

Political Struggle, Institutionalization, and the Construction of Workers' Rights: An Analysis of Textile Workers in Tianjin China, 1927-1936

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The sociological approach to the study of “civil rights” advocates that “rights” be regarded as a kind of system and practice and focuses on how it is social generated. This article examines the process in which workers’ rights, as the contractual relationship between the modern state and the worker group, gradually emerged and were reproduced. Based on the perspective of the political process, this article attempts to provide clues to answer this question by examining the political changes in Tianjin China from 1927 to 1936, workers’ organization in the textile industry, and the labor movement. The differentiation of interests and political struggle among political parties had urged all parties to devote themselves to enhancing their own strength through social mobilization, which in turn promoted the standardization of worker-related legislation and institutionalization of worker resistance. Workers’ protests also affected the efficacy of partisan competition strategies. As a result, “workers’ rights” had been continuously confirmed by various subjects participating in the political game as a bargaining chip to achieve specific goals.

Keywords: *the Republic of China, workers’ rights, political process, institutionalization*

Introduction

At the end of the nineteenth century and the beginning of the twentieth century, China was experiencing the fall of the Qing Dynasty and the rise of revolutions. The invasion of Western capitalist powers compelled China to enter a rapid development stage of industrialization and urbanization. The fall of the countryside and the establishment of urban factories had made a large number of landless farmers leave their hometowns and flood into cities to sell their labor for a living. With an increasing number of social problems in urban areas, as well as the introduction of Western concepts such as the rule of law and human rights, the protection of the rights and interests of industrial workers had become a topic of widespread concern for those from all walks of life. The earliest worker-related legislation in China was the Mining Regulations promulgated in 1914 by the Beiyang Government of the Republic of China. But it was not inclusive in content or effectively implemented in practice. It was not until the Nanjing National Government of the Republic of China was established that workers' rights and interests attained more comprehensive protections in legislation and law enforcement, especially the successive promulgation of the Factory Act (1929) and the Factory (Amendment) Act (1932) attracted the most attention.

This paper attempts to answer this question: in what process did workers' rights, as political contracts between the modern state and groups of workers, gradually take shape and become reproduced? From the perspective of sociology, contracts are not simply rules on pieces of paper, but also the application of legal provisions, which are continuously reproduced in the practices of workers. According to the theory of natural rights, individuals are born with certain inalienable rights. This article, however, attempts to examine the emergence of "rights" from a procedural perspective. For example, housing security was recognized as a fundamental right of workers in the middle and late Republic of China (Xuan and Zhao 2011). However, in the early stages of industrialization, social security, including housing security, was not regarded as a legitimate interest, but as a privilege (Zhang 2014). After workers flocked into cities, most of them built improvised shelters due to lack of housing, and did not claim affordable housing from the state or society. The state and enterprises at the beginning did also not believe that they were obligated to provide affordable housing for workers. This article does not intend to use logical deduction to demonstrate the "legitimacy" of rights, but focuses on how rights are gradually recognized in

political gaming and attempt to further explore the political implications behind the development of rights by taking workers' organizations in the Republic of China as the research object.

Literature Review

Discussion on the Implication of Rights

"Rights" or "civil rights" have become shared value standards and institutional arrangements in modern countries. The basic meaning of "rights" in Western culture is what is "correct" and "justified." Therefore, the concept of rights is directly related to the legitimacy of people's desires. In traditional Chinese culture, the term *quan li* (the corresponding character of "rights" in Classical Chinese pinyin) differs in meaning from rights. *Quan* generally refers to power, and *li* refers to interests. When *quan* and *li* are used together in ancient Chinese, the meaning is often derogatory in context. For example, according to *Jundao* by Xunzi, one of the three great Confucian thinkers of the Chinese classical period, when one is exposed to carnal pleasures, power and interests, resentment and anger, disasters and dangers, whether he maintains his integrity decides if he is a Junzi (a moral exemplar in Chinese philosophy) or not. *Quan li* in Chinese was first translated into "rights" in the *Elements of International Law* by American Presbyterian missionary William Alexander Parsons Martin. The reason why the term *quan li* has been adopted to translate "rights" is "to include both power and interests under certain special conditions" (Jin and Liu 2010, p. 112).

The ethical-oriented definition of rights examines the legitimacy of individual actions, which is a moral-based interpretation. It is a metaphysical approach by which "rights" are regarded as moral characters one should possess based on transcendental grounds (Xia 2004; Cui 2008). In contrast, the empirical approach reveals the interests behind the rights, focusing on the "legitimacy" of individual actions which comes from group recognition and even social consensus (Coleman 1998, pp. 53-54), or is based on social organization and structure (Marshall 1987). Neither the social consensus nor structure is immune from interests or power. Therefore, "rights" are in fact strongly linked to interests and power, based on which the Chinese translation of "rights" with *quan li* shows another connotation of "rights."

