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Policing with Chinese Characteristics

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Chapter One
The Study of Policing in China
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“Everyone is entitled to his own opinions but not his own facts.”

Daniel Patrick

Introduction

Chinese policing is a much neglected field of study, outside of China. Our knowledge about Chinese policing is sketchy, spotty and superficial. This dearth of scholarship evidences a lack of research interest¹ and difficulty in collecting data.² Until very recently (1990s), research into China is handicapped by unavailability of sources,³ inaccessibility to places/people,⁴ scarcity of bi-lingual researchers,⁵ and incompatible of

¹ Jianhong Liu, “Developing Comparative Criminology and the Case of China,” *International Journal of Offender Therapy and Comparative Criminology*, Vol. 51 (1): 3-8 (2007)

² Jianhong Liu, Lening Zhang, and Steven F. Messner, *Crime and Social Control in a Changing China* (Westport, CT: Greenwood Press, 2001). (Research into PRC criminal justice system is handicapped by: (1) Language barrier; (2) Political considerations – secrecy; (3) Cultural misunderstanding (p. vii)

³ Before PRC opened her door in 1980s, American Consulate in Hong Kong was translating and archiving Chinese newspaper items and Berkley, Hoover, and Harvard were collecting primary documents for their depositories.

⁴ Field research before 1980s involved exit interviews of refugees conducted in Hong Kong. Many of them worked out of Universities Service Center (USA). The author conducted research at USC between 1982 to 1984, as acting Secretary of Chinese Law program, Chinese University of Hong Kong.

⁵ Howard L. Boorman, "The Study of Contemporary Chinese Politics: Some Remarks on Retarded Development," *World Politics* Vol. 12 (4): 585 – 599 (1960).

scholarship style.⁶ Chinese research in non Western countries fare no better, e.g., Japan, Vietnam, confront similar problems.⁷

There is a dire need for more understanding of Chinese criminal justice system in general,⁸ and policing in particular.⁹ As early as June of 1909, the American Institute of Criminal Law and Criminology, on occasion of its first inauguration, has called for the translation of important foreign criminology works into English to facilitate cross cultural research.¹⁰ As recent as 1997, Alford, has lamented the total misreading of Chinese legal history as a result of cultural ignorance.

In the China studies field there long existed two parallel scholarly worlds, one Chinese, the other Western. Each of these intellectual domains has its own paradigm, tradition, agenda, methods and findings. For example, Western notion of police differs from that of the Chinese.¹¹ Western practice of problem oriented policing (“POP”) differs materially

⁶ *Crime and Social Control in a Changing China*, *op. cit.*, note 2, *supra*. (The editors lamented the difficulties in translating and conforming Chinese style of scholarship to that of Western protocol in getting the volume published.) This problem is still with us today, as evident by across border publication. Having published inside PRC and internationally, the author can attest to the difficulty of placing Chinese articles in Western journals.

⁷ Mark Sidel, "The Re-Emergence of China Studies in Vietnam," *China Quarterly (CQ)* No. 142: 521-540 (1995); Ryosei Kokubun, "The Current State of Contemporary Chinese Studies in Japan," *China Quarterly (CQ)* No. 107: 505 – 518 (1986).

⁸ For recent contribution, see Susan Trevaskes, *Courts and criminal justice in contemporary China*. (Lexington Books, 2007). NYU Law School's U.S.-Asia Law Institute, under the leadership of J. Cohen is studying death penalty in China.

⁹ "USPTO Holds Seminar on Chinese Criminal Justice System for Intellectual Property Offenses Continuing efforts to help U.S. business protect their intellectual property in China." The Department of Commerce's United States Patent and Trademark Office (USPTO). February 17, 2005.

¹⁰ Willem Adriaan Bongers, *Criminality and Economic Conditions* (Translated by Henry Pomeroy Horton) (Little, Brown, and Company, 1916), p. xiii.

¹¹ Kang Daimin, *Discourse on broad concept of public security* (Beijing: Qunzhong chubanshe 2001).

from that of the Chinese.¹² To the American POP means discovering and eradicating the larger (social and communal) problem of which the citizen's (individual and personal) complaint is but a manifestation. To the Chinese POP entails understanding and solving the problem of the citizen. Last but not least, Western formal criminal justice system fails to capture the expansive reach,¹³ holistic nature and comprehensive scope of the informal social control system in China, from self-cultivation¹⁴ to family discipline¹⁵ to clan rule¹⁶ to social surveillance¹⁷ to communal self-help,¹⁸ to government administration.¹⁹

A review of (occidental) literature on Chinese social control-policing shows that there is an imbalance in research output. There is a lot of research into social control system in imperial China; its historical roots, philosophical foundation, structural framework, and functional process. However, there are very little raw data and research output on how Chinese police worked in the past²⁰ or PRC public security functions at present.²¹

¹² Kam C. Wong, "Community Policing with Chinese Characteristics" Division of Criminal Justice, University of Cincinnati. Cincinnati, Ohio. May. 2008.

¹³ T'ung-Tsu Chu, *Law and Society in Traditional China* (Paris: Mouton & Co., 1965).

¹⁴ Donald J. Munro, *The Concept of Man in Early China* (Stanford: Stanford University Press, 1969).

¹⁵ Fei, Chengkang, *The family and clan rules in China*, (Shanghai: Shanghai shehui kexue chubanshe, 1998).

¹⁶ Hsien Chin Hu, *The Common Descent Group in China and Its Functions* (N.Y.: Johnson. 1964).

¹⁷ Michael R. Dutton, *Policing and punishment in China: from patriarchy to "the people"* (New York: Cambridge University Press, 1992); Y. Y. Hsu, "The Pao-Chia System in China," *Far Eastern Survey* Vol. 12 (24): 236-238 (1943)

¹⁸ Men Juntian, *China Bao Jia system* (Shanghai: Commercial Press 1936).

¹⁹ B.E. McKnight, *Law and Order in Sung* (Cambridge University Press, 1992).

²⁰ Jia Yuying, *Zhongguo gudai jiancha zhidu fazhang shi* (A developmental history of traditional China supervision system" (Beijing: Renmin chubanshe, 2004), p. 3.

²¹ A corpus of PRC policing literature is emerging: Ralph L. Powell; Chong-Kun Yoon, "Public Security and the PLA," *Asian Studies (AS)* Vol. 12 (2) 1082 – 1100 (1972); Elmer H. Johnson, "Neighborhood Police In The People's Republic Of China," *Police*

This chapter introduces the readers to the study of policing in China – problems and issues, approaches and methods, before outlining the contributions and organization of this book. This chapter is organized into five sections. Section I discusses “Problems with the Study of Chinese Policing in the West.” It points out that Western study of Chinese law and policing is ill informed factually and over generalized theoretically. Section II: “Policing with Chinese Characteristics: Another Approach” argues for the studying of Chinese policing from inside out and bottom’s up, informed by indigenous perspective and supported with local data.²² Section III:

Studies. Vol. 6 (4): 8 (1983); Fu Hualing, “Police Accountability: The Case of The People's Republic Of China,” *Police Studies*. Vol. 14 (3): 140 (1991) and “Patrol Police: A Recent Development In The People's Republic Of China,” *Police Studies*. Vol. 13 (3): 111 (1991); Du Jinfeng and Sarah Biddulph, “Review of police powers of administrative detention in the People's Republic of China,” *Crime and Delinquency*. Vol. 39 (3): 337 – 55 (1993); Sheng, Dai Yi, Zu-Yuan Huang, “Organization and Functions of Public Security Agencies of The People's Republic Of China,” *Eurocriminology*. Vol. 5 (6): 137 (1993); Fu Hualing, “A Case For Abolishing Shelter For Examination: Judicial Review And Police Powers In China,” *Police Studies*. Vol. 17 (4): 41 (1994); “Police-public relations--A Chinese view,” *Australian & New Zealand Journal of Criminology*, Vol.30 (1): 87 (1997); Yu, Olivia, Zhang, Lening., “The under-recording of crime by police in China: a case study,” *Policing*. Vol. 22 (3):252 – 64 (1999); Liqun Cao, Charles Hou., “A comparison of confidence in the police in China and in the United States,” *Journal of Criminal Justice*. Vol. 29 (2): 8 (2001); Michael Dutton., “The end of the (mass) line? Chinese policing in the era of the contract (1),” *Social Justice* Vol. 27 (2): 61 – 106 (2000); Yue Ma, “The powers of the police and the rights of suspects under the amended Criminal Procedure Law of China,” *Policing*. Vol. 26 (3) 490 – 512 (2003); Lening Zhang, Jianhong Liu, “Official status and the swiftness of criminal arrest: A Chinese case of the impact of social position on criminal justice,” *Policing*. Vol. 27 (1):- 82 (2004). Fu Hualing, “Zhou Yongkang and the Recent Police Reform in China,” *Australian & New Zealand Journal of Criminology*. Vol. 38 (2): 241 (2005); Kam C Wong, “Govern police by law (Yifa Zhijing) in China,” *Australian & New Zealand Journal of Criminology*. Vol. 37 (Special): 90 (2004) and “Law of assembly in China: People's Republic of China vs. Republic of China,” *International Journal of the Sociology of Law*, Vol. 33 (4): 215 (2005).

²² See Sherman, “Evidence Based Policing” Police Foundation (July 1, 1998) <http://www.policefoundation.org/pdf/Sherman.pdf> Whereas Sherman wants to subject police work – theory and practice - to stringent field tests in order to find out “what works” or to discover “best practice,” I insist on gathering empirical evidence as a research strategy to give voices to people who matters most in any research process, here

“Researching into PRC Policing” instructs on how to conduct police research in China: sources to consult and issues to think about. Section IV: “Contributions of the Book” observes that the study of policing in China, in order to contribute to cross-cultural understanding, must be conducted with an intimate understanding of local history, deep appreciation of indigenous culture, and broad knowledge of people’s ways and means. Section V outlines the “Organization of the Book.”

I

Problems with the Study of Chinese Policing in the West

Western studies of Chinese law and policing have been afflicted with ethnocentrism and cultural ignorance.

In law, a generation of Western legal scholars has adopted the view that China has no rational or functional legal system, notwithstanding contrary historical evidences suggesting otherwise. Qing dynasty has a sophisticated legal code and effective justice administration system.²³

One of the earliest reviews of Chinese law literature (in Japanese, Western and Chinese) was compiled by Cyrus H. Peake.²⁴ The review spans 50 years, i.e. 1880s to 1937. Peake observed contrasting views between the West vs. East over the role of law and functions of punishment. The West condemned Chinese legal system as being undeveloped, primitive and

domestic scholars and grassroots officers, as a mean to keep outside observers in check and foreign researchers at bay.

²³ William P. Alford, “Law, Law, What Law?: Why Western Scholars of Chinese History and Society Have Not Had More to Say about Its Law,” *MC* Vol. 23 (4): 398-419 (1997).

²⁴ Cyrus H. Peake, “Recent Studies on Chinese Law,” *Political Science Quarterly* Vol. 52 (1): 117-138 (1937).

barbaric in adopting collective criminal responsibility principle, e.g., collective guilt, and inhuman punishment scheme, e.g., torture inquisition.²⁵

Western condemnation of Chinese criminal justice system is a very recent phenomenon. Before the mid - 18th century, Western visitors and missionaries, the likes of Juan Gonzalez de Mendeoza (1588),²⁶ spoke highly of Chinese law. Notwithstanding its harshness, foreign observers admired Chinese judicial system for its comprehensiveness, meticulousness and effectiveness.²⁷ Such favorable attitudes towards the Chinese legal system turned sour with the departure of compassionate missionaries and pragmatic diplomats, and arrival of calculating traders.

In time, the social and political conditions in Europe changed. European justice administration became less arbitrary and punishment more humane.²⁸ Ideas and ideal of humanism started to take roots and spread all over the world. Chinese criminal justice system, especially when applied to foreigners, e.g., miscarriage of justice in Hughes (1748) and Terranova (1821) cases, were found to be objectionable and unacceptable. Extraterritoriality resulted.

Serious study of China, beyond anecdotal accounts of missionaries and routine reports of officials, began in late 1800s, when foreign powers imposed extra-territoriality on China.²⁹ Straunton found Chinese legal codes to be “copious and consistent” and free of “bigotry.”³⁰ Ernest Alabaster³¹

²⁵ *Id.* 118.

²⁶ Citing G.F. Hudson, *Europe and China* (London, 1931).

²⁷ Cyrus H. Peake, "Recent Studies on Chinese Law," *Political Science Quarterly* Vol. 52 (1): 117-138, 119 (1937).

²⁸ *Id.* 120.

²⁹ *Id.*

³⁰ Robert M. Marsh, Robert M. 'Weber's Misunderstanding of Traditional Chinese Law', *American Journal of Sociology* 106(2): 281-302 (2000).

³¹ Chinese Marinetime Custom Office.

observed that the *Qing* Code was infinitely more exact and satisfactory than English law.³²

Peake noted two major problems with Chinese legal studies during this time.

The first is a lack of comparative methodology, an issue anticipated by Escarra (1885 – 1955) who spent much time and effort in elucidating, and correcting.³³

The second is a lack of language facility: “In the future the fullest significance can be derived from the study of Chinese Law only by those scholars trained both in Chinese language and in the field of law in general...”³⁴

Peake also pointed out the need to study Chinese philosophy and culture in order to fully comprehend and appreciate Chinese law.³⁵ In this respect Professor Duyvendak has set the precedent in translating *The Book of Lord Shang: A Classic of the Chinese School of Law* (London 1928) into English.

