Origin of Communist Policing in The People's Republic of China

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Abstract

This is an investigation into the origin of Communist policing in the People’s Republic of China (PRC). Existing literature on the PRC police (baowei, gongan, jingcha) are not in agreement as to the origin of Communist policing. Most sources, particularly western ones, point to the formation of the Ministry of Public Security in November of 1949 as the origination of Communist police. Others, particularly the PRC police historians, have traced the starting date to November of 1931 when the Chinese Soviet government in Shan-Gan-Ning border area established the Political Security Department (zhengzhi baoweiju). Still, a minority have suggested that Communist policing originated on August 7, 1927 with the establishment of the Central Special Service Branch (zhongyang de ke).

This paper, using original archive materials, adopting a functional approach, and relying upon a relative government analytical framework, traces the origins of Communist policing to the Canton-Hong Kong Strike jiuchadui (July 1925 to October 1926). During the Canton-Hong Kong Strike the KMT National government in Guangzhou delegated policing powers to the CCP led Strike Committee jiuchadui to perform vital police functions, including enforcing strike laws, maintaining strike order, and securing strike discipline.

In summary, this paper argues that the CCP jiuchadui acted as a quasi-governmental police force during the Canton-Hong Kong strike period and should be considered as one of the very first Communist policing experiences.
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“One should not only understand China today.
One should also understand China’s historical development.”

Mao Zhedong

Introduction

It is now common to trace the origin of Communist policing to the establishment of the People’s Republic of China (PRC), and particularly to the formation of the Ministry of Public Security on November 5 of 1949. There are however, strong, albeit minority, contending views that the Communists have experimented with and were experienced in policing before 1949. For example, PRC police historians have traced the development of the PRC police to the formation of the first Chinese Soviet government in the Shan-Gan-Ning border area in November of

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1 B.A. (Hons.), J.D. (Indiana), Dip. (N.I.T.A.), M.A., Ph.D. (SUNY-Criminal Justice). Member of Michigan Bar. Assistant professor, Department of Government and Public Administration, Director, Chinese Law Program, Chinese University of Hong Kong.

2 “Budan yao dongde zhongguo de jiantian, huan yao dongde zhongguo de lishi fazhang.” As cited in Han Yanlong, Zhongguo jindai jingcha zhidu (History of contemporary Chinese police system) (Beijing: Zhongguo renmin gongan daxue, 1993) p.10.

3 I used Communist policing to draw a distinction between post 1949 PRC policing and pre-1949 Communist policing.


1931.\(^5\) In particular, the central executive committee of the Chinese Soviet government, as a first act of government, passed the “Provisional organic law for the Soviet local government” (Organic Law) which provided for the establishment of a State Political Security Department (zhengzhi baoweiju) (SPSD).\(^6\) The SPSD was responsible for the investigation, arrest, and prosecution of all political crimes, i.e. counter-revolutionaries, in the first Chinese Soviet government and the newly instituted Red Army; making it a specialized police force. The Organic Law was considered one of the very first Communist police (organizational) organic laws in China.\(^7\)

PRC institution historians, Chinese scholars, and China watchers chose 1949 as the birthdate of PRC policing for two reasons: (1) Politically and legally speaking PRC existed as a sovereign state only after 1949. The Chinese legal scholars and Western China watchers who made this observation were mostly political scientists and foreign- service professionals. They are ordinarily interested in the ebb and flow of political powers and not the transitions of social institutions. (2) Historically, the PRC had no institutionalized police force before 1949. The PRC institution (party) historians who subscribed to this view were charged with tracing the rise and fall of formal CCP institutions and are less concerned with the development of informal organizations of a social nature and functional kind. Both assertions subscribe to the conventional wisdom that the police are a state organization with exclusive power to use coercive force\(^8\) to enforce the law, maintain order, and provide services.\(^9\)

\(^6\) See “Su Wei Ai difang zhengfu de zanxing zuzhi ti aoli” (passed in November 1931 at the first plenary meeting of the central executive committee) in Han Yanlong and Chang Zhaoru (ed.) Zhongguo xinminzhu zhuyi gemin shiqi genjudi fazhi wexian xuanbian (Collection of historical documents of the Chinese new democratic revolution base area period) (Beijing: Zhongguo shenhui kexue yuan chu ban she, 1981) Vol 2, Czgx 19009, p. 7-23. The Organic Law provided for the establishment of a Political Security Department.
\(^7\) See also Zhongguo renmin jingcha jianshi, supra note 4, p. 4.
However, the conventional “idea of police” in the trappings of formidable office and distinctive uniform, i.e. as formally institutionalized public social control authority, is deceptive and misleading. It is deceptive because it equates police with only certain readily identifiable symbols of formal authority. This ignores other less conspicuous, yet as effective, state-deputized policing agents, e.g. private security. It is misleading because it associates police only with institutionalized police organizations. This ignores other less formal but no less functional policing institutions sanctioned by the state, e.g. family in traditional China.

Ultimately one of the more interesting questions raised in this research is whether state policing functions can be assumed by informal social institutions: a professional guild, a trade association, a peasant association, or even a clan or family? More specifically, can KMT National government strike law enforcement functions be exercised by a Communist labor union? Alternatively, whether a private social control agency can take on government policing role and functions. More pertinently, is a CCP strike organization possessing delegated police powers from the KMT National government to enforce strike laws and maintain strike order be properly considered as a functional policing agent of the state?

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10 I am indebted to two friends of mine - one a prominent Hong Kong journalist (May 31, 1996 at USC), the other an informed Sinologist (June 3, 1996 at USC) - who told me bluntly that I am wrong in asserting that Communist police came into being before 1949. Particularly, I am remiss in arguing that the jiucha dui (1921-1927) is a kind of Communist policing. The journalist friend told me: “Jiuchah dui is not policing in the true (conventional) sense. They performed special political functions for the Communist authority, i.e., removal of political threats.” The Sinologist informed me: “It is commonly recognized that a police must be a full time organization, doing what police do. In as much as jiucha dui operated under exceptional circumstances, i.e. during a strike, they are not police in the conventional sense.”


12 See L. Pospil, *Anthropology of law: A Comparative Theory* (New Haven, Conn.: Yale University Press, 1974), pp. 97-127. (The legal anthropologists have long observed the existence of multi-level and multiplex law in any society.) Moore, Law and social change: The semi-autonomous social field as an appropriate subject of study” in *Law and Society Review*, Vol. 7, pp. 719-746, 720 (1973). (“The semi-autonomous social field has rule-making capacities, and means to induce or coerce compliance; but it is simultaneously set in a larger social matrix which can, and does, affect and invade it, sometimes at the invitation of persons inside it, sometimes at its own instance.”) See also “Private Government” in Leon Lipson and Stanton Wheeler (ed.) *Law and the Social Science* (N.Y.: Russell Sage Foundation, 1986). (Macaulay called such private ordering “private government.”)
These questions raise the issue of what constitutes state or government policing? More specifically, what is the necessary and sufficient connection between private social control activities and the state policing agency which may bring the former under the rubric of latter.

Before we close this introduction, it is important to point out that an organization engaging in policing is not the same as a “police” organization. There is at any time only one police organization in a state, albeit organized into many functional, specialized, and jurisdictional departments. An organization engaging in policing is an organization co-opted or allowed by the state to take-part in policing activities in a subsidiary or auxiliary manner, e.g. the family in China, the corporation in U.S., and the Church in England. As a historical backdrop, collective agencies in China - blood (family), ethnic (clan,) professional (guild) - have substantial social control powers over their members. The responsible persons within the respective collectives: father, chief, master held enormous disciplinary (rule enforcement) powers over their underlings. Furthermore, their authority was implicitly condoned or explicitly sanctioned by the government. These social control collectivities can be properly described as policing organization for and on behalf of the government.

This paper, using original archive materials, adopting a functional approach, and relying upon a relative government analytical framework, traces the origins of Communist policing to the Canton-Hong Kong Strike jiuchadui (July 1925 to October 1926). During the Hong Kong-Canton strike, the KMT National government in Guangzhou delegated police powers to the CCP led Strike Committee jiuchadui to perform vital police functions, including enforcing strike laws, maintaining strike orders, and imposing strike discipline. In summary, this paper argues that the CCP jiuchadui acted as a quasi-government police force during the striking period and should be considered as one the very first Communist policing experiences and experiments.

This paper is divided in seven parts. Part I “Research Methodology” sets forth the research question, details the research rationale, describes the research data, and explains the research strategy used. Part II “A framework of analysis: What makes
private policing a government enterprise?” provides an analytical framework - the idea of more or less government - to ascertain whether jiuchadui were performing state police functions during the Canton-Hong Kong strike. Part III: “The origin of Communist policing: the jiuchadui” traces the development of jiucha dui to the CCP inspired, organized, and led labor movement in 1921 to 1927. Particularly, it will use four case studies to investigate the role, functions, organization, responsibilities and powers of jiuchadui as a species of Chinese self-defense (baowei) organization, as it evolved during the CCP formative years. The case studies clearly show that the jiuchadui performed significant security policing functions for the CCP labor organizers and in time took up formal legal and social policing functions for the KMT national government. Part VI: “The redistribution of police powers” addresses two issues: (1) Why did the KMT government see the need to delegate policing powers to the Strike Committee? (2) What role did the respective parties play in the Canton-Hong Kong strike? Part V: “Jiuchadui as Communist policing: A discussion” will draw upon the materials in this research, particularly, the Canton-Hong Kong Strike jiuchadui of 1925 to 1926, to illustrate how it possessed the power of, and functioned like, a government police force in conducting the strike. In the last and final section, Part VII: “Conclusion” I will provide a summary of findings to this research.

I

Research Methodology

The research question

This article investigates the origin of Communist policing in the PRC by studying how the Communists enforced law and maintained order under their “sphere of political influence” in the years between 1921 and 1927. I use the term “sphere of political influence” to get away from the protracted debate over whether policing activities must be geographically bound politically and universally applicable legally, i.e. the issue of what place, people, and subject matters must a police have powers
over, be responsible for, and held accountable to before they can be called a state police. Such questions raise anew the intractable issues of political sovereignty and legal jurisdiction. The year 1921 is chosen as the beginning point of this inquiry because that was the year the Chinese Communist Party (CCP) came into existence. The year 1927 is chosen as an end point because I am only interested in investigating the origin of Communist policing, not its subsequent development and eventual evolution.\(^{13}\) More significantly, by 1927 the jiuchadui (the original Communist police form) outlived its historical mission. In 1927 with the split up of KMT-CCP’s tenuous and short lived political alliance in Shanghai, a whole new set of political circumstances presented itself.\(^{14}\) The CCP had to learn to adjust to two painful political facts: (1) It had lost its political power base to the Nationalist. (2) It had to operate from underground in the face of ever-effective Nationalist extermination campaigns. As a result, the CCP had to adopt new police-security measures to assure survival and the zhengzhi baowei ju was born.\(^{15}\)

**The research rationale**

There are two reasons why I investigate into the origin of Communist policing:

First, the subject matter - origin of Communist police - has not been thoroughly investigated before. There is very little English or Chinese literature dealing with the origin of Communist policing during this period (1927-1927). Official PRC public security institution histories either make no reference to this period at all\(^ {16}\) or just mention it in passing.\(^ {17}\) PRC police researchers do not consider this period (1921-

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14 The development and demise of Wuhan gongren jiuchadui clearly and succinctly encapsulated the characteristics, role and functions of CCP jiuchadui, see Zhang, “Wuhan gongren jiuchadui de shibai (The establishment and failure of Wuhan workers’ picket) in Zhonggong dangshi ziliao Vol. 44 (Beijing: Zhonggong dangshi chubanshe, 1992).

15 See Chapter 1: “The people’s police in CCP establishment of red political authority” (August 1927 to July 1937) in Zhongguo renmin jingcha jianshi, supra, note 4, p. 19 (Starting April 17, 1927 the CCP went from being a partner of KMT to being its arch enemy. From then on the CCP activities went underground. On August 7, 1927 the CCP established the “Zhongyang de ke” (Central special branch) to counter the KMT’s effort to eliminate the CCP.)


17 See Zhongguo renmin jingcha jianshi, supra, note 4, (CCP has a baowei system in 1921).
1927) as important in PRC police development. For example, the comprehensive and authoritative police encyclopedia *Zhongguo gongan baike quanshu* does not list the term *jiucha* nor trace the concept of *baowei* to this era. A systematic search of leading police academic, policy and professional journals, e.g. *Gongan daxue xuebao* (Public Security University Journal), *Gongan yanji* (Public Security Research), and *Gongan yuekan* (Public Security Monthly) reveal no discussion of *jiuchadui* as a possible origin of Communist police ideas and practices.

I attribute the lack of original research into this period of PRC police history to the combination of a lack of reliable data, interest, expertise, incentive and opportunity by foreign researchers. The PRC police historians are also reluctant to refer to this period (1921-1927) as the possible starting date for Communist policing as a result of political and ideological reasons. The CCP was very much a “political underdog” during much of this time. It is not politically correct to mention the fact that the CCP was taking orders from, or otherwise playing second string to, the KMT Nationalist government.

Second, a thorough understanding of the current PRC police organization and practices must start with its historical origin. As aptly observed by Griffin:

> Important members of the pre-1949 leadership group, especially Mao Tse-Tung and Chou En-lai have institutionalized many pre-1949 problem solving techniques, thereby passing them on to subsequent generations. Consequently a detailed study of the 1924 to 1949 period, in which these techniques

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18 See *Jingcha shiyong zishi daquan* (Beijing: Zhongguo remin gongan daxue, 1995). The police handbook only makes a brief reference to this period.
19 (Chinese public security encyclopedia) (Changchun: Jilin chubanshe, 1989).
21 See Frederick Wakeman, Jr., (ed.) *Ming and Qing Historical Studies in the PRC* (Institute of East Asian Studies, University of California, Berkeley, 1980) (Chinese scholars feel that history has been all too relevant to contemporary political issues.) p. 3. See also Patricia E. Griffin, *The Chinese Communist Treatment of Counter-Revolutionaries 1924-1949* (Princeton, 1976). (A detailed study of the 1924 to 1949 period of how the Chinese Communist legal system treated the counter-revolutionaries leads to a clearer understanding of the current leadership’s philosophy and government methods.)
evolved, leads to a clearer understanding of the governmental methods and leadership styles of modern China.\textsuperscript{22}

The PRC police authority, as a pre-eminent ideological and cultural entity, exhibits a strong continuity in the midst of constant changes.\textsuperscript{23} The PRC leadership learned from past experience\textsuperscript{24} in building the PRC police with Chinese characteristics.\textsuperscript{25} For example, Chinese legal scholars have suggested that many features of the PRC legal system can be traced back to the pre-1949 period; such as, the different treatment of criminal offenders according to “class background”, the use of violence and terror to deal with “enemies” “reactionaries” and “counter-revolutionaries”, the involvement of the mass in justice administration (\textit{gongshen}), the use of conciliation and mediation to settle disputes, the establishment of a system of people’s assessors, procurators, and adjudicative committees within courts.\textsuperscript{26}

\textsuperscript{22} See Patricia E. Griffin, \textit{The Chinese Communist Treatment of Counter-Revolutionaries 1924-1949} (Princeton, 1976), p. 3.
\textsuperscript{23} Continuity of public security organizational philosophy and work style also came from two unexpected quarters, i.e. continuity in political leadership and transfer of military personnel. Right after the war, millions of PLA troops were decommissioned. They became the backbone of the newly formed public security force. See John Gittings, \textit{The role of the Chinese army} (Oxford University Press, 1967). For a discussion of the impact of military discharge on PRC police, see William W. Whitson, \textit{A History of Communist Military Politics, 1927-71 - The Chinese High Command} (N.Y.: McMillian, 1973), p.92. See also Jacques Guillermaz, \textit{The Chinese Communist Party in Power 1949-1976}, (Boulder, Colorado: Westview Press, 1972), p. 219. (In 1958, the militia, which generally was made up of former soldiers, was used to maintain order, oppose banditry, and act as the auxiliary of the public security forces at the local community.)
\textsuperscript{24} See “Strategy in China’s revolutionary war” (December, 1936) in \textit{Selected Works of Mao Tse-Tung}, Vol. I (Peking: Foreign Languages Press, 1965), pp. 179-254, particularly “4. ‘The important thing is to be good at learning.’” (“To learn is no easy matter and to apply what one has learned is even harder.”)) pp. 186-191.
\textsuperscript{26} See generally, S. C. Leng, \textit{Justice in Communist China} (Donns Ferry, 1967). See also as Albert HY Chen, \textit{An Introduction to the Legal System of PRC} (Butterworth, 1992), 23, n. 17.
The PRC public security today, though not a replicate of the pre-1949 police in role and functions, shows fairly strong resemblance in form and substance, and displays much continuity in theory and practice.27 As observed by Laszlo Ladany:

“...under the wide-ranging economic reforms of the 1980s the system of (police) control remained as it had been under Mao - indeed as it had been learnt from the Stalinist regime back in 1940s, in Yenan days. The 1951 Registration of Suppression of Counter-revolutionaries was still in force. Labor camps had not been disbanded, and people could still be sent to them by administrative measures. The Security Organs still controlled households, and millions of civilians served as official informers. Armed police, cut off from the regular army, keep order and protected the leaders.” 28

The research data

This research is based on PRC historical materials and archive records. Some of the more important historical sources are: Wang Haixing’s Zhongguo gongren yundong shi (ZGGRYDS) on Communist labor movement history 29, Zhonggong dangshi ziliao (ZGDSZL) on CCP party history30, Zhang Xipo & Han Yanlong’s Zhongguo geming fazhi shi (shang) (ZGDMFZS) on Communist revolutionary history31, Zhongguo renmin jingcha jianshi (ZGRMJCJS) on PRC police history32, Frederic Wakeman, Jr.’s Policing Shanghai 1927-1937 on KMT police history33, Han Yanlong’s Zhongguo jindai jingcha zhidu (ZGJDJCZD) on

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27 Compare Peng Zhen vs. Luo Feng, “Zhiding “Renmin jingcha fa” de biyao sheng he biejie sheng” (The necessity and urgency of promulgating “People’s police law.”) in Renmin gongan bao, March 21, 1995, p. 2.
29 History of Chinese labor movement (Beijing: Gongren chubanshe, 1994), Vol. 1 to 5.
31 Chinese revolutionary legal history (upper volume) (Beijing: Zhongguo shehuike xue chubanshe, 1987).
recent Chinese police history, Jean Chesneayx et al’s *China: From 1911 Revolution to Liberation* on Communist China political history.