This article believes that "rights" are reflected both in the national legislation and in the practice of citizens. At the level of legislation, the rights

of workers during the Republic of China were mainly based on the worker-related legislation of the Nanjing National Government of the Republic of China, including the Factory Act and its amendment. These laws stipulate a series of measures to guarantee working hours, official leaves and vacations, wages, organization of trade unions, and various welfare and relief packages of workers by the state (Zhu 1930; Zhu 2002; Beijing Trade Union 2010). In practice, the establishment of workers' rights is not only a process of ratifying national legislation but also a dynamic process of workers' practices. Contemporary Chinese scholar Xia believes that the key to fully understanding "rights" is to know the multiple elements of rights, including legitimacy of interests, claim of interests, power, qualification, and freedom (Xia 2004). Based on Xia's definition and discussion of rights, the establishment of workers' rights have the following dimensions that can be better measured and discussed: the emergence of collective resistance, the confirmation of the legitimacy of workers' interests, the institutionalization of workers' resistance, and the legalization of trade unions.

State and Workers' Rights

The classic Marxist theory was once the mainstream theory to study the relationship between labor movement and workers' interests. This paradigm holds that the realization of workers' rights and interests depends on workers' resistance against capitalist exploitation, which is the structural consequences of capitalist production relations, attached to the transformation of production relations and the proletarian party revolution. The labor movement is thought to be the revolutionary tool for the dictatorship of the proletariat, which is a one-way and phased approach.

Many follow-up studies attempt to break the shackles of economic determinism and instead examine the labor movement from a more complex reality (Thompson 1987; Perry 1995; Polanyi 2001; Hershatter 2016). Polanyi (2001) believes that with the development of capitalism, the labor movement periodically rises and falls. Capitalism swings back and forth between the two extremes of labor commodification and social protection.¹ Silver (2003), influenced by Polanyi, believes that the world labor movement of the twentieth century showed a cyclical pattern of rise and fall across regions and

¹ Under this narrative, the labor movement is no longer a consequence of class, but a spontaneous confrontation against the damage to social interests caused by liberal marketization. The working class is embedded in the entire process of "social protection movements."

industries. As a matter of fact, the first half of the twentieth century was the period when the Chinese labor movement was most prosperous, and it was also a period when the rights and interests of the Chinese workers were being improved. Silver asserts that it is due to the fact that the Chinese labor movement at that time, centering on the rise of the national liberation movement, relied on a powerful organizational force manifested in the form of a cross-class alliance.

Although the arguments above are reasonable, they all assume that the labor movement has a simple positive effect on the promotion of workers' rights under the global capital flow. Are the labor movement, the bargaining power of workers, and the improvement of workers' rights so simply positively correlated?

To explore these issues, it is necessary to broaden our horizons and bring the state back into our equation. The discussion of the political relationship between the state and workers by Marx, Thompson, and Polanyi is not satisfactory enough.² Since the 1970s, scholars from schools of neo-Marxism and neo-institutionalism have conducted specific studies on the relationship between the state and workers' resistance. Many scholars regard citizenship as an institutional arrangement of the state when examining the state's role in shaping the labor movement (Lipset 1983; Katznelson 1985).³ Nevertheless, when we focus our attention on China in the first half of the twentieth century, we need to consider its historical conditions at the time to develop a more appropriate framework to examine the state (regime or system)-worker relationship.

² In Marx's theory system, the state is a tool for the class rule, and its institutional structure is a dependent variable of a specific economic structure. In Thompson's historical narrative, the state does not take an important position, and it is impossible to examine the role of the state in the emergence of the working class. In Polanyi's discussion of the double movement, the state is like a "regulator" between the market and society, sometimes as a booster for market expansion, and sometimes as an umbrella for society. For example, the state is the sponsor for a series of social protection laws such as the Statute of Apprentices, the Poor Law and the Speenhamland Law, but also and the policy makers of laws that promote free market, including the Poor Law Amendment Act and the Anti-Corn Law. In fact, behind this role change lies the complex interaction between state and class. However, the question of what different roles the state will play under particular conditions is obscured in Karl Polanyi's structured narrative.

³ Lipset believes that if the political rights of social groups are rejected by the state, it will easily lead to extreme revolutions. Katznelson finds that compared with the United States, the popularity of British workers' suffrage is slower, which makes it easier for workers to form collective actions against the center of national power; while the rapid spread of suffrage in the United States makes the mobilization of the working class included in party politics. These studies regard rights claim as part of the state system, with the purpose of examining the state's influence on the labor movement and the working class.

First, China was undergoing political change and power building in the first half of the twentieth century without stable state power. From 1912 to 1927, the Beiyang government failed to achieve an integrated national authority in China as various warlord factions competed for power. Starting in 1927, after the Nanjing National Government was established, the Kuomintang (KMT) started a systematic state building project as various political forces competed against one another. The establishment of state power was generally regarded as a process of state power infiltrating to the primary level and absorbing resources (Tilly 1990; Duara 1991). However, this article believes that when considering the building of state power, the complicated domestic political struggle should also be taken into consideration (Chuandao 2000, pp. 570-578; Shen 2001; Tian 2008).

Second, interests and status differentiation existed within both of the worker group and the capitalist group. The elites in the worker group might promote themselves to become capitalists or be absorbed by the government in the process of state building (Zheng 1991; Rao 1993; Gu and Lin 2002). The same was true for the capitalist group (Wang 2003; Feng 2005; Tian 2009). Such flexibility makes the framework inadequate for explaining that the resistance of oppressed workers as a whole led to the compromise of state and capitalists so that protections for workers were carried out. In the labor movement, not the state, the capitalists, nor the workers were passive actors. Instead, they actively participated in power games and resource allocation through specific strategies under the context of state construction. Workers' rights were often used as political bargaining chips and thus became tools of interest exchange, during which process workers gained their rights, and the state also strengthened its governance capacity for national integration.