Peake closed with the following observations. First, Chinese law research was just beginning and has a long way to go, e.g., there was no investigation into procedure laws nor studying of the influence of Buddhism

³² Cyrus H. Peake, "Recent Studies on Chinese Law," *Political Science Quarterly* Vol. 52 (1): 117-138, 121 (1937). Citing Alabaster, Ernest. *Notes and Commentaries on Chinese Criminal Law*. Taipei: Ch'ung-wen Publishing Co., 1968. Originally Published. London: Luzac & Co., 1899

³³ Cyrus H. Peake, "Recent Studies on Chinese Law," *Political Science Quarterly* Vol. 52 (1): 117-138, 125 (1937). Citing *Chinese Law and Comparative Jurisprudence* (Tientsin, 1929) and "Western Methods of Research into Chinese Law." *Chinese Social and Political Science Review* (Jan. 2004), pp. 227 – 248.

³⁴ Cyrus H. Peake, "Recent Studies on Chinese Law," *Political Science Quarterly* Vol. 52 (1): 117-138, 125 (1937). One of the few pioneers in this area was Abram Lind, *A Chapter of Chinese Criminal Code* (Leiden, 1887)

³⁵ Cyrus H. Peake, "Recent Studies on Chinese Law," *Political Science Quarterly* Vol. 52 (1): 117-138, 126 (1937).

on legal development. Second, legal scholars should look beyond classical text or historical materials to inform their research.³⁶ Chinese literary work of the time, such as novels, fairly describes the real operations of the system and true attitude of the people.³⁷ Court cases also tell us about how the law was applied in practice, and need to be explored.

In policing, Michael R. Dutton wrote the seminal book³⁸ on Chinese policing.³⁹ The book addressed the question: How does traditional technology of policing fuse with the present social control framework?⁴⁰

Dutton began with the observation that the PRC's household registration system is a reproduction and sublimation of past practices, rather than a new invention. Specifically, China's present control method is a "remnant" of past feudal practices, i.e., the old imperial *bao jia* system was conveniently borrowed to serve new communist governance needs.⁴¹

In terms of method, Dutton employed Foucault's "genealogical method" to (re)construct "histories of the present." In the main, Dutton relied on secondary English materials to complete his study.

In terms of theory, Dutton adopted Foucault's theoretical insights⁴² to analyze China's household registration regime. He observed that Chinese state control has moved away from inflicting pain on the body to marking

³⁶ William P. Alford, "Law, Law, What Law?: Why Western Scholars of Chinese History and Society Have Not Had More to Say about Its Law," *Modern China (MC)* Vol. 23 (4): 398-419 (1997). (Chinese legal research constricted and distorted by classical Chinese scholars.)

³⁷ *Id.* 134.

³⁸ Frederic, Jr. Wakeman, *Policing Shanghai, 1927-1937* (University of California Press; Reprint edition (November 6, 1996) covers only a short 10 years of China history.

³⁹ Michael R. Dutton, *Policing and Punishment in China: From Patriarchy to 'the People'* (Cambridge University Press, 1992).

⁴⁰ *Id.* pp. 5-6.

⁴¹ *Id.* P. 6.

⁴² *Discipline and Punishment: The Birth of Prison* (Peeregrine Books, Harmondsworth, 1979).

files of the person. As evidence, Dutton pointed to Chinese (communist) use of statistical records to effectively track and keep people in place, i.e., *hukou* system.

In terms of thesis, Dutton postulated that in imperial China the state controlled a person's behavior by anchoring the person within an intricate web of relationship starting with the family. Individuals were kept in place by critical self-introspection, stern family discipline, and ubiquitous community surveillance. In contemporary China, the state replaces communal supervision with state administration, in the guise of a comprehensive household registration system: "[W]e may now see a regime which centers on work and production rather than on family and Confucian ethics, but the form of its policing, the modes of its regulation and the way it constitutes its disciplinary subjects all have resonance in the past."⁴³

As a critique,⁴⁴ Dutton's book tells us more about social control than law enforcement, and focuses on administrative regulation than police supervision. In seeing China through Foucault's lens, Dutton tells us more about what the Western people think of effective social control in China, forcefully imposed, than what Chinese people feel about necessary official supervision, naturally embraced.

Radcliffe-Brown has cautioned against such Western cultural imposition, sold as sociological imagination⁴⁵: "In the primitive societies

⁴³ *Id.* P. 5.

⁴⁴ For other critical reviews, see "Reviewer *Borge Bakken*: Policing and Punishment in China: From Patriarchy to 'The People' by Michael R. Dutton," *The Australian Journal of Chinese Affairs* No. 31: 121-123 (1994). "Reviewer Arif Dirlik: Policing and Punishment in China: From Patriarchy to "the People." by Michael R. Dutton," *The American Journal of Sociology* Vol. 99 (4): 1145-1147 (1994)

⁴⁵ Mills, C. Wright, *The Sociological Imagination*. (New York: Oxford University Press, 1959 [1976]) (Sociological imagination allows us to see mundane and random social facts in revealing and patterned ways.)

that are studied by social anthropology there are no historical records... Anthropologists, thinking of their study as a kind of historical study, fall back on conjecture and imagination, and invent "pseudo-historical" or "pseudo-casual" explanations."⁴⁶

In essence, where Dutton discovered clear and convincing archeological evidence of historical continuity in a disciplinary state, Chinese experienced accidental and coincidental confluence of people, events, and circumstances vying for influence over the individuals. Where Dutton reached out for a grand design in explaining state governance, the Chinese people settled upon human nature (“renxin”)⁴⁷ and heavenly providence (“tianming”)⁴⁸ as reasons for personal discipline and collective obedience.

Finally, whereas Dutton sought to make sense of Chinese social phenomenon abstractly and from afar, the Chinese people give meaning to their life circumstances concretely and intimately. Thus observed, Dutton’s “theory of policing” is irrelevant to the Chinese people’s conception of and feelings towards their police.

The existence of two divergent views of Chinese life, raises larger issues of intellectual discourse from what counts as a sound theory (i.e., validity issues) and accepts as good evidence (i.e., reliability problems), to whose perspective counts (i.e., political consideration) and what issues matters (i.e., policy concerns) in reconstructing social reality in and of

⁴⁶ A. R. Radcliffe-Brown, *Structure and Function in Primitive Society: Essays and Addresses*. London: Cohen and West. (Radcliffe-Brown 1952), p. 3.

⁴⁷ Homer H. Dubs, "Nature" in the Teaching of Confucius," *Journal of the American Oriental Society* Vol. 50: 233-237 (1930)

⁴⁸ Tao-Wei Hu, "The Chinese Version of the Law of Nature," *International Journal of Ethics*, Vol. 38 (1): 27 – 43 (1927).

China. The shift in discourse further implicates paradigmatic issues of positivism vs. post modernism.

On a still larger intellectual compass, Westerners, the likes of Dutton, go about (re)constructing Chinese experience out of whole cloth and in accordance with a grand scheme (vision) of things, while Chinese people continue to weave their life course stitch by stitch corresponding with the dynamic “way” (“dao”) of the universe. The debate of universal human rights vs. particularistic Asian values is a manifestation of such a debate.⁴⁹

This line of critique of the West finds empirical support in recent Chinese law and society research. Theoretically, it has been observed that law in action is mediated by powerful social actors as driven by a convergence of economic, social and cultural forces. In “The Practice of Law as an Obstacle to Justice: Chinese Lawyers at Work,”⁵⁰ Ethan Michelson found that that legal justice in China was subjected to and subverted by the lawyers who acted as gatekeepers to law and justice. Accessibility to the legal system was dictated by professional interests (i.e., who can pay) and circumscribed by cultural values (i.e., who is deserving of help). Empirically, He Xin found in “Why Do They Not Comply with the Law? Illegality and Semi-Legality among Rural-Urban Migrant Entrepreneurs in Beijing,”⁵¹ that in practice the “hukou” system did not comport with the administrators’ design or live up to the legislators’ expectations. Ultimately, the “hu kou” system did not serve to “discipline”

⁴⁹ “Asian Values versus Universal Human Rights Revisited.” University of Helsinki 31 May – 1 June, 2007. Karen Engle, “Culture and Human Rights: The Asian Values Debate in Context,” *32 N.Y.U. J. INT’L L. & POL.* 291 (2000).

⁵⁰ “The Practice of Law as an Obstacle to Justice: Chinese Lawyers at Work” *40 Law & Soc’y Rev.* 1 (2006)

⁵¹ “Why Do They Not Comply with the Law? Illegality and Semi-Legality among Rural-Urban Migrant Entrepreneurs in Beijing,” *Law & Society Review* Vol. 39 (3): 527-62 (2005)

the migrant's (as intimated by Dutton) but was negotiated by all those who were affected by it (police, migrants, business) to serve their respective institutional or personal interests. The lessons to be learned is that grand theory of law in the book seldom, if ever, explains the behavior of law in the streets of China.

If we find Dutton's approach to studying policing in China wanting – sterile and irrelevant, how might we improve? To this central issue we now turn.

II

Policing with Chinese Characteristics: Another Approach

As intimated above, Western study of Chinese policing suffers from received cultural (pre-) (e.g., universality of political ideology)⁵² as fortified with embraced ignorance (e.g., lack of language skills).⁵³

Harry Harding once observed that the misperception of reform in China has more to do with observers' disposition towards China than reflecting true conditions in China. Our views on China changed with “intellectual assumptions” of the time; sentiments towards China ran from unrestrained romanticism over Mao's egalitarianism and utopianism in the

⁵² For a trenchant critique of postmodern scholarship in rescuing Chinese scholars from the pitfalls of liberal critique of China, see Joseph W. Esherick, "Cherishing Sources from Afar," *MC* Vol. 24 (2): 135-161 (1998) (*Symposium: Theory and Practice in Modern Chinese History Research. Paradigmatic Issues in Chinese Studies, Part V*) (McCartney's *Hervin's Cherishing Men from Afar* (1995) provided a revisionist reading of China. His observations of China were based on mistranslation of primary sources and misinterpretation of secondary historical data, all the time being consumed by personal bias and afflicted with political ideology. See “Methodology and the Politics of Post-Colonial Scholarship) (pp. 153 – 159).

⁵³ William P. Alford, “Law, Law, What Law?: Why Western Scholars of Chinese History and Society Have Not Had More to Say about Its Law,” *MC* Vol. 23 (4): 398-419 (1997).

1970s to bitter resentment over China's oppressive policy and repressive practices in the 1980.⁵⁴

By far the most established assumption shared by many China bound researchers is the idea that there is a connection between economic development and demands for political liberation,⁵⁵ i.e., economical reform will lead to political liberation.⁵⁶

Taking this admonition to heart, we find that few if any existing Western social or police theories fit well with China's particularistic cultural pattern and complex social conditions.⁵⁷ Many of them suffer from various minor inaccuracies⁵⁸ if not overall gross distortions.⁵⁹ More significantly, there is not enough valid and reliable empirical data⁶⁰ to support any all encompassing and grand theory building of and about China.⁶¹ This has led some (minority) of scholars in China to caution against uncritical and wholesale importation and transplantation of foreign ideas in reform of

⁵⁴ P. 396.

⁵⁵ Elizabeth J. Perry, "Trends in the Study of Chinese Politics: State-Society Relations," *CQ* No. 139: 704-713 (1994).

⁵⁶ Gordon White, "Democratization and Economic Reform in China," *The Australian Journal of Chinese Affairs*, No. 31: 73-92 (1994). (Link between economic reform and political liberation is "wishful thinking" besides being "simplistic and misleading"(p. 74)

⁵⁷ *Id.*

⁵⁸ Lucian W. Pye, "Review: Social Science Theories in Search of Chinese Realities," *CQ* No. 132: 1161-1170 (1992) (Career minded young Asian scholars wanting to establish themselves or seeking to secure tenure tried to force ill fitting Western theories in their respective disciplines to explain complex and complicated world of China.)

⁵⁹ See "3. Jingcha xue xueke yanjiu ben tu hua de wenti." In Zhu Xudong, "Regarding certain issues regarding research on police studies" ("Guanyu jingcha xuexi yanjiu zhong jige wenti de tantao") *PSUJ* Vol. 101: 149 - 155 (2002).

⁶⁰ Philip C. C. Huang, "County Archives and the Study of Local Social History: Report on a Year's Research in China," *MC* Vol. 8: (1) 133-143 (1982).

⁶¹ Philip C. C. Huang, "Theory and the Study of Modern Chinese History: Four Traps and a Question," *MC* Vol. 24(2): 183-208 (Empirical historical research is better than theoretically driven ones in understanding China. Western theories might be too simplistic, ideological or ethnocentric in capturing true conditions in China.)

China.⁶² Zhu Xudong from Public Security University observed that “ben tu hua” or “domestication” of foreign ideas and practices, privileged Western ideas and ideal over domestic ones, starting with the importation of science in the late 19th century. Since policing research is a local knowledge (“di fang sheng zhishi”) (C. Geertz), police studies must reflect Chinese historical, social and cultural characteristics. Police research must focus on Chinese problems and issues, and must purge itself of foreign influences, entirely.⁶³

Reflecting on my own experience, I can make three observations to improve upon China police studies:

First, geographically and culturally, China is made up of many distinctive parties to an ill fitting whole.⁶⁴ But there is a tendency to reference PRC police as a monolithic entity or treat Chinese policing as uniform activities. This is a misconception. Confucius culture is not ubiquitous.⁶⁵ Communist ideology is not all consuming.⁶⁶ Simply put, Chinese people do not think and act alike.⁶⁷ The public reception of and

⁶² See “3. Jingcha xue xueke yanjiu ben tu hua de wenti.” In Zhu Xudong, “Regarding certain issues regarding research on police studies” (“Guanyu jingcha xuexi yanjiu zhong jige wenti de tantao”) *PSUJ* Vol. 101: 149 - 155 (2002).