I use among others, six sets of archival materials to ascertain how the Communists maintained law and order in their sphere of influence (i.e. labor organizations and strike areas) between 1921-1927:


3. *Guangdong danshi yanjiu wenji* (GDDSYJWJ) (Collected works on Guangdong party history research), Vol. 1 and 2 (Beijing: Zhonggong dangshi chubanshe, 1993) on oral historical accounts of Canton labor movements by various contemporary labor leaders;

4. *Wu-San-Shi yundong he Sheng-Gang bagong* (WSSYDHSHGBG) (The May 30th Movement and Canton-Hong Kong Strike) (Jiangsu: Jiangsu guji chubanshe, 1985) on public records of the Canton-Hong Kong strike;

5. *Minguo shiqi Guangdong sheng zhengfu, dangan shiliao xuanbian* (MGSQGDSZFDASLXB) (Collection of archive historical materials of Guangdong provincial government during the Nationalist period), Vol. 1 (Guangdong: Guangdong sheng danganguan, 1928) from official Canton provincial government council meeting minutes on legislative history and debates during 1925-1926;


### The research strategy

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34 *Contemporary Chinese police history* (Beijing: Zhongguo renmin gongan daxue, 1993)
As a research strategy, this research takes a functional, instead of an institutional, approach to investigating the origin of Communist policing.

*The institutional approach*

An institutional approach takes the police organizational structure and process as one finds it. It then traces the historical development of salient institutional and organizational characteristics of such a police agency to its formative roots. In the investigative process, the researcher is mainly concerned with the origination, evolution, and changes of such identified features. The investigation constitutes a reconstruction of the current policing structure and practices to a time past. This approach is most useful when: (1) The concepts, structure, and process of the police institution or practice under investigation are very well established and clearly defined, e.g. England. (2) There is enough continuity to the police structure and process that we can talk about incremental evolutionary development and not abrupt revolutionary changes.  

*Figure 1: Institutional approach to tracing the origin of PRC policing*

1949  --> 1921
identify  search for identified
salient PRC police characteristics  1949 PRC police characteristics

While, the institutional method of reconstructing the past has much to offer in unearthing the past history of the PRC police, it may be too myopic. The institutional approach focuses too narrowly upon currently established PRC police structure and process, without paying sufficient attention to earlier experimentation with policing form, style and practices, which for any number of reasons - historical, political, social, ideological, or just due to sheer coincidence – may not have survived over time and not taken on defining PRC policing characteristics. More pertinently, such

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36 See Robert M. Fogelson, *Big-City Police* (Cambridge, Mass.: MIT Press, 1977) which typifies this approach. For an attempt to develop a theoretical framewor in understanding changes to identifiable
backward tracing has a tendency to accentuate the formal over the informal, the established over the ephemeral, the institutional over the ad hoc, the tested over the experimental, the dominant over the contributing, the government over the people, the central over the grass-roots. In sum, the institutional approach has a tendency to systematically exclude certain Communist policing experiences not deemed formally and sufficiently institutionalized. Furthermore, the institutional approach, having set its sight on certain definable PRC police characteristics, is blind to most of the earlier revolutionary CCP social control institutions and practices which did not survive over time, including that of the jiuchadui.

The functional approach

A functional approach investigates how certain generic state police functions are actually being performed “in the street”, with different culture, and at an earlier time. The functional approach starts by defining what are the essential functions of police and investigates how such police functions were being performed in an earlier era by private or informal social control agencies.

This research adopts a concept of police functions, i.e. the police enforce the law and maintain order by the use of force, commonly subscribed to by police scholars.

Critical commentators may object that police role and functions are neither universal nor static, i.e. they differ from place to place and change from time to time. More fundamentally, they point out that police functions are driven by political
ideology and shaped by social values.\textsuperscript{41} This rejoinder, while possessing some surface appeal, can be dismissed with a moment of reflection on what the police is ultimately expected to do by the political authority and/or social consensus. Police as an indisensable adjunct of political and social authority has been charged with the ultimate responsibility of maintaining peace, security order, and enforcing the law, with force if required.\textsuperscript{42}

The functional approach is most appropriate in investigating emerging police institutions, e.g. in a newly formed revolutionary state, when a clear ideal of social control is not yet form and and precise conception of policing has not been settled. It is also useful in the study of non-traditional or unconventional police practices, e.g. policing in a different era or alien culture, when unfamiliarity with the new police in form (Communist baowei zhuzhi), pre-occupation with the established police in practice (PRC policing), commitment to dominant political ideology in thinking (Communism), or habituation with the prevailing police orientation in culture (political vs. social policing) may block our vision and stiffen our imagination in discovering and understanding the nature and role of a novel police institution (Communist-militant-political -security policing) under investigation.

**Figure 2: Functional approach to discovery the origin of PRC policing**

1996 -----------------------------→1949 -----------------------------→1921

define search for
generic functions of police: generic functions of police
(1) authority to use force\textsuperscript{43} (1) authority to use force
(2) law enforcement (2) law enforcement
(3) order maintenance (3) order maintenance

change with technological revolution, first the patrol car and then the two-way radio, and parallel revolution in public expectations as to the kind and quality of services desired.)


\textsuperscript{43} As pointed out by a reviewer, it is not always easy to separate institutional and functional features, e.g. the authority to use force is an institutional feature. My contention is police cannot be distinguished only by
A functional approach is also a more scientific approach in two ways.

(1) A functional definition of police is more generic, and thus more conceptual and general than a classical definition of policing, which is more descriptive and particularistic. A functional definition of policing occupies a higher order in the conceptualization scheme, allowing it to be applied to different Communist policing organizational forms serving essentially the same or similar social control functions.

(2) A functional concept of police is more sociological. It opens up the vista of police researchers to other informal and non-institutionalized Communist policing (social control) practices which otherwise might have been artificially excluded by a researcher’s preoccupation with established PRC police structure and process, or his/her conventional understanding of the same.

The functional approach is not without its attending conceptual problems and operationalization difficulties. The function approach raises two broad types of questions. First, conceptually, what properly constitutes generic police functions acceptable to all. Second, operationally, how can one clearly and meaningfully separates one kind of functional policing organization (e.g. family, military police) from another (jiuchadui as discussed here).

A functional definition of police, while allowing us to look beyond traditional and conventional PRC policing to search for other Communist police forms, if not properly circumscribed, runs the risk of obfuscating any meaningful distinction between the state organized police force and any number of private social control organizations serving incidental and supplemental, albeit, essential and important, policing functions. To borrow a much abused American constitutional law distinction: while the conventional and traditional definition of police is “under-inclusive”, i.e. it

what they do but also how they do it which is part of my functional analysis here. I nevertheless thank the reviewer for his/her perceptive and thoughtful comment.


excludes policing organizations which otherwise should have been included, and the functional definition is “over-inclusive”, it includes policing organizations which otherwise should have been excluded. A functional definition, being conceptual, is not held hostage to any theoretical orientation or ideological dogma, historical legacy or conventional practices, and material circumstances or contextual particulars. It prefers substance over form and purpose over means. Thus, a functional definition is porous. It is particularly vulnerable to over-reaching, and if not applied in a conscientious and disciplined manner, susceptible to abuse.

Finally, a finding of CCP jiuchadui functionally performing KMT government policing duties does not ipso facto make it a state police agency. It only begins the journey for the search of relative distribution of state capacity (KMT National government) in private policing activities (CCP strike enforcement), i.e. to show that CCP jiuchadui was policing with the sufferance or at the behest of the KMT National government. To this theoretical (Part II) and empirical issues (Part III) we now turn.

II
A framework of analysis: What makes private policing a government enterprise?

This paper argues that the Canton-Hong Kong jiuchadui performed policing functions in a governmental capacity during the 1925-6 Canton-Hong Kong strike. This thesis requires the development of an analytical framework addressing the question of under what circumstances can it be said that private social control activities become that of the state?

Deconstructing the myth of unitary government

People have long associated state and government with omnipotent, omnipresent, undivided, perpetual, and absolute political control over an area (country) or people (association). This image of government is so entrenched that it is deemed self-evident and uncontroversial, such that even now, when we speak of government, we
immediately identify any government, as “the government” (much like “the nature”) - a super-organic body with a life force of its own. Thus, D’Entreves observed that the ‘intrinsic logic of sovereignty’ speaks to its perpetuity, absoluteness, unity, indivisibility and the highest or ultimate power of law making.  

Conceptually, the recognition of the political reality of fungible government authority (more or less) and malleable government jurisdiction (bigger or smaller) is necessary to pry open the conceptual black box of unitary governmental social control. The debunking of the myth of government makes way for the proper construction of a sociological definition of law enforcement which recognizes the relativity of governmental social control, i.e. more or less governmental social control in multiplex law.

The idea of relative government is not new in theory or practice, nor is the functional distribution of government powers to private parties a recent invention. Sovereign governments since antiquity have been willing to part with some or all of their powers to others (private parties included) to facilitate domestic rule, further their own interests, or allow for foreign conquests.

In the context of China, it takes the pragmatic and resourceful politicians to penetrate the ‘black hole’ that is the unitary state. In 1983, the People’s Republic of China (PRC), in order to achieve the political integration of Taiwan, was willing to give Taiwan a high degree of autonomy as a special administrative region (SAR) of the PRC, including the powers to make domestic law and command of its army.

Let us now turn to examine the theoretical construct of relative - more or less - governmental social control.

A theory of relative government

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The idea of more or less governmental social control can be adequately captured by two concepts, i.e., *delegation* of government social control rights to private parties and government *sponsorship* of private social control measures.

*More or less government by delegation of social control rights*

More or less government in social control can result from the affirmative delegation of social control rights and responsibilities. Delegation of social control rights and vesting of social control responsibilities is a re-redistribution of fundamental constitutional rights, particularly the distribution of powers of government with respect to the people. It is often assumed that the delegation of social control rights includes the vesting of social control responsibilities or visa versa. This needs not be the case. The delegation of social control rights and the vesting of social control responsibilities are two entirely different governmental delegation domains.

If we conceived of the government being vested with the rights and responsibilities to enforce law, i.e. secure governmental social control, to start with, then any delegation of those rights and responsibilities, e.g. to make (legislative), enforce (executive), and interpret law (judicial) amounts to a redistribution.

The redistribution of social control rights conferred upon or acknowledged to exist in a private party by the state the right and responsibility to take part in governmental social control, e.g. family discipline or clan rule in traditional China, sheriff deputies in the Wild West, and private policing in modern America.

Private social control is converted into governmental social control in two ways, i.e. through government sponsorship of private social control or government delegation of public social control rights. In the first case the government lends its support to what essentially is a private activity. In the later case the government allows the private party to be deputized as state social control agent. Where government participation ends, government delegation begins.

Depending on the scope of delegated control, extent of delegated authority, and degree of supervision over delegation, i.e. social control responsibilities (jurisdiction), powers, and accountability, the delegated party acts more or less like an autonomous
government. The broader the delegation - more responsibilities, more power, and lesser accountability - the more a private party behaves like an autonomous government. The more restricted the responsibilities, the lesser the powers, and the closer the supervision, the less a private party behaves like an autonomous government.

Social control authority is of three kinds. In decreasing order of constitutional authority, they are: authority to define social norms, authority to establish social norms, and authority to enforce social norms; corresponding to our western notions of legal policy setting, law making, and law execution which encompasses in broad terms law enforcement, prosecution, adjudication, and punishment.

The delegation of state authority can thus be analyzed along three critical dimensions: scope of authority delegated (i.e. jurisdiction), nature of authority delegated (i.e. norm defining vs. norm setting vs. norm enforcing), and kinds of coercive authority delegated (fine vs. imprisonment vs. deadly force).

Finally, the delegation of state authority necessarily implies the delegation of power to use force to secure the delegated authority. Thus *Black’s Law Dictionary* defines authority as:”Right to exercise powers; to implement and enforce laws; to exact obedience; to command; to judge... Often synonymous with power.”

More rights of social control means more power sharing with the dominant political authority and in turn power domination over subordinate social subjects. Power sharing is manifested in negotiation for control as give and take. Lesser power allows for negotiation over outcome. More power allows for negotiation over substantive law. Power parity allows for negotiation over procedure law. Power domination (from more to less) is manifested in the imposition of decision making norms, process rules, as well as results. In practical terms, the debate is between a rival (horizontal – state vs. state) relationship or dominant (vertical - central vs. local) relationship. In the rival case, the terms of engagement are negotiated. In the dominant case, the terms of engagement are dictated.

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Table 1: Governmental delegation of public social control (policing) authority - an analytical framework

<table>
<thead>
<tr>
<th>Theoretical concepts</th>
<th>Operational definitions</th>
<th>Example (ideal type)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government delegation of police powers</td>
<td><strong>Delegation of social control authority</strong> - the redistribution of government’s constitutional power to use force to enforce the law and maintain (political or social) order</td>
<td>Constitutional provisions Enabling legislation</td>
</tr>
<tr>
<td></td>
<td><strong>Delegation of norm defining authority</strong> – the extent to which the government delegates the authority to define normative expectation</td>
<td>Government social control philosophy Jurisprudential thought Law enforcement policy</td>
</tr>
<tr>
<td></td>
<td><strong>Delegation of norm setting authority</strong> - the extent to which the government delegates the authority to set normative expectations</td>
<td>Police legislation Police adm. rules</td>
</tr>
<tr>
<td></td>
<td><strong>Delegation of norm enforcing authority</strong> – the extent to which the government delegates the authority to seek compliance with normative expectations</td>
<td>Police mandate</td>
</tr>
</tbody>
</table>

More or less government through sponsorship of private social control?

More or less government in social control due to state sponsorship of private social control activities is state participation in private social control. State sponsorship means state countenance, approval, endorsement, promotion, sanction, and/or enforcement.

State sponsorship can be in the form of passive endorsement or active involvement corresponding to the two extremes of sponsorship, i.e. from minimal endorsement to maximum involvement.

Passive endorsement includes countenance, approval, or endorsement. Countenance is implied acceptance. It is demonstrated by knowledge of private social control and failure to act. Approval is expressed acceptance. It is demonstrated by formal acknowledgment of private social control. Endorsement is positive acceptance. It is acceptance plus quality assurance. It is demonstrated by certification or recommendation.
Active involvement includes promotion, sanction, or enforcement. Promotion is active development. It is steps taken to facilitate the establishment, maintenance, growth, expansion, and improvement of social control, including enabling legislation but short of making available legal sanctions for private control enforcement. It is measured by efforts contributing to development, e.g. making available material resources or lending needed advice. Sanction is making available legal punishment for private social control. Enforcement is directly participating in social control activities through the exercise of state social control powers and institutional authorities.

State sponsorship can attach to various aspects of control activities: origination, conceptualization, construction, organization, implementation, supervision, monitoring, and control.

Table 2: Governmental sponsorship of private social control - an analytical framework

<table>
<thead>
<tr>
<th>Theoretical concepts</th>
<th>Operational definitions</th>
<th>Example (ideal type)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Government endorsement</strong>&lt;br&gt;(passive – sponsorship)</td>
<td><strong>Endorsement</strong> – the extent to which the government accepts and approves of the existence of private social control or self help</td>
<td>Neighborhood Watch&lt;sup&gt;51&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td><strong>Countenance</strong> – the extent to which the government tolerates the existence of private social control</td>
<td>Vigilante, self-help&lt;sup&gt;52&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td><strong>Approval</strong> - the extent to which the government tacitly acknowledges the existence of private social control</td>
<td>Guardian Angels&lt;sup&gt;53&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td><strong>Endorsement</strong> – the extent to which the government affirmatively approves of the existence of private social control</td>
<td>Community watch</td>
</tr>
<tr>
<td><strong>Government involvement</strong>&lt;br&gt;(active – sponsorship)</td>
<td><strong>Involvement</strong> – the extent to which the government actively participates in bringing about the private social control scheme</td>
<td>Family discipline over juvenile</td>
</tr>
</tbody>
</table>

---

<sup>51</sup> James Garofalo and Maureen McLeod, “The Structure and Operations of Neighborhood Watch Programs in the United States,” *Crime and Delinquency* 35 (1989):326-344. (The police work closely with residents by providing training, speakers, and liaison.)


Promotion - the extent to which the government takes steps to establish, maintain, expand, or improve the a private social control scheme

Sanction - the degree to which the government makes available legal sanctions and resources for private social control

Enforcement – the degree to which the government actively collaborate with private social control agency in enforcing private social control regiment

“Crime Stoppers”

Sanction - Non-intervention in domestic abuse

Enforcement – Family discipline over juveniles

III

The origin of Communist policing: the jiuchadui

They organized the jiuchadui, setting up guard posts everywhere, or patrolling the street, even mediated in disputes, and carried out police duties.

Hebei daily news
November 16, 1922

The need for self-preservation and internal discipline

Historical circumstances played a large part in the shaping of the baowei practice in Communist China during this era. The young radicals who started the


56 State juvenile law allows the police to take into custody a child who is unruly, unmanageable, or un governable. Georgia statute defines an unruly child as “habitually disobedient, and ungovernable” and “deserts his home or place of abode” Ga. Code Ann., S 15-11-2(12) (1990). See also Russell K. Schutt and Dale Dannefer,“Detention Decisions in Juvenile Cases, JIN, JDs, and Gender,” Law and Society Review 22 (1988): 509-520. (A study of 2,489 cases from N.J. found that six juvenile courts’ detention decisions are very much influenced by family configuration and parents’ cooperation.) Evidence suggests that where family discipline fails, the criminal justice system begins.

57 See “Kai Luan bagong zhong de gongren qingkuan” (Workers’ condition...
Chinese Community Party (CCP) in 1921 learned about political-security policing first hand from some very old hands, i.e. the Russians, who only just a year ago soundly defeated their enemy in a classical cloak and dagger game. In particular, the Party leaders at Yenan learned from Moscow on how to organize a system of control. Gregory Voitinsk, chief of Far Eastern Bureau of the Comintern in Irkutsk, participated in all phrases and different aspects the formation and organization of the CCP in 1921, including its security apparatus, and may be viewed as its chief architect.

On July 1, 1921 the Chinese Communist Party was formed. The CCP members were radical reformers turned militant revolutionaries. The CCP’s labor and agrarian reform movement attracted many ideological adversaries and still more political enemies, including the Nationalists, foreign imperialists, domestic warlords, capitalists and industrialists. CCP adversaries wanted to eliminate Communists at all costs and would stop at nothing to achieve their goal. From the start, the CCP was infiltrated by spies, betrayed by informants, suppressed by government soldiers, and attacked by private security guards. In response, CCP and associated labor organizations established internal baowei zuzhi for self-preservation reasons.

Baowei zuzhi thus grew out of a struggle for political survival and physical safety. It was originally established to secure itself from internal strife (dissidents and traitors) and external threats (enemy soldiers and spies). Its main functions were to sabotage the enemy, punish traitors, provide internal security, and maintain disciplines within its ranks. Baowei zuzhi during this time had more in common with

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58 Id. pp. 149-155.
62 See “Bagong qijian gongren de neibu zuzhi” (Internal organization of the workers during strikes) originally appeared in Da Zhong Hua Shangbao (Great Chinese commercial press) on November 14, 1922, abstracted in BFDQGRYDZLXB, pp. 136-142. (The item described the internal organization of the strike workers union of Kai Luan five mines at Tang Shan (Ma Jia Gou, Zhao Ge Zhuang, Kai Ping, Lin Si, and Tang Shan), i.e. the Tang Shan kuanggong julebu (The Tang mountain miners club).
63 See ZGRMJCJS, p. 4.
current secret services agency and internal security force combined than a true police organization. However, in time the baowei zuzhi were to take up law enforcement and social order maintenance role as a result of political circumstances, e.g. the formation of jiuchadui during the Communist labor movements (1921-1927).