The Perspective of Political Process on Rights Construction

From the perspective of the political process, this article emphasizes the mutual construction between state and society, and analyzes the construction of rights in the specific political process (Poulantzas 1973; Migdal 2001; Xiao 2017). Tilly (1990, pp. 101-103) believes that citizenship is a "by-product" of the negotiations between the state and society on war supplies. Tarrow (2011, pp. 87-89), focusing on the dialectical interaction between contentious politics and state building, proposes that the state's strategies of social control evolve in the interaction with protesters, and citizenship comes from the interaction between the nation-state and social movements. Inspired by these ideas, this article argues that the ultimate realization of

workers' rights does not symbolize a victory in the struggle against "oppression" or the government's simple response when facing social problems. Instead, it is the result of the interaction and gaming of various domestic political forces, and it is also an outcome achieved by workers who have made sustained and increased efforts in the process of resistance via various strategies. This best explains the different policies on workers in different periods and from different parties.

This article attempts to investigate the political process of the construction of workers' rights in the textile industry in Tianjin during the Nanjing National Government of the Republic of China, focusing on the analysis from the perspective of domestic political process while attaching less attention to the international political conflicts. The reason we chose Tianjin case study is that Tianjin was an important industrial town during the Republic of China, with a developed textile industry and a large group of workers. The historical data used in this study comes from relevant legal documents, newspapers and magazines such as *Textile Weekly*, *Tianjin Textile Industry Book*, and both of the national and Tianjin workers' movement data collection in the period of the Republic of China, among other sources. The name and issue number of newspapers and magazines can be inquired, but some of the specific authors' name of reports at that time are unknown, so we refer to them as *anonymous literature*. In addition, this paper selects the period between 1927 and 1936 based on the following consideration: in 1927, the division and struggle between the KMT and the Communist Party (CPC) officially began when the Northern Expedition ended, and the Nanjing National Government of the Republic of China was established. In these ten years, workers' struggle went through a process of institutionalization, which is the focus and interest of this article. We study the period up to full outbreak of the War of Resistance against Japanese Aggression (also known as the Second Sino-Japanese War) to avoid analyzing the more complicated political and economic situation of Japanese aggression.

Empowerment by Party Conflicts

Political Struggle between Parties

Without question, party organizations played an important role in the process of China's transition to a nation-state. Some scholars believe that China, as a later-developed state, is based on well-organized political parties

as the basis for state building, differing from the original endogenous modern country that directly uses the nation as the basis for state construction (Ren 2010). According to Huntington, the level of political community a society achieves depends on the relation between its political institutions and the social forces which comprise it (Huntington 2006, pp. 8-11). Thus, a party capable of establishing a set of political institutions, effectively integrating social forces and social resources, and implementing social control will stand out from the competition. In the Republic of China, legislation on workers and control of trade unions had become one of the goals of parties' competition and struggle.

When the KMT took control of Tianjin in 1928 after the establishment of Nanjing National Government, it adopted strict control measures against the labor movement. When Chiang Kai-shek and Yan Xishan occupied Beijing, Tianjin, and Zhili (after 1928, much of what had been Zhili became the province of Hebei), Tianjin was established as a special city, Nan Guixin was appointed as the mayor of Tianjin, Yan Xishan's subordinate Fu Zuoyi was made the Tianjin garrison commander, and Yuan Qingzeng became the Tianjin gendarmerie commander (Research Office of Tianjin Federation of trade unions 1989, p. 111). In 1928, the KMT made its organization open to the public in Tianjin and established the "KMT Tianjin Steering Committee" under the leadership of the KMT Central Committee, in which more than 800 KMT members were recruited and registered. Later, it was subsumed under the "KMT Tianjin Executive Committee," under which public activities were conducted by the principles of "Defeating the Warlords" and the "Three Principles of the People." Simultaneously, in the name of controlling the labor movement, the KMT carried out armed suppression on workers. On June 18, 1928, the KMT forcefully suppressed the workers of the Hengyuan Yarn Factory who had gone on strike at that time, killing one person and wounding two others. When the workers fought once again, the KMT military police arrested all members of the strike committee and put them in jail (Research Office of Tianjin Federation of trade unions 1985, p. 120). However, the KMT soon discovered that it was difficult to quell the labor movement through forceful suppression, and it was unable to gain the support of the worker group.

On the contrary, the Communist Party (CPC)'s worker mobilization strategy prevailed. As a revolutionary party of the proletariat, the CPC had always been committed to uniting the workers' group, protecting workers' rights and interests, and closely connecting the workers' movement with the revolutionary goals of the party. First, under the influence of the Communist

International, the CPC adopted labor and social security legislation as a strategy to “attract the working class into the movement and strengthen its position in the revolution.” At the end of November 1926, the Resolution on China Issues was adopted at the Seventh Enlarged Plenum of the Comintern Executive Committee, under which the CPC was instructed to publicize the following requests:

A. The revolutionary organization of workers and peasants has complete freedom of activity; the most progressive trade union law was promulgated; the right to strike was recognized. B. The Labor Law: the eight-hour shift with one day off per week and a minimum wage standard. C. The Social Law: hygiene supervisory and inspection of working conditions; improvement of housing conditions; insurance for diseases, aging, disability, unemployment, etc.; protecting female and child workers ... G, unemployment benefits; expanding the influence of trade unions among the unemployed; setting up employment agencies for workers in trade unions. (Central Archives 1982, p. 341)

Under the guidance, the Resolution on Trade Union Movement and the Communist Party that the CPC discussed and passed stipulated that “workers should work hard to improve their own conditions, and work hard to do everything that can be improved under capitalism.” In order to implement the resolution, the Secretariat of the Chinese Labor Organization, the labor movement organization under the leadership of the CPC, launched a labor legislation movement. The labor legislation of the CPC was based on four principles: guarantee political freedom of workers, improve their economic welfare, get involved in labor management, and vocational education. The Labor Act Outline, based on these four principles, included protection in workers’ political rights, working hours, wages, and their involvement in labor management (Liu and Tang 1998a, pp. 362-365).