⁶³ *Id.* pp. 153-4.

⁶⁴ Tao Tao Liu, David Faure, *Unity and Diversity: Local Cultures and Identities in China* (H.K.: Hong Kong University Press, 1996).

⁶⁵ Lee Seung-hwan, “ASIAN VALUES: THE MAGIC CHARM,” *Asian Values and the Future of the Confucian Culture* Vol. 12 (1) (2000)

⁶⁶ Lucian W. Pye, “On Chinese Pragmatism in the 1980s,” *CQ* No. 106: 207-234 (1986) (The ideological furor of Maoism in the 1950s has given way to economic utilitarianism, technocratic managerialism and pragmatic socialism of the 1980s.)

⁶⁷ Randle Peerenboom, “Human Rights, China and Cross-Cultural Inquiry: Philosophy, History and Power Politics,” *Philosophy East & West*, Vol. 55, 2005. (Critiquing (“Human Rights and Chinese Thought: A Cross-Cultural Inquiry” by Stephen Angle) Peerenboom observed that there is no one concept of human rights but many discourses over human nature in China.)

reaction to government policy in China varies, depending on locale,⁶⁸ contingent on issues⁶⁹ and change with people.⁷⁰ In like manner and for same reasons, police in China policed differently.

China is a big country with diverse conditions; in geography, ethnicity and culture. In as much as policing is a grass roots activities and public order is a local concern, we can expect national policy and priorities are not equally shared locally.⁷¹ Similarly, social problems and political dynamics affect different communities, differently.⁷² When devising legislative solutions, national law must be made to fit local conditions. Local government, especially the police,⁷³ must be afforded the flexibility to creatively apply national law and boldly experiment with local regulations.⁷⁴

⁶⁸ Linda Chelan Li, "The "Rule of Law" Policy in Guangdong" *CQ* No 161: 199 – 220 (2000)

⁶⁹ Julia Kwong, "The 1986 Student Demonstrations in China: A Democratic Movement?" *AS* Vol. 28 (9), No. 9: 970-985 (1988) (Students from various universities took to the street under the banner of democracy were agitated by different things and want different recourses from the government.)

⁷⁰ Jie Chen, "Comparing Mass and Elite Subjective Orientations in Urban China," *The Public Opinion Quarterly* Vol. 63(2) 193 – 219 (1999) (Mass and elite held different views on regime legitimacy, reform assessment and democratic principles.)

⁷¹ Linda Chelan Li, "The "Rule of Law" Policy in Guangdong: Continuity or Departure? Meaning, Significance and Processes," *CQ* No. 161: 199-220 (2000).

⁷² Kevin J. O'Brien; Lianjiang Li, "Accommodating "Democracy" in a One-Party State: Introducing Village Elections in China," *CQ* NO. 162: 465-489 (2000).

⁷³ *Id.* The Ministry of Public Security amended Article 39 of the "Regulations of the PRC on Administrative Penalties for Public Security" with Article 3 of the "Explanation of Various Problems of the Public Security Bureau's Implementation of the Regulations of the PRC on Administrative Penalties for Public Security" which interpreted Article 39 of the Regulations of the PRC on Administrative Penalties for Public Security" (Adopted by the NPC Standing Committee on September 5, 1986) to shorten the period for application for relief from 5 days (Article 39) to 2 days (Article 3). This was rejected by the Xingyang District Intermediate Court.

⁷⁴ Peter Howard Corne, "Creation and Application of Law in the PRC," 50 *Am. J. Comp. L.* 369 (2002) (Flexibility in national law, manifested as open ended rules and vague provisions, is deemed necessary to accommodate local conditions and needs, experimentation and change (pp. 375 – 376)

Thus, as one might expect, CPC directives and MPS policies were interpreted and applied differently in local context. For example when national police leadership called for police reform in 2001, provincial police bureaus chiefs reported different focus and achievements in 2002:

- (1) Shanghai Public Security Bureau reported focusing on modernization of the police department, i.e., systemization (*zhiduhua*), regularization (*guifan hua*), and legalization (*fazhi hua*);
- (2) Henan Public Security Bureau reported focusing on improving political ideology and professional accountability of the police when engaging in “strike hard” (*yanda*) campaigns. The major focus was on purging the police of corruption and abuse, e.g., the existence of “protective umbrella” (*baohu san*).
- (3) Anhui Public Security Bureau reported focusing on eradicating organized gangs and secret societies (*heshehui*). The other focus was in reforming the police work style with the conduct of three education campaign. Four police reform projects were at hand: establish and perfect the education and training system (*jiaoyu peixun*); management and appraisal process (*guanli kaohe*); command and control structure (*jiandu zhiyue*); protection for police work (*jingwu baozhang*).
- (4) Jiangsu Public Security Bureau reported focusing on improving upon police service quality through enhancing police law enforcement standards, introducing police management review and adopting technology upgrade, i.e., “Golden Shield” (“Jindun”) project.
- (5) Sichuan Public Security Bureau reported focusing on making police work more efficient, transparent and accountable to the public. The police reformed the household registration system to make it more rationalize and

efficient. It also tried to address recurring and persistent police service problems, e.g., impolite and unresponsive police attitude.

- (6) Xianxi Public Security Bureau reported focusing on “yanda” over serious crimes. The major focus was on building a comprehensive public security prevention and control system (*zhian fangkong xitong*). The police reform process should be further strengthened to lay a foundation for the future economic development of the western region.
- (7) The Helungjian Public Security reported focusing on “break through” in six reform areas: (1) maintaining public order; (2) “striking hard” at criminal offenders; (3) promoting social order; (4) serving the nation’s open door and economic reform needs; (5) using technology to enhance police performance (*kexue qiangjing*); (5) facilitating police troop construction (*duiwu jaingshe*).
- (8) The Guangzhou Public Security reported focusing on six objectives, to improve public security and social order within two years and to deal with anticipated public order problems associated with WTO. The six objectives were: liberating ideas, working economic reform, stepping up with public security and social order campaign, speeding up public security reform and enhancing public security quality and standards.⁷⁵

The implication of this observation for police scholars bound for China is clear: any attempt to theorize about Chinese policing in universal and essentialist terms, without indigenous perspective and grounded research, is likely to fail. In Hamilton’s words: “I suggest that western

⁷⁵ “All areas resolutely implement the spirit of National Public Security Bureau Chiefs Meetings” (“Gedi guanche luoshi quanguo gongan-ting-ju zhang huiyi jingshen”) *China Police Daily* Online. Jan. 11, 2002.

typology of traditional, charismatic, and legal domination needs revisions if it is to help and not hinder understanding of non-Western societies.”⁷⁶

Second, we need more reliable data than critical opinions. Most, if not all, China bound police researchers relied heavily on government data. Information supplied by Chinese government (official statistics, policy papers, legislative documents, court cases, journal articles, media accounts) deserves careful reading, paying attention to possible incompleteness, omission, distortion, misrepresentation, bias,⁷⁷ lack of uniformity and/or sheer incompetence.⁷⁸

In terms of public security journal articles, they are written, selected and edited to follow ideological correctness and promote policy lines. Critical examination of issues are not welcome, open challenge of official policy is not allowed and free discussion of different and divergent ideas are frowned upon.⁷⁹

In terms of public security media, Public Security Legal News has been relied upon by many police researchers, inside and outside China, to

⁷⁶ Gary G. Hamilton, "Patriarchalism in Imperial China and Western Europe: A Revision of Weber's Sociology of Domination," *Theory and Society*. Vol. 13 (3): 393-425, 405 (1984).

⁷⁷ Media scholars and communication experts have long pointed out that in the public domain there is no reality but "socially constructed" ones. The media is a prime institution in the construction of news – setting agenda, providing for interpretation framework, evoking emotions. Ray Surette, *Media, Crime, and Criminal Justice: Images and Realities, Second Edition* (Wadsworth 1998), especially Chapter 1: "Media and the Construction of Crime and Criminal Justice", pp. 1 – 23. For the political role and function of the mass media in reformed China, see also Daniel C. Lynch *After the Propaganda State: Media, Politics and 'Thought Work' in Reformed China* (Stanford University Press, 1999).

⁷⁸ Tian Rushua and Zheng Baitong, "Avoiding Five Misused of Terms in Police and Justice Documents," *PSUJ* Vol. 54: 75 - 79 (1995).

⁷⁹ Yang Hongping, "The Roles of Publishing Article by Academic Magazines by Police Colleges," ("Gongan gaoxiao xuebao de yonggao yuanze")– [Author's note: Better translated as "Principles governing publication of articles at public security colleges"] Vol. 1 (1999), *PSUJ* pp. 103 – 105.

provide empirical data for research. But such media reports have little guarantee of validity and reliability. Specifically, the quality and reliability of “Public Security Legal News” has been accused of pandering to the public, i.e., violence and sex, with little supervision and still less accountability.⁸⁰

In terms of official crime data, Chinese crime rates cannot be meaningfully compared with those from the West because of “dark figures” of crime resulting from: (1) PRC Criminal Law have fewer kinds of crime. (2) PRC official crime rate - “Criminal Case Recording Rate” - (“Xingshi anjian fa an shu”) only reports/records cases from public security, not other branches of law enforcement, e.g., custom, court, procuratorates; (3) China reports minor public order cases (“zhian guanli chufa tiaoli”) while Western countries do not count misdemeanors as crimes. (4) Western countries record all property crimes. China only records crime when minimum requirements (“li an biao zhun”) are met. (5) In the US about 35% of crimes happened in supermarket. In China most businesses do not report such crimes, preferring to taking care of them in house. (6) Urbanization has a direct relationship with crime rates. In the US 80-90% of the country is urbanized. In China only 30% is.⁸¹

In terms of official reports, police report and legal documents might not have been prepared properly. First, incompetent officers have a tendency to substitute common terms for legal ones. For example, “yingwei fanzui” (not “consider” as crime) was used in lieu of “bukou cheng fanzui”

⁸⁰ Zhang Jing, “Getting out of problems areas in Public Security Legal News reporting” (“Jiuchu Gong’an fazhi baodao de wuqu”) *PSUJ* Vol. 54: 79 – 81 (1995).

⁸¹ Li Jianhe, “Thinking about “A Topic of General Interest” in Comparative Police Discipline,” *PSUJ*, Vol. 101: 43 – 48 (2002).

(not “constituting” a crime);⁸² “airen” (love ones – spouse) was used in lieu of “fufu” (husband and wife”);⁸³ (3) “zhengdang fanwei guodang” (“improper use of justifiable defense”) was written as “zhengdang fanwei guodang” (“justifiable defense in the excess”).⁸⁴ Second, officers might choose to use non- recognized police terms. For example, “beigao” (accused) should not applied automatically to all those arrested or detained⁸⁵ and “xingxiong sharen”⁸⁶ (intentional murder) does not distinguish between “guyi sharen” (intentional murder) or “guoshi saren” (negligent homicide).⁸⁷ Third, officials might be use vague and confusing terminologies. For example: “duoci suo an” (commit many crimes) does not specific how many crimes were being committed⁸⁸ and “quzhong” (people) fail to pinpoint people by name or type.⁸⁹

In terms of report findings, data analysis provided by elites are more likely to be driven by theory than practice, ideology than facts. Both information sources are unlikely to have been informed by grassroots experience and bottom up perspective. All this is to remind China bound researchers that it is difficult to ascertain the truth about policing in China once we get away from official pronouncements and expert analysis. It is appropriate to end this observation with the often quoted statement: “Everyone is entitled to his own opinions but not his own facts.”

The implications for Chinese policing research is clear, we need to look at China from inside out and bottom’s up.

⁸² *Id.* 75R.

⁸³ *Id.* 75R.

⁸⁴ *Id.* 75L.

⁸⁵ *Id.* 75R.

⁸⁶ **“Murder” PYECD p. 773R**

⁸⁷ *Id.* 76L.

⁸⁸ *Id.*

⁸⁹ *Id.* 76R.

Third, China must be understood on her own terms: in context of Chinese history and culture, more recently ideology and personalities. If we were to make an effort to understand Chinese policing in China's own terms, we should start by investigating local communal, familial and self control. That is to say we should take a bottom's up more so than top down approach, seeking/explicating rich empirical observations than imposing/expounding essentialistic theoretical postulates.

If we should look at China from bottoms up and empirically, we will find that "policing" as function starts with self and ends with the family/community, i.e. self governance.⁹⁰ Kongfu (Confucius) household in imperial China is such an ideal type⁹¹ of self-governance and informal social control.⁹² More significant for our illustration purpose, the Kongfu household enjoyed delegated rights of self-government and autonomous powers of social control. Kongfu enjoyed hereditary nobility. Kongfu was given property to manage. Kongfu has a right to appoint officials, to levy tax, to select local magistrates. The head of Kongfu has a right to govern

⁹⁰ "The Philosophy of Community Policing in China," *Police Quarterly* Vol. 4(2): 186-214 (2001).

