

## LAW AND PRECARIETY

Why do some people invoke the law (or resist it) as a way to solve their problems and achieve more stability in life, only to end up in another challenging and uncertain situation? This book offers an original understanding of the important, but understudied, paradoxical effects of law on the survival strategies of Vietnamese people who are caught to live and work in precarious circumstances. It demonstrates how precarity influences the way people perceive, engage with, or resist the law; yet law, at the same time, creates and reinforces such a condition. Understanding the mutually reinforcing relationship between law and precarity sheds a new light on the way law enables individuals to better their condition but ultimately makes matters worse rather than better. This book will be of interest to researchers and students of law and society, political economy, anthropology, and Asian studies.

TU PHUONG NGUYEN researches labor law, law and society, political economy, state and society relations, and gender in Vietnam. She is the author of *Workplace Justice: Rights and Labour Resistance in Vietnam* (2019). She is a member of Asian Law and Society Association (ALSA).

## CAMBRIDGE STUDIES IN LAW AND SOCIETY

Founded in 1997, Cambridge Studies in Law and Society is a hub for leading scholarship in sociolegal studies. Located at the intersection of law, the humanities, and the social sciences, it publishes empirically innovative and theoretically sophisticated work on law's manifestations in everyday life: from discourses to practices, and from institutions to cultures. The series editors have longstanding expertise in the interdisciplinary study of law, and welcome contributions that place legal phenomena in national, comparative, or international perspective. Series authors come from a range of disciplines, including anthropology, history, law, literature, political science, and sociology.

*Series Editors*

Mark Fathi Massoud, *University of California, Santa Cruz*

Jens Meierhenrich, *London School of Economics and Political Science*

Rachel E. Stern, *University of California, Berkeley*

*A list of books in the series can be found at the back of this book.*

CAMBRIDGE  
STUDIES IN  
LAW AND SOCIETY

LAW AND PRECARITY  
Legal Consciousness and Daily  
Survival in Vietnam

*Tu Phuong Nguyen*

*Visiting Research Fellow, Department of Politics  
and International Relations, School of Social Sciences,  
University of Adelaide*



Cambridge University Press & Assessment  
978-1-009-18047-4 — Law and Precarity  
Tu Phuong Nguyen  
Frontmatter  
[More Information](#)



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,  
New Delhi – 110025, India  
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,  
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of  
education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781009180474](http://www.cambridge.org/9781009180474)

DOI: 10.1017/9781009180481

© Tu Phuong Nguyen 2023

This publication is in copyright. Subject to statutory exception and to the provisions  
of relevant collective licensing agreements, no reproduction of any part may take  
place without the written permission of Cambridge University Press & Assessment.

First published 2023

*A catalogue record for this publication is available from the British Library.*

*A Cataloging-in-Publication data record for this book is available from the Library of Congress*

ISBN 978-1-009-18047-4 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence  
or accuracy of URLs for external or third-party internet websites referred to in this  
publication and does not guarantee that any content on such websites is, or will  
remain, accurate or appropriate.

*To my husband and daughters*



## CONTENTS

<i>List of Figures</i>	pages viii
<i>Acknowledgments</i>	ix
<i>List of Abbreviations</i>	xii
Introduction	1
1 Law and Precarity in Daily Life	12
2 Law and Social Change in Vietnam	33
3 Factory Workers' Early Withdrawal of Social Insurance Benefits	51
4 Early Retirement by Workers in a Former State-Owned Enterprise	76
5 Illegal House Construction in Peri-Urban Areas	98
Conclusion	127
Appendix – Laws Cited	140
<i>References</i>	141
<i>Index</i>	158