Second, the CPC went deep into workers’ groups in Tianjin and actively promoted the labor movement. In 1927, after the “8-7” Conference of the CPC, the Central Committee sent Cai Hesen and others to Tianjin to guide the work of the Shunzhi (including today’s Beijing, Tianjin and Hebei) Provincial Party Committee. In order to increase the influence of the CPC as soon as possible, he adopted three strategies: first, restored the identity of more than 100 party members in Tianjin; second, set up trade unions among workers from Beiyang Yarn Factory, Baocheng Yarn Factory, and Jingfeng Railway Factory; third, started the *Workers’ Tabloid* and other publications that target at the working class and publicize the revolutionary ideas. In

addition, the July expanded meeting of the Shunzhi Provincial Party Committee passed an important legislation—the Resolution on Workers Movement. The resolution put forward the general policy of the urban labor movement: to actively carry out various economic struggles of the masses on daily basis, constantly put forward the urgent demands of the workers, and lead the masses to fight for their own economic interests; to publicize Marxist ideas extensively and deeply among the workers, establish a red union system, and train worker cadres (Research Office of Tianjin Federation of trade unions 1989, pp. 119-120). The Shunzhi Provincial Party Committee emphasized the need to mobilize the masses to fight for their own interests, instead of forcing the masses or even intimidating them to fight and strike (Research Office of Tianjin Federation of trade unions 1981a).

Under such strategy in a rivalry, the CPC effectively organized a series of labor movements, which exerted great pressure on the KMT authorities. In 1928, there were 21 workers' struggles in Tianjin, 12 of which were directly led by the CPC, accounting for 57 percent. The postal workers' struggle to improve their wages and the struggle in Yuyuan Yarn Factory against the expulsion of workers were all carried out under the leadership of the CPC. The broad masses of party members, going to factories, shops, and schools, united the broad masses of workers via activities including friend-makings, heart-to-heart talks and publicity campaigns. As a result, CPC-led and CPC-linked mass organizations continued to emerge. Secret trade unions and youth league organizations were also established in Beiyang, Yuyuan, and Yuda Yarn Factories (Research Office of Tianjin Federation of trade unions 1981b, 1981c).

Leadership of Trade Unions

In order to implement stronger political integration, the KMT adopted two strategies: one was to fight for union leadership and try to unite workers through the union under its leadership; the other was to start planning for workers' legislation, aiming to normalize the workers' movement by protecting workers' rights. As a result, the KMT policy and workers' needs gradually formed a docking in the practice of law enforcement and reached confirmation of workers' interests.

The KMT contended for union leadership by eliminating and excluding other parties in the trade union system. In August 1928, the Tianjin Municipal Committee of the KMT took over and rectified the Tianjin Municipal Trade Union and its 35 sub-unions that were being formed at the

time. To retain Tianjin's trade unions, the KMT Tianjin Municipal Government issued a notice saying: "the trade union organization protects the interests of both employers and employees without any tendency to endanger the industry or life. Under the leadership of the KMT, it will never perform any actions that endanger the interests of employers or employees." With this, the trade union organizations in Tianjin obtained legitimacy to a certain extent, based on which, the northern forces of the KMT further controlled the Tianjin Municipal Trade Union and made it under the direct leadership of the Tianjin Municipal Committee of the KMT. Established in 1928 and 1929, two terms of "Executive Supervisory Committee of the Tianjin Municipal Trade Union" led by KMT carried out clean-ups and rectification of the trade unions at all levels, aiming to eliminate and exclude the Communist Party and further strengthen the leadership and control of the trade unions. In August 1929, the Tianjin Municipal Trade Union issued a notice: "Following the order of the People's Training Committee of the Rectification Committee of the Tianjin Municipal Committee of the KMT, all members of the Executive Supervisory Committee of the Tianjin Municipal Trade Union resigned for some reason. Alternate members of the current session were replaced by law to maintain the status quo." On October 6, 1929, at the joint meeting of the third Executive Supervisory Committee, Ding Yutian, Zhang Zhongqi, and Wang Zhubo were elected as standing committee members, and the Executive Supervisory Committee was requested to strengthen its guidance on trade unions of Baocheng, Yuyuan, Beiyang, Hengyuan, Huaxin and other yarn factories, followed by which the textile trade unions were firmly controlled by the KMT (Research Office of Tianjin Federation of trade unions 1989, pp. 114-115). At the same time, the KMT also enforced political assimilation on workers by cutting off the connection between workers and Communist Party leaders, assimilating their ideas through political education, and developing them into members of the KMT. Some textile workers were gradually nurtured into activists for the Kuomintang (Hershatter 2016, pp. 293-295).