⁹¹ "An ideal type is formed by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete individual phenomena, which are arranged according to those one-sidedly emphasized viewpoints into a unified analytical construct."Marx Weber, *The Methodology of the Social Sciences*. Translated and Edited by Edward A. Shills and Henry Finch. (New York: The Free Press, 1949), p. 90

⁹² One should be careful in using parsimonious "ideal type" to capture rich national history and nuance human experience, see Robert M. Marsh, "Weber's Misunderstanding of Traditional Chinese Law," *The American Journal of Sociology* Vol. 106, No. 2 (Sep., 2000), pp. 281-302 (Marx misconceived China's legal system as irrational when ample historical evidence showed that China has a predictable legal system as supported by meticulous rules and controlling cases.) The problem rested with the fact that Weber did not speak or read Chinese and relied on selective and supportive secondary data, rather than comprehensive and contradicting primary sources for his assessment; a caveat that should be taken to heart when conducting comparative research, especially in China.

its household members exclusively and discipline its charges summarily. Kongful household has full authority to establish conduct norms within its household and over the disposition of its property in the community. It could discipline and punish its household members, charges, and intruders, summarily and without recourse. Kongfu has a right to make enforceable rules to protect its communal welfare and seek help of the officials to promote its collective interests. At all time, Kongful mediated between its members and the outside world. Officials could only approach, communicate, and deal with Kongfu members with the special permission of the emperor, by and through the head of Kongfu household.⁹³

The conclusion from this brief excursion is as unmistakable as it is revealing: the Kongzi household played a significant role in social control matters in imperial China through independent moral leadership and by virtue of delegated governmental social control powers from the emperor. As a result it shared in social control responsibilities with local officials, as co-equals. It was a “private government” unto itself.

Thus to observe that China has no institution of formal “police” might be technically correct.⁹⁴ But to imply that there is no informal “policing” in China before 1898 is a gross misunderstanding as a result of fetishes with and pre-occupation of Western’s idea of “police”.⁹⁵ The idea of police as we know it today is beholden to Western conception ideology (democratic⁹⁶),

⁹³ For discussion of powers and prerogatives of Kongfu, see Chapter One to *Confucius Records*.

⁹⁴ Chapter 2: “Idea of Police in China”.

⁹⁵ Kang Daimin, *Discourse on broad concept of public security* (Beijing: Qunzhong chubanshe 2001).

⁹⁶ Charles Reith, *Police Idea, its History and Evolution in England in the Eighteenth century and After* (1938)

organization (centralized, bureaucratic, specialized, professionalized⁹⁷), style (legalistic⁹⁸) and means (coercion⁹⁹).

In summation, the way forward in Chinese police studies is to take a different approach; one that is informed by indigenous perspective and based on empirical data, or simply a more context anchored, bottom's up and facts driven approach.

The remaining of this chapter details difficulties of and ways to go about conducting research into PRC policing – what sources to consult, which journals to read and what Chinese and English language literature exist.

III

Researching into PRC Policing

Research difficulties

Before we start, a brief discussion on problems and methods with research into PRC police is in order. As a general observation, research problems confronted by police scholars bound for China are the same faced in other academic fields, except more so due to security consciousness of Communist regimes and secretive culture of police everywhere,

Prior to WWII, American study of China was limited to a handful of experts trained in French sinology tradition which stressed linguistic, biographic and philosophical preparation¹⁰⁰ Since inception, Chinese

⁹⁷ Albert J. Reiss, Jr , “Police Organization in the Twentieth Century,” *Crime and Justice*, Vol. 15, Modern Policing (1992) , pp. 51-97

⁹⁸ James Q. Wilson, *Varieties of Police Behavior* (Boston, Mass: Harvard University Press, 1968).

⁹⁹ Carl B. Klockars, *The Idea of Police* (Sage Publication, 1985)

¹⁰⁰ Howard L. Boorman, "The Study of Contemporary Chinese Politics: Some Remarks on Retarded Development," *World Politics* Vol. 12 (4): 585-599 (1960)

scholars have always suffer from linguistic and social barriers, and after the establishment of PRC political obstacles were added o the list.¹⁰¹

Before the 1960s, China was virtually inaccessible to outsiders. First, studying China requires substantial investment of time and effort to master her difficult language, long history and rich culture¹⁰² Second, statistical data was not available from China before and well into the reform era.¹⁰³ Third, McCarthyism in the 1950s deterred students from entering the field for fear of retribution.¹⁰⁴

In the early 1960s, most of the researches were based on translated materials of secondary sources – mostly newspapers, and government documents by U.S. Consulate in Hong Kong. In the mid-late 1960s, this was supplemented by exit interviews in Hong Kong. In 1970s,illegally obtained documents bearing on the Cultural revolution were smuggled out of China. Since 1979, mainland libraries and national archives were increasingly open to public inspection, on site. Discreet visits and personal observations provided the bulk of the research materials. Since 1980s, researchers from China were allowed to study in the West. They brought with them valuable data set, rich personal experience and wide family connections. In the 1990s, the internet provided armchair researchers with direct access to many library sources and data bases that a decade ago could not be accessible.¹⁰⁵

¹⁰¹ *Id.* pp. 588-9.

¹⁰² Kenneth Lieberthal, "China and Political Science, " *PS* Vol. 19 (1): 70 – 78, 71R. (1986)

¹⁰³ *Id.* 72L.

¹⁰⁴ *Id.* 72R.

¹⁰⁵ For a research source note into Chinese law, see Wei Luo and Joan Liu, "A Complete Research Guide to the Laws of the People's Republic of China (PRC)." <http://www.llrx.com/features/prc.htm> and Joan Liu, "Update to Beyond the Border: The

1979 witnessed a sea change in Chinese research, in terms of attitude, facility, opportunities and output. PRC Political leaders want more scientific research to help reform.¹⁰⁶ Business people want more research to help with modernization. Scholarly community wants to revive the dysfunctional educational system¹⁰⁷

Researching on public security and policing in China is a difficult task. Cohen's observation about the difficulties of researching into China, while dated, remains to be relevant.¹⁰⁸ The Communists are not given to open government. The PRC police are not keen on sharing state secrets and operational details with outsiders, much less foreigners.¹⁰⁹ There is no right to public information in China.¹¹⁰ Publicly available data are often "sanitized" to serve the State's propaganda, education and socialization

Chinese Legal Information System in Cyberspace.”

<http://www.llrx.com/features/china2.htm>

¹⁰⁶ *Id.* 74R.

¹⁰⁷ *Id.* 74R.

¹⁰⁸ Jerome Alan Cohen, "New Developments in the Study of Chinese Law: Introduction," *The Journal of Asian Studies* Vol. 27 (3): 475-483 (1968). (Chinese law research suffered from a lack of language skills and poverty in cultural perspective. The tendency of western lawyers, particularly those from the U.S., is to view China from its own cultural lens and to understand China legal terms by referring its own development. (pp. 479 – 483.

¹⁰⁹ Ministry of Public Security (“Gongan bu”), “Notice regarding prohibiting foreign journalists from illegal reporting activities (“Guanyu jizhi weiguo jizhe feifa caifang hudong de tongzhi”) (April 22, 1994). *Compendium of PS Law* pp. 1296 – 1297. (Foreign reporters were forbidden to liaison with dissenters or report on major disasters without first asking for permission and having video/sound recording examined by MPS.)

¹¹⁰ This is not the same as saying that there is no systematic and comprehensive data gathering in China. In fact, political doctrine in China from Marx to Mao to Deng calls for finding ideas in matters (Marx), integrating theory with practice (Mao) and seeking truth from facts (Deng). George Braybrooke, "Recent Developments in Chinese Social Science, 1977-79," *CQ* No. 79: 593 – 607 (1979). (Chinese political leadership and policy makers have long been interested in social research and ethnographic studies as a way to inform social policy and economic strategy. The premier scientific and policy research agency is of course the CASS – Chinese Academy of Social Science.) But in as much as such research data and findings are driven by political ideology and administrative needs, such data and findings might be contaminated.

needs.¹¹¹ Field survey research is officially prohibited. Document 598 circulated by the State Education Commission in December of 1990: "Notice of Issues Relating to Cooperation with Foreigners: Doing Social Investigation in our Country" prohibits "all higher education institutions from conducting sociological survey in the form of public opinion poll or written questionnaire with foreign academic institutions and research institutes. This includes cooperative research based on questionnaire."

On a more optimistic note, researching into PRC is getting easier. Consistent with PRC overall policy to open up government agencies,

¹¹¹ Ole Bruun, Soren Poulsen, Hatla Thelle, MC Research Danish Experience (University of Copenhagen, 1991) Center for East and Southeast Asian Studies, U. of C., Stokhusgade 5, DK - 1317 Copenhagen K, Denmark. (The book is a collection of papers from a seminar held in 11/1-2/90 at U. of Copenhagen on 'Problems and Methods in MC Research. The seminar was convened by four major China research institutions in Denmark: The Center for East and Southeast Asian Studies at U. of Copenhagen; East Asian Institute at U. of C., the Nordic Institute of Asian Studies, Copenhagen; Copenhagen; and the East Adian Institute, U. of Aarhus. The seminar provide a reflection on China research experience since 1978: "What methods are suitable for understanding the mechanisms of the Chinese society? What problems confront the researcher? What are the ethical questions involved, and what are reasonable considerations for our informants?" (p. 4). The recurring problems of research in China are: evasive answers, unkept promises, classified material, and regions 'out of bounds' for foreigners." (p. 5) The major issue in sum is cross cultural communication.) Ole Odgaard, "Data Collection and Use of Local Statistics - Some Experiences from Field Studies in Sichuan" (pp. 18-29). In China "even non-controversial statistics can be difficult to collect during field studies, and the reliability of local statistics is often questionable." (p. 18). The accessibility problem is due to lack of connections (*guanxi*) and lack of openness. The reliability issue is a result of manipulation for self-serving reasons. (Ibid). For example tax figures may be deliberately underreported if the local authorities hope to retain a larger portion of taxes collected. In a survey of 38 private enterprises it was found that their taxes and levies were substantially higher than recorded by the County Tax Bureau. (P. 19-20) There is always a disparity between the State Statistical Bureau in the Statistical Yearbook and local data. The differences of rural income may be due to sample differences or percentage to calculate cost and expenses; a figure which is arbitrary arrived at or politically determined and never economically decided. (p. 22)

including the police,¹¹² for citizens' inspection and public scrutiny, more and more information are made available to the people, e.g., books, journals and papers designated for internal circulation are increasingly being placed in public circulation and for private subscription. For example, *Gongan Yanjiu* (Public Security Research) is now freely circulated and *Renmin Gong'an Bao* (Public Security Press) is made available on the web.

While the PRC government still do not welcome outside scholars to study the PRC police system and process, the PRC scholars themselves have been allowed to conduct research and publish their findings, much more so than before.

Emergence of police studies in China

Until very recently, there is no formal police studies program in and independent research enterprises on policing in China. Police role and functions is accepted as an act of faith and based on ideological dogma, i.e., police as with law is an instrumentality of the ruling class. Policing methods and practices are never questioned, as received by history, as informed by experience and as instructed by culture.

Police research in order be published in officials journals must accept political correctness editing in terms of topic, theme, and content. As PRC police scholar made clear with reference to quality control in official public security journals:

Political nature of topic choice (*suan ti de zhengzhi sheng*).

Public security periodicals are in the service of public security troop construction (*jian she*), education (*jia xu*) and research (*ke*

¹¹² Zhang Chao "Discussion of framework of opening of police work" ("Lun jingwu gongkai zhidu goujian") *PSUJ* Vol. 99: 97 – 105 (2002).

yan). Its political nature cannot be challenged. Thus the articles published cannot contravene direction and policy, against Marx' viewpoint and perspective, nor against the nation's basic state policy."¹¹³

Such and other problems with police studies and research in China are best captured in the General Administrative Office of Ministry of Public Security, "The Notice about Enhancing Research Work into Public Security Theories and on Improving further Public Security Studies" Gongban [2000] 82 Hao:

However, it must be noted that currently, public security research, in particular theoretical development, is a little inadequate, it is specifically reflected in: some theoretic research has being stylized (*cheng shi hua*); certain question involving the totality of public security work lacks in-depth general theoretical support; many (discussion of) public security controversial issues and (analysis of) difficult problems lacks insightful (*jiandi*) and focused research; many fresh experienced from local level public organs await theoretical treatment and improvement"¹¹⁴

There are to be encouraging signs. Police studies and research is increasingly being recognized. In 1993, the Minister of Education first

¹¹³ Ma Li, "On Improving the Quality of Police Journal," *PSUJ*, Vol. 67: 107 - 109 (1997)

¹¹⁴ *Gongan Yanjiu*, 2000: 8.

approved the study of public security related subjects in universities as first degrees, including criminal investigation, public security, police administration, risk management and police physical education. In July of 1998, Ministry of Education has recognized Public Security Studies (*Gongan Xueke*) as a sub-discipline to Jurisprudence (*Faxue*) in the “Putong gaodeng yuanxiao benke zhuan ye mulu” (General higher education school undergraduate course professional catalogue). The newly mined discipline has eleven primary study field (*kexue menlei*) and 72 sub-fields (*erdang lei*). Primary subjects of study include: police theory (*lilun gongan xue*), police history (*lishi gongan xue*) and public security studies (*gongigan xue*), ect. Secondary fields include public security studies (*zhian xue*) and investigative studies (*zhencha xue*). This means that police studies has now developed to a stage of maturity with its own theory, concepts, research methods and findings. The first master degree program in criminal procedure was approved in December of 1993. By 2002, there were 9 masters programs in the nation, five at PSU and 4 at Criminal Investigation College.¹¹⁵

Notwithstanding the gradual gained in maturity and stature of police studies as a discipline in China substantial issues remain as to the discipline’s mission, boundary, method, focus and contribution. In essence there were few consensus and many contentions as to what the discipline is all about and where it is going.¹¹⁶ For example, while a majority of the

¹¹⁵ Zhou Zhaoping and Zhang Xiaolin, “A Summary of Symposium of Reconstruction of Police Disciplines in China,” *PSUJ* Vol. 95:106-111 (2002) (Between November 16 and 18, 2001, the PSU organized the “National Police (Public Security) Scientific Discipline Construction Seminar” to discuss the status, achievements, focus and future of police science as a study discipline and education field. The conference was well attended by scholars, experts, policy makers and political leaders from MPS, Ministry of Education, public security universities nation wide.)