**The jiuchadui in Contemporary Communist Labor Movement History: An Overview**

A cursory review of labor movement history in China finds that the jiuchadui, as a species of baowei zuzhi, was a natural by-product of the labor movement. From the earliest days, jiuchadui was an indispensable branch of various labor unions. An authoritative reference source on Communist labor movement observes that the jiuchadui was established in between the formation of CCP (1921) and the first revolutionary war (1927) by the strike workers from Anyuan railway, Jinghan railway, Hong Kong, Guangzhou and Shanghai.

After the May 30, 1925 incident the jiuchadui grew rapidly in Shanghai, Guangzhou, and Hong Kong. It was originally set up to enforce strike order and maintain strike discipline. For example, jiuchadui was organized by the strike union at the Hong Kong seamen’s strike (XiangGang haiyuan da bagong) from January 1922 to March, 1923 to enforce strike order, at the Anyuan railroad miners’ strike (Anyaunlu kuangong da bagong) on September 14, 1922 to maintain strike

65 See Hong Anqi & He Bufeng. Zhongguo gongren yundong jianshi (A short history of Chinese labor movement.) (Shansi: Shansi renmin jiaoyu chubanshe, 1987) (The internal organization of the seamen’s union was organized into different departments to coordinate the strike, including: general office, finance department, propaganda team, pickets teams, public reception office, transportation office, ect.) p. 45. See also Xing Guohua, Zhongguo geming shi xue xu shouce (Study Handbook for Chinese Revolution history) (Jiangxi: Jiangxi chubanshe, 1987) and The Chinese Labor Movement, p. 181. The Hong Kong seamen’s strike was not a CCP organized or sponsored strike. However, the CCP endorsed the strike and expressed effusive support through its Guangdong branch, where the headquarters of the seamen’s strike organizing committee was located. Furthermore, due to the close proximity and the ease of communication of the two adjacent areas, the Hong Kong strike must have an enormous impact on the CCP. In fact the 2,000 Hong Kong strike workers were forced to walk back to Guangzhou and sought refuge on March 4, 1922 when the Hong Kong authority closed the border to them. See Zhongguo gongren yundong jianshi, p. 47, 45.
discipline,\textsuperscript{66} and at the Jinghang railroad strike (\textit{Jinghan tielu da bagong}) on February 1, 1923 to protect the newly formed Jinghang railroad union from attacks.\textsuperscript{67}

Later the \textit{jiuchadui} took on assertive strike law enforcement functions. The \textit{jiuchadui} enforced strike laws and maintain order and discipline at the Canton-Hong Kong strike (\textit{Sheng-Guan da bagong}) from June, 1925 to October of 1926.\textsuperscript{68} Still later, in 1926-1927, the Wuhan and Shanghai \textit{jiuchadui} became an all purpose revolutionary (police) force.

\textbf{Zhongguo geming shi xuexu shouce} \textsuperscript{69} defined “wuzhuang jiuchadui” (armed picket team) as a CCP led armed workers organization during the first and second revolutionary period. Its main functions were to defend the workers’ interests and protect the workers’ rights in their labor struggle. For example: the \textit{Shanghai gongren jiuchadui} was organized in 1926 as a militarized organization (\textit{wuzhua zuzhi}) to provide military support to the Nationalist Northern Expedition Force. The \textit{wuzhuang zuzhi} should be distinguished from the \textit{baowei jiucha zuzhi}. Beside the difference in the level of armament suggested by the term \textit{wuzhuang} (armed) vs. \textit{baowei}, the most important differences between the two were in their functional orientation. The \textit{wuzhuang jiucha} was a proactive and aggressive arm force while the \textit{baowei jiucha} was a reactive-defensive security force.

The \textit{Wuhan gongren jiuchadui} was set up in October 1926. What is noteworthy about \textit{Wuhan gongren jiuchadui} is that it already assumed some very important (\textit{qi zuoyong}) social order functions (\textit{weichi shehui zian}) in addition to its counter-revolutionaries (\textit{zhenya fangeming bodong}) duties. It has the primary

\begin{itemize}
  \item \textsuperscript{66} See Xing Guohua, \textit{Zhongguo geming shi xuexu shouce} (Study Handbook for Chinese Revolution history) (Jiangxi chubanshe, 1987), p. 74. See also \textit{Zhongguo gongren yundong jianshi}, p. 54. (The \textit{jiucadui} was there to maintain strike discipline. The \textit{zhencadui} was there to gather information. The workers were asked to follow strike discipline, e.g. they were not allowed to roam the street once the strike was finished.)
  \item \textsuperscript{67} \textit{Zhongguo gongren yundong jianshi} (Several hundred \textit{jiuchadui} were posting guards outside the union headquarters but were indiscriminately shot at by the police. A number of them were killed including the deputy commander, Zheng Yuliang. They were defenseless because they were not armed). p. 60. See \textit{Zhongguo geming shi xuexu shouce}, p. 77.
  \item \textsuperscript{68} \textit{Zhongguo gongren yundong jianshi} p. 80. (The strikers in effect formed a workers’ government. Whoever did damage to the strike would be punished according to law. “Jianli le huishen zhu, jianyu, jiucha dui deng jifa jigou” (Established trial committee, prison, and strike picket team as law enforcement organs.)
  \item \textsuperscript{69} See \textit{Zhongguo geming shi xuexu shouce}, p. 318.
\end{itemize}
responsibility for securing revolutionary law, order, and justice in the CCP controlled area of political influence. In effect, the Wuhan gongren jiuchadui was a revolutionary armed police force.

The origin and development and jiuchadui: an economic, social, and political history

There is no definitive study on the origin and development of the jiuchadui, particularly its role, mission, structure, and functions and its gradual evolution as a policing organization with law enforcement, order maintenance, and social control powers and responsibilities. This can be achieved by studying the Chinese labor movement around the turn of the century.

The origin of jiuchadui

The jiuchadui was first established in 1922. Jiuchadui as an organized CCP baowei function was established and developed as part and partial of the Chinese labor movement strike strategy. As such, the organization, role and functions of jiuchadui was intimately associated with the political development and security needs of the organized Chinese labor movement.

Labor movement came to China as a by product of industrialization. Rapid industrialization and foreign investment led to the formation of a labor class with separate interests and independent consciousness. In as much as industrialization did

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70 Id, pp. 155-6.
71 Though the exact date of the first jiuchadui cannot be firmly established, it is fairly certain that by 1922, jiuchadui was a familiar idea with the CCP and an established institution within the labor movement ranks. A caveat is in order. It should be point out that the fact that the jiuchadui was an established institution does not mean that it is institutionalized by fiat (law). Institutionalization of the jiuchadui as an integral part of unionism came much later, perhaps after 1925, after the Canton-Hong Kong strike.
72 Organized functions, which Weber expound upon, is to be distinguished from spontaneous actions, which Hayek pontificated over. The difference is an important one to recognize here. Organized functions suggest top down management and rational division of responsibility. Spontaneous functions suggest grass root responses and diffused responsibilities. Only organized (government) social control is qualified to be called policing. Unorganized or spontaneous social control are self-help, vigilante actions.
not come to China until the end of the 19th century, the labor class consciousness did not emerge until early 1900. This was the time when foreign investors and industrialists took to China in flock: foreign investment in Chinese factories grew from 2,802,000 yuan in 1840 to 103,153,000 yuan by the end of 1913 (see table 4).

Table 4: Foreign factories and investment in China: 1840 - 1913

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Foreign factories</th>
<th>Foreign industrial investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840-1847</td>
<td>7</td>
<td>2,802,000</td>
</tr>
<tr>
<td>1847-1894</td>
<td>16</td>
<td>4,829,000</td>
</tr>
<tr>
<td>1847-1894</td>
<td>136</td>
<td>103,153,000</td>
</tr>
</tbody>
</table>

Source: Zhongguo gongren yundong jianshi p. 12

Rapid industrialization and disaffected workers somehow goes hand in hand. According to incomplete statistics, there were 50 labor movements from 1840 - 1904, i.e. less than one per year. There were however 120 labor strikes from 1914 to 1919 (May) or an average of 20 per year. In 1918 alone there were 33 industrial actions. (See table 5).

Table 5: Industrial actions in China: 1840 - 1919

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Industrial actions (dou zhen)</th>
<th>Average per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840-1904</td>
<td>50</td>
<td>0.79</td>
</tr>
<tr>
<td>1905-1913</td>
<td>70</td>
<td>8.8</td>
</tr>
<tr>
<td>1914-1919</td>
<td>120</td>
<td>24</td>
</tr>
</tbody>
</table>

Source: Zhongguo gongren yundong jianshi p. 25.

Jean Chesneaux, the foremost authority on Chinese unions during that time cited different figures for labor activism:

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73 For a short history on Chinese labor movement, see Zhongguo gongren yundong during this period, see. pp. 1-19.

74 The term *dou zhen* was not defined by the author. In context, a *douzhen* was a form of protest or confrontation which accentuated the differences between the industrialists and the workers, in pitting the interests of the former against the later. The lack of definition resulted in great difficulties in meaningful comparison.
Table 6: Annual Number of Strikes, 1895-1913

<table>
<thead>
<tr>
<th>Year</th>
<th>Strikes</th>
<th>Year</th>
<th>Strikes</th>
<th>Year</th>
<th>Strikes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1895</td>
<td>2</td>
<td>1902</td>
<td>2</td>
<td>1909</td>
<td>8</td>
</tr>
<tr>
<td>1896</td>
<td>0</td>
<td>1903</td>
<td>2</td>
<td>1910</td>
<td>5</td>
</tr>
<tr>
<td>1897</td>
<td>0</td>
<td>1904</td>
<td>4</td>
<td>1911</td>
<td>12</td>
</tr>
<tr>
<td>1898</td>
<td>5</td>
<td>1905</td>
<td>7</td>
<td>1912</td>
<td>4</td>
</tr>
<tr>
<td>1899</td>
<td>5</td>
<td>1906</td>
<td>4</td>
<td>1913</td>
<td>8</td>
</tr>
<tr>
<td>1900</td>
<td>1</td>
<td>1907</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1901</td>
<td>1</td>
<td>1908</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See Jean Chesneaux, *The Chinese Labor Movement (1919-1927)* p. 130

Though the absolute figures of *douzhen* vs. strikes are not in agreement, the trend towards more labor activism is clearly demonstrated in relative terms (see Table 5 vs. Table 6).

More significantly for our purpose, the industrial actions before 1920 were instantaneous, reactionary, emotional, ad hoc, and individualized responses to exploitative industrial practices and unbearable labor conditions. They differed from “genuine” labor actions in two fundamental ways: they were not organized and collectivized. In this regard, Jean Chesneaux has observed:

Most of the strikes were a rudimentary form of economic strikes held in protest against low wages or against attempts to reduce wages further ... As a rule, *strike action was spontaneous, and not something decided upon or terminated by an organization.* 75 (Italics mine.)

The earliest form of labor organizations came to China were the work guilds, ethnic associations, mutual-aid cooperatives, and secret societies.76 These organizations have a long history of providing the relevant groups of community members with mutual aid and social services. Traditionally, they served exclusive communal - social and welfare - needs more so than political and ideological ends. As

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75 *The Chinese Labor Movement (1919-1927)*, pp. 126, 127. See also *Zhongguo gongren yundong jianshi* p. 27. (Workers’ *dou zhen* during this time was mostly concerned with wage and working conditions. They involved direct protestation to the contractors (*gongtou*), capitalists, and occasionally to the courts on an individual basis. Collective actions were not strong.)
more and more workers were found away from home, isolated from each other, and working under oppressive conditions, such traditional communal organizations were pressed into service to alleviate the fast building pressure placed upon the industrial workers by an impersonal workplace and an exploitative economic system. Such organization were asked to cater to the workers’ emerging and pressing social and emotional needs.

Even though the industrial workers were suffering at the hands of the industrialists, they did not know how to get organized to change their work conditions. Genuine labor associations did not appeared in China until 1912, e.g. “Guangzhou sheng jiqi zonghui” (Canton all machinery workers union). But most of them were industrialists-workers mixed associations more so than pure labor organized union. More importantly, they were controlled by the industrialists and factory owners to promote their own economic interests by keeping the workers in check and in place. There were few “pure” labor associations organized by and for the workers themselves during this time. “Tielu gongren tongren gongji hui” (Railway workers collective welfare association) of the Luo Chong railway workers which started in March 1912 was a rare example. But these “labor organizations” were still very much mutual aide organizations, geared towards providing social services, financial support, and welfare assistance for the workers.

While the workers were beginning to organize in the early 1910s, they lacked political consciousness and organization how-how. More particularly, they were lacking in ideology, leadership, planning, organization, and most important of all discipline, both organizationally and individually. These were later (1922) supplied by the CCP and the Communist labor organizers, such as Li Lisan, Mao Zedong, and Liu Shaoqi.

76 Id. pp. 21-22.
77 Id. 23.
78 See Jean Chesneaux, The Chinese Labor Movement (1919-1927) (In the years leading up to May 4, 1919, the trend towards the formation of separate working class organizations were discernible. However they were not concerned with industrial actions.) p. 121.
79 See Zhongguo gongren yundong jianshi p. 27.
Politicized, organized, and coordinate large scale labor action began with the May 1919 demonstration.\textsuperscript{80} Ideologically inspired and meticulously organized political labor movement came with the CCP in 1921. The “Dang de diyici quanguo daibiao dahui ji qi guanyu gongren yundong de jueyi” (The resolution of the CCP first national representative meeting regarding labor movement) of July 23, 1921 sew the seeds for organized labor movement.\textsuperscript{81} The resolution paved the way for the formation of “Zhongghuo laodong zuhe shujibao” which made the organization of successful and effective labor movement, unions, and strikes its first priority.\textsuperscript{82} It is now clear and very certain that the CCP leadership and organization skills were responsible, and indeed indispensable, for the successful organization and politicization of the labor movement, and with it the formation of the first \textit{jiuchadui} in the earlier 1920s.

Having decided upon the starting date of \textit{jiuchadui}, i.e. after 1921, we have to look at how the idea originated, took shape, and developed; particularly, how the \textit{jiuchadui} was organized philosophically, structurally, and functionally. We will do so by examining four case studies of \textit{jiuchadui}:

(1) The Yuanan \textit{jiuchadui} was one of the earliest \textit{jiuchadui}. It provides clues as to the original philosophy behind the \textit{jiuchadui};\textsuperscript{83}

(2) The Tang Shan, Kai Luan five mines strikes \textit{jiuchadui} was one of the more organized \textit{jiucahdui} at the time. It provides evidence for the structure, roles and functions of a proto-typical \textit{jiuchadui}.

(3) The Canton-Hong Kong \textit{jiuchadui} was one of the more politically powerful \textit{jiuchadui}. It informs on how the \textit{jiuchadui} was allowed by the KMT to perform policing functions.

(4) The Wuhan gongren \textit{jiuchadui} was one of the most militant \textit{jiuchadui}. It evidenced the transformation of the role and functions of \textit{jiucahdui} from a self-preservation force to a revolutionary army.

\textsuperscript{80} See discussion in Chapter two, id. pp. 29-63, esp. Section 1 “The May-fourth movement and the awakening of the working class”, pp. 29-38
\textsuperscript{81} Id. pp. 38-40.
\textsuperscript{82} Id. pp. 40-41.
\textsuperscript{83} Yuanan \textit{jiuchadui} was the first \textit{jiuchadui} but it was certainly one the most organized, successful, prominent, and as a result, most influential one. The idea behind Yuanan \textit{jiuchadui} thus came to define all later CCP \textit{jiuchadui}.
The original idea behind jiuchadui: jiuchadui and strike discipline

The Anyuan jiuchadui\(^\text{84}\)

Liu Shaoqi was the brainchild behind the Anyuan workers’ jiuchadui. In July of 1922, after a short spell at the CCP China Labor Union Secretariat, Liu Shaoqi was dispatched by the Secretariat to organize the workers at the Anyuan mine. In September 14, 1922 Liu organized his first strike at Anyuan.

Liu was a firm believer of self-discipline in union organization. He insisted upon the strict adherence to the state law, union order, and individual discipline in conducting a strike. For example, Liu took pain to submit formal reports to the Western Military Command and the county Ping-xiang about the reasons and plan for the strike. He further invited the railway bureau and mine bureau to participate in the labor negotiation\(^\text{85}\) Liu articulated his labor organization philosophy in an essay: “Yanan mine workers club concise history” thusly:\(^\text{86}\)

First, since the workers were so agitated, the club knew that there is no solution but to strike; but feared that the ten thousand odd fellow workers could not act in unison with one heart (qixin) and also afraid that discipline could not be maintained (buneng weichi jixu). All the workers representative promised that their own workers would act in unison and would maintain order. They also say that during the strike, all worker’s conduct would be more civilized than normal.\(^\text{87}\) (Underline mine.)

Liu Shaoqi was thus pre-occupied with maintaining strike order and workers’ discipline as a strike strategy. Liu considered it important to maintain strike order because: (1) It contributed to the effective prosecution of the strike, e.g. it prevented strike breaking. (2) It minimized the disruptive impact of the strike and limited its

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\(^{84}\) For original documents and oral history on the formation and development of the Anyuan miners club, see *Liu Shaoqi yu Anyuan gongren yundong* (Liu Shaoqi and the Anyuan labor movement (Zhongguo shehui kexue chubanshe, 1981).


\(^{87}\) Id. p. 8.
unintended consequences. This was done to avoid causing unintended damages,\textsuperscript{88} arousing unnecessary animosity, and attracting opposition.\textsuperscript{89} (3) It established the Strike Committee as a credible labor organization and formidable adversary with a total control over the direction of the strike and conduct of its members, e.g. the strike could be called on and off. (4) It showed the public that the Strike Committee was only interested in improving of labor conditions of the workers and not intending on...
causing gratuitous harm or deliberate destruction to innocent by-standers, e.g. merchants. (5) It showed that the strikers were willing, ready, and able to abide by the law. A disciplined and orderly conducted strike would reduce, if not altogether eliminate, the risk of government intervention on grounds - real, imagined or fabricated - of disorderly or illegal strike activities. (6) It earned the respect and in turn harness the support of the general public in favor of the strikers.

In order to maintain exemplary strike order and discipline, *jiancha dui* (pickets teams) were send into the street and around the factories on the morning of September 14, 1922. They carried a white flag and posted cautionary notices everywhere: “everyone back to the room, no one is allowed to cause trouble” (*gegui zhufang, bude yaoluan*) and “wait for the club’s order before returning to work” (*hou julebu tonggao fang zhun kaigong*). The *jiucha dui* were not armed. They have to reply on moral authority and personal leadership to convince the strikers to abide by strike discipline, law and order.\(^90\) The club also send *zhentan dui* (spies team) into the street to gather information and stop sabotages. The *jiancha dui* and *zhentan dui*, ad hocly organized for the strike, were in time integrated together to form the *jiucha dui*. This was the CCP’s very first experience with policing (itself), albeit in a small scale and experimental ways.