As of January 1930, the number of trade unions at all levels under the leadership of the KMT's Tianjin Municipal Trade Union had reached 87, involving textile, railway, postal, flour, chemical, and other industries. The unions were home to 28,406 members, among which male, female, and child labor members accounted for 90%, 6.7%, and 3.3% respectively. Among the members, there were 2,642 unemployed workers, accounting for 9.3%. These were part of the "corporate unions" which served as a tool for the KMT (Research Office of Tianjin Federation of trade unions 1989, p. 112).

Worker-related Legislation

From 1928 to 1930, the Nanjing National Government of the Republic of China drafted and promulgated a series of worker-related laws, including the Trade Union Law in October 1929 and the Factory Act in December 1929 (later the amended Factory Act), and the Labor Dispute Resolution Act in 1930. The Trade Union Law stipulated the rights of workers to organize trade unions and organize activities in accordance with the law under certain conditions. The Factory Act stipulated very specifically the rights of workers in when it came to working hours, wages, benefits, allowances, and pensions. The Labor Dispute Resolution Act clarified the specific procedures when the rights of workers were violated or when labor disputes arose: first, to mediate between employers and workers; second, if mediation failed, both sides would go to arbitration; also, during the mediation and arbitration, workers might not strike while employers might not dismiss workers. In addition, the Labor Dispute Resolution Act also provided for a distinctive model for worker protection: an enterprise responsibility system under state protection. To be more specific, the state was mainly responsible for macro-legislation and regulation (although there would be spending on relief packages and welfare programs), while spending on workers' protection was mainly shouldered by the enterprise (Liu and Tang 1998b, pp. 74-77). In addition to protecting the rights and interests of workers in legal forms, the Nanjing National Government of the Republic of China also directly provided "supplies" to unemployed workers, including cash, food, clothes, and medicine, and established a vocational training system and created public job offers to help unemployed workers find jobs (Cai 2003, p. 25).

The legal protection of workers' rights and the formulation of labor dispute coordination methods means that the state relied on coercive force to standardize workers' actions and incorporate workers' protest actions into the institutionalized track of legal mediation. From the establishment of the trade union system to the specific implementation of the law, the rights and interests of workers had begun to be protected in a procedural and organized manner and had also gained discourse legitimacy.

Institutionalization of Fights and the Exercise of Rights

After its establishment, the Nanjing National Government committed itself to

developing a strong political and legal system. In the process, workers' protests were institutionalized. Theorists have viewed various phenomena as aspects of the "institutionalization" of protest or social movements (Meyer and Tarrow 1998, p. 21). This study defines the "institutionalization" of protests as the process by which workers' strategies and purpose shift from violent battle and political revolution to law-based resistance and rights claims. Before such "institutionalization," protests went beyond formal rules, even resorting to violent means, and their political purpose was the ultimate pursuit of resistance. The institutionalized form of resistance, on the other hand, refers to how laws and rights constitute both the procedures and the symbols that legitimize the act of resistance. In this process of transformation, rights were reproduced both as a generative and normative agent and as a result of labor protests.

"Institutionalization" of Fights

After other parties were eliminated and excluded from the trade union system following KMT reforms, the Tianjin trade unions had become increasingly institutionalized and systematic. The Tianjin Social Bureau was gradually dominated by moderates who were passionate about social affairs and carried out labor-capitalist coordination during this period. On the one hand, they helped workers to establish and maintain trade unions, and on the other hand, they restricted workers from striking (Hershatter 2016, p. 295). The Tianjin Municipal Trade Union, with a monthly budget of 600 yuan from the city's Party headquarters, was responsible for the guidance and consolidation of the city's trade unions at all levels (Li 2009, pp. 547-550). Under the Municipal Trade Union, all walks of life had basically established their own trade union organizations. By 1932, there were 24 trade unions in the city, including eight industrial trade unions and 16 professional trade unions. Industrial trade unions had "more sound organization, with the ability to lead city-wide labor movement," of which the unions of the five major yarn factories of Yuyuan, Baocheng, Huaxin, Hengyuan, Beiyang were particularly prominent in their organizing capacity. Yueyuan Yarn Factory union was the largest, with a total of 5,550 members, and the largest budget of 250 yuan per month. Yarn factory industrial trade unions generally had four divisions: general affairs, organization, training, and propaganda. They were able to claim a certain amount of monthly allowances from the factory, for improving workers' livelihood, relief, and savings, opening training classes for workers, and recreational activities (Li 2009, p. 569). For example, in

1929, the Hengyuan Textile Union distributed 40,000 yuan given by the factory to workers in bonuses, and “earmarked two forty-seconds of the bonuses for the sick and injured workers’ pensions and union construction costs.” Afterwards, Yuyuan union also requested the factory to repair workers’ quarters, expand workers’ training classes, open a library, repair sports grounds, building a textile work research society, and more, bringing real benefits to the workers, and hence received their support (Li 2009, p. 556).