## FIGURES

5.1	The front of Mrs. Chi's house	<i>pages</i> 111
5.2	The living area of Mrs. Chi's house	112



## ACKNOWLEDGMENTS

This book results from my postdoctoral research at the Centre for Governance and Public Policy (CGPP) at Griffith University, Australia, which was funded by Griffith University Postdoctoral Fellowship. During this time, I was fortunate to receive guidance and support from Haig Patapan, who was then the Centre Director. Haig helped me refine my research problem at the early stage and generously offered critical feedback and suggestions following every field trip. He always encouraged me to take bold steps, deal with challenging research issues, and have faith in my project. My project benefited a great deal from the conversations that I had with colleagues at CGPP and the Griffith Asia Institute (GAI), as well as from seminars and presentations at these centers. I particularly thank John Kane for offering to read and comment on one of the book chapter's drafts. Paula Cowan helped me organize the paperwork and finance for my field trips, and helped me edit some sections of my draft book manuscript even during her final day working at Griffith. Daniela Di Piramo helped me edit most parts of the book manuscript with much care. Julie Howe and Angela MacDonald were always around the corridor to offer timely and much needed administrative assistance and mental support. My time at the center was even more meaningful for the friendship that I have with Thu Nguyen, whose first baby was born one week after mine. The collegial and interdisciplinary research environment at CGPP, GAI, and the School of Government and International Relations was extremely critical for me as an early career researcher to learn about new and important topics beyond my research areas.

I was also fortunate to receive support from senior scholars, mentors, and friends outside Griffith, and I wish to thank them all. Kanishka Jayasuriya has been a super-kind, generous, and supportive mentor, who offered many important and useful suggestions on my work, knew all the important literature, and always encouraged me to be more ambitious in theoretical issues. Wendy Baker read and edited my writing, and her thoughts and dedication to the idea of global precarity

## ACKNOWLEDGMENTS

helped me refine and broaden the scope of my research. David Engel read and offered generous feedback on my book proposal and one of the draft chapters. His insights and expertise on legal consciousness transformed my ideas and the way I approached my research problem. I learned from David the strengths and benefits of narrative writing, which has helped me create a better book. Lynette Chua read and gave feedback on my book proposal. I enjoyed many conversations with her as we both had undertaken fieldwork in Vietnam and as we met at law and society conferences. Her book on LGBT rights mobilization in Myanmar has been a great source of inspiration during the writing of this book.

Some of the research for this book has appeared in the following journal articles:

- Nguyen, T. P. (2022). Flexible and Compassionate, or Violent and Intimidating? Various Accounts of Law in Vietnam. *Critical Asian Studies*, 54(1), 67–85. <http://doi.org/10.1080/14672715.2021.1993451>
- Nguyen, T. P. (2020). Coping with Precariousness: How Social Insurance Law Shapes Factory Workers' Survival Strategies in Vietnam. *Law & Society Review*, 54(3), 544–70. <http://doi.org/10.1111/lasr.12497>
- Nguyen, T. P. (2020). Law and Precariousness in an Authoritarian State: The Case of Illegal House Construction in Vietnam. *Law & Policy*, 42(2), 186–203. <http://doi.org/10.1111/lapo.12143>
- Nguyen, T. P. (2019). Legal Reform and Struggles against Precarity: The Case of State Workers' Early Retirement in Vietnam. *Pacific Affairs*, 92(4), 665–84. <https://doi.org/10.5509/2019924665>

I thank the journal editors and anonymous reviewers for their constructive and critical comments on my journal submissions, which have greatly enhanced the analysis and writing for this book. Thanks also go to Joe Ng and Gemma Smith at Cambridge University Press for their kind and timely assistance with the review and submission process of my book manuscript, as well as two anonymous readers for their time and feedback on the manuscript.

My fieldwork in Vietnam was possible and efficient thanks to the help and hard work of my research assistant, who is amazingly well connected and enthusiastic about social justice issues. I am grateful to all the workers and residents in Hồ Chí Minh city and Đồng Nai province who were willing to share their stories with me and whose daily struggles constantly inspired me. Without them this book would not

## ACKNOWLEDGMENTS

exist. My parents and brother made all my trips to Vietnam fulfilling, and went all the way to ensure that I was in good health and mood throughout my travel.

I wrote and completed this book at the same time as I became a mother of two loving daughters, Hường Dương and Đoàn Viên, who taught me to be stronger, and more patient, organized, and calm. Finally, my writing journey would not be complete and rewarding without the love, care, trust, and tremendous support from my dear husband, Nghĩa, thanks to whom I have learnt to be more understanding and appreciative. I dedicate this book to them.

## ABBREVIATIONS

CPV	Communist Party of Vietnam
FDI	foreign direct investment
HCMC	Hồ Chí Minh city
NGO	nongovernmental organization
SME	small and medium enterprise
SOE	state-owned enterprise
VGCL	Vietnam General Confederation of Labor