*The organization framework of the jiuchadui*

The Tang Shan, Kai Luan five mines strikes *jiucha* - the prototype \(^91\)

One of the better organized *jiuchadui* was the Kai Luan five mines *jiuchadui*. The Kai Luan five mines *jiucha dui* was organized six months before the strike in

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\(^90\) In the Spring of 1927, Liu Shaoqi, then Secretary of Hubei province workers’ union commented: “When I was in Anyuan, the workers have no weapon and they still organized labor union.” Zhang Guangyu, “Wuhan gongren jiucha dui” in *Wuhan daxue xue bao - zhexue, shehui kezue ban* 2/1978, pp. 46-50.

\(^91\) See “Bagong qijian gongren de neibu zuzhi” (Internal organization of the workers during strikes” originally appeared in *Da Zhong Hua Shangbao* (Great Chinese commercial press) on November 14, 1922, abstracted in Beijing geming bowuguan (Beijing revolution museum) (ed), *Beifang diqu gongren yundong ziliao xuanbian* (Collection of materials on Northern area labor movement) (Beijing chubanshe, 1981), DS2-00176. The early planning supported the observation that the *jiucha dui* was an organized force.
1922. \(^{92}\) Approximately 2,000 pickets were selected from over 50,000 miners.\(^{93}\) The jiuchadui was organized and trained by the Zhang Yintao, a Bao Ding military officer school graduate and Bei Feng, a former railroad jiuchadui. \(^{94}\)

**Role**

The jiuchadui performed strike enforcer and promoter role. The role of the jiucha dui at that time can be gauged through three contemporary perspectives:

1. Police chief of the province Yang Yide viewed the jiuchadui as troublemakers, i.e. the hetchmen of the bullies. For example, on November 13, 1922, the police chief submitted a report to the Department of Army suggesting that the strike was influenced by radicals from abroad. He observed that the miners were not discontented and unhappy, rather, the strike organizers were the one who forced their radical ideas on the miners by the use of the jiuchadui as a coercive tool:

   There were radicals in the party in charge who directed investigators and pickets to stop law abiding workers at major mine thoroughfares to go to work. They repeatedly attacked and injured the police with firearms, insults and detained foreign engineers. \(^{95}\)

This view led the police to clash with the jiuchadui often. For example, the jiucha dui constantly came into conflict with the 300 odd baoan dui organized by the Tianjin

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\(^{93}\) Selection is another indication of organization. The jiucha dui is far from a hastily organized vigilante mob, recalling the days of the wild west.

\(^{94}\) The dispatch of former jiucha dui members and military academy graduates in the formation and training of jiuchadui suggested that the idea and organization of jiuchadui was far from a localized affair and ad hoc event. It evidenced uniform planning and coordinated execution directed by the CCP. The use of professionally soldiers as trainers and experienced jiucha dui as organizers also indicated a move towards some types of standardization and professionalization, on way to a more formally organized and institutionalized security agency.

\(^{95}\) Seven National congress (guo hui) members: Hu E gong, Pu Popu, Luo Jihang, , Lin Changmin, Wang Zong rao , Shang Zhenqui, Gao Xu posed questions (zhiwen shu) to the Military authority. The motion was supported by 23 orhers. See “Yan Yi De cheng lujun buwen” (Report submitted to the Military department” (November 13, 204.) id. pp199-200)
police chief Yang Yide, while the jiucahdui were patrolling the street. As a way to neutralize the strikers threat to law and order, the police chief Yang recruited people to break the strike with the protection of the army. Nevertheless, the jiuchadui continued to guard the mine shaft entrances and stopped the strike breakers from entering.

(2) The lawmakers’ considered the jiuchadui as a legitimate self-help group who were only there to maintain the strike order and discipline. The law makers were sympathetic with the jiuchadui’s cause. They were mostly solicitous of their safety and welfare. For example, the jiuchadui members were also arrested indiscriminately by the police. Specifically, on October 26, 1922 the jiuchadui were standing watch (shouwen) in the street when the railroad authority ordered the miners to disperse. When they failed to do so, the baoan dui retained by the railroad authority fired upon them killing two.

(3) The press considered the jiuchadui as active strike agitators, not a passive strike order maintenance force. The “Morning Press” reported that the jiuchadui was engaging in active demonstration (youxing) instead of merely keeping watch (shouwen). The jiuchadui active participation in the demonstration caused them to be attacked.

Functions:

Jiuchadui (strike pickets)

(1) The jiuchadui was responsible for preventing “weijian” (outside enemy agents) to conduct sabotage and destructive acts within the factory.

(2) The jiuchadui was responsible for maintaining strike order in the strike area and enforcing strike discipline within the strikers’ rank.

Tiaocha dui (the investigators)

96 The baoan dui was financed by the British cooperate directors to the tune of $1.2 million. See “Luo Zhanglong jiaoshou tan Tang Shan Kai Luan wukuan bagong” (Professor Luo “Zhang Long discusses Tang mountain Kai Luan five mine strikes) id. 225-234 (reprinted from Dangshi yanjiu ziliao (Research materials on Party History), 6/1979), p. 228.
97 Id. 229.
98 Originally reported in Tianjin Dagong bao November 3, 4, 1922. Id. 175-178.
99 Id. p. 176.
100 Id.
(1) The *tiaocha dui* was responsible for the investigation of internal as well as external traitors (*netwai jianxi*).\(^{101}\)

**Organization**

A typical *jiuchadui* unit was organized in the following manner:

(1) Overall, the *jiuchadui* was commanded and controlled by one representative (*zheng daibiao*) and one deputy representative (*fu dai biao*).

(2) There were one hundred picket teams, each to be commanded by a picket team leaders (*zheng jiuchadui chang*) and one deputy (*fu jiuchadui chang*).

(3) The investigators were headed by a *tiaocha yuan chang* (chief investigator). There were twelve groups of investigators. Group one to eleven has eleven members each while group 14 has fourteen members. The last two tuan (eleven and twelve group) were specially organized ten men group (*siren chang*).\(^{102}\)

**Discipline**

(1) The *jiuchadui* accepted assignments and instructions from the department heads (*buchang*). They were not allowed to leave their posts. They were expected to pay special attention to their own self-discipline.

(2) The *jiuchadui* was to enforce union strike orders and discipline including:

(2.1) All matters dealing with the union or the strike were to be decided by the *weiyuanhui* (committee) and implemented by the committee head.

(2.2) All strike members must obey the instructions of the committee. They should not act individually without specific instructions.

(2.3) All strike members must perform their designated assignment, role, and responsibility.

(4) There were a special 200 *jiuchadui* team to prevent the capitalist from bribing the workers and sabotaging the strike.\(^{103}\)

\(^{101}\) They should report any incidence of destruction of union activities to the investigation department head which would relate it to the *weiyuanhui*.

\(^{102}\) *Beifang diqu gongren yundong ziliao xuanbian* pp. 123-4.
Strike order

During the strike:

(1) The strike members were not allowed to roam around in gangs of three to five, chatter in the street, and cause trouble.

(2) The members were not allowed to return to work without the instruction of the committee.

(3) The members should only listen to the order of the committee.\textsuperscript{104}

The above cursory review of CCP experience in organizing the Tang Shan, Kai Luan five mines strike \textit{jiuchadui} informs that as early as November 14 of 1922 the Communist has some success with organizing large scale internal order maintenance forces in the form of strike \textit{jiucha}.

\textbf{\textit{Jiuchadui} as law enforcer}

\textit{The Canton province-Hong Kong strike committee pickets (The Sheng-Guang bagong weiyuanhui jiuchadui)}\textsuperscript{105}:

The Guangdong-Hong Kong strike was one of the longest, large scale strike in international labor movement history. It lasted 18 months from June 23, 1925 to October 10, 1926. The strike was precipitated by the indiscriminate shooting of peaceful demonstrators by foreign soldiers stationed in Shamian, Canton.\textsuperscript{106} It was one of the most organized and well financed strike to take place since the workers gained class consciousness in China.

\textsuperscript{103} Id. 137.
\textsuperscript{104} Id. 112-123.
\textsuperscript{105} For a legal-documentary analysis of the Canton-Hong Strike of June 1925 to October 1926. See Zhang Xipo & Han Yanlong, \textit{Zhongguo geming fazhishi} (Chinese revolutionary legal history) (1921-1949), upper volume, (Zhongguo shehui kexue chubanshe, 1987) K, DS27927, p. 284-289. For a collection of original documents, see \textit{Wu-San-Shi yundong he Sheng-Gang bagong} (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). For a brief summary, see “Sheng-Gang dabagong” (The Great Canton-Hong Kong Strike) in \textit{Gonghui dacidian} p. 146. For a more detailed account, see \textit{Zhongguo gongren yundong jianshi} DS-2 10461, pp. 80-82. For a more animated historical account, see \textit{Zhongguo gongren yundong shihu} \textsuperscript{106} For the on setting cause of the strike, see the official protest of Guangdong province chief. Mr. Hu, “Geming zhengfu dui Shamian canan de diyici kanyi” (June 23, 1922) (The First Diplomatic Note Presented by the Guangzhou National Government to the Foreign Consulars in Guangzhou Protesting the Shamian Murder Case) in \textit{Wu-San-Shi yundong he Sheng-Gang bagong} (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985).
The strike was directed by the CCP, Guangdong District Committee (Guangdong qu wei). It was organized by the All China Workers’ General Union (Zhonghua quanguo zong gonghui). It was led by Deng Zhongxia who was experienced in labor movement and strike affairs. The strike was coordinated by the Canton-Hong Kong Strike Committee (bagong weiyuanhui). In the course of event, the Strike Committee acted and functioned more like a mini-government than a traditional union. It was publicly referred to as “Guangdong dier zhengfu” (Canton shadow government) by friends in China and authority in Hong Kong. Internally, it has departments such as administration, propaganda, recreation, communications, finance, jiuchua etc. Externally, it provided education, recreation, welfare and news services to its members and the public.

In the course of preparing for the strike, the Strike Committee set up a five regiment (540 each) strong jiucha dui to direct the strike, supervise the strike members, and enforce the strike laws and union orders.

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108 The idea of a baogong weiyuanhui was originally objected to by the Hong Kong gongtuan zong gonghui (Hong Kong Workers’ association), chairman, Huang Jinyuan, who argued against the formation of a unified and centralized Strike Committee. He suggested that strike decisions should be made by respective unions. Bao Luoyan advocated for the formation of a stickers’ representative body. Zhongguo gongren yundong shihuo Vol. 2, p. 180.
109 The Strike Committee was formed on June 26, 1925 and passed the “Shengguan bagongweiyuanhui zhangcheng” (Charter of the Canton-Hong Kong strike committee) (hereinafter charter). Article 5 of the charter provided that the Strike Committee was the highest deliberative body. Article 6 stipulated that the Committee was to be made up of two representatives from the China workers’ union, seven from the Hong Kong workers association, and four from Canton yangweu gongtun (foreign business workers’ association). Id. 180. The Strike Committee was modeled after the Soviet (id. 183) in part because Bao Luoyan was a Chinese Soviet representative to the Guangdong Nationalist government (id. 179). See statement by Tang Zhongxia who was at that time appointed as a consultant (id. 180, 183).

109 The strike committee was supported by the Canton Nationalist government. It performed part of the government function (daxing zhengfu). At that time, the Strike Committee was referred to as “Guangdong dier zhengfu” (The alternate government of Canton). Id. 182.

110 It was clear from archive materials that the jiuchua dui was not the only voluntary “policing” unit for the strike. For example, see “Dispatch from the Guanxi Federation of National Salvation Organizations Enumerating the Evil Deeds of the Nanning General Chamber of Commerce” (Guanxi jiuguo tuani lianhe jielu Nanning zonghui zuizhuang daidian) (November 25, 1925) (There were a total of six different inspection teams, one of which was the Nanning General Chamber of Commerce inspection team) in Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). pp. 333-341. For other inspection/enforcement units and their chartered activities:

(1) “Dispatch Announcing the Establishment of the Xiamen (Fujian) Student Corps” (Xiamen xueshengjun zhengshi chengli daidian)(August 1, 1925) (The Xiamen students were angry over the
The Canton province-Hong Kong Strike *jiuchadui* (hereinafter Canton-Hong Kong picket) was established on July 5, 1925 by Canton-Hong Kong Strike Committee (hereinafter Strike Committee).\(^{111}\) The original Canton-Hong Kong picket was under the command (*zongduichang*) of Huang Jinyu and was trained by chief instructor (*zong jiaolian*), Xu Chengzhang. On November 4, 1925, it was reorganized. The Canton-Hong Hong picket now reported to the newly formed Picket Committee (*jiuchadui wei yuanhui*) under the Strike Committee. When the *jiuchadui* was first organized it has a strength of 2,000. This later increased to 3,000.\(^{112}\) It has 10 armed patrol boats and 400 guns.\(^{113}\) Its major role was to enforce the Strike Committee’s orders and rules,\(^{114}\) and maintain strike discipline.\(^{115}\) Its major functions, as provided by the Strike Committee, were:

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\(^{111}\) For a brief discussion of the Canton-Hong Kong Strike Picket, see *Gonghui dacidian* pp. 146 - 147.

\(^{112}\) Id. 147.

\(^{113}\) Id. 147.

\(^{114}\) There were three kinds of orders and rules: (1) Rules regarding the punishment of enemies of the workers and counter-revolutionaries, e.g. “Huishenc banan tiaoli” promulgated on November 15, 1929 prohibition sending food relief to the enemies, returning to work without permission, organizing workers to return to work, spying upon strike information, smuggling goods in between Hong Kong,
for in Section 2 of the “Jiuchadui zuzhi fa” (Organic law of the strike pickets)\textsuperscript{116} included:

- maintain strike order, intercept grains and provisions, strict apprehension of running dogs, arrest enemies of workers, investigate and confiscate enemy goods, blockade of Hong Kong, Macau, and Sha Mian’s transportation network.\textsuperscript{117}

The Strike Committee had a training ground for the \textit{jiucha dui} and a prison for the violators (with 300 prisoners in December of 1925). These \textit{jiucha dui} were dressed in a blue uniform with a red arm band. They inspected all goods and persons coming and going to and from Hong Kong and Guangdong. They were authorized to arrest anyone who violated the strike order of the Canton-Hong Kong Strike Committee and send them to the joint hearing committee and special court for “judicial” disposition. Strike leaders who were being accused of corruption and collusion with the local troops was arrested.\textsuperscript{118}

The Strike Committee promulgated organizational rules which defined the role, functions, duties, powers, and accountability of the \textit{jiuchadui}. On July 5, 1925, the Strike Committee promulgated the “Discipline which should be observed by the
pickets"\textsuperscript{119} which defined the role and functions of the \textit{jiucha dui} as: “to suppress all forms of counter-revolutionary activities” (\textit{zhenya yiqie fan-geming xingwei}).\textsuperscript{120} Particularly, “The team member upon the discovery of any enemy spy ... should immediately arrest him and turn him over to this department for examination and discipline.”

In furtherance of its charter and mission, the \textit{jiuchadui} has the duty to prevent, investigate, or arrest any one who committed acts harming the strike (\textit{pohuai bagong xingwei}). These included:

1. giving aids and comfort to the enemy;
2. returning to work without authority;
3. organizing people to return to work;
4. spying and supplying the enemy with strike information;
5. personally transporting goods to Hong Kong, Macao, and Guangzhou;
6. personally selling or releasing seized goods.

A special kind of \textit{juchadui}, the “shuilu zhencha dui” (land-sea inspection team), was made responsible for investigating cases of:

1. using speech or facts in order to harm the strike;
2. causing injury to the strike association;
3. transporting food and necessary provisions to the enemy state;
4. any other suspects arriving from Hong Kong.\textsuperscript{121}

The \textit{jiuchadui} was subjected to strict discipline. The Strike Committee has powers under the “\textit{Jiuchadui jilu}” to punish \textit{jiuchadui} members convicted of wrongdoing. The regulations provided for the execution of any picket members found:

1. assuming responsibility for transportation of provisions;
2. selling of seized goods;
3. privately transporting Chinese to Hong Kong and Macau;
4. kidnapping for ransom.

\textsuperscript{119} “Sheng Gang bagong weiyuanhui jiuchadui yingshou de jilu” id. p. 284.
\textsuperscript{120} Id. 284.
\textsuperscript{121} See “Huishen chu banan tiaoli” (Regulations for handling cases by the joint-hearing office) Id. 284.
Any execution must be approved by the “Sheng Guang bagong gongren dabiao dahui” (Guangdong-Hong Kong strike workers, workers association).\textsuperscript{122}

In time, the Chinese scholars come to refer to the Canton-Hong Kong picket as the earliest form of “revolutionary law enforcement.”\textsuperscript{123} This is the first true policing - law enforcement and social roder maintenance - the CCP had.

\textit{Jiuchadui as militant revolutionaries} \textsuperscript{124}

The Wuhan gongren \textit{jiuchadui} \textsuperscript{125} as revolutionary guards

Wuhan gongren \textit{jiucha dui} was an armed workers’ revolutionary force (\textit{gongren gemin wuzhuang}). In the autumn of 1926, the Northern Expedition army conquered Wuhan, Sanzheng. On May 10, 1926, the Hubei province workers’ union was formed. The Hubei union incorporated 158 unions and 200,000 people. The \textit{jiucha zongdui} was established and commanded by Jiang Xianyun.\textsuperscript{126} Each industrial or product union would have its own \textit{jiucha dadui} and each sub-division of a union

\textsuperscript{122} Id. 285. Zhang Xipo & Han Yanlong reported the execution of a worker \textit{jiuchadui} member based in Jiangmen, the team leader of the thirteenth team, Deng Fu, who disobeyed order and illegally stole and sold kerosene. He was investigated by a special person and sentenced to death by the plenary workers representatives session.


\textsuperscript{124} The transformation of the \textit{jiuchadui} from an law enforce organization to a militant revolution force was vividly recounted by Zhang Weizhen, who was with the underground Shanghai labor union - fourth office, from May 15, 1925 to early months of 1928. In May of 1927, the Shanghai workers union has over 200 unions and 20,000 members. Originally, the union organized \textit{jiuchadui} armed with batons to maintain order and discipline within the union. There were over 800 \textit{jiuchadui} at the Shanghai workers’ union fourth office alone. They drew a pay of 16 copper penny (tongban) and eat bread, rice, and salt vegetable. When the police saw them, they paid them respect and gave them greetings. See Huang Dingchen, “Cong zhonggong dongjing dezhi dao fandi da tongmeng” (From Communist Tokyo special branch to anti-imperialist alliance” in \textit{Geming shi jiliao} (Revolution historical materials) (Peking: Wenshi jiliao chubanshe, 1980), pp. 27-43.

would have a zhongdui. Each dadui has about 800 people. In January 1927, at the Hebei zonggonhui first representative meeting, it passed a special resolution regarding the organization of the jiuchadui. The resolution provided that:

1. The workers’ jiuchadui should be organized and commanded by the Hebei worker’s union under the gongren jiuchadui zongbu (workers’ striker picket headquarters).