The strong organizational capacity of trade unions constituted an effective force for workers to assert their legitimate interests. Firstly, under the organization of legal trade union, the “rights” had constituted the legal procedure to fight for workers. In 1933, under the influence of the Japanese imperialist invasion and the world economic crisis, the textile industry in Tianjin was caught in a shortage of raw materials and stagnation of sales. Capitalists cut wages, stopped work, and laid off many workers to offset the crisis. To defend their rights and interests, the workers of the six big yarn factories launched a resistance campaign. The trade unions played an organizing and mobilizing role in the process. Under the leadership of the “legitimate” unions, the strategy of the workers was first to petition the government and to accept mediation. On April 13, when the capitalists were preparing to cut wages and suspend work, the six major textile unions in Tianjin organized a joint petition to the KMT Tianjin party headquarters, demanding a strict ban on wage cuts and suspensions in the factories. On April 19, the Social Bureau intervened, and the capitalists of the factories proposed to maintain work only on conditions of half-day work, a 70% pay cut, and stop paying holiday wages on fixed commemorative days. This led to more frequent petition activities. In June of the same year, the capitalists of Yuyuan Yarn Factory announced that they would stop work and cut the wages of over 3,200 employees in half. The delegates decided to stop the machines from shift B on July 22, and shift A began to surround the factory from outside. The workers proposed to the capitalists’ conditions such as the resumption of night production and no dismissal of workers. In the end, after mediation by the Social Bureau, the employers reduced the number of layoffs, and paid the workers four yuan each as subsidy, partially satisfying workers’ interests (Research Office of Tianjin Federation of trade unions 1989).

Secondly, in addition to being legal procedure, rights were also regarded as the basis of the legitimacy of labor protests. In 1933, workers in a Tianjin yarn factory demanded the implementation of the new Factory Act, which was the workers’ initiative to claim the rights granted by the Nanjing government:

After the Northern Expedition, the workers in Tianjin, because of the sluggishness of the industry, did not demand their rights in accordance with the law, but the workers in the spinning mills unanimously expressed their strong opposition to the progressive exploitation of workers. And because of the amended Factory Act, recently re-published by the Executive Yuan, the city's more than 20,000 yarn factory workers, in addition to deciding to jointly oppose the suspension of the National Day holiday pay, must jointly request the competent authorities to order the yarn factories to swiftly begin preparing for the implementation of the new Factory Act in order to increase the welfare of the workers. (Anonymous literature 1933a)

The implementation of the new legislation went through many twists and turns, but this claim reflected the fact that the Nanjing government's labor legislation had been effective in improving workers' lives and gradually affected the discourse for struggle. On May 5, 1933, the capitalist of Hengyuan Yarn Factory announced a six-month work suspension on the grounds of sluggish business, and at the same time, asked security into the factory to expel the workers, leaving more than 2,700 workers in a desperate situation. According to the Factory Act, wages should be paid regularly, at least twice a month, and should not be delayed during the settlement of labor disputes (Zhu 1930). The workers demanded that the factory should start work immediately and pay wages as usual, and that the factory should be responsible for any losses during the suspension of work. The fierce struggle forced the factory to issue an announcement at 7:30 p.m. that night, stating that "from the 15th to the 19th, the workers will be paid half of the 75% of the wages for a period up to five days; if work could not resume by then, they will be paid full of the seventy-five percent of the wages or study dismissal plans." On June 20, the capitalists started work as scheduled, paid the workers 75% of the wages, and promised the workers "to return to the status before when the business has improved" (Research Office of Tianjin Federation of trade unions 1989).

Thus, it can be seen that, although enterprises were forced by economic pressure to cut wages and stop work, workers' demand for their rights was clear and strong. In the process, the legal coercive power of the KMT government and the organizing and mobilizing power of the trade unions made this right claimable and capable of being claimed, thus strengthening the "legitimacy" of workers' rights; on the other hand, workers took their rights as the procedural and legal symbols of struggle and realized the reproduction of rights in the process of standardizing the practice of struggle.

The Reproduction of Rights

The institutionalization of workers' protests had a counterproductive effect on both factory owners and political party conflicts. For factory owners, workers' fights were gradually incorporated into their considerations of costs and benefits; For political parties, the "depoliticization" of workers' protests⁴ affected the efficacy of parties' labor movement strategies, which weakened the competitiveness of CPC's "Left" strategy. At the same time, the worker policies of political parties and capitalists had, in turn, strengthened the institutionalization of fights and reproduction of workers' rights.⁵

Consideration of Factory Owners

Faced with the institutionalization of workers' claims, manufacturers were not in a position of passivity. Factory owners were primarily profit-oriented, and they did not want the costly and frequent occurrence of workers' protests. They were willing to respond to the National Government's legislation by granting workers their due rights, as long as they could stabilize production and increase profits. The protection of workers' rights by factory owners was subject to profit as an essential consideration.

In 1931, the Beiyang Yarn Factory and others took the initiative to increase wages for workers in order to prevent labor disputes. It was reported at the time that:

Beiyang Textile Company, in view of the recent turbulence at yarn mills in Tianjin, which was mostly due to increased wage demands, such as the Huaxin Yarn Factory who had agreed to increase wages by three cents per day, Yuyuan Yarn Factory by two cents per day, as a precautionary measure, had announced an automatic wage increase of three cents per person per day in February before the workers asked for an increase in wages. The workers, very satisfied with the factory's determination to improve their treatment, decided to work hard. (Anonymous literature 1931b)

⁴ Depoliticization of workers' protests, a result of institutionalization of workers' protests, means that workers' strategies and purpose shift from violent battle and political revolution to law-based resistance and rights claims.