¹¹⁶ The consensus is that the subject matter of police studies is the police. The objective is to apply science to the study of policing in search of patterns and theory. *Id.* 107.

scholars is of the opinion that police studies is an independent discipline, with a well defined subject matter, education objectives and course content, there is a sizable minority who argue that police studies is a multiple disciplinary field, requiring the integration of theories and practices from natural science and social science, arts and humanities, law and politics. As such, there is much disagreement over the research focus and methods. Some scholars are of the opinion that police studies should be devoted to the study of police origin, development, and regulations, in search for patterns and theory. This school argues against pairing up researchers with applied police work, e.g., criminal investigation or police administration. Others insist on a broad, inter-disciplinary approach to police studies as a scientific field. According to this vision, scholars should apply scientific methods to the study of police work in theory and practice. Still others think that the investigation of police in China should link up with police researchers world wide.

Police theoretical research is necessary to improve upon applied police work.¹¹⁷ The solution to improve upon public security research in China is with more scientific studies and empirical researches. This requires the dedication of resource and training up of people to conduct police research.¹¹⁸

Currently, there is an overall tendency to ignore the relevancy, importance and utility of academic research in daily police work. There is now a common saying within the police circles that: “police studies and theory sounds important when proposed, appears to be necessary when

¹¹⁷ The Editorial Office, “To Enhance the Research of Public Security Theories and Guide the Practice of Public Security Work,” *Gongan Yanjiu*, Issue 72 (2000), pp. 6-7.

¹¹⁸ *Gongan Yanjiu*, Issue 78 (2000), p. 8.

applied, not being used when in urgency.” Chinese police officers at the operational level do not think that police theory, research and findings are useful in their day-to-day work.¹¹⁹

Police leadership wants to jump-start police research: (1) Provide an incentive structure for people to conduct research. (2) Speed up the processing and distribution research findings. (3) Develop police scholars by inviting outside researchers to share insights and viewpoints.

How to conduct police research in China

In terms of research materials, there are original data in the form of legislation and regulation, NPC reports and communications, crime statistics and police documents. There is an abundance of Chinese published materials, mostly by scholars and teachers associated with one of the public security universities or higher education.

Inside China, public security literature include: Public security books, journals, newspapers, meeting records, scientific data – technical reports, government publications, student dissertations, public security files, press releases. In terms of academic journals, everyone of the 24 public security colleges and universities publish one or more law or police journals. According to public security integrated index, a typical public security college library carried about 341 foreign police journals/magazines and 228 domestic ones. Since 1998, libraries collected about 1,800 public security and law types of books, increasing about 300 per year. Public security

¹¹⁹ *Gongan Yanjiu* 2000a: 77-79.

literature are being used for three purposes: policy making, operational direction and teaching and research,¹²⁰

Legislations

One of the more often confronted research materials is the legislative and regulatory materials.

Under the PRC Constitutional, there is one national law uniformly enforced in China. “The Legislation Law of the People's Republic of China”¹²¹ (hereinafter “LL”) further makes provisions for how national, local and administrative laws and regulations are made and interpreted.

The highest authority to make and interpret law in China is vested with the National People’s Congress (hereinafter “NPC”). Article 7 of LL provides: “The National People's Congress and Standing Committee thereof shall exercise state legislative power” and Article 42 of LL provides: “The power to interpret a national law shall vest in the Standing Committee of National People's Congress.”

The other national rule making authority is the State Council. Article 56 of LL provides: “The State Council enacts administrative regulations in accordance with the Constitution and national law,” i.e., MPS can promulgate regulations as empowered by NPC.

Finally, local legislators - province, autonomous region, municipality directly under the central government – are allowed to made law subject to national laws and central administrative regulations. Article 63 of LL provides: “In light of the specific situations and actual needs of the

¹²⁰ Zheng Ling “A brief discussion of development and use of public security literature” (“Qiantan Gonggan wexian de gai liyong,”) *PSUJ*, Vol. 55: 78 - 81 (1995), p. 39.

¹²¹ Adopted by the 3rd Session of the Ninth National People's Congress on March 15, 2000.

jurisdiction, the People's Congress of a province, autonomous region, municipality directly under the central government and the Standing Committee thereof may enact local decrees provided that they shall not contravene any provision of the Constitution, national law and administrative regulations.”

As an illustration of how the police legislation – national, administrative, local – can contribute to understand PRC police work, we address a common police research questions: is a warrant of arrest or summon for appearance always necessary to effectual an arrest or appearance?

We start with the observation that when processing crimes and handling criminals PRC police officials are governed by Criminal Procedure Law of the People’s Republic of China (<<Zhonghuarenmingongheguo xingshi susong fa>>) (hereinafter CPL) and People’s Police Law of the People’s Republic of China (<<Zhonghuarenmin gongheguo jingcha fa>>)(hereinafter JCF),¹²² both of them national laws, as implemented by “Procedure regulations of Public Security organs in handling criminal cases”(<<Gongan jiguan banli xingshi anjian chengxu guiding>>) (hereinafter PSR),¹²³ an administrative regulation.

Specifically, the issuance of warrants or summons is provided for in “Chapter VI Compulsory Measures” of CPL, being Articles 50 to 78, Articles 61 to 154 to PSR, and “Chapter II Functions and Powers of JCFm being Articles 7 to 9.

¹²² Adopted at the 12th Meeting of the Standing Committee of the Eight National People’s Congress on February 28, 1995, promulgated by Order No. 40 of the President of the People’s Republic of China, and effective as of the date of promulgation.

¹²³ Promulgated on May 14, 1998 by the Ministry of Public Security (MPS) as “MPS Order number 35” [Gonganbu di 35 hao ling]

Article 50 of CPL provides that: “The People's Courts, the People's Procuratorates and the public security organs may, according to the circumstances of a case, issue a warrant to compel the appearance of the criminal suspect or defendant, order him to obtain a guarantor pending trial or subject him to residential surveillance.” (underline provided) This suggests that the Courts or Procuratorates has the authority, but are not required, to issue a warrant on application of the police.¹²⁴

Article 59 of CPL provides that: “Arrests of criminal suspects or defendants shall be subject to approval by a People's Procuratorate or decision by a People's Court and shall be executed by a public security organ” (underline provided), This suggests the police must apply for a warrant before an arrest.

Police are allowed to make arrests without warrant in very limited and clearly defined circumstances.

First, Article 61 of CPL provides that: “Public security organs may initially detain an active criminal or a major suspect under any of the following conditions:

- (1) if he is preparing to commit a crime, is in the process of committing a crime or is discovered immediately after committing a crime;
- (2) if he is identified as having committed a crime by a victim or an eyewitness;

¹²⁴ Arrests made by procuratorates are governed by other regulations, besides relevant provisions in CPL Chapter II Compulsory Measures. See generally *Procuratorate handbook* (“Jiangcha guan shouce”) (Shanxi renmin chubanshe, 1995), pp. 297 – 309.

- (3) if criminal evidence is found on his body or at his residence;
- (4) if he attempts to commit suicide or escape after committing a crime, or he is a fugitive;
- (5) if there is likelihood of his destroying or falsifying evidence or tallying confessions;
- (6) if he does not tell his true name and address and his identity is unknown; and
- (7) if he is strongly suspected of committing crimes from one place to another, repeatedly, or in a gang.”¹²⁵

Secondly, Article 62 provides: “The persons listed below may be seized outright by any citizen and delivered to a public security organ, a People's Procuratorate or a People's Court for handling:

- (1) any person who is committing a crime or is discovered immediately after committing a crime;
- (2) any person who is wanted for arrest;
- (3) any person who has escaped from prison; and
- (4) any person who is being pursued for arrest.”

¹²⁵ See identical provision in PSR Article 225.

In both instances, the police must follow up with a detention warrant. Article 64 of CPL provides: “When detaining a person, a public security organ must produce a detention warrant.”

There is little doubt, from this brief legislative law and administrative regulation analysis that arrest or detention without a warrant is not allowed, as Article 71 of CPL makes clear: “When making an arrest, a public security organ must produce an arrest warrant.”¹²⁶

The research into the legislative – regulatory framework for police arrest powers only begins the research exercise. The next issue is how such laws and regulations are being interpreted and applied across the nation and in different location, i.e., do arrest procedures in practice vary from locale to locale in China, or are they uniformly implemented across the country?

In this we learn that the implementation of CPL has always been a major concern.¹²⁷ While the PRC government has taken drastic, and increasingly effective, steps to make sure that police follow CPL.¹²⁸ It has not always been successful.

In principle, PL and police JCR on arrests are supposed to be uniformly interpreted and enforced nation wide. Violation of CPL and JCR

¹²⁶ See PSR 123: “In making arrest, the arrestee must be shown “arrest warrant” (<<dibu zheng>>).

¹²⁷ “Top Legislator on Implementation of Criminal Procedure Law,” *People’s Daily* Monday, November 20, 2000 (Li Peng, chairman of the Standing Committee of National People’s Congress (NPC), observed frequent police violation of PRC Criminal Procedure Law and called for vigilant compliance.). See Kam C. Wong, “Police Powers and Control in the People’s Republic of China: A case study of shouron shencha,” *Columbia Journal of Asian Law* Vol. 10 (3): 367-390 (1996).

¹²⁸ See Kam C. Wong, “Govern police by law,” *Australian New Zealand Journal of Criminology* (2005) (in print)

is subject to Party discipline, organization sanction, administrative appeal, legal challenges, media supervision and legislative (NPC) oversight.¹²⁹ However, in terms of actual practice, arrest procedures differ from locale to locale, having to conform to local customs as reflecting indigenous circumstances.¹³⁰

More pertinently, under the current command and control structure, police in China is subject to dual command and control. Professionally and administratively, local police is commanded by the central government through province police bureaus and county police offices. Financially and operationally, police at the county, township and village level is provided for and directed by local Party and government institutions and personalities.

The above dual command and control structure resulted in big disparity and wide variation in police operational practices. In reality central command and control of police existed in name only.

There are a number of reasons accounting for such local disparities: First, the public security leadership, particularly those at the rural, village and township level, are ignorant as to the legal responsibility and authority of the police. They overemphasized the necessity to coordinate local police work with central Party policy directives, at the expense of national laws and administrative regulations.¹³¹ Second, the public security officials at the local areas routinely fail to follow established laws and regulations.

¹²⁹ “Police Legitimacy Crisis and Police Law Reform in China II,” *International Journal of Police Science and Management* Vol. 7(3) (2005) (forthcoming)

¹³⁰ “Sheltering for Examination: Law, Policy, and Practice,” in *Occasional Papers/Reprints Series in Contemporary Asian Studies*, University of Maryland, School of Law (9/1997), pp. 53.

¹³¹ Wan Shenzi, Li Zhenyu, Zhang Caigui & Zhang Lincun, “The issue about police participating – non-policing activities” (“Guanyu gongan minjing canyu fei jingwu huodong de tiaocha”) *Public Security Studies* Vol. 69, Issue 1: 21 - 24 (2000). 22R.

Consistently, they are not able to resist illegal orders from local Party leaderships who control their appointment, employment or promotion. They are also afraid of spoiling the “good” or “established” relationship with the local village and township leadership, thereby making their work difficult, if not impossible.¹³² Third, there is a lack of check and balance system guarding against abuses of police authority.¹³³ Fourth, public security suffers from inadequate and uncertain financing. Normally, public security is funded by local governments, e.g., village and township. According to historical data, the county and township is only able to fund 1/5 or 3/5 of public security expenditure. The public security officials are expected to raise their own operational funding, e.g., by way of fines. In some cases, the village and township leadership even go as far as requiring the line officers to come up with sufficient fund to finance police operations or risk having their salaries deducted. In other cases, the county and township would pay only for salaries, leaving daily expenses, e.g., office rent, room and board, phone, water and electric to the village/township government. In such cases, the local police must obey the instructions and follow the directions of the local village or township officials or risk having their office closes or electricity or water turned off.¹³⁴ Oftentimes, this means abuse of laws and neglect of procedures; which mean central control gives way to local misconduct

In conclusion, arrest procedure is governed by national law and central procedures in theory but subject to different interpretation and divergent application in practice by local Party and government officials.

¹³² *Id.* 22R.

¹³³ *Id.* 23L.

¹³⁴ *Id.* 23L.

The Ministry of Public Security is keenly aware of the problem and has taken big steps to remedy the situation, e.g., by rationalizing the budget process, such that the local police managers do not need to look towards the local Party and government officials for financial support.