2. A jiuchadui training office (xunyuchu) should offer training classes for the jiuchadui (jiucha xunlian ban).  

3. The role of the jiuchadui was an organization established to “jiucha gongzie ji fanzhi fangemin fengzi” (maintain surveillance over workers’ enemy, prevent and suppress counter-revolutionaries).

4. Their major duties and responsibilities included:
   4.1) standing sentries and posting guards (zhangang fangxiao);
   4.2) protecting the union (baowei gonghui);
   4.3) maintaining revolutionary order (weihu geming zhixu);
   4.4) arresting counter-revolutionaries (buju fangeming fenzhi);
   4.5) taking up arms and going to war (nanqi wuxi zoushang zanchang).

At the opening session of the training school, the National workers’ union committee chairman Su Zhaozheng admonished the jiuchadui members to follow discipline, obey order and protect the provincial workers’ union. The Wuhan jiuchadui grew to 5,000 and were armed with 3,000 pieces of weapons. The jiuchadui wore uniform

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126 Jiang was preceded by Xiang Ying, and followed by Li Lisa. Wuhan daxue xuebao - shehui kexue ban (Wuhan university journal) 4/1982, p. 35.
127 Id. p. 35.
128 The first class was offered on April 20, 1926. It has 300 students. university journal) see Zhang, Wuhan gongren jiuchadui de jianli he shibai (The establishment and failure of Wuhan workers’ picket) in Zhonggong dangshi ziliao Vol. 44 (Zhonggong dangshi chubanshe, 1992), p. 249.
130 See Zhang Guangyu, “Wuhan gongren jiuchadui” (Wuhan workers strike pickets) in Wuhan daxue xue bao - zhexue, shehui kexue ban (Wuhan university journal - philosophy and social science page) 2/1978, pp. 46-50, p. 47. There was a grave dispute as to the level of armament the jiuchadui has. (Even Zhang Guangyu the contemporary expert on the issue changed his estimation in time, from a higher to a lower estimate.) On April 25, 1927, the KMT Central executive committee, political committee, reported at the 15th
and patrolled the street.\textsuperscript{131} The Wuhan jiuchadui performed vital military police like functions:

1. **Blockade of Concession area.** In the November 20, 1926 strike against the Japanese imperialists, the *jiuchadui* surrounded the Japanese Concession and blockade all entrance to the Concession by force. It maintained revolutionary order and attacked the enemies sabotage activities.\textsuperscript{132}

2. **Participated in armed demonstration.** On January 3, 1927 one seamen and scores of others were injured by the British sailors. On January 5, 1927 a Hankou municipality wide 400,000 strong demonstration was held. The British retired into the Concession. The *jiucha dui* assisted the demonstrators and forced their way into the British Concession. They physically drove the British out and took it over.\textsuperscript{133}

3. **Maintained order in abandoned British Concession.** On January 5, 1927 the *jiuchadui* and the people took over the British Concession. The Wuhan government organized the “Hankou municipality provisional management committee” (Hankou linshi guanli weiyuanhui) to supervise and manage the British Concession.

meeting that: “Hubei zong gonhui has asked for the allotment of ordinance ... there is a proposal, the planning is for 1,500 *jiucha dui* with two persons to a gun. There is a need of 700 guns.” The resolution was passed along to the military committee (*junshi weiyuan hui*) for implementation. However, according to the 1939 memoir of the first commander of the *jiucha dui*, there were no more than 4,000 *jiuchadui* and 1,000 arms. See “Qianlun Wuhan gongren jiucha dui jiaoqiang shijian de xinji.” (A brief discussion of the nature of the disarmament of the Wuhan workers’ strike picket) in *Wuhan daxue xuebao* - *shehui kexue ban* (Wuhan university journal) 4/1982, pp. 32-49. (The Wuhan *jiucha dui* has about 1,000 arms.)

The number of arms available to the *jiuchadui* is an important indication of its militancy and in turn reflects upon its role and functions. In as much as the number of *jiuchadui* members remained quite constant at about 4,000 to 5,000 thousands, the availability of arms make them more or less militant and as a result more or less threatening to the political administration. See id. p. 35 (In May of 1927 when Wang Jingwei was asked to provide more arms to the *jiuchadui*. Wang agreed to 2,000 guns but never issued them. Someone in the Zhengzhi ju (political bureau) observed that it was not appropriate to issue many firearms to the workers and peasants in as much they were capable of acting too excessively (guohuo). Id. p. 35. Alternatively the authority to bear arms suggested delegation or concession of state coercive powers (in the form of the use of deadly force) to private parties. This signified shared governance or co-optation to rule.

\textsuperscript{131} The *jiuchadui* wore blue, zhongshan uniform, with red arm ban on the left arm and leglices. The cap has the red badge with the word “gong jiu” (worker’s picket in short). Zhang Guangyu, “Wuhan gongren jiucha dui” (Wuhan workers strike pickets) in *Wuhan daxue xuebao - zhexue, shehui kexue ban* (Wuhan university journal - philosophy and social science page) 2/1978, pp. 46-50, p. 46.

\textsuperscript{132} For a discussion of the formation and evolution of the Wuhan gongren jiucha dui, see Zhang Guangyu, “Wuhan gongren jiucha dui” (Wuhan workers strike pickets) in *Wuhan daxue xuebao - zhexue, shehui kexue ban* (Wuhan university journal - philosophy and social science page) 2/1978, pp. 46-47, 47.
The Wuhan government sent in the troop to maintain order. The Hubei workers’ union also sent in 300 jiuchadui to jointly administered and maintained order within the British Concession.\textsuperscript{134}

(4) \textit{Enforced strike order}. The British having been humiliated by being driven out of the British Concession on January 5, 1927 returned with a show of force. The China workers’ union and the Hubei province workers’ union called a general strike in response. The \textit{jiuchadui} was out in force. 2,000 \textit{jiuchadui} patrolled the street in groups of four with a banner calling for “everyone to strike.”\textsuperscript{135}

(5) \textit{Dealt with economic crime} After April 12, 1927 Jiang Jieshi used military encirclement and economic blockade strategy to destroy the economy of Wuhan. The imperialists and capitalists closed their factories one after another. They further conspired with the merchants and engaged in speculation (\textit{touji daoba}), caused confusion in the financial market (\textit{raoluan jinrong}), hoarded goods for speculation (\textit{tunji juqi}), created material shortages, and devaluation of money. In the anti-blockade struggle, the Luoyang gongren \textit{jiuchadui} together and the people confiscated 15 factories and organized workers’ committees to manage the factories. The shop keeper \textit{jiucha dui} stopped the unscrupulous merchants (\textit{jianshang}) from escaping with the money. The Wuhan cigarette company, Qiaohou and Japanese cotton mills workers’ \textit{jiucah dui} and the people went on strike against the blockade.\textsuperscript{136}

(6) \textit{Confronted (Nationalist) government authority} On new years eve, the Finance bureau chief, Song Ziwen withheld the workers’ salary. When he was confronted by the workers’ representative from Jiangan, he yelled at them. The \textit{jiuchadui} and 100 people showed up at the Finance bureau and confronted Song. The guard (\textit{weibing}) who assaulted the workers was taken back to the provincial workers’ union (\textit{nongsong}) to be dealt with.\textsuperscript{137}

(7) \textit{Imposed and enforced revolutionary order}. On May 1 to 9, 1927, the Hubei province workers’ union and peasant’s collective (\textit{nongxie}) organized a “zhenya
fangeming yudong” (suppress counter-revolutionary campaign). The jiuchadui took to the street - patrolling and standing guard on boats, trains, wharves, inns, bath houses, streets to investigate and arrest counter-revolutionaries and reactionaries. The counter-revolutionaries once arrested were to be dealt with by the geming caioan weiyuan hui (revolutionary hearing committee).

(7) Revenue collection  The Jiangan jiucha dui escorted trains (yache) and check tickets (chapiao). This assured the revolutionary government of revenue and income.\(^\text{138}\)

The Wuhan jiucha dui was subjected to strict military training and internal discipline.\(^\text{139}\) When they carried out arrests, they were expected to follow clearly established procedures:

When union members of respective unions violate discipline, they should be reported to the provincial workers’ union and be arrested, but they should be turned over to the zong workers’ adjudication committee within four hours after their arrest. They should not be placed in private custody and especially should be not beaten.\(^\text{140}\)

This cursory examination of the history of jiuchadui unveiled three broad types of jiuchadui - the self-governing disciplinary type found at the Anyuan strike, the quasi-government police type found at the Canton-Hong Kong strike, and finally, the sovereign revolutionary-military-security type found at the Wuhan and Shanghai uprisings. The three types of jiuchadui followed a broadly defined CCP political developmental time frame with the self-governing type coming first (1922) when the CCP was still trying to secure its power base, to the quasi-government type coming in the middle (1925-6) when the CCP has secure enough political clout to bargain with

\(^{138}\) Id. p. 48.
\(^{139}\) For example in April of 1927 it was decided at the Jiuchadui team leaders meeting (Jiucha dui chang linxi huiyi) that: “Jilu wenti zhao jundui banfa (zhiheng), wezhe kaixu duiji ji huij, renyi fangqiang yizizhe, juyu yiyue” (Disciplinary problem should be executed according to military ways, violators should be deprived of dui membership and hui association. Those who shoots indiscriminately the first time should be jailed for one month.” See Zhang, “Wuhan gongren jiucha dui de jianli he shibai” (The establishment and failure of Wuhan workers’ pickets) in Zhonggong dangshi ziliao Vol. 44 (Zhonggong dangshi chubanshe, 1992, p. 250.
\(^{140}\) Id., p. 250.
the KMT over relative control over people, issues, and areas\textsuperscript{141} and finally the
sovereign type came last (1926-7) when the CCP felt confident to challenge the KMT
for power and control.

The three typologies discussed above constituted a continuum in the liner
development of the CCP \textit{jiuchadui} towards being a more and more fully functional
Communist state police force.\textsuperscript{142} Measurement in the attainment of state policehood
can be done with two variables: (1) the degree to which the \textit{jiuchadui} possessed police
authority, i.e. right to enforce the law and maintain order by coercive means; (2) the
extent to which the \textit{jiuchadui} performed traditional police functions, i.e. enforce the
law and maintain social order.

In terms of police authority, during this time (1922-1928) the \textit{jiuchadui} gained
more and more authority and autonomy as a policing agent. In the beginning, the
Anyuan \textit{jiuchadui} has no police authority. It was only concerned with abiding by the
KMT laws. At the Canton-Hong Kong strike, the \textit{jiuchadui} has authority to make and
enforce strike laws, subjected to KMT approval. Finally during the Wuhan uprising,
the \textit{jiuchadui} was able to made and enforce their own law and order. In the beginning,
the Anyuan \textit{jiuchadui} was not armed. It has no legal authority to make arrest. It has to
rely on moral authority and personal appeal to seek compliance with its order. If
attacked, it has to defend themselves by self-help. By the time of the Canton-Hong
Kong strike, the \textit{jiuchadui} was lightly armed. It has the legal authority to make arrests.
If attacked, it could call upon the KMT national police for assistance. Finally, the
Wuhan \textit{jiuchadui} was fully armed and was prepared to use force to enforce
revolutionary law and order.

Functionally speaking, only the first two types can be properly referred to as
carrying out traditional police functions - maintaining law and order. The Shanghai
and Wuhan armed \textit{jiuchadui} was less a police organization as it was a revolutionary
armed force, partaking in peace keeping mission.

\textsuperscript{141}Relative government (power) is divided along the lines of relative control over issues, people, or
areas, i.e. jurisdiction. See Part II “A framework of analysis: Is \textit{jiucha dui} a government police
agency?” supra.
\textsuperscript{142}A fully functional state police force is defined here as one having the autonomous power to use coercive
force to maintain law and order.
From a political analysis perspective, the Wuhan jiuchadui acted more like a government law and order agency than either of the two others. To this extent, the Wuhan revolutionary type is closer to our understanding of state political-social control agency, of which police is but a kind. However, functionally speaking, and for the purpose of this investigation, Canton-Hong Kong jiuchadui remains to be one of the earliest instance of Communist police experience.

This discussion here points to the difficulty of agreeing upon which of the earlier Communist “policing experience” is deserving of being called the “origin” of Communist policing. If we use the performance of traditional police functions as an indicator, by 1925 the CCP has its first taste of policing while conducting the Canton-Hong Kong strike. However, if we are to use the possession of political authority as the demarcation, then the Wuhan jiuchadui was clearly a more autonomous security-control force. In as much I am interested in discovering the origin of Communist “policing experience” in the functional sense,143 I am less concerned with finding out when the Communist achieved political autonomy to establish their “own” police force, institutionally. In sum I am more interested in finding out the first Communist “policing experience” and not the first Communist “police institution.” In as much as this is the focus of this research, it matters very little whether the CCP was being asked to assume policing functions under the KMT or whether the CCP was able to have their own police agency. Since the Canton-Hong Kong jiuchadui was the very first (in time) Communist experimented with policing with the trappings of state police powers (albeit being supplied by the KMT), this can be properly considered as the first Communist policing experience.

Table 7: Evolution of strike jiuchadui - 1922 to 1927

<table>
<thead>
<tr>
<th>Typology</th>
<th>1922 The Anyuan jiuchadui</th>
<th>1925-6 Canton-Hong Kong Strike jiuchadui</th>
<th>1927 Wuhan gongren jiuchadui</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role</td>
<td>self-governed disciplinary force</td>
<td>quasi-government police force</td>
<td>sovereign-state military security force</td>
</tr>
<tr>
<td></td>
<td>internal strike order maintenance</td>
<td>external strike law enforcement</td>
<td>independent revolutionary order imposition</td>
</tr>
</tbody>
</table>

143 See Part I “Research Methodology” supra.
<table>
<thead>
<tr>
<th>Function</th>
<th>maintain (internal) strike order and discipline</th>
<th>enforce (external) strike laws maintain (internal) strike order and discipline</th>
<th>enforce (internal) revolutionary law, order, and justice (internally and externally)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organization</td>
<td>some organization</td>
<td>much organization</td>
<td>total organization</td>
</tr>
<tr>
<td>Coercive force</td>
<td>no arms (self-help)</td>
<td>some arms (defensive)</td>
<td>fully armed (aggressive)</td>
</tr>
<tr>
<td>Configuration of authority</td>
<td>subordinate to authority</td>
<td>delegated with authority</td>
<td>independent authority</td>
</tr>
<tr>
<td>Limit of authority</td>
<td>no authority</td>
<td>limited authority</td>
<td>general authority</td>
</tr>
<tr>
<td>Scope of authority</td>
<td>over strike members</td>
<td>over strike progress</td>
<td>over revolution movement</td>
</tr>
<tr>
<td>State relations</td>
<td>subordinate</td>
<td>equal partners</td>
<td>adversaries</td>
</tr>
</tbody>
</table>

**The import, impact and influence of Jiuchadui**

In this session, we will investigate the import, impact and influence of the jiuchadui experience on subsequent CCP political development as a short hand way of gauging its probable effect on PRC policing. The thesis is a simple one: The early CCP jiuchadui leaders came to exert a disproportional influence on later CCP political development as a result of: (1) personal leadership; (2) organizational ability; (3) role modeling; (4) networking; (5) institutionalization of ideas.

The investigation is done by looking at the background of some of the more significant jiuchadui participants within the CCP ranks. The source used is the *Comprehensive dictionary on labor association*, particularly Chapter 2: “Zhongguo gongren renwu” (Chinese labor figures). The current investigation involves a careful reading and analysis of the biographic materials of 439 prominent CCP labor figures for their involvement with the jiuchadui and other Communist political institutions. This entails extracting from the 439 reported labor figures those who were directly or

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144 Tian Min & Xu Jianchuan (ed.) *Gonghui da cidian* (Jingji guanli chubanshe, 1989), pp. 52-131. *Gonghui da cidian* is a comprehensive source book for PRC labor reformers and organizers. The project was planned in 1983 and started in June 1987. It was finished in July 14, 1988. The project involved 44 writers, 19 editorial committee members, and two executive editors. The project received the support and assistance of past and current leadership in the CCP and Chinese labor union. The book contained basic information on all aspects of labor union activities in the PRC, including fundamental knowledge (Chapter 1), Chinese labor figures (Chapter 2), Chinese labor movement events (Chapter 3) and fourteen other Chapters.
indirect involved in the formation, organization, implementation, and operation of the jiuchadui and ascertain their participation and contribution in other CCP (prior, present, later) associations and activities. The major purpose of this investigation is to ascertain the impact of early (1921-1927) jiuchadui experience on contemporary and later CCP political development.

The first thing to observe is that from its inception, the jiuchadui was the brainchild of top Communist leadership. For example, Li Dazhao (1889-1927), a pioneer of Communist Chinese labor movement, was remembered for his leadership role in the Jinghan, Chang Shen Dian, Dai Luan, Lu Hai railway strikes. In 1921 he dispatched Deng Zhongxia, the legendary labor organizer who was later responsible for the Canton-Hong Kong strike, to organize the Chinese workers.146 Mao Zedong (1893-1978), one of the founding father of Chinese CCP, was intimately involved in the Anyuan strike. In 1921, he dispatched Liu Shaoqi (1890-1969) to organize the Anyuan workers and establish one of the very first CCP jiuchadui.147 It was Liu Shaoqi, as the director of the Anyuan workers’ club, who provided a practical reason for the jiuchadui and was personally responsible for its successful formation and operations.148 The idea of a jiuchadui - philosophy, structure, and operations - came from the very top CCP leadership of the time, particularly that of Liu Shaoqi and later Deng Zhongxia.

The early involvement of CCP top leadership in jiuchadui’s conceptualization, organization, and operations informs that the jiuchadui was not an after-thought; it was an integral part of a larger CCP initiative to organize the labor in the workers’

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145 For Li Dazhao’s role, see Gonghui da cidian, p. 53. See Tables 8.1 in text, infra. Deng Zhongxia was the secretary and head of the propaganda department to the China workers’ union. Zhongguo gongren yundong shi, p. 168.
146 Deng Zhongxia was involved with every aspect of the Canton-Hong Kong strike and was the most vocal and militant organizer. For a statement of Deng’s method, see “Jiqing san ge fangfa” (Clearly remember the three methods) in Sheng-Gang dabagong ziliao pp. 259-261, 259. For a statement of his strike strategy, see “Gong-Nong-Shang-Xue lianhe zhuanxian wenti” (The question of workers, peasants, merchants, and students united front.) in Sheng-Gang dabagong ziliao pp. 270-276. For a statement of his negotiation tactics, see “Sheng-Gang bagong zhong zi Zhong-Ying tanpan” (The Chinese-British negotiation in the Canton-Hong Kong strike). For his comprehensive assessment of the strike, see “Sheng-Gang da dagong” in Sheng-Gang dabagong ziliao pp 20.
147 Id. p. 52. See also Gonghui da cidian, p. 53. See Tables 8.2 in text, infra.
148 Id. p. 52. See Chapter one to of Liu Shaoqi & Zhu Shaolin, Anyuan gongren julebu luoshi
149 Id p. 52. See also Gonghui da cidian, p. 53. See Tables 8.3 in text, infra.
protracted war with the capitalists, imperialists, and industrialists. Looking at the origination of jiuchadui in this light, the jiuchadui was a well thought out “strategic” move to enhance the effectiveness of the labor movement by providing for its overall discipline and security. The finding of undisputed involvement of the CCP top leadership and the probable existence of a strategic design, assured that the jiuchadui has a broader impact and more lasting influence on the Communist political development, especially on security matters.