⁵ The depoliticization of resistance brought the construction of workers' rights into the process of nation construction. On the one hand, workers' rights and interests were regulated by the state. On the other hand, workers' ability to fight for rights and interests was enhanced, so that their "rights" could be maintained or "reproduced."

Likewise, Baocheng Yarn was also thinking in the long term and acceded to workers' demands for wage increases.

Wages at Baocheng Yarn Factory increased by 3 cents per day. Last year due to... subsidy disputes, there was a protest at Baocheng, which subsided with total acceptance of the factory of the demands. On February 8th workers all went to work in the yarn factory at six o'clock in the morning after holiday, demanding that the factory give wages in accordance with the previous agreement, which the factory claimed illegal as it has not been submitted to the party and political authorities for approval. Facing refusal, workers again all stop work and put forward three demands: (a) five cents increase in wages hereafter; (b) subsidies for ten days; (c) and rapid restructuring of trade unions. The factory, after hearing the news, reported the situation to the party and government authorities, and the city government's new Third Section Chief Mu Daohou, the city Party headquarters Representative Xin Chuzhen, rushing to the mediation, decided that (a) the wage will still increase by three cents a day; (b) eight days of subsidies and a daily double wages are given within five days from that date; and (c) workers will submit the plan to the city Party headquarters for approval... workers were satisfied. (Anonymous literature 1931b)

The cost of worker resistance was incorporated into the factory owners' considerations and trade-offs, so they were willing to increase wages to avoid this risk voluntarily.

“Left” Strategy being Weakened

The CPC had always sought to initiate a workers' movement and to lead workers to seek their own rights and interests, thus gaining political capital to counter the KMT. During the 1933 textile industry movement, the party leaders continued to mobilize workers in political movements on a platform of class struggle, trying to replace the economic struggles of urban workers with armed struggle, political strikes, and flying rallies. However, this mobilization did not produce significant results.

On May 9, 1933, the representative of the Central Committee of the Communist Party in Northern China sent out a letter to “Party Headquarters at All Levels in the North,” stating that “the Hengyuan Yarn Factory in Tianjin has been formally closed, and Baocheng and Yuyuan are also preparing [to do so],” and that “in the urgent form of the struggle in the yarn factories, the leadership of the Tianjin Municipal Committee should be

rapidly strengthened and consolidated.” In addition, it said that oppositions should be encouraged against work cuts, factory closures, wage reductions and dismissals, and a struggle committee against work cuts and wage reductions should be established to counter the control and domination of the company unions of the KMT. It was instructed to “select the most capable comrades from the industrial branches of the factories to the struggle committee ... and promote the struggle in the yarn factories,” and to concentrate on mobilizing the workers and representatives of the yarn factories to promote the struggle in other industries. In order to prevent the capitalists from stopping work, under the mobilization of the CPC, the factory workers organized an armed self-defense force of more than 500 people and used wooden sticks, iron rulers, lamp oil, and torches as weapons to fight against the capitalists and the security forces if the wage cut were implemented. The factory capitalists panicked and hastily announced that the planned wage reduction would be suspended. However, in June, the capitalists finally announced that they would stop work and cut the wages of all 3,200 employees in half. At this time, the CPC seized the opportunity to start another struggle for political power. The underground organization of the CPC led the workers to struggle, starting by secretly setting up a “Beat-the-Lapdog Group” and an “Anti-Japanese Association,” and then called a meeting with the representatives of shift A and B to study the struggle plans. The representatives decided to stop the machines from shift B on July 22, and shift A began to surround the factory from outside.

However, these strike struggles did not enable the workers to reach their goals, and the campaign soon subsided without expanding into a political resistance. Eventually, on August 5, the striking workers reached a legal settlement with the capitalists by petitioning the party and government authorities in Tianjin. After the mediation of the labor dispute by the Social Bureau, the employer agreed to reduce the number of layoffs to 1,004 workers, safeguarding the interest of the workers to a certain extent (Research Office of Tianjin Federation of trade union 1989; Anonymous literature 1933a).

Rights in the Process of Negotiation

As a system of contractual relations, workers’ rights were not only legal provisions, but practice that unfolded in a specific relationship, and in specific contexts of negotiations. In the context of the system of labor-capitalist coordination, its reproduction was also subject to the specific

political and economic environment and the specific negotiation process.

Before 1930 all major yarn mills implemented the 2-12 working system—two shifts of workers, each working 12 hours. In the early 1930s, against the backdrop of international labor movement, the eight-hour working day became the internationally recognized system. The Nanjing government also specified the eight-hour working day in the revised Factory Act. The then factory director Wu Jingyi at Baocheng yarn factory was the first to adopt the “3-8 system”—that is, dividing a day into three shifts, with each shift working eight hours. However, in 1933, due to international economic depression and the arrival of Japanese capital, the factory was unable to make ends meet and the factory owners tried to change back to the two-shift system (Wang 1935).

Yarn prices dropped suddenly ... economic difficulties, so the loss suffered by the factory is far greater than other factories. (Anonymous literature 1933a)

By that time, the return to the 2-12 system was no longer acceptable to workers. In order to defend their rights, the workers repeatedly negotiated with the factory and the government through legal protests. Under such circumstances, the factory decided to suspend work (Anonymous literature 1933a). Then, the trade unions elected six representatives to petition the city party headquarters and the Social Welfare Bureau. The city's party headquarters sent Li Chengru, an officer of the Democracy Movement Division, and Li Ming, Director of the Second Unit of the Social Bureau, to visit the Baocheng Yarn Factory and discuss with Tu Zhenchu, the manager at the time, arguing that the considerable number of workers who suddenly lost their jobs posed an enormous pressure and challenge to the administration. Tu Zhenchu said, “Since we have decided to close down the factory, there is no need to discuss the resumption of work. The only matter open to discussion is plans afterwards” (Anonymous literature 1933b).