The lesson we learn from this research exercise into Chinese police arrest law is that we must not only look at national laws and police regulations but also seek to understand how such laws and regulations are being interpreted and applied.

MPS administrative documents

Public security scholars defined *gongan* “xingzheng gongwen” as “documents compiled during the administrative process that are with legal and prescriptive effect” (“*falu xiaoli de guifan ti weshu*”).¹³⁵ The State Council further elaborated upon the purposes and functions of such documents as:

“Administrative agency documents (“xingzheng jiguan gongwen”... are an important tool for the communication and implementation the Party and State’s principles, policy, promulgated administrative rules and regulations, execution of administrative measures, request for instructions and answer to questions, giving directions, planning and discussion of work, reporting, exchanging of views.”¹³⁶

¹³⁵ Ding Shijie and Fung Liping, *Public security applied writings* (“Gongan Yingyong Xiezu”) (Beijing: Zhongguo renmin Gong'an daxu chubanshe, 2002), Chapter 1: Public security officials documents (“Gongan jiguan xingzheng gongwen”).

¹³⁶ “Methods of dealing with documents of state administrative agencies” (“Guo jia zingzheng jiguan gongwen chuli banfa”) (Promulgated by State Council on February 18,

All public security administrative documents have the following intrinsic and defining functional characteristics: political (“shengzhi sheng”), legal (“fa dings sheng”), authoritative (“quanwei sheng”), restrictive (“guifeng sheng”).¹³⁷ In terms of classification, official documents are of three kinds:

- (1) directive document (“zhiling sheng gongwen”), i.e., order or instruction from the Party, State, government officials above to subordinates below, such as “mingling”, “jueding”, “pifu”, “yijian”;
- (2) informational document (“zhaohui sheng gongwen”), i.e., communication between public security organs, such as “tongzi”, “tongbao”, “tonggao”, “hanjian”, “huyi jilu”;
- (3) reporting (for approval) document (“baoqing sheng gongwen”).

The State Council has provided for set methods in dealing with a variety of administrative documents.¹³⁸ There are twelve kinds of administrative documents a researcher might likely encounter. The following four illustrate such a diverse administrative framework

1987. Amended on November 21, 1993 and August 24, 2001. Effective January 1, 2001.) See also “Methods of dealing with documents with Chinese communist agency” (“Zhongguo gongchangdang jiguan gongwen chuli tiaoli”)

¹³⁷ Id. pp. 39 – 30.

¹³⁸ “Methods of dealing with documents of state administrative agencies” (“Guo jia zingzheng jiguan gongwen chuli banfa”) (Promulgated by State Council on February 18, 1987. Amended on November 21, 1993 and August 24, 2001. Effective January 1, 2001.) See also “Methods of dealing with documents with Chinese communist agency” (“Zhongguo gongchangdang jiguan gongwen chuli tiaoli”)

- (1) “Mingling”¹³⁹ or “ling” (order or instruction).¹⁴⁰ This can be used to issue administrative rules and regulations; disciplinary measures; or void government actions.¹⁴¹
- (2) “Yian”¹⁴² (proposal or motion).¹⁴³ “Yian” are legislative proposals submitted by government units at various levels to People’s Congress or its Standing Committee at corresponding level, as required or permitted by law.¹⁴⁴
- (3) “Jueding”¹⁴⁵ (resolution or decision).¹⁴⁶ “jueding” are major legal, policy, operations or personnel decisions.¹⁴⁷
- (4) “Zhishi”¹⁴⁸ (direct or instruct). These are directives to subordinate agencies for uniform actions.

¹³⁹ *PYCED* p. 477R.

¹⁴⁰ Administrative records, Article 9 (1) (1993).

¹⁴¹ See discussion and examples in “Chapter 1”, *Public security applied writings*, pp. 49 – 50.

¹⁴² *PYCED* p. 822L.

¹⁴³ Administrative records, Article 9 (2) (1993).

¹⁴⁴ Id.

¹⁴⁵ *PYCED* p. 373R.

¹⁴⁶ Administrative records, Article 9 (3) (1993).

¹⁴⁷ *Security applied writings*, pp. 52 – 3.

¹⁴⁸ *PYCED* p. 902L.

These documents, to the extent they are available,¹⁴⁹ are indispensable for conducting police research. Such documents, if properly analyzed, tells us what is going on inside the public security agency by providing context,¹⁵⁰ reveal mindset,¹⁵¹ describing problems,¹⁵² registering concerns,¹⁵³ interpreting laws, analyzing issues, articulating policy, outlining strategies, explaining methods, documentation results. The limitations of using such documents are many, e.g., many of the documents are not made available and those who are available hide more than they reveal. Finally, there is always the concern of politics, e.g., to what extent reports reflect reality and administrative utility or political correctness.

¹⁴⁹ See for example *Compendium of People's Republic of China Public Security Laws (Compendium of PS Law)* “Zhonghua renmin gonghe guo Gongan falu quanshu” (Jilin: Jilin Chubanshe, 1995). (Organize by public security functions – “xianfa bian” (Chapter on Constitution) (pp. 3 – 24), “xingfa bian” (Chapter on Criminal Law) (pp. 29 – 155), “xingshi suxiong fa bian” (Chapter on Criminal Procedure Law) (pp. 159 – 359); “zhian bian” (Chapter on Public order) (pp. 363 – 679); “huji bian” (Chapter on Household Registration) (pp. 683 – 741); “jiaotong bian” (Chapter on Traffic) (pp. 745 – 1026); “xiaofang bian” (Chapter on Fire prevention) (pp. 1031 – 1223); “churu jing bian” (Chapter on Border Exit and Entry) (pp. 1227 – 1316); “laodong jiaoyang bian” (Chapter on Reform Through Labor) (pp. 1321 – 1382); “xingzheng susong yu guojia peichang bian” (Chapter on Administrative Appeal and State Compensation) (pp. 1387 – 1425); “jingchafa bian” (Chapter on Police Law) (pp. 1431 – 1599); “xiong guan fa bian” (Chapter on Related Laws) (pp. 1603 – 1791).

¹⁵⁰ Party central social order comprehensive management committee (“Zhong yang shehui hian zhonghe zhi weiyuan hui”), Ministry of Public Security (“Gongan bu”), Ministry of Civil Affairs (“Minzheng bu”), Ministry of Agriculture (“Nonye bu”), “Comments regarding strengthening village public security committee work” (“Guan yu jiaqiang non cun zhibao hui gongzuo de yijian”) (November 21, 1994). In *Compendium of PS Law*, pp. 459 – 461. (The “yijian” described in great detail problems with the withering away of village public security committees: lack of leadership, aging membership, decline of interests. This provides a context to discuss the need to provide ways of rehabilitating the public security committee, e.g., recruit young people and provide for incentives.)

¹⁵¹ Id.

¹⁵² Ministry of Public Security (“Gongan bu”), “Notice regarding stern execution of inspection of vehicle registration” (“Guanyu yange jixing hefa cheliang paizheng guiding deng wenti tongzhi”). *Compendium of PS Law* p. 939. (MPS discovered the problems with local public security organs issuing illegal official vehicle registration plates.)

¹⁵³ Id.

Books

If one wants to obtain an overview of public security work in China, he/she should consult ***Dangdai Zhongguo gongan gongzhuo*** (Contemporary public security work in China) (1992). If one wants to understand the characteristics of PRC policing in the 1990s – socialist policing with Chinese characteristics – one is well advised to consult ***Zhongguo teshe gongan zhi yanjiu*** (Research into public security with distinctive Chinese characteristics) (Chinese Police Studies Association 1996). If one wants to trace PRC legal development from 1949-1988 he/she should consult ***Xin Zhongguo fazhi jianshe Shisi nian yao lan: 1949-1988*** (New China Legal System Construction: Forty Year of Overview Significant Events, 1949-1988) (1990). If one wants to learn about the techniques, skills and procedure of PRC police investigation, he/she should consult ***Zhonghua renmin gongheguo jiancha yewu quanshu*** (Comprehensive manual for PRC investigation work) (1990). If one wants to read up on laws, rules and regulations affecting public security work, he/she can consult ***Gongan fagui huibian (1950-1979)*** (Compilation of public security rules and regulations) (1980) and ***Gongan fagui huibian (1980-1986)*** (1987). If one is interested in finding out official interpretations and notices pertaining to laws, rules and regulations affecting public security work, one should consult ***Zhonghua renmin gongheguo falu guifanxing jueshi jicheng*** (A Compilation of PRC law and regulatory explanations) (1990). More recently, scholars interested in police laws, regulations, policies and interpretations should consult the ***Zhonghua renmin gongheguo gongan falu quanshu*** (Compendium of PRC Public Security Laws) (1995). Lastly there are many books written by serving officers or academics on various

aspects of PRC police and policing, e.g., Xian Dang's *Police work implicating foreign concerns*, (Zhongguo shewai jingwu) (1991) tells you everything you want to know about how PRC police deal with crime implicating foreign persons and interests and Yan Li's comprehensive working manual for working in police post should provide an inside look at the business of grass-root policing, *Gongan paichusuo yewu quanshu* (A comprehensive manual for public security post) (1994).

Finally two source books that are a necessary companion to every China bound police researcher. The *Zhongguo gongan baike quanshu* (Chinese Public Security Encyclopedia) (Zhongguo gongan baike quanshu editorial committee (1989) is a handy reference to everything you want to know about PRC policing. It is especially useful in defining terms and finding (summary) important documents. The problem is that it is dated. A big problem in a fast changing field. The other is an annual series, the *Law Yearbook of China* contains many data on law activities in China, more pertinent for our purposes, on police strengths, crime statistics and important events affecting PRC police.

Journals

To keep professionally current and conduct scholarly research into specific issues on PRC policing, one cannot do away with reading public security journals. These are journals sponsored by the Ministry of Security but managed editorially by the respective public security universities.¹⁵⁴ It is commonly recognized in the PRC and by China bound police scholars that public security higher education journals in China suffer from a lack of scholarship, starting from less than competent and scholarly editors to less

¹⁵⁴ Ji Wei Wei, "Analysis on Calculation of Quotation in Journal of Jiansu Police Officer College," *Journal of Jiansu Police Officer College*, No. 89: 181 – 188 (2003).

than demanding standards. The editors are neither specialists (*zhuan men*) nor scholarly (*xuezhe*).¹⁵⁵

The journals also suffer from having to be politically correct in abiding by Marxist principle and following Party lines. Articles published must also be of practical value (*you shiyong jiazhi*)¹⁵⁶ and of a suitable subject (*shiyong*). This means that articles published must deal with concrete and relevant issues of the day (Jia 1999:101-103). They are not allowed to be critical of the PRC political authority or police administration.

The three most prominent and often consulted public security journals of “official” standing are:

Gongan Yanjiu (Public Security Studies) is the official Journal of the Chinese Police Studies Association (Zhongguo Jingcha Xuehui). It is managed and edited by the Ministry of Public Security, Public Security Research Bureau. The Journal is a bi-monthly scholarly publication devoted to police theoretical studies (*jingcha liun yanjiu*). It is designated as an international journal, freely subscribed by police scholars and practitioners all over the world. Being an official publication, it insists on “political correctness.” At a recent editorial board meeting (October 25 – 27, 2000), the editorial board made this observation: “Yanjiu wu jinzu, xuanquan you jilu”: “There is no forbidden zone to research, but there should be discipline in promotion (of ideas.” For example, confidential data should not be published.¹⁵⁷ The Journal stated to publish monthly starting from 2001.

¹⁵⁵ Jia 1999:101-103.

¹⁵⁶ This means that articles must help with policy choice (relevancy); proposed ideas supported by facts (empirical); and point out patterns and regularities of police work (theoretical).

¹⁵⁷ Yang 1999: 5.

The Gongan Daxue Xuebao (Journal of Chinese People Public Security University) is the official publication of the Chinese People's Public Security University ("PSU"). The Journal is a bi-monthly professional publication devoted to applied police studies. The contributors are either professors from PSU or field police leaders from all over the nation. It is managed and edited by the Public Security University). The Ministry of Public Security is the Competent Authority (*zhuguan*). It is considered one of the most authoritative, prestigious and influential journal in PRC policing community in China. It is one of the "core" (*hexin*) police journals. The Journal, now in its fifteen-year, was first available (in 1988) as an internal printed materials (*nei bu kanwu*). Beginning 1996, the "internal" circulation restriction was lifted. In 1998, according to "Zhongyang guanyu jiaqiang xinwen chunban guangbo dianshi ye guangli de tongzhi" ("Notice regarding strengthening the management of news, publication, broadcast and television"), a number of high quality internally circulated public security journals are publicly released. Since 2000, police university journals are free to spread police research and science product' in order to strengthen police operations and services through exchange of ideas and findings by way of research and publication.¹⁵⁸ The Journal retains its format throughout, though the substance and quality of the articles have improved through the years in terms of rigorousness of research and sophistication of arguments. To date, it is a much more academic and less ideological Journal; though it still promotes "Ideological zealotry" and "Political correctness" with uncommon candor. Public security higher education journals are required to adhere to "dangxin yuanzhe" ("Principle of Party

¹⁵⁸ See content page to *Gongan Daxue Xuebao* Issue 47 (1994) vs. Issue 59 (1996) vs. Issue 83 (2001).

spirit”). This means that articles selected for publication should be informed by Marxist basic principles and follow the Party line (*dang luxian*), guiding principles (*fangzhen*) and policies. Articles are grouped under different heading for ease of reference, e.g., public security management (*zhian guanli*), public security management research (*gongan guanli yanjiu*), jurisprudence research (*faxue yanjiue*) and crime research (*fanzui yanjiu*).. Such headings change from issue to issue, but remain basically the same thematically.