Another noteworthy observation one can make is that the jiuchadui operatives at this time shared one thing in common - they were all dedicated CCP members. As a result of their total dedication to the CCP ideology and cause, they all came to play influential roles in subsequent CCP key political institutions: policy making organs, military establishments, clandestine operations, and security and police apparatus. Mao and Liu, who indirectly and directly led the Anyuan strike, became the PRC’s first Chairman and President respectively in 1949. Xi Zuoshao (1897-1926), who was responsible for the establishment, training, and organization of the Shanghai jiuchadui in 1925, was later appointed to Shanghai municipality district commissar (quwei) and commanded the Shanghai workers self-defense force (ziweidui). He was also made a Military Committee member to the CCP Central Committee and acted in the capacity of technology secretary (jishu shuji) in 1926. Xiang Ying (1898-1941), who was a Wuhan jiuchadui headquarters company commander (zong duichang) in 1926, was later appointed the deputy chairman to Chinese Soviet Republic provisional central government in 1931 and sat on the CCP Party Central military commission (zhongyang junwei) in 1933. Yang Futao (1893-1928), who was involved with the organization of the Chang Sha baoan team in 1926, was later appointed the secretary to CCP Hunan province special committee (tewei).

More often than not they were hunted down and killed by the KMT or warlords. The data used may suffer from a selective reporting problem. It is possible that the Gonghui da cidian only reported and included those people CCP members who were made famous by their self-sacrifices, i.e. those who have devoted their life to the Communist’s cause.

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151 Gonghui da cidian, p. 53. See Tables 8.2 in text, infra.

152 Gonghui da cidian, p. 120. See 8.21 in text, infra.

153 Gonghui da cidian, p. 113. See Table 8.17 in text, infra.

154 Gonghui da cidian, p. 102. See Table 8.14 in text, infra.
Dachao (1885-1974), who was responsible for the Canton-Hong Kong Strike Committee accounting and the jiuchadui’s military logistic, was later involved in secret underground struggle in Hong Kong and Shanghai in 1927. 155 Mi Jian-sheng (1893-1929), who led the Liu Yang county jiuchadui in the attack of Changsha municipality in 1926, was later appointed a tewu lin company commander of the Chinese worker-peasant revolutionary army (first army, first division, third regiment) and made responsible for the personal security of (jingwei) Mao. 156 Yang Fulin (1898-1987) who was active as a municipality workers union jiuchadui and participated in the Shanghai uprising in 1927, was later responsible for CCP Party central security (baowei) work and provided for the security (baowei) Zhou Anlai. 157 Teng Fa (1880-1946), who was active in the Hong Kong seamen’s strike and Canton-Hong Kong strike was later to become the Jiangsu Central Soviet Government - Baowieju chief in 1931. 158

Though central planning, collective decision making, and top down administration come to characterize Communist political culture after 1949, however before 1949 when the Communists were involved with revolutionary struggle against the KMT and national war against the Japanese in separately administered base areas, localized rule and personal leadership was the rule rather than the exception. During this time, Communists ideology and practices, such as public security, were spread by dedicated CCP members occupying key policy and executive positions. The involvement of so many labor activists and jiuchadui veterans in later CCP key political institutions assured and informs that there was much transfer of experience and continuity of ideas.

V

The redistribution of police powers

155 Gonghui da cidian, p. 71. See Table 8.5 in text, infra.
156 Gonghui da cidian, p. 75. See Table 8.7 in text, infra.
157 Gonghui da cidian, p. 102. See Table 8.15 in text, infra.
In order to persist in the strike, the *baweihui* published a newspaper - “The Workers’ Road”, organized canteens, housing quarters, hospitals, schools, established law enforcement agencies, such as a joint-hearing office, a prison, and the *jiuchadui*. It is in reality a “workers’ government.”

*Zhongguo gongren yundong jianshi*\(^\text{159}\)

The Strike Committee is the precursor of the future Chinese workers’ government.

*Sheng-Gang gongren dabagong ziliao*\(^\text{160}\)

**Introduction**

This part of the paper concern itself with two questions: (1) Why did the KMT government saw the need to delegate policing powers to the Strike Committee? (2) What role did the respective parties played in the Canton-Hong Kong as strike? Ultimately, the question is did the Strike Committee functioned as a state policing agent with the grant of authority from the KMT government?

It is suggested earlier in Part II that a useful theoretical framework for analyzing whether the *jiuchadui* was the first CCP policing experience is to ascertain whether the Guangzhou National government (hereinafter the KMT government or National government) has legally delegated state policing powers to the *jiuchadui*, or whether the KMT government has affirmatively sponsored the *jiuchadui* activities through promotion, sanction, or enforcement.\(^\text{161}\) Applying this analytical framework,

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\(^{158}\) *Gonghui da cidian*, p. 64. See item Table 8.4 in text, infra.

\(^{159}\) *Zhongguo gongren yundong jianshi*, p. 81.

\(^{160}\) Quotation from *Sheng-Gang gongren dabagong ziliao* (Materials on Canton-Hong Kong big workers’ strike) (Guangdong gongren chubanshe, 1980), p. 187. Also cited in *Zhongguo gongren yundong shihuo* text to p. 183, n.1. The most explicit discussion of the governmental role played by the workers’ union came from Deng Zhongxia, the CCP organizer for the Sheng-Gang strike, on occasion of the celebration of the 100th meeting of the Sheng-Gang strike workers’ representatives plenary session. See “Gongren jieji de yishou gongke” in *Sheng-Gang gongren dabagong ziliao* pp. 187-189. Deng observed that the nine months old strike has been a learning experience for the workers in the organization and running of its own government. “The Sheng-Gang Strike Committee has the characteristics of a small workers’ government.” Id. p. 189.

\(^{161}\) The most comprehensive set of original data on workers’ government in the Canton-Hong Kong strike is the *Sheng-Gang dabagong ziliao* (Materials on Canton-Hong Kong Strike) (Guangdong renmin chubanshe, 1980), DS-2 05297. It consists mostly of reprinted materials from the union newspaper *Gongren zi lu* (The road of the workers). It includes, amongst others, reports by key strike leaders, such as Liu Zhongxia, “Yinian lai Sheng Gang bagong de jingguo” (“The course of event in the
it is apparent that the jiuchadui was a special kind of strike police force during the Canton-Hong Kong strike of 1925. Firstly, the KMT government delegated to the jiuchadui substantial powers to enforce the strike laws and maintain strike order. Secondly, the KMT government sponsored the jiuchadui through active support of the Strike Committee and various jiucha activities. The delegation of state authority and lending of government support by the KMT government made the Strike Committee a defacto government with quasi state authority. In this regard, Jean Chesneaux has aptly described the nature of the Strike Committee thusly:

The responsibilities of the Strike Committee went far beyond the normal field of activities of a union organization dealing with a work stoppage. During the summer of 1925 the committee became, in fact, a kind of workers’ government - and indeed the name commonly applied to it at that time by both its friends and its enemies was “Government No. 2.” This quasi-government status of the Strike Committee was even more evident in its handling of the boycott against Hong Kong and the sanctions it imposed against its infringement.... Anyone infringing the regulations was brought before a court set up by the Strike Committee which had appointed the judges; and this court imposed either fines or prison

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one year Sheng-Gang strike”) (pp. 54-85), declarations of the CCP such as “Zhongguo gongchangdan Guangdongqu jixing weiyuanhui duiyu Guangdong shiju xuanyan” (The declaration of CCP Guangdong district-executive committee on the situation in Guangdong) (pp. 116-120), organizational charts of various workers’ organizations, e.g. Sheng-Gang gongren weiyuanhui zhangcheng (Charter of Canton-Hong Kong workers’ committee) (pp. 153-7), organization structure of workers’ organs, e.g. Sheng-Gang bagong gongren zuzhi (Organization of Canton-Hong Kong strike workers’ organization) (pp. 149-153), laws and regulations issued by the Strike Committee, e.g. “Jiuchadui zuzhifa” (Organic law for strike pickets), etc. For a highly readable, albeit opinionated, summary of the role and incidents of the jiuchadui, see Cai Luo & Hu Quan, Sheng Gang dabagong (Guangdong remin chubanshe, 1980). For a collection of original documents on the strike from the National KMT government archive sources, see Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). DS-2 10302. For a more historical-journalistic account from the CCP party’s perspective, see Zhongguo gongren yundongshi Vol. 2, Chapter 6, pp. 166-250.

The most comprehensive discussion of Sheng-Gang jiuchadui is an essay by Xian Yiyu, “Yu-Gang bagong jiuchadui fengdoushi” (A history on the struggle of Canton-Hong Kong jiuchadui) in Sheng Gang dabagong ziliao, pp. 165-174.
sentences that were served out in jails belonging to the committee.\textsuperscript{162}

\textit{(Italics supplied)}

**Co-production of law and order** \textsuperscript{163}

On July 1, 1925, the Canton provincial government was formally inaugurated.\textsuperscript{164} (Hereinafter Canton government). No sooner had the Canton government been established, when it was confronted with a national crisis - the “Shamian massacred” (Shamian canan) - of an international proportion.\textsuperscript{165} The newly formed Canton government was ill prepared for the incidence. At this point in time, the new Canton government has no established infrastructure,\textsuperscript{166} process,\textsuperscript{167}

\begin{flushleft}
\textsuperscript{162} The Chinese Labor Movement p. 293.
\textsuperscript{163} I borrowed this term from the U.S. community policing literature. The concept of “co-producers of public safety” describes the police involving the local residents to determine community policing needs and how to address them. See Gary W. Cordner and Robert C. Trojanowicz, “Patrol,” in What Works in Policing? Operations and Administration Examined, eds. Gary W. Cordner and Donna C. Hale (Highland Heights, Ky., and Cincinnati, Ohio: Academy of Criminal Justice Sciences and Anderson, 1922), p. 11.
\textsuperscript{164} “Guangdong sheng zhengfu yubei hui yi” (Canton provincial government preparatory meeting) (July 2, 1925, Thursday). See Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian. Vol. 1, p. 1.
\textsuperscript{165} The “Shamian massacre” happened on June 23, 1925 with the British troops at Canton killing 54 demonstrators, and seriously wounding 117. The memorial demonstration was held on July 11, 1925. See Zhongguo gongren yundong shihuo pp. 174, 178. The National government has just been formed on July 1, 1925. It immediately launched the staunchest protest and called for public assistance and workers’. See “Guangdong sheng zhengfu shengwu huiyi dierci jue an” (Resolution of the second Canton provincial government provincial affairs meeting) (July 7, 1925, Tuesday.)
The Shamian incident was the first on the agenda: “The provincial government should inform various provinces by wire in its name about the Shamian massacred.” See Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian. Vol. 1. p. 3. Item two on the agenda asked that the provincial restructuring be publicized. Item three on the agenda required the provincial government to send condolences to the Hunan provincial chief, Zhao Hengti, and expressing support for the incident. The importance and urgency of the incident was underscored by the fact that the Shamian incident was placed on the agenda before the formation of a working government, i.e. appointment of key department heads. Id. p. 3.
\textsuperscript{166} “Zhonghua minguo guomin zhengfu zuzhi fa” (Organic law of Chinese National government) was promulgated on July 1, 1925. See Xianfa ziliao xuanbian (Collection of Constitutional materials) (Beijing daxue chubanshe, 1980) (K-2 06357) pp. 303-309. The “Sheng zhengfu zuzhi fa” (Organic law of provincial government) was passed on the same date. See Minguo shiqi Guangdong sheng zhengfu dangan shiliao xuanbian Vol. 11. On July 2, 1925, the counties were informed about the passage of the provincial and county organic laws. See items 7 & 8 of “Guangdong sheng zhengfu shengwu huiyi huiyi” (Preparatory meeting of the Canton provincial government) (July 2, 1925) in Minguo shiqi Guangdong sheng zhengfu dangan shiliao xuanbian Vol. 1. It was not until July 7, 1925 before major provincial officials and department heads were finally appointed. See items 4 to 16 to “Guangdong sheng zhengfu shengwu huiyi dierci jue an” (Resolution of the second Canton provincial government provincial affairs meeting) July 7, 1925, Tuesday in Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian. Vol. 1. p. 3.
\end{flushleft}
resources,\textsuperscript{167} or plan\textsuperscript{168} to response to a crisis of such magnitude. The police suffered from inadequate manpower\textsuperscript{169} due to reorganization\textsuperscript{170} and consolidation (\textit{checai}).\textsuperscript{171} They have not yet formulated a law and order blue print,\textsuperscript{172} much less a crisis management plan. The Canton government relied heavily on the army to carry out its orders.\textsuperscript{173} The military was used to supplement the regular police force\textsuperscript{174} and even

\textsuperscript{167} For efforts to set up the internal administrative process at the provincial level, see item 16 to “Guangdong sheng zhengfu shengwu huiyi dici jue an” (Resolution of the second Canton provincial government provincial affairs meeting) (July 7, 1925, Tuesday ) (Minutes of the meeting of the day before is to be delivered to the department heads everyday.” in \textit{Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian}. Vol. 1. p. 4. The lack of an established process has led to a case by case decision making by the provincial officials on who should decide on what matters: e.g. item 4 to “Guangdong sheng zhengfu shengwu huiyi diesanci jue an” (Resolution of the third Canton provincial government provincial affairs meeting) (July 8, 1925, Tuesday ) in \textit{Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian}. Vol. 1. p 4. (e.g. Chen Zhen and Qi Tiaochen’s decision to invest in a horse race course should be determined by the construction bureau and finance bureau.)

\textsuperscript{168} The government dealt with the unemployed strike workers by asking the assistance of other provinces, workers and local associations (\textit{difang tuanti}). See item 1 (1) & (2) to “Guangdong sheng zhengfu shengwu huiyi dilucu jue an” (Resolution of the sixth Canton provincial government provincial affairs meeting) (July 14, 1925, Tuesday.)

\textsuperscript{169} The various government departments were asked to submit future policy papers on: bandits (item 7), taxes (item 8), drugs and gambling (item 9), administration and self-rule (item 10), agriculture, trade, and industry (item 11), transportation (item 12), value added tax (item 13), peasants and workers welfare (item 14) and education (item 15), see “Guangdong sheng zhengfu shengwu huiyi disici jue an” (Resolution of the fourth Canton provincial government provincial affairs meeting) (July 11, 1925, Saturday.)

\textsuperscript{170} See item (2) to “Guangdong sheng zhengfu shengwu huiyi diqici jue an” (Resolution of the seventh Canton provincial government provincial affairs meeting)(July 16, 1925, Thursday.) Item 2(4) provided that “After the army is redeployed to the countryside, military police should be used to cover areas the police cannot reach (\textit{budai}).” Item 2(7) provided that : “A plan should be submitted to the military council, to select one company of troop from the guard unit (\textit{jingwei jun}) to be temporary army police (\textit{jundui jingcha}), so as to assist the police in preserving the peace.” Id. 11.

\textsuperscript{171} On July 14, 1925 at the 6th provincial affairs meeting, the civil administration bureau (\textit{Minzheng ting}) chief Mr. Gu called for, and was granted the approved on, the re-organization of the police by eliminating the provincial police department (\textit{jingwuchu}) and have the county police administrations (\textit{jingzheng}) report directly to the civil administration bureau. See item (10) to “Guangdong sheng zhengfu shengwu huiyi diqici jue an” (Resolution of the sixth Canton provincial government provincial affairs meeting)(July 14, 1925, Thursday.) \textit{Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian}. p. 9.

\textsuperscript{172} On July 16, 1925, at the 7th provincial affairs meeting, the civil administration bureau (\textit{minzheng ting}) called for the consolidation of the police by cutting the establishment and increasing the pay. See item (3) to “Guangdong sheng zhengfu shengwu huiyi diqici jue an” (Resolution of the seventh Canton provincial government provincial affairs meeting) (July 16, 1925, Thursday.) Id. p 11

\textsuperscript{173} On July 14, 1925 the Military bureau chief Mr. Xu suggested that a preservation of peace plan should be prepared both for the municipalities and for the province. See item 4 to “Guangdong sheng zhengfu shengwu huiyi dilucu jue an” (Resolution of the sixth Canton provincial government provincial affairs meeting) (July 14, 1925, Tuesday).

\textsuperscript{174} For example, when the government needed to assist the unemployed workers in Chao Shan (a government responsibility), it has to instruct Zhang Guozhen, the national construction (\textit{jianguo}) Canton army (\textit{yuejun})- field commander, to appeal to the local merchants’ associations and local groups
supplant the regular police in the performance of law enforcement duties.\(^{176}\) The Canton government also relied heavily on voluntarism to implement critical government programs.\(^{177}\) The Chinese ubiquitous past, i.e. the preference for local rule as manifested in the existence of multiplex, indigenous, “natural” social control organizations, also played an important part in determining the government’s social control policy. Criminal justice and social order were popularized\(^ {178}\) and communized.\(^ {179}\) Local groups were used to maintain law and order.\(^ {180}\) The
professional corporate bodies (e.g. shang hui) and functional collective organizations (e.g. gong hui) were made natural allies. They were considered ideal candidate for

on local law and order maintenance, as to the effective incorporation of local social control organizations into the central political control scheme. See item 3 to “Guangdong sheng zhengfu shengwu huiyi dishijiuci jue an” (Resolution of the 19th Canton provincial government provincial affairs meeting). (August 8, 1925, Thursday). Id. p. 26 See also item 2 to “Guangdong sheng zhengfu shengwu huiyi diliuci jue an” (Resolution of the 6th Canton provincial government provincial affairs meeting) (2nd committee) (December 16, 1926, Thursday). (Approved the draft charter for organizing Guangdong local armed ziwetuan). Id. p. 67.

