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## Working Conditions in China: Drama or Reality?

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## WORKING CONDITIONS IN CHINA: DRAMA OR REALITY?

EVAN BISHOP<sup>†</sup>

Fact met fiction recently when a bastion of journalistic integrity, *This American Life*, broadcast parts of a one-man show that purportedly exposed further abuses of Chinese laborers by factories manufacturing iPads and iPhones for Apple.<sup>1</sup> The episode, entitled “Mr. Daisey and the Apple Factory,” featured parts of Mike Daisey’s monologue that allegedly described his visits to Chinese factories and interactions with Chinese workers.<sup>2</sup> The episode aired in January and quickly became *This American Life*’s most popular podcast, boasting more than 888,000 downloads.<sup>3</sup> In the wake of the broadcast, reporters for radio and print outlets fact-checked Mr. Daisey’s claims to determine their validity and found that, in fact, some of Mr. Daisey’s assertions were fabrications.<sup>4</sup>

On March 16, 2012, *This American Life* retracted the story due to the “dubious” nature of some of Mr. Daisey’s claims, leading to yet another media blitz about Chinese factory conditions.<sup>5</sup> Mr. Daisey has defended his show by claiming that he is a performer and that theater or drama is very different from journalism.<sup>6</sup> This is despite the fact that his show is billed as “nonfiction” and that he never warned *This American Life* that the monologue contained inconsistencies.<sup>7</sup> Journalism and theater are two different entities; one with the intent to inform and the other with the intent to entertain. Drama is not to be confused with reality nor is it to be considered news.

The poor working conditions in Chinese factories are likely a result of the “race to the bottom” culture of manufacturing.<sup>8</sup> The “race to the bottom” is a practice

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<sup>1</sup> David Carr, *Theater, Disguised as Real Journalism*, N.Y. Times (Mar. 18, 2012), available at <http://www.nytimes.com/2012/03/19/business/media/theater-disguised-up-as-real-journalism.html>.

<sup>2</sup> *Id.*

<sup>3</sup> ‘*This American Life*’ Retracts Apple Mike Daisey China Show, BBC (Mar. 16, 2012), <http://www.bbc.co.uk/news/technology-17405011>.

<sup>4</sup> *Mike Daisey Blames Other Journalists for Not Challenging Fabricated ‘This American Life’ Story*, Huffington Post (Mar. 21, 2012), available at [http://www.huffingtonpost.com/2012/03/21/mike-daisey-other-journalists\\_n\\_1370057.html](http://www.huffingtonpost.com/2012/03/21/mike-daisey-other-journalists_n_1370057.html).

<sup>5</sup> Charles Isherwood, *Speaking Less Than Truth to Power*, N.Y. Times (Mar. 18, 2012), available at [http://www.nytimes.com/2012/03/19/theater/defending-this-american-life-and-its-mike-daisey-retraction.html?\\_r=1&ref=foxconntechnology](http://www.nytimes.com/2012/03/19/theater/defending-this-american-life-and-its-mike-daisey-retraction.html?_r=1&ref=foxconntechnology).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Yin Lily Zheng, *It’s Not What is on Paper, But What is in Practice: China’s New Labor Contract Law and the Enforcement Problem*, 8 Wash. U. Global Stud. L. Rev. 595 (2009).

wherein countries, in an effort to have the cheapest labor costs, ignore labor and employment standards to attract foreign companies shopping for cheap labor and manufacturing opportunities.<sup>9</sup> By competing against one another to give the lowest bid, Chinese manufacturers are creating environments where the workers are forced to sign pledges that they will not commit suicide and where nets to thwart suicide attempts surround workers' dormitories.<sup>10</sup> Some critics are concerned that the altered facts and exaggerations in Mr. Daisey's show may ultimately undermine the cause of improving working conditions in Chinese factories.<sup>11</sup> Most hope that the attention garnered by "Mr. Daisey and the Apple Factory" will serve to increase the public's awareness of poor working conditions and labor abuses in China. Any attention, whether positive or negative, will help increase public awareness of the poor working conditions and labor abuses in China and encourage reform.

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<sup>9</sup> *Id.*; Tim Worstall, *Is This Apple's Nike Moment?*, *Forbes* (Mar. 6, 2012), available at <http://www.forbes.com/sites/timworstall/2012/03/06/is-this-apples-nike-moment/>.

<sup>10</sup> *You are NOT Allowed to Commit Suicide: Workers in Chinese iPad Factories Forced to Sign Pledges*, *MailOnline* (May 1, 2011), <http://www.dailymail.co.uk/news/article-1382396/Workers-Chinese-Apple-factories-forced-sign-pledges-commit-suicide.html>.

<sup>11</sup> Carr, *supra* note 1 (citing Max Fisher, *Worse than Kony2012: The Tragedy of Mike Daisey's Lies about China*, *The Atlantic* (Mar. 16, 2012), available at <http://www.theatlantic.com/international/archive/2012/03/worse-than-kony2012-the-tragedy-of-mike-daiseys-lies-about-china/254640/>).