Gongan Lilun Yu Sijian (Theory and practice of Public Security). The journal is published under the auspices of Shanghai Public Security Bureau and edited by Shanghai Public Security Academy (Shanghai Gong'an Gaodeng Zhuanke Xuexiao). It is reported here as an example of one of the more famous regional/local journals. The journal was first published in 1987, originally as quarterlies. Beginning with the first issue of 1999 (Issue Vol. 9(1), the journal was also published under the joint title of (Shanghai Gong'an Gaodeng Zhuanke Xuexiao Xuebao), in English (Journal of Shanghai Public Security Academic). From this date, the journal is made available for public circulation by subscription, domestically as well as abroad. This is a deliberate and concerted move to make the journal more academic, professional and relevant.

Newspapers

Currently, the most accessible data about China policing comes mainly from the *Renmin gongan bao* and related public security publications, e.g., *Gongon Juanjiu*.

Renmin gongan bao is the official newspaper published by the PRC Ministry of Public Security. It was first published in October of 1984 and originally restricted to internal circulation. The paper provides public

security officers with up-to-date information on public security happenings. The content of the paper includes: guidelines, policies and directives of the administration, legal and public security information and crime reports, police stories and personalities. On 1 July 1988 the paper was released for public and foreign distribution.

The most common strategy to uncover and discern what is happening with the PRC police is to follow the following four steps:

Note Important announcements. The first is by analyzing the public pronouncements of PRC public security officials reported as “zhongyao yanlun” (“important opinions”)¹⁵⁹ in public security media. Such policy

¹⁵⁹ The People China’s Daily Online has published “zhongyao yanlun” since its inception. “

<http://www.cpd.com.cn/flmen.asp?menulb=109%D6%D8%D2%AA%D1%D4%C2%DB&menujb=3> On June 6, 2002 there were a total of 18 column reported, i.e., (1) “Women gaixian Xiao Yuquan xuexi shenme” (What can we learn from Xiao Yuquan” (May 28, 2002); (2) “Silun jiaqiang he gaijing gongan jiguan zuofeng jianshe” (Fourth discussion on measures to strengthen and improve public security organs work style) (May 21, 2002); (3) “Yongtiao zhongdan zhongceheng weidang” (Eager to carry the heavy burden, being true to the Party) (May 5, 2002); (4) “Guanjian zai ‘yiba shou’ – sanlun jiaqiang he gaige he gaijing gongan jiguan zuofeng jianshe” (Third discussion on measures to strengthen and improve public security organs work style) (April 25, 2002); (5) “ Erlun jiaqiang he gaijing gongan jiguan zuofeng jianshe” (Second discussion on measures to strengthen and improve public security organs work style) (April 2, 2002); (6) “Yi quanju he zhanlue gaodu chuji jiaqiang he gaige paichusuo gongzuo” (Use comprehensive and strategic measures to launch attacks on strengthening and reforming police post work) (March 20, 2002); (7) “Yixin zuofeng qude cheng xiao: Yilun jiaqiang he gaijing gongan jiguan zuofeng jianshe” (Use work style to achieve effects: First discussion on measures to strengthen and improve public security organs work style) (February 27, 2002); (8) “Laoji zeren zai chuang huiwang: 2002 nian xinnian xianqi” (Keep firmly in mind in order to achieve new glory: New year speech of 2002) (December 31, 2002); (9) “Shiying xin xingshi yingjie xing tiaozhan” (Adjust to new situations, embrace new challenges) (December 22, 2001); (10) “Jiaqiang xunlian tigao jinang” (Strengthen training promote competence) (December 3, 2002); (11) “Quanmian jiaqiang neibu jiandu jiaqiang jifa shiping” (Strengthen overall internal supervision, improve upon law enforcement standards) (October 17, 2001); (12) “Xuexi “Mugang jingshen” shijian “sandaibiao” (Learn about “Mugang spirit” realize “three represents) (September 19, 2001); (13) “Zhidu guanli yifa zhijing” (Systemize control, legalize regulation of officers) (July 6, 2001); (14) “Zai dalao xixiang shang henxia gongfu” (Work hard to

initiatives often surfaced when national political leaders or public security executives made speeches at important events.

Follow Policy Debate. The second is through investigating the policy debate and disseminating initiatives during national or provincial public security meetings.

Trace Implementation of Initiatives. The third is by examining application of such policy initiatives at the grass-roots and operational levels. This is best done by reading up on articles on how such policy initiatives transformed themselves in actual operational measures and practices. This is best achieved through reading on how local police managers seek to realize national policy initiative in concrete terms and material ways. Real case studies of successful implementation of such policy initiatives are most illuminating, as with annual report of success of the initiatives.

Read Police Discussions. The fourth and last is to read up on how the police discussion amongst themselves on relative merit and or problems of various polices and practices.

IV

Contributions of this Book

improve and focus on the foundation of ideology) (July 6, 2002); (15) “Xiun zaohao “sanxiang jiaoyu” (Tenth discussion improving “Three kinds of education” (July 5, 2001); (16) “Hang yang kuangrong, jiang ding lixiang xinlian” (Achieve the tradition of grand glory, holds firmly to ideal) (June 26, 2002); (17) “Fang Guanxi gongan ting jingzhen zong duichang Liang Hongwei” (Interview with Guanxi public security department, economic crime investigator chief, Liang Hong wei) (n.d); (18) “Yilun zhengdun he guifan shjichang jingji zhixu, yanli daji jingji fanzui” (First discussion on recognizing and structuring economic order, strike harsh at economic crime) (n.d.).

The above discussion suggests that there is a dire need to study policing in China with an open mind. Particularly, there is a need to trace, analyze, and discuss recent developments – ideology, philosophy, organization, law, operations - in China policing within a broader context of Chinese history of social control and PRC political reform since 1979. This kind of study will help to discern historical legacy, discover emerging patterns and speculate upon future trends. The hope is that this kind of scholarship can contribute to our understanding of PRC police as an evolving entity and pragmatic enterprises¹⁶⁰ caught between past dreams and future hope, traditionalism and liberalism,¹⁶¹ ideological dogma¹⁶² and

¹⁶⁰ As a street level bureaucracy, police cannot help but be pragmatic in their outlook and practical in their approach while doing the people's business. Kevin J. O'Brien; Lianjiang Li, "Selective Policy Implementation in Rural China," *Comparative Politics* Vol. 31 (2): 167 – 186 (1999), (As street level bureaucrats, local cadres at village level has multiple responsibilities and competing demands. They have to be flexible in negotiating their duties and dispensing their responsibilities.)

¹⁶¹ The ideological war between neo-conservative (in the guise of traditionalism and nationalism) and radical democratic forces (over rule of law and human rights) is far from over, particularly when the later suffered declining influences after June 4. The conservatives are more emboldened than ever by increasing signs of reform failures, such as huge unemployment, gross inequality, and exploding criminality. The cultural implications, social impact, and in the end political fallout, of such a war of words and ideas over reform direction and process has yet to be fully played out. In the meantime China forged ahead with the reform program under Deng's last words calling for pragmatism ("It does not matter if the cat is white or black. If it can catch a mouse, it is a good cat.") and experimentalism ("Crossing the River by Feeling Each Stone"). Feng Chen, "Order and Stability in Social Transition: Neoconservative Political Thought in Post-1989 China," *CQ* No. 151: 593-613 (1997).

¹⁶² PRC Constitution (Adopted at the Fifth Session of the Fifth National People's Congress and Promulgated for Implementation by the Proclamation of the National People's Congress on December 4, 1982): "The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism- Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a socialist country with a high level of

practical necessities;¹⁶³ all the time struggling to maintain a semblance of continuity and order amidst fast pace, propitious and precipitous, political, economical, social and cultural changes and disjuncture that is a reformed and reforming China.

This book should make for five kinds of contribution:

First, police institutions – organization, process, and practices - are not the same everywhere.¹⁶⁴ Police agencies differ in institutional mandate, e.g., political vs. social policing, organization structure, e.g., bureaucratic vs. communal control, and operational process, e.g., rule of law vs. rule by law; as determined by historical legacy, structured by current needs, and driven by a future vision. But they also share much commonality in terms of goals, i.e., maintenance of order, and means, e.g., use of force, as reflecting more universal human nature and enduring communal needs. In order to study police cross-culturally,¹⁶⁵ we need to understand similarities and discern

culture and democracy. “Chen Yun (陈云) (June 13, 1905 – April 10, 1995), a participant of Long March (1934-1935) and a long time member of Politburo Standing Committee of the Communist Party of China (中国共产党中央政治局常务委员会) is one of the most conservative, ideologically. Chen Yun: "one must note that opening to the world will inevitable be accompanied by capitalistic ideology and life style both of which are detrimental to our socialist cause." He wanted the reform limited with his now famous "bird-cage economy" analogy.)

¹⁶³ Lucian W. Pye, "On Chinese Pragmatism in the 1980s," *CQ* No. 106: 207-234 (1986). (Pragmatism becomes the official ideology of the reform period under Deng. This is reinforced by China people's ingrained national character of nationalism and social practice of *guanxi* and loyalty.)

¹⁶⁴ Deflem, Mathieu. 1997. "Policing International Society: Views from the United States." Review essay on 'Cops Across Borders,' by Ethan A. Nadelmann and 'Crime and Law Enforcement in the Global Village,' edited by William F. McDonald. *Police Forum* 7(3):6-8; Deflem, Mathieu, and Amanda J. Swygart, "Comparative Criminal Justice." Pp. 51-68 in *Handbook of Criminal Justice Administration*, edited by Toni DuPont-Morales, Michael Hooper, and Judy Schmidt. (New York: Marcel Dekker Publishers, 2001).

¹⁶⁵ I take to heart my mentor Professor Bayley's constant and emphatic admonition that "comparative" policing studies between countries is a misnomer. First, comparison is what we do as students and scholars. It is our stock of trade. It is through comparing of

differences of policing between nations and across culture.¹⁶⁶ This requires building up a data base of police organization and practices in many countries as a first step; one country at a time.

Second, in order to improve upon policing in China, it is necessary to gather empirical data about the performances of police reform program, process and outcome, for analysis and assessment purposes.¹⁶⁷

Third, in order to build up a Chinese policing study field outside of China,¹⁶⁸ domestic literature, indigenous perspectives, local data and inside - out – bottom – up views must be recorded.¹⁶⁹ One proposal is to have bi-cultural researchers who are at ease in two cultures.¹⁷⁰ It is observed that

ideas and contrasting of practices that we come to discern similarities and differences, and learning and understanding the things under examination in the process. “Comparative policing” is a species of intellectual exercise (by and through comparative analysis), not a unique field of study. Second, when one engages in “comparing” police from two societies, we are not just looking for formalistic similarities and superficial differences. In actually, we are really engaging in a study of culture to find out why police behave differently in two diverse cultural systems, separated by time and/or place. Thus, it is more appropriate to call “comparative policing” “cross-cultural” study of policing.

True cross-cultural policing research and study are rare and is being marginalized. J.I. Ross, J.I. “The current status of comparative policing in the curriculum,” *Journal of Criminal Justice Education*, Vol. 7: 263-273 (1996); J.P. Brodeur, J.P. (Ed.) (1995), *Comparisons in policing: An international perspective* (Aldershot, England. Avebury, 1996) Annmarie Cordner, Harry Dammer, Frank Horvath., “A national survey of comparative criminal justice courses in universities in the United States,” *Journal of Criminal Justice Education* Vol. 11 (2): 211- 225 (2000) (“58 (34%) of the sample schools included at least one course in their curriculum”)

¹⁶⁶ Many of the current comparative criminal justice researches are not true comparative study but country studies, placed side by side, e.g., E. Fairchild, *Comparative Criminal Justice Systems*. (Belmont, CA: Wadsworth Publishing Co., 1993).

¹⁶⁷ David H Bayley spearheaded such an effort in *Patterns of policing : a comparative international analysis* (New Brunswick, N.J. : Rutgers University Press, 1985).

¹⁶⁸ Chinese police studies with Chinese characteristics.

¹⁶⁹ William P. Alford, “Law, Law, What Law?: Why Western Scholars of Chinese History and Society Have Not Had More to Say about Its Law,” *MC* Vol. 23 (4): 398-419 (1997).