For sample cases of local groups involving with enforcing the strike order, see “Baoan nongyou zi ai-gou-re” (The patriotic passion of the Baoan peasant friends) in Gongren zhi lu No. 81, September 13, 1925 as reprinted in Sheng-Gang dabagong ziliao pp. 490-491. (On September 7, 1925, the Baoan peasant self-defense team joined the 16th jiucha zidui in intercepting a boat carrying 85 illegal passengers.); “Tanshui nonghui jihuo jianshang yu qiu huo qingxing” (Circumstances of Tangshui peasant association interdicting unscrupulous merchants and enemy goods) in Gongren zhi lu No. 177, December 20, 1925 as reprinted in Sheng-Gang dabagong ziliao p. 491. (The peasant associations in Sha Yu Po, Xia Po, and Yu Tou reported the illegal importation of enemy goods under escort of armed merchant association (shang tuan) ships. The Sheng-Gang Strike Committee in conjunction with the local peasant self-defense force seized a large amount of enemy goods on December 2, 1925 at Nan Men.); “Shenzhen nongmin ziwetuan jin ban zuo jiucha jiliu qiu huo zijing guo” (The process of Shenzhen peasant self-defense force assisting jiucha in intercepting enemy goods) in Gongren zhi lu No. 269, March 24, 1926 as reprinted in Sheng-Gang dabagong ziliao p. 492. (There were numerous peasant associations at the Shenzhen and British border. On March 18, 1926, as 5 members of the 12 zidui, first xiaodui of Shenzhen jiucha dui was patrolling the Futian village, they discovered 10 truckloads of enemy goods driving into the Chinese border. They ordered the trucks to stop but was attacked. 11 local peasant self-defense members came to their assistance and finally arrested 3 persons and seized 20 cans of kerosene, and one crates of matches.).

For administrative rules by the Sheng-Gang Strike Committee to institutionalize voluntarism, see “Shen-Gang bagong weiyuanhi tezhun baofan nonghui nongmin jingguo yingjie tiaojian” (The Sheng-Gang Committee: Conditions of special permission for Baoan peasants’ association and peasants to pass through the British border) in Gongren zilu, No. 285, April 9, 1926) as reprinted in Sheng-Gang dabagong ziliao, pp. 265-266. Article 8 of said rule stated: “Whoever has the audacity to breach the boycott and was not discovered or was not intercepted by the Sea-land troops, the various rural peasants should assist in executing the law, with the ultimate aim of intercepting the illegal goods or people, however they should be turned over to the jiucha office, the peasants should not punish by themselves.”

The Strike Committee in incorporating the idea of voluntarism into their strike action plan was driven as much by the dominant party ideology (i.e. Communism as a grass root revolution), as it was responding to the prevailing national sentiments (i.e. nationalism, anti-foreignism, and anti-imperialism) and as adjusting to practical circumstances (i.e. the central management of an economic boycott, given the rudimentary government structure, limited resources, broad area of control, economic incentive to violate, and difficulty of detection, was near impossible without the people’s active involvement and concerted efforts of all). The Chinese ubiquitous past - the preference for and prevalence of local and communal social control organizations of social control - also played an important part in determining the government’s social control policy, as with that of the CCP led Strike Committee.

181 Cooperation with local and functional corporate groups to enforce law and order was flirting for trouble. The marriage for convenience was as dangerous as it was necessary. The corporate bodies or collective groups sensing the government’s vulnerability and having had a taste of power would in time test the government’s tolerance for “dual rule” and try to extend their influence and powers to areas and issues not within the government’s contemplation to cede. The case in point was the “shang tuan.” See “Shang tuan panluan” (Merchants army rebellion) in Huangbu junxiao (Wenshi ziliao, 1984) DS2 00876, pp. 120-124. (Originally, the merchants organized and armed themselves for self-defense to
self-governance. The Canton-Hong Kong Strike Committee was a prime example of such public and private joint-governance and central and local cooperative rule. The only differences were that the Strike Committee has a well defined mandate, high degree of autonomy, broad police powers, and the discretionary authority to use force with few oversights.

The Strike Committee was also different from such other workers’ organization coming before it, i.e. workers’ strike organizations of the Chang Shen dian railroad strike, Anyaun lu miners’ strike, Shanghai Japanese cotton mill strike, Jinghan railroad strike, in major respects, chief amongst which were:

1. The Strike Committee was a democratic institution. It has broad representation amongst the strikers.
2. The Strike Committee was a self-governing political body. It has real political authority (fen zhengquan de renwu).
3. The Strike Committee was a significant policy maker. It could decide upon when, how, and in which direction the strike was to be conducted.
4. The Strike Committee has legal authority and coercive power. It could make and enforce law.

In sum, the Strike Committee came close to being a mini-government, with elected law making bodies who could set public policy, enforce law, mainain order by the use of force.

In all, we observe in this section that in the early days of the KMT government, the government allowed much of the state law and order functions to be performed locally and privately as a result of the government’s political vulnerability and the

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182 See item 3 to “Guangdong sheng zhengfu shengwu huiyi diwushijuci jue an” (Resolution of the 59th Canton provincial government provincial affairs meeting) (December 17, 1926, Thursday). (The civil administration asked for the approval of the proposal of Liang county, merchants’ association president - Mo Zongzhao - to organize a Beijiang, Liang Yang waterway zideidui (self-defense corps). Then acting Liang county magistrate Mo recommended the formation of such a self-defense corps to counter bandits and robbers in the Bei Jiang area.) Minguo shiqi Guangdongsheng zhengfu dangan shiliao xuanbian. Vol. 1., p. 47.
nation’s cultural legacy. This opened up a unique opportunity for the CCP, an increasingly powerful workers’ association, to wrestle control from the KMT government during the Canton-Hong Kong strike. This poses an interesting question as what kinds of role the KMT government and Strike Committee played in the Canton-Hong Kong strike. To this issue we now turn.

**The role of the KMT government and the Strike Committee in strike law enforcement**

*The case for the concession of powers*

The Canton-Hong Kong Strike Committee was neither a government organ provided for by the constitution nor a private organization empowered by law to enforce the strike. It was a private workers’ association incorporated under labor law to champion for the rights of the workers. However, in time the Canton-Hong

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183 None of the constitutional documents of the KMT government at that time (1925) provided for the establishment of a workers’ organization with strike powers or a private agency with police powers. See “Jianguo dagang” (Basic principles of national construction) (April 12, 1924) in *Xianfu ziliao xuanbian* (Beijing daxue chubanshe, 1980), K-2 06357, “Zhonghua minguo guo min zhengfu zuzhi fa” (Organic law of Republic of China government) (promulgated on July 1, 1925) id. pp. 303-309. See “Sheng zhengfu zuzhi fa” (Organic law of provincial government) (July 1, 1925) *Min guo shiqi Guangdong sheng zhengfu dangan shiliao xuanbian* Vol. 11, Index to July 1925 to February, 1949, pp. 375-376. A detailed review of the index shows no entry for Sheng-Gang bagong weiyuanhui. An item by item examination of the record for the Guangdong province, provincial meetings number 1 to 64 (July 3, 1925 to December 31, 1925) reveals no authorization for the Strike Committee independently as an agent of the state. At the time of the research, the National government legislative records were not available to the author. Further research into this set of data, though not likely to turn up any new information, might be fruitful.


185 Under the leadership of Dr. Sun, the “Zhongguo guomindang diyici quanguo daibiao xuan yan” (Declaration of the first KMT national representative plenary meeting) of January, 1924 called for the establishment of a united front government combining the workers’ class, the peasants’ class, the small capitalists’ class, and nationalists-capitalists’ class. See Qian Daqun, *Zongguo fazhishi jiaocheng* (Teaching guide for Chinese legal system) (Nanjing daxue chubanshe, 1987) DS 10601, p. 430. The other two fundamental principles to Dr. Sun’s political program was to seek nationalism and improve people’s living. Id. See also Tang Peiji et al, *Lianci guogong hezuo shigao* (Historical records of the
Kong Strike Committee has come to assume gradually more and broader state delegated policing powers.

The Strike Committee’s inroad to governmental powers was paved with historical accidents and political happenstance. The Strike Committee rose to power on the back of workers’ militarism, students’ radicalism, and public’s patriotism and nationalism. It was further fueled by a rising-tide of anti-imperialism and anti-foreignism all over the country. The Strike Committee was also encouraged and emboldened by a weak and accommodating KMT government, which was not willing or able to hold the Strike Committee in place. The are a number of historical and political reasons accounting for the National government’s delegation of policing powers to the Strike Committee:

(1) There was no political will on the part of the KMT government to arrest the rising tides of nationalism, anti-foreignism, and anti-imperialism. The National government has neither the desire nor the ability to rein in the powers of the Strike Committee. The National government was not about to squander its hard earned and limited political capital to go against a popular cause. In any event, political will aside, the newly formed KMT government has neither the political clout nor the military might to go against the will of 250,000 to 600,000 agitated striking workers converging at Canton in 1925.

(2) The National government has come to rely upon the Strike Committee for military and political support. The Canton-Hong Kong strikers provided military support for the National government in their fight against the renegade warlords. For example, in June of 1926 the National government embarked on the Northern expedition. The strikers organized a transport team, a propaganda team, a health services team to support the Northern expedition effort. The transport team alone consisted of 3,000 people.\(^\text{186}\)

(3) There was a convergence of interests and inter-dependency of needs between the KMT and CCP, as crystallized in the shared hope of a united China to be

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realized through the two parties working together in expelling the foreigners and defeating the warlords. ¹⁸⁷ The CCP Strike Committee, though in every sense a strange bedfellow to the KMT government, became in a very real sense a benefactor to the National government’s political survival and strategic partner to the nation’s revival.

(4) The strike also turned out to be beneficial to the Guangdong economy.¹⁸⁸

The CCP strike organizer, Deng Zhongxia, observed that ever since the strike the National government has enjoyed a substantial increase in revenue. In 1922, the Guangdong province enjoyed an income of $10,000,000 /yr.¹⁸⁹ or $823,000 a month. In 1924, the income was just $7,986,000 /yr. or $665,000 a month. In 1925 and after the strike, the National government’s August income reached $1,500,000, by October it has risen to $3,616,000 and finally in November it stood at $3,800,000. This was an increase of revenue of 600% to 700%, just from two years ago!! Furthermore, before the strike, China’s currency was denominated and controlled by the Hong Kong dollars. This caused the Chinese money to devaluate beyond the National government’s control. At the time of the strike the Chinese yuan was only worth 30 or 40 cents Hong Kong to the yuan. The 1925 strike and boycott allowed the government some measures of control over her currency, and in the process stabilizing its ailing economy.

The role of KMT government vs. the Strike Committee

¹⁸⁷ See Deng Zhongxia, “Sheng-Gang da bagong” in Sheng-Gang dabagong ziliao pp 23-54, esp. “Guomindang yu zhi ci bagong” id. pp. 39-41. (Who has supported the strike? The National government financed the strike to the tune of 10,000 dollars a month. Within the KMT, there was a split of support. The left wing faction of the KMT was most enthusiastic about the strike. “In terms of politic ... it is evident that they have to reply upon the workers to secure their political power, they have no choice but to support the strike.”) p. 40.

The Canton-Hong Kong strike was a spontaneous, indigenous, and above all voluntary affair. The Strike Committee, as a duly elected representative of the workers, naturally played a dominant role in the strike. The Strike Committee assumed, by default and without being challenged, the overall responsibility of planning, organizing, coordinating, directing, and executing the strike. This included the promulgation of strike rules, the enforcement of strike orders, the maintenance of strike discipline, and the adjudication and punishment of (internal as

189 All $ signs refer to the KMT’s basic money unit, yuan.
190 See Deng Zhongxia, “Gong-Nong-Shang-Xue lianhe zhanxian wenti” (The question of workers, peasants, merchants, and students united front.) in Sheng-Gang dabagong ziliao pp. 270-276. (The May 30th, 1925 incident united the workers, peasants, merchants, and students in their fight against imperialism. The various groups came together and formed a united front without any prior agreement (buyue ertong). Id. p. 273. See also item 4 to “Guangdong sheng zhengfu shengwu huiyi dishiyici jueli” (Resolution of the eleventh Canton provincial government provincial affairs meeting) (July 23, 1925. Thursday). (With respect to item 3 of the National people government’s instruction on the maintaining strike workers’ bill, the provincial affairs meeting should send telegrams to respective provincial chiefs, police bureaus, merchant associations, other associations, stating that whoever is found transporting grains and provisions for export, is punishable with the crime of treason and sentenced to death.” Id. 19. It is evident that the KMT government expected and looked towards the people for the enforcement of strike laws.
191 The 800 members strong Canton-Hong Kong strikers representative’s meeting were generally elected. It has one elected representative amongst 50. They conduct their plenary session on February 26, 1925 to pass the “Sheng-Gang gongren weiyuanhui zheng cheng” (The Charter of the Canton-Hong Kong Strike Committee.) See Zhongguo gongren yundong shi, p. 180.
192 See for example, “Fengsuo Gangkou zi da jihua” (Bi g plan for harbor blockade) in Sheng-Gang dabagong ziliao, pp. 285-286 which set forth a whole new strike blockade plan. (As reprinted from Gongren zilu No. 154, November 27, 1925.)
193 See “Jiucha weiyuanhui wei zuzhi xian dui fenxiao haihou cheng Sheng-Gang bagong weiyuanhui wen” (Report by jiucha committee to Sheng-Gang Strike Committee on the organization of naval patrol vessel in blockading sea ports) in Sheng-Gang dabagong ziliao, pp. 287 which detailed the organization of a naval patrol contingent attached to the jiuchadui. (As reprinted from Gongren zilu No. 264, March 19, 1926.)
194 See “Sheng-Gang bagong weiyuanhui wei duifu Shamian kaifang zhi guomin zhengfu han” (Strike Committee’s letter to the National government on the occasion of the opening of the Shamian) (August 18, 1925) in Sheng-Gang dabagong ziliao, pp. 282-283 which set forth a coordinating security plan for the re-opening of Shamian to the public.
195 See “Sheng-Gang bagong weiyuanhui guanyu chuanting yilu yuanli Shamian de baogao” (Notice of Sheng-Gang Strike Committee regarding all boats staying away from Shamian) in Sheng-Gang dabagong ziliao, pp. 284-285. (The Strike Committee directed all boats and ships to travel away from the Shamian area in order not to cause difficulty in the enforcement of the blockade.) (As reprinted from Gongren zilu No. 135, November 7, 1925.)
196 The Canton-Hong Kong Strike Committee has the full support of the Canton National government, in carrying out the strike. The conduct of the strike was a “classical” sovereign responsibility in as much as it concerned an international dispute (killing of Chinese nationals by foreign powers) and involved law enforcement against other sovereign states (interdiction of Hong Kong/British goods). It was thus hardly surprising to find the Hong Kong British authority clamored in the press that the Canton-Hong Kong Strike Association” was “Canton’s second government” (Guangdong dier Zhengfu) in Zhongguo gongren yundong shi, p. 1802.
well as external) strike offenders. The KMT government supported the strikers for ideological and political reasons. However, it chose discreetly not to be involved directly.

Ideologically, the KMT has been shifting to the left of the political spectrum ever since the second KMT Congress of January 1924. Domestically, the Guangzhou government has to relied upon the support of the workers and peasants to counter balance the political and military threats posed by the various warring factions. Internationally, the Guangzhou government depended on the strikers to rein in the foreigners.

Privately the KMT government was supportive of the Strike Committee. It agreed to play a secondary and passive role. Publicly, the KMT government tried

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197 The second KMT Congress of January 1924 marked an abrupt “leftward” shift in policy in favor of the Communists. p. 243, 291. The Canton-Hong Strike provided the KMT government with a golden opportunity to put Sun Yat-sen’s new socialist policy, i.e. support for the workers and peasants, into practice, p. 291. The KMT allowed the Communist led and dominated Strike Committee to play a key policy as well as executive role in the strike as a gesture of good will. This was done in order to appease the Communists and coop the strikers into the KMT camp. The move was widely perceived to be a politically successful one.

198 For an analysis of how the political situation in Guangzhou affected the strike, see Chapter 9: “Bagong dui Guangdong geming xingshi de cujin” (The strike’s advancement effect on the Guangdong political situation) in Sheng Gang dabagong pp. 79-98. (The Sheng-Gang strike provided the Guangzhou government with a contingent of ready reserves to support the government’s attempt to consolidate powers and secure control over renegade powers represented by the disaffected bureaucrats and power hungry warlords, p. 80).

At the time, the position of the Guangzhou government was quite precarious. Guangzhou was near ungovernable. Guangdong was occupied by three power blocs: (1) The renegade Canton military officials group, under the leadership of Xu Chongzhi. (2) The disaffected officials and politicians group under the leadership of Hu Hanmin. (3) The aspiring KMT-left wing faction under the leadership of Liu Zhong (?) and Wang Qingwei. The workers in Canton pledged their support for the KMT-left wing faction and the newly formed National government, in their unrelenting effort to purge the two other contending power groups. The workers delivered on their pledge of support by sending of provisions and militarized jiuchadui to participate in the KMT’s Eastern, Southern, and Northern military expeditions. See id. pp. 34-5.

199 See Deng Zhongxia, “Sheng-Gang bagong zhong zi Zhong-Ying tanpan” (The Chinese-British negotiation in the Canton-Hong Kong strike) (The strike forced the British to recognize the Chinese as a sovereign power. As a result of the strike, and from hence on: (1) All imported foreign goods have to be taxed. (2) All boats must be inspected and certified before moving into Chinese waterways.) Id. pp 96-652. 596-597.

200 See “Jiqing san ge fangfa” (Clearly remember the three methods) in Sheng-Gang dabagong ziliao pp. 259-261, 259. (Deng Zhongxia, the CCP strike organizer, repeatedly suggested that the KMT should organize a National people’s meeting to unite the whole county, devise an overall strategy, and coordinate the action against foreign imperialism. Id. 260. (Reprinted from Gongren zi lu No. 24, July 18, 1925.

201 The KMT assumed a secondary role in part because it did not want to use violence to seek revenge and impose punitive sanctions on the foreigners for the massacred. It only wanted to remove the unequal
to disassociate itself from the strikers. The strikers were allowed to vent their anger and frustration at the imperialists and foreigner with minimal government intervention. The Strike Committee was given a free hand to direct the strike and organize the strikers with very little government opposition. The government’s public posture was succinctly summed up by a letter written by Wu Zhaoshu, the chief of commerce bureau, to the four merchants’ associations regarding possible peaceful settlement of the case:

In fact, the strike and breaking of economic relationship is a people’s affair... the people went to strike and the workers were angry as a result of the British government insulting Chinese characters in Shanghai, Guangzhou, Hankou and other places, and thus this kind of movement was as a result of the people’s self aroused patriotism. The movement has nothing to do with the government. If Hong Kong government wants to settle the turmoil, it should not discuss with this government, it has to consult the treaties and to posit responsibility where due on the foreigners. For a discussion of KMT’s overall strategy in and approach to the Shamian incident, see "KMT guanyu Shaji canan zhongyao tonggao" (Important announcement by KMT regarding the Shaji massacre) (June 23, 1925) in in Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). DS-2 10302, pp. 250-251. This point of view - the peaceful resolution of the Shamian incident - was not shared by the militant and radical CCP strike organizers, who adamantly insisted on fighting violence with violence. Without attributing name (but unmistakably directed at the KMT) Deng Zhongxie cryptically observed: “Without the declaration of war (xuan zhan) and by only using peaceful means to achieve the elimination of unequal treaties is an empty dream of the capitalists and small capitalists class, we the proletarian, acting upon objective facts and historical experience, have determined that this is absolutely not possible.” See “Jiqing san ge fangfa” (Clearly remember the three methods) in Sheng-Gang dabagong ziliao pp. 259-261, 259.

