes in September 2010.

over (Springer, 2009). The question, then, is this the return of a revolutionary subject? One that, “freed” of relations of consent, can once again face capital and the state from a position of somewhat external opposition, an agency applied directly against a purified form of domination? Or is it still part of something more like a political society form of politics? I suggest that a political space akin to Chatterjee’s political society is emerging, one that cannot be recuperated by the state or civil society. At this stage, the terms of engagement and negotiation, which, in addition to wage hikes include PM Hun Sen’s promises to regulate garment workers rents and lower their electricity costs. But is this enough? A major reason for the instability of the hegemonic project are the clear limits placed on what the state is willing or able to concede, due to the demands for capital accumulation. Chatterjee suggests that in state-political society negotiation state actors concede to demands from populations out of a cost-benefit calculation. He does not dwell on the limits to what the state can concede, nor in sufficient depth the concrete specificities of population sub-groupings, other than identifying the limit as being “the regime of private property”. When these limits are reached, as the case at hand demonstrates, they easily boil over into a ‘politics of social disorder’, which, similar to those identified by Frederic Deyo (2012), are characterized by extra-legal, disruptive, and sometimes violent protest.

5. Conclusion

Garment workers in Cambodia are poor, but are not (yet) destitute. They participate in wage labor, but are at the fringes of the relative surplus population, or even exclusion from the capitalist labor market. They are precariously positioned between small landholdings and its limited livelihood potential, and low paying work at the bottom rungs of the global export economy. Workers are well aware that both agrarian and industrial livelihoods could diminish or disappear without a replacement or effective social safety net. They are included in formal labor markets during their typically short stints as factory workers, most often with institutionalized civil society representation, but they are excluded from any meaningful involvement with bourgeois notions of civil society, reflected in their protest actions.

I have argued that workers’ ambitions cannot be reduced to a stable location or sphere within state-civil society relations. At times workers make demands directly of the state with pro-worker unions channeling their institutional voice, while at other times workers’ ‘visceral protest’ is directed at the terms of their insertion into industrial capitalism. They also express rage and frustration with their subordinate position in society. In one factory worker’s words “... the government offers us a drip [like patients in the hospital] to barely keep us alive ...” (interview, September 2013). Another observes that “the government discriminates against the people, they only communicate with the rich and powerful. If [one is] poor, [they] don’t have access to them” (interview, November 2014). When asked whether she takes part in the political process, she replied, “We don’t have time. Normally we’re starving so how can we take part in a political party?” These views remind us that empowering the people entails the simultaneous disempowerment of those holding privileged positions in society (Springer, 2009), and as such, elites strive to impede alternative political imaginaries and broad-based social movements with redistributive agendas. By focusing on factory-scale outcomes rather than class-based opportunities to channel collective interests in wider public debates, the ILO’s Better Factories program has decoupled garment sector workers’ concerns from the wider public life of ‘the poor’ (Hughes, 2007). Such efforts receive state support as they contribute to a hegemonic project that attempts to delimit alternative political imaginaries. Workers’ autonomist

actions have exposed cracks and fissures in the hegemonic project, and the struggles around political space in Cambodia speak to broader patterns of ordering state-society relations in a manner conducive to capitalist development.

Whereas Chatterjee makes a distinction between middle class/civil society, on the one hand, and informal poor/political society, on the other, the case explored suggest that, in contrast to situations Chatterjee has examined, these garment workers are both participants in civil society and political society. They are informal in their tactics (i.e. political society), even if formal (i.e. civil society) in their official employment status. In this case, political society and civil society are bound up with the informalization of labor. Political society, I suggest, is consistent with a kind of radical politics, emotive mobilizations and encounters framed by violence, addressing critiques that political society is an anemic concept, out of touch with any notion of resistance. This assertion contributes to wider debates on the ‘absolute contingency’ of state-civil society relations and logics that, like any social relation, can be transformed by patterning social relations differently (Ince & de la Torre, 2016).

I have suggested that workers’ autonomous actions mark the limits of their participation in trade unions/civil society terrains, signaling an emerging political space beyond the integral state. I have also highlighted the authoritarian tendencies of the Cambodian state’s hegemonic project, the consent building practices and, due to the fraught nature of the hegemonic project, the ever-present threat of violent forms of coercion. Yet workers do enjoy an ability to further their own agendas, however limited the potential may be. This raises important questions on transitions that extend well beyond the Cambodia frame. The politics of transition—from farm to factory, rural to urban, informal to formal—has dominated thinking about the developing world for over half a century. Historicist notion of transition have sought to characterize underdevelopment as the result of the insufficiency of capital’s transformative power in the third world context. Such approaches tend to maintain their gaze on capital as the key driver of the state whose ‘function’ is to facilitate capital flows in a manner conducive to enhanced capital accumulation. Attention to political society helps us to rethink social relations beyond dominant state-civil society thinking. In turn, this contributes to constructing ‘middle range’ theoretical tools that helps to grasp contingent power struggles in the global economy, allowing us to make sense of ‘patterns of correlation’ in which heterogeneous elements are situated, as well as the ‘redeployments’ and ‘recombinations’ through which these patterns are transformed in particular conjunctures (Collier, 2009).

What happens to state-society relations, we need to ask, when low-value added export-oriented manufacturing is likely to remain central to long-term strategies for economic growth, rather than serving as a stepping stone to higher value added manufacturing? State violence to reign in unruly subjects is a clear strategy, but this is always supplemented with more mundane forms of consent building. Can political society-type protests outlined in this paper coalesce into a social movement community pressing for forms of political economic practices and regulation beyond neoliberalism, or are these atomized incidences of groups of people struggling to improve their position in existing capitalist hierarchies? Kathi Weeks (2011) makes one point clear, in taking work as a given, it has been depoliticized, removed from the realm of political critique. Weeks argues that we should not be mobilizing for a return to any perceived (Keynesian, pre-neoliberal) ideal, but rather community-rooted social alternatives for income distribution. Surely, this is a herculean task, but one that should be integral to the political geographic imaginary.

Conflict of interest

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