¹⁷⁰ Philip C. C. Huang, “Biculturalism in Modern China and in Chinese Studies,” *MC* Vol. 26 (1): 3 – 31 (2000).

intimate knowledge with culture and good facility with language allows a researcher to reach back into forgotten historical memory, dig deep into obscured cultural meaning and access to latent emotional feelings to provide a more complete and holistic picture of matters under investigation and materials to be interpreted.¹⁷¹ While Huang made clear that his preference for bi-cultural researchers is not meant to exclude “foreign” researchers, it is also clear that Huang thought that researchers locally born and bred has a natural advantage over and above those who just learned about China by education and through emersion.¹⁷²

¹⁷¹ For a rejoinder see, Prasenjit Duara, "Response to Philip Huang's "Biculturalism in Modern China and in Chinese Studies" *MC* Vol. 26 (1): 32-37 (2001) (Bi-cultural approach provides no escape from globalization of knowledge, universalization of culture, and commodization of ideas, especially when the underlying indigenous culture (China) (willingly or by force of circumstances, consciously or unconsciously) increasingly takes on a modernized look and feel.) In response to Duara, my sense is that the transformation of indigenous culture, while a distinct possibility, does not mean that local knowledge and indigenous understanding is no longer necessary, still less irrelevant, for cross-culture researcher. First, cultural transformation is an incremental, interactive, and intergenerational project. Japan today still enjoys a village like culture, in many respects. David Bayley, *Forces of Order* (University of California Press, 1991). Second, local memory is cumulative and become part of a bi-cultural person's persona, once assimilated. All understanding of a culture will relate back to his/her exposure to a culture, especially when one is being brought up in a certain cultural milieu in time and place. The culture will change, but ones cultural identity and collective memory stays, and keep renewing and reinventing itself. This cultural exposure become ones life experience and provide the context, and facility, for one to make sense of what one sees and hear in later life. Berman, Harold J., "The Historical Foundation of Law" *Emory Law Journal*, Vol. 54, 2005 Learning a language and culture is thus learning how to negotiate in a given social milieu; what things mean and potent. Thus to understand a language is also to under life as experienced in a group.) Michael W. Nicholson, "Abusing Wittgenstein: The Misuse Of The Concept Of Language Games In Contemporary Theology," *JOURNAL OF THE EVANGELICAL THEOLOGICAL SOCIETY* Vol. 39(4): 617 – 630 (1996).

¹⁷² Huang's biculturalism debate recalls and reinvigorates the debate in criminal justice over whether “insider” vs. “outsider” is better able to study criminal justice system in action. The “insiders” (those who has been through the system) is supposed to have better access to secret information and possessive of unique insights not (easily?) available to the “outsiders”. For example, convict criminologists conduct correctional research as informed by a convict's personal experiences and from a critical perspective.

They argued that scholarship in general and convict criminology in particular is intimately and irrevocably linked with one's personal identity, experiences, sensitivity, perspective and ideology, as an integrated whole. J.I. Ross and S. Richards, "What is The New School of Convict Criminology?" *The Blanket* (August 2003). Opponents to "insider scholarship," including this author, claim that it suffered from conceptual, theoretical, empirical, methodological and philosophical problems. Conceptually, who is considered an "insider"? Does insider include researchers married to an insider? Theoretically, "insider" researchers might not have much to offer to the readers. If all that an "insider" can offer is secretive, hidden or contextual information, there are other ways to obtain such information, e.g., participatory observer (the term in vogue is "embedding") or having insider informants (the case in point is "deep throat", see O'Connor, J. (2005) "I'm the Guy They Called Deep Throat," *Vanity Fair* May 30, 2005). However, if "insider" researchers' voices are treasured, not for their substantive knowledge, but for their unique perspective and radical insights arising from their identity (see V.K. Kanuha, "Being" Native versus "Going Native": Conducting Social Work Research as an Insider," *Social Work*, Vol.45 (5): 439-447 (2000), deriving from their experience (see M. Polanyi, *The Tacit Dimension*. (Garden City, NY: Anchor Books, 1967) and emulating from their emotional resonance, i.e., how Chinese police officer thinks and feels about (aspects of) policing are very much driven by their pride in PRC and profession, there are other unique perspectives and insights that are as worthy of reporting as a special brand of scholarship, e.g., police spouse perspective, police parents insights and police siblings reflection (see R. Adlam, "Developing Ethics Education for Police Leaders and Managers: action research and critical reflection for curriculum and personal development," *Educational Action Research* Volume 6 (1) (1998). Methodologically, "insider" research in the first person with agenda to pursue, ideology to promote, and interest to advance contributes to bias observation and partisan analysis. Instead of being a disinterested reporter of social conditions, "insiders" become committed advocates for change (see H. Garza, "Objectivity, Scholarship, and Advocacy: The Chicano/Latino Scholar in America," Julian Samora Research Institute, Occasional Paper No. 58, March 1999.). Empirically, "insiders" might not know as much as "outsiders". "Insiders" also might include people who are not in the know, i.e., past insiders, such as retired police officers who are out of touch or current police officers who are promoted/transferred from knowledge depository site (see J. Chan, *Changing Police Culture: Policing in a Multicultural Society* (Cambridge: Cambridge University Press, 1997). More damningly, "insider" as an all embracing term – once a "Chinese" cop always a "Chinese" cop – fails to sufficiently discriminate between police practitioners who know something about the area of inquest and those who do not. Chinese police is complex institution, no "insider" is capable of knowing it all (W. St. John, "Professor with a past" *New York Times*, August 9, 2003). Philosophically, treating "practitioner scholarship" differently also sends the wrong (at least mixed) signals to the research community, i.e., it is who you are not what you know or have to say that matters in the academic world.

Fourth, there is a dire need to supplement foreign view of Chinese reform in general and police reform in particular,¹⁷³ counter-balancing them with internal perspectives, domestic voices and grass root understanding.¹⁷⁴

Finally, such a study contributes to our growing understanding of PRC police as an evolving institution caught between past legacy and future vision while struggling to maintain a semblance of continuity amidst fast pace political, economical, social and cultural change that *is* China in the last 38 years.¹⁷⁵

¹⁷³ With an abiding faith in U.S. ideological exceptionalism (democracy, equality, rule of law) and an equally strong conviction in scientific universalism (rationality, objectivity, generalizability), American scholars have a tendency to examine societies everywhere under a microscope, in order to validate the absolute superiority of American theories or downplay the possible contribution of non-American paradigms. *Lucian W. Pye*, "Asia Studies and the Discipline," *PS: Political Science and Politics* Vol. 34(4): 805 – 807 (2001). ("But does anyone believe that American practice can be treated as the norm for everyone? Or even for any other particular country. (p.805)

¹⁷⁴ In 1999, the author started with other interested Asian police scholars from Taiwan, PRC, Hong Kong, Korea the Asian Association of Policing to bring indigenous voices to the study of Asian policing. "Closing Remark" (AAPS Presidency Inauguration Speech) AAPS Third Annual Conference: Asian Policing in the 21st Century, Open University, July 29, 2002. Co-sponsored by Center for Criminology, Hong Kong University, Open University, Chinese University of Hong Kong. Kam C. Wong, *Asian Policing in the 21st Century (Proceedings)* (Hong Kong: AAPS, 2002) (There is a need to study policing from a local perspective and with indigenous data, looking at policing from inside out and bottom up. Comparative policing should be taught with local content and within local context.) Many of the recent China political science and police studies research and writing are by first and second generation China scholars who are educated in the West, e.g., Wu Guoguan a Princeton political scientist from Victoria University was within the inner circle of PRC Premier Zhao Zhiyang before his demise and Fu Hualing who single handedly plowed the field of Chinese police studies in Hong Kong University in the 1990s was educated at University of Toronto and a PRC police instructor in the 1980s. David Shambaugh, "Keeping Pace with a Changing China: CQ at 35," *CQ* No. 143: 669-676 (1995) (*The China Quarterly* now has outstanding contributions from mainland China emigrant who bring with them personal experience and *nebu* (internal) documents), connection within China and contacts inside institutions.)

¹⁷⁵ Chen Yuanxiao, "Ponder over the Sustained Development and Improvement of Policing," *Public Security Studies*, Vol. 78: 22 – 26 (2001) (The current police system, process and methods is not keeping pace with radical economic reform and catching up on rapid social changes. Specifically, there are three kinds of "bottlenecks". First, police administration bottleneck, i.e., there is no central administration of police resources and

China must be studied and engaged on its own terms with a mixture of domestic and domesticated viewpoints¹⁷⁶ in order to gain a better – fuller, deeper, richer, diverse, nuance – understanding of a yet to be explored policing system in PRC.¹⁷⁷

V Organization of this book

coordination of operations (22L). Currently, public security officers are funded and directed by local government and Party officials, but have to report to the MPS chain of command. Second, police quality and capacity bottleneck (22R). Police are lacking in critical skills, e.g., computing, financial, business skills. Currently, police colleges and universities are only teaching general academic and abstract theoretical knowledge. They are not providing new officers with functional skills and in service officers with specialized and professional knowledge. Third, complex bureaucratic and tall hierarchy command structure bottleneck. Currently, the command and control structure of the police is at the municipal and county level. There is a long chain of command. Some cases require senior officers to be on scene, but this cannot be done in a timely manner. The reporting process and command practice slows down operations (p. 23R.). Fourth, adherence to traditional ideas bottleneck. Currently, criminal investigation is based on “on scene inspection, personal investigation, and surprise interrogation”. There is no attempt to adopt more modernized technology and progressive techniques of investigation. In terms of police operations, they are based on mass campaign and collective actions, one after another. There is no attempt to target special problems for focused treatment. In terms of order maintenance, there is a reliance on legal prohibition and physical punishment. There is no attempt to ameliorate disorderly conduct or forestall risky activities. In terms of policy decision making, the reliance is on seniority and experience, not systematic investigation of problem or broad consultation with the people (p. 23R).

¹⁷⁶ An issue is raised as to whether domesticated foreign ideas take on local roots and indigenous characteristics which require a local person (or bicultural) person to investigate, meaningfully. This issue should not detain us for long. “Foreign” or “alien” ideas once transplanted take on local content and characteristics, and must be understood in local terms and within local context. A trip to McDonald in China has different cultural meaning and social significance than in the U.S. In the U.S. it is a fast food trip to fill the stomach for a busy blue collar worker. In China it is an expensive date for two newly met romancing young people.

¹⁷⁷ Philip C. C. Huang, "The Paradigmatic Crisis in Chinese Studies: Paradoxes in Social and Economic History," *MC* Vol. 17(3): 299-341 (1991) (The way to neutralize ill conceived theories, East or West, is to engage in micro – social empirical research, or simply let the facts of specific cases speak for themselves, when found to be in contradiction with macro-general theory.)

As observed, there is very few scholarly works on contemporary Chinese policing in academic libraries or in general circulation to help researchers to study, students to learn and policy makers to resort to on PRC police (as an institution) and policing (as a function). Academic researchers, graduate students, public intellectuals, policy experts, and media professionals now have to rely on occasional journal articles and run of the mill newspaper accounts to get a glimpse into the inside world of PRC police. The former, while learned, is too narrowly focused and selective in approach to provide a full picture and comprehensive understanding of an academic field. The later, while informative, pander to the public. They are otherwise not well informed of the long history, broad context and deep current shaping policing in China. The dearth of information is more acute when we consider the import of the subject matter on our national policy and research community. The lapse in scholarship, in accessible data and usable knowledge, on Chinese policing is particularly perplexing when we consider the out pour of publications in China law, business and political science fields, since 1979.

Currently, there is only one PRC policing book in the library, i.e. *Policing and Punishment in China: From Patriarchy to 'the People'*¹⁷⁸ by Michael R. Dutton, a learned Chinese political scientist from Australia. The book has little to do with policing as a political institution and social practice. Rather the book is about household registration and control, with a Foucault theoretical framework imposed.¹⁷⁹ The more recent edited book

¹⁷⁸ Cambridge University Press, 2002.

¹⁷⁹ Introduction; 1. From 'facts' to theory: the emergence of the 'feudal relics' debate; Part I. The Policing of Virtue: 2. The policing of households; 3. Toward a history of Chinese registration; Part II. Two The Penal Regime: 4. From the policing of virtue to the policing of pain; 5. From the policing of pain to the economy of discipline: punishment in

Crime, punishment, and policing in China,¹⁸⁰ by Borge Bakken contains two publish chapters on China policing. Both articles have appeared elsewhere.¹⁸¹

This book is the only book that provide for a systematic and comprehensive treatment on various aspects of China policing, including: idea (Chapter 2), origin (Chapter 3), history (Chapter 4), philosophy (Chapter 5), law reform (Chapter 6), theory (Chapter 9). The book is meticulously researched and copiously referenced with primary (crime statistics, government laws and regulations) and secondary (Chinese media news and academic (law, politics, police journals) data.

This is a meticulously researched book, with heavy documentation from primary sources and detail illustration with original case studies. This book should provide busy policy staffers, inquisitive graduate students and critical academic researchers with a thorough and in-depth understanding of China policing. It is also a handy source book for China bound researchers and good research methods book for uninitiated graduate students of Asian studies.

This book, which no doubt will be followed by other more specialized treatment of individual subjects under the rubric of China policing, promises

the modern period; Part III. The Policing of Households: The Policing of Work: 6. The emergence of the Hukou; Part IV. On Useful Timber: 7. Securing the perimeter; 8. Gulags and Utopias; Conclusion; 9. The legacy of 'orientalism'; the legacy of the gulag.¹⁸⁰ Rowman & Littlefield, Inc., 2005.

¹⁸¹Introduction: Crime, Control, and Modernity in China (Borge Bakken); Part I. Recent Dreams, Present Trends, and Future Scenarios. 2. Penology and Reformation in Modern China (Frank Dikötter); 3. Comparative Perspectives on Crime in China (Borge Bakken). Part II. Prison and Punishment in Transition. 4. A Question of Difference: The Theory and Practice of the Chinese Prison (Michael Dutton and Xu Zhangrun); 5. Sizing Up China's Prisons (James D. Seymour). Part III. Policing "Market Socialism" 6. Campaign-Style Policing in China and Its Critics (Murray Scot Tanner) .7. Toward a Government of the Contract Policing in the Era of Reform (Michael Dutton).

to supply readers with authoritative, incisive and insightful account on aspects of China policing.