202 The position of the government was best described by “Wu Zhaoshu dui si shanghui baogao bagong cuoshang jingguo xiangqing” (The report of Wu Zhaoshu to the four merchants’ association on the exchange of views over the bagong) in Sheng-Gang dabagong ziliao pp. 576-579 (The movement has nothing to do with the government. The strike was entirely a people’s movement) Id. p. 576. (Reprinted from Gongren zilu, issue no. 216, January 29, 1926.) See also “Guangdong zhengfu jiaoshechu shu guanyu Xiang-Gang dangju gongbao cuo shang jingguo jingguo shengming” (A statement of negotiation office over the course of event regarding Hong Kong authority’s announcement to negotiate for a settlement of the strike.” (The British government expressed a desire to negotiate a settlement to the strike. The Guangdong government was too willing to help. However, “[a]lthough the Guangdong government is very concerned over the issue, it is not the striking or boycott party. The Guangzhou government can only mediate but not settle the case.”) (Reprinted from Gongren zilu, issue no. 217, January 30, 1926).Id. pp. 580-581. This exchange over the right to negotiate and settle the settlement highlight the fact that the Chinese government has treated the Strike Committee as an independent and autonomous economic as well as political entity; i.e. with the full right to negotiate with foreign powers (British). This was nothing short of saying that the Strike Committee was a sovereign entity!!
striking workers; the government as a third party, should not engage in the negotiation at all.\textsuperscript{203}

From the very beginning, there was a clear, albeit tacit, mutual understanding of divided role and shared responsibilities between the KMT government and the Strike Committee.\textsuperscript{204} The government provided the strikers with moral, political, material, and legal support to facilitate the strike.\textsuperscript{205} The Strike Committee provided the state with leadership, organization, and personnel to effectuate the strike.\textsuperscript{206} The clearest manifestation of this reciprocal relation was an appreciation note the Strike Committee sent to the KMT government on July 11, 1925, thanking the government for the use of free government telegram service for strike related activities.\textsuperscript{207} The content of the appreciation note - “Sheng-Gang bagong weiyuanhui fuxie Guomin zhengfu yijue fuzuo bafa han” (The Sheng-Gang Strike Committee thanks the National government in passing the resolution to set forth assistance method) - evidenced the incremental development of a mutually shared role-set:

We are pleased to learn that our National government has decided upon seven methods to assist the Sheng-Gang strike workers ... when our union

\textsuperscript{203} Sheng-Gang dabagong ziliao pp. 576-579, 576.
\textsuperscript{204} The mutual understanding of reciprocal roles need not be agreed upon in advance or expressed in words. More often than not, ones role is learned through interacting with each other in the role set. The complementary and mutually re-inforcing relationship between the National government and the Strike Committee in the Canton-Hong Kong strike makes a perfect case study of how each learned to play a complementary role through interactions.
\textsuperscript{205} “Guo Min Zhengfu dui bagong weiyuanhui pafa tongdian yuyi mianfei xunling gao” (July 8, 1925 (when drafted) Zhonghua minguo guomin zhengfu xinling, di wu hao. (Guangdong National Government’s Directive Ordering that the Guangdong-Hong Kong Strikers’ Union Headquarters Be Allowed to Send Circulars with Telegraph Free of Charge) (Chinese National government instruction, no. 5) in Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). DS-2 10302. p. 262. In this instruction, the government asked the construction bureau to order the Guangdong wire-telegram administration (dian zheng) not to charge the Strike Committee for the used of wire services. The introductory reasoning was revealing of the government’s self defined role: “Since this Sheng-Gang strike is purely a patriotic movement, the government should assist appropriately, in order to alleviate its difficulties.” In one line, the government leaped praise on the strikers moral cause and endowed it with political legitimacy, material support, and legal rights (entitlement to government support). This simple instruction legitimized, empowered, and provided assistance to the Strike Committee.
\textsuperscript{206} See the content of the appreciation note - “Sheng-Gang bagong weiyuanhui fuxie Guomin zhengfu yijue fuzuo bafa han” (The Sheng-Gang Strike Committee thanks the National government in passing the resolution to set forth assistance method) (text to note , infra. Id. p. 262.
\textsuperscript{207} See “Guo Min Zhengfu dui bagong weiyuanhui pafa tongdian yuyi mianfei xunling gao” of July 8, 1925). Id.
meets, we will be sure to make a public announcement, and remind our whole workers’ group to swear allegiance in support of the government until death. We will try our best to realize the deceased generalissimo’s idea of removing the unequal treaties, so as to arrive at a total liberation for the Chinese race.208

This short and simple thank you note is very revealing of the motive of the Strike Committee and the nature of the working relationship between it and the National government. It clearly defined the role and mission of the strike workers. It affirmed that the workers, through the Strike Committee, have a political mission and public role to play, i.e. to remove the unequal treaties and to liberate the Chinese people. It acknowledged, as it secured, the National government’s support. More importantly, the Strike Committee in confirming the government’s support openly to its members and the public, gained a measure or legitimacy and credibility. The impact of the message was clear. The Strike Committee has been transformed into a political agent of the state.

The National government set the overall strike policy, the Strike Committee execute the strike. The clearest articulation of this relationship was the Chinese national government order, no. 42 (Zhongfua renmin guomin zhengfulin, disishiwe hao) to the Canton provincial government, which provided in part:

The former special import and export permit issued by the commercial affairs bureau, public security bureau, and diplomatic bureau, has now been canceled, the six remedial rule agreed to and adopted by the Guangzhou merchants association, the Guangdong provincial merchants cooperative association, the Guangzhou municipal association, and the Guangzhou merchant-people’s cooperative association, should be promulgated.” 209

208 Id. p. 262.
This order made clear that as the KMT government decided to eliminate the special import-export permit system as a national policy, the Strike Committee, in concert with others as grass root organizations, was concerned with the practical repercussions of such a policy and was quick to propose new remedial rules (shanhou tiaoli) to facilitate the transition between a permit system and a no permit system. This prototypical interaction pattern and seamless working relationship, calls to mind the classical working relationship between a national government, which sets the overall policy of a state, and the local government, which execute the law of the land.210

The National government interjected itself sparingly and reluctantly throughout the strike, e.g. the National government was deferred to on matters dealing with the international community as a result of international law, and its sovereign authority was invoked as the final arbiter on national policy, law, and justice. Otherwise, because of political reality and expediency, the National government conceded “near” plenary powers to the Strike Community in conducting the strike. This aspect of their relationship is best illustrated by the decision of the National government to re-open Shamian to the public over the objections of the Strike Committee. The letter addressed the concerns of the Strike Committee over the re-opening of Shamian.

1. The Strike Committee made clear that it objected strenuous to the re-opening of the Shamian because the strike and boycott has yet to produce its intended results.
2. The Strike Committee opined that to the extent the re-opening was decided upon, there should be rules limiting the likely damaging effects of the re-opening of Shamian on the successful prosecution of the boycott.
3. The Strike Committee, in order to enforce the Shamian boycott, set forth rules allowing the Strike Committee to dispatch jiuchadui to guard the thoroughfare with the police. However, the police were only to have a nominal presence. There were to be eight jiuchadui as compared to two police on each major thoroughfare and two jiuchadui as compared to no police in all minor thoroughfare and alleys.

210 For another revaling case, see “Sheng-Gang gongren weiyuanhui duifu Shamian kaifang zhi huomin zhengfu han” (Letter to the National government on the opening of Sheng-Gang Strike Committee) by the Strike Committee on August 12, 1925. Sheng-Gang dabagong zilian pp. 282-283.
4. The Strike Committee, in order to secure the effective boycott of Shamian after it was opened, asked for more powers to deter violators, e.g. burn boats engaging in illegal transportation of people.

5. The Strike Committee, in anticipation of problems arising from the opening, proposed operational rules to enforce the Shamian re-opening for the government’s approval (cha he).

Overall, the letter showed that in the final analysis, the Strike Committee could only make suggestions to the National government. More often than not such suggestions were respected and followed, but they need not be in all cases. Failing that, the Strike Committee has to take remedial measures to make the best of a disagreeable situation, such was the case with the reopening of Shamian. The National government unmistakably held the balance of powers. 211

The relationship of the Strike Committee and the KMT government during the Canton-Hong Kong strike was a match made in heaven. The Strike Committee in effect became a de facto executive arm of the government, and allowed to function as a min-(workers) government within a state (national) government. Deng Zhongxia, the chief strike organizer from China workers’ union, 212 described the “true” nature of the Strike Committee thusly:

The Paris commune, the Russia Soviet government, is organized the same way, the only difference is that of functions, they were engage in social revolution (shehui geming), and the complete overthrowing of capitalism; we are a nationalist revolution, earnestly trying to topple imperialism. In terms of degree, they governed the whole country, and established a proletarian government, we ruled over Dongyaun, 213 and engaged in anti-imperialist work.

211 See “Sheng-Gang gongren weiyuanhui duifu Shamian kaifang zhi huomin zhengfu han” (Letter to the National government on the opening of Sheng-Gang Strike Committee) by the Strike Committee on August 12, 1925. Sheng-Gang dabagong zilian pp. 282-283.
212 Deng Zhongxia was the secretary and head of the propaganda department to the China workers’ union. Zhongguo gongren yundong shi, p. 168.
213 Dongyaun (East Garden) was the headquarters of the Strike Committee given to them by the government. As such, it has a symbolic significance quite beyond that of merely being a strike headquarters. The government, in knowingly giving the Strike Committee a place to organize and direct the strike, symbolically, conceded the legitimacy of the Strike Committee as a strike government. See infra.
Their work was broader in scope and complexity, while ours is smaller and more simple. However, in terms of political nature (zhengzi shengji) they are one and the same, that is why we dare to say, the Strike Committee is the precursor of the future Chinese workers’ government.\textsuperscript{214}

The concession of power, however substantial, was not total. It was always based on the unarticulated premise that the Strike Committee willingly accepted the political legitimacy and military supremacy of the KMT government. In practice, this meant that the Strike Committee has to seek for approval from the National government and was subjected to after the fact oversight on all matters implicating the state. A few examples will suffice in placing the delicate balance of power between the two parties in a proper perspective:

1. The strike laws, rules, and regulations proposed by the Strike Committee must be approved by the National government.\textsuperscript{215}

2. The Strike Committee has to ask the National government for permission to adopt special powers to enforce the strike, e.g. burning boats used in illegal transport.\textsuperscript{216}

3. The Strike Committee has to ask the National government for the authority to sit on the special permit committee.\textsuperscript{217}

\textsuperscript{214} Zhongguo gongren yundong shi, p. 183.

\textsuperscript{215} It appears that the practice in strike rule making can be best described as “the Strike Committee proposed and the National government disposed.” For example, in the re-opening of Shamian to the public and commerce after the massacre, the Strike Committee proposed four measures to the government to assure the effectiveness of the boycott. See e.g. “Sheng-Gang bagong weiyuanhui wei duifu Shamian kaifang zhi guomin zhengfu han” (Strike Committee letter to the National government on the occasion of the opening of the Shamian) (August 18, 1925) in Sheng-Gang dabagong ziliao, pp. 282-283.

\textsuperscript{216} See e.g. “Sheng-Gang bagong weiyuanhui wei duifu Shamian kaifang zhi guomin zhengfu han” (Strike Committee letter to the National government on the occasion of the opening of the Shamian) (August 18, 1925) in Sheng-Gang dabagong ziliao, pp. 282-283. (The Strike Committee has asked for the authority to burn down ferries illegally transporting goods and people. (Item 3.).
(4) The Strike Committee has to plead with the National government to instruct the commercial affairs bureau to have the seized goods confiscated.²¹⁸

(5) The Strike Committee has to ask the National government for instructions in dealing with seized steam boats.²¹⁹

(6) The Strike Committee has to inform the National government when it wanted to adopt new measures to deal with troublesome strikers,²²⁰

(7) The Strike Committee has to ask the National government for permission to participant in the formation a special court.²²¹

(8) The Strike Committee has to ask for the National government for representation on the law drafting committee for the special court.

The subordinate position of the Strike Committee to the National government was not lose on the Strike Committee. This was evidenced by the correspondence

²¹⁷ “Sheng-Gang gongren weiyuanhui guanyu sheli texuzheng de tongzi” (Notice of Sheng-Gang Strike Committee regarding special permit” Published in Gongren zilu, No. 51 August 14, 1925. Reprinted in Sheng-Gang dabagong ziliao, pp. 288.
²¹⁸ See “Report of the Guangdong-Hongkong Strikers’ Union Headquarters Requesting that Grain Smuggled by Unscrupulous Merchants Be Confiscated (with the Guangzhou National Government’s Comments) (August 1925) in Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). p. 279. (“Sheng-Gang bagong weiyuanhui jiang kou liu jianshang touyong huowu yilu congong youguan chengling’) (If the seized goods were against the Strike Committee’s prohibition rules as approved by the National government (“guomin zhengful shangzhun bihui jingyun tiaoli”) they should be seized and detained.)
²¹⁹ See “Guangdong zhengfu baogao chuli Huashan lunchuan ancheng” (The Guangdong provincial governing reporting on the handling of the Huashan steamboat incident) in Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). p. 312-313. (On September 5, 1925 the jiuchadui seized a boat (“Huanshan”) 40 nautical miles off Hong Kong which was transporting goods to Hong Kong. The animals and perishables on the boat were auctioned off. The goods and passengers were detained. The captain of the boat has escaped. The Strike Committee turned over the boat the government for disposition.)
²²⁰ “Sheng-Gang bagong weiyuanhui qingdui weimao bagong gengzi juna chufa cheng” (November - December 1925) (Guangdong-Hong Kong Strikers’ Union Headquarters Report Requesting that the So-called Strikers Be Arrested and Punished (with the Guangdong Provincial Government’s Report). See Wu-San-Shi yundong he Sheng-Gang bagong (The May 30th movement and Canton-Hong Kong Strike) (Jiangsu guji chubanshe, 1985). p. 331-332. (On November 24, 1925, the Guangdong-Hong Kong Strikers’ Committee asked for permission to punish people who violated strike discipline and orders by passing off as strikers. These people gave the strike a bad name and should be arrested and punished. On December 4, 1925, the Guangzhou provincial government acknowledged the problem as described by the Canton-Hong Kong Strikers’ Committee and granted the authority to proceed against the hooligans.)
²²¹ See also “Sheng-Gang bagong weiyuanhui guanyu sheli tebia fating chuli jianshang touyuan hanjian” (Documents Relating to a Special Court to be Set up for the Trial of Unscrupulous Merchants.) pp. 294-5. On August 28, 1925 the Strike Committee asked for the permission to set up of a special court (with equitable powers) to accommodate unjust cases, e.g. small businessmen hurt by the detention of goods. (p. 294).
between the Strike Committee and the National government. In these dialogues, the Strike Committee invariably pleaded with the National government - on ideological (e.g. nationalism, anti-imperialist) and morality (e.g. KMT’s political commitment to the peasant’s cause) grounds - to concede to it what it wanted. Most significantly, while the Strike Committee was firm and steadfast in imploring the National government to do the right thing (i.e. positions the Strike Committee believed to be right), it did not couch their requests and proposals in demanding terms or instruction forms. Take as an example case (4) above. In this case, various merchants have petitioned the National government and the commercial affairs bureau for the permission to unload goods from the warehouse. The bureau chief Liu and the Strike Committee representative Li has agreed on a special permit system (texuzheng) to facilitate the immediate release of the goods once the goods were registered and secured by a guarantee. However, notwithstanding the agreement with the commercial affairs bureau, the Strike Committee unilaterally determined to seize the boats and goods after the initial inspection. The commercial bureau demanded an explanation. The Strike Committee reasoned and pleaded with the National government to have the boat and goods seized on the following grounds:

(1) The imperialists have been oppressing and terrorizing China. The Strike Committee has decided to fight back as the people’s representative.

(2) The patriotic workers have a keen heart but was helpless without the help of the government. “Wei gongren aiguo zi xin youyu, wanjiu li buzhu, buneng biji zhengfu buzhu”

(3) The government has promised to purge the warlords to form a new government of the people. It should honor its political platform, i.e. to drive away the imperialists and improve the welfare of the people.

(4) The purpose of the economic boycott was to defeat the imperialists. This goal would be ill served by releasing the seized boats and goods.

The reasoning in this letter to the National Government was clearly non-threatening and non-demanding. The reasoning process was appeal to higher principles, i.e. nationalism, patriotism, and contractual obligation. The language used
was most deferential. The reasoning process and the language used did not suggest a parity status between the National government and the Strike Committee. It registered a senior-junior political relationship, with the National government holding the balance of the power to make the ultimate decision on any issues.

In all, the Strike Committee’s role and powers in the strike was accepted in practice, i.e. de facto, more so than confirmed by law, i.e. de jure. Even though the de jure and de facto distinction appears to be academic on hindsight and inconsequential in effect on the actual role played by the Strike Committee, it nevertheless raises troubling questions for this researcher; chief amongst which is whether a de facto concession of government (police) powers, without the constitutional authority to act, sufficient to make private social control a public enterprise. This paper argues in the affirmative for the reason articulated earlier - we are only interested here with finding the original Communist policing experience of the functional kind, not necessarily to discover the Communist police institution of a sovereign type.

This paper is hardly a place to debate such a weighty issue. However, a passing comment is in order. The de jury delegation vs. de factor concession of power is undoubtedly an important consideration for positive legal professionals and classical political theoreticians, however from the stand point of a police historians and legal sociologists, it is less of a concern. Ultimately, the question with this research is not whether the Strike Committee was a constitutionally or legally endowed government agent, but whether historically and sociologically it was allowed to perform vital state policing functions with implicit or explicit state’s concession of powers.222

This brief review of historical materials indicates that while all those involved in the strike conceded, including the Nationalist and British government, that the Strike Committee had enormous powers, as an indigenous self-help group, to call,

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222 In this regard, this paper is only interested in the first Communist experience with the exercise of police power and functions. The research focus directs us to examine the nature, and not the source, of the police power being exercised. The Communists could be said to have experienced with the exercise of state police powers when two conditions are met: (1) They were recognized by the public to have police powers. (2) They were recognized by the public to be engaging in policing functions. Public recognition of powers and functions is important because sociologically speaking the Communist can only be said to have gained an appreciation of what state policing is all about with the public recognizing it as a state policing agent. While
organize, and lead a strike, it is equally clear that the relationship between the KMT government and the Strike Committee was a most complex one. Whatever can be said of the Strike Committee’s role and powers in the strike, three things appears to be quite clear: (1) The Strike Committee could not have done what they did, e.g. making and enforcing strike laws, without the indisputable concession of government’s legal and social control powers. (2) The KMT never intended to give the Strike Committee all the powers it needed to prosecute the strike, though in reality the Strike Committee achieved just that. (3) The KMT never intended the Strike Committee to be an autonomous arm of the state, though functionally it did. In all of the above instances, the KMT government made the concession of powers as a result of necessity more so than by choice.

these two conditions can certainly be met with a sovereign police authority, they can equally be satisfied by the Communist acting, in the eyes of the public, as a police agent of the KMT.