Finally, the 3-8 system was discontinued after mediation. On September 11, the night shift workers all returned to work. An announcement was made to the entire factory, saying, “you should work hard to make sure that the efficiency is not lower than under the 3-8 system.” And a new timetable was formulated (Wang 1935).

What external factors govern the reproduction of rights? There are two reasons we can summarize from this case: the first is the harsh economic environment. In 1933, when the world economic crisis broke out, foreign enterprises increased dumping products and strengthened market control,

which posed a great challenge to national yarn factories. The second was the public management dilemma brought about by the special system of social security for workers in the Republic of China—corporate responsibility under government guarantees. As a public good, workers' welfare and relief were mainly borne by enterprises pursuing private interests rather than the government, which made it difficult for enterprises to continue to protect workers' rights when they encountered business difficulties.

The reproduction of rights requires a certain political and economic basis. As Marshall (1987) argues, citizenship is not a transcendent category, but develops gradually in a specific political and economic environment. The realization of social security and social welfare as social rights is directly conditioned by the economic environment and social policy.

Conclusion and Discussion

This paper attempts to explain how workers' rights, as political contracts between the modern state and worker group, gradually took shape and became reproduced. By examining the political changes, textile workers' organization and workers' movement in Tianjin from 1927 to 1936, this paper indicates that workers' rights were the "by-product" of the process of political struggle and workers' protests. The differentiation of interests and political struggle among political parties had urged all parties to devote themselves to enhancing their own strength through social mobilization, which in turn promoted the standardization of worker-related legislation and institutionalization of workers' resistance. Workers' rights were constantly recognized by the those participating in the political game as a bargaining chip to achieve a specific goal.

As discussed above, the construction of workers' rights in theory includes several dimensions, such as the emergence of collective struggle, the recognition of the legitimacy of workers' interests, the legalization of trade unions, and the institutionalized reproduction of the protests. First, collective struggle means that workers assert their own interests, and this assertion was not only the result of "resentment" based on the deprivation of benefits, but also the result of the mobilization of political parties for the purpose of political competition (the Northern Expedition and the clash between the Nationalist and Communist parties). At the level of organization and mobilization, party leaders played an important role. During the Northern Expedition, the Communist Party and some of the KMT leftists were more

interested in building ties with the working masses. Most KMT leaders were in the upper echelons of the revolutionary party and were more distant from the grassroots (Wang 2010, p. 60). After the cooperation between the KMT and the CPC, the latter continued to overcome resistance to organize workers' movements, while the KMT, faced with political struggle, also sought to increase its control over the organization and mobilization of workers. This strengthened the capacity of workers for collective struggle and collective bargaining. Secondly, at the level of recognition of the legitimacy of workers' interests, this paper is more concerned with the legitimization of interests brought about by the enactment and implementation of various worker-related legislation. This legitimization was not only embodied in the provisions of laws and regulations, but also in the actions of the state, political parties, factory owners and workers in identifying such interests. Again, the legitimization of interests was closely linked to the legitimization of trade unions and the institutionalized reproduction of protests. Under the pressure of political competition and on the basis of labor-capitalist coordination, the KMT adopted a strategy of strengthening the political system, developing "legitimate trade unions" and introducing worker-related legislation, thereby gradually institutionalizing workers' protests. As a result, at the macro level, the KMT gained dominant power in the competition and promoted the construction of workers' rights; at the practical level, with the organization and mobilization of trade unions, workers took "rights" as a procedure and a symbol of legitimacy in their protests, which on the one hand had a counter-effect on the strategies of factory owners and the political struggle of political parties, and on the other hand, led to the reproduction of rights.

The essence of the state is not to advocate for the interests of particular classes, but to work towards social cohesion. The key to social cohesion lies in the ability to build a robust, adaptable, and coherent political institutions (Huntington 2006, p. 1), which in turn depends on the state's coordination of the interests of different interest groups. However, the national government established by the KMT failed to deal with the problem of social integration and interest coordination in the course of its subsequent development. According to Wang Qisheng (2010, pp. 360-362), the KMT claimed to represent the interests of "all the people" and attempted to base its rule on the alliance of conflicting interests of various classes, but in reality, it failed to penetrate deep into society; together with the tendency to detach from the grassroots due to excessive bureaucratization, and the economic collapse due to war and economic crisis, all these factors led to the failure of the National government's capacity for organization and coordinating in the final years of

the Republic of China.

Finally, it should be emphasized that the construction of rights is an extremely complex process, involving multiple dimensions from the macro to micro level, from behavior to cognition, and so forth. This study does not attempt to nor is it capable of providing a comprehensive explanation for this grand issue, and only proposes a possible approach for its research. As for the issue of workers' rights in the Republic of China, further analysis and discussion are possible from the perspective of the mobilization process of trade unions, the mobilization strategies of political party leaders, and the behavioral ethics and political identity of workers at the time.

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