

Principals and Secret Agents: Central versus Local Control Over Policing and Obstacles to “Rule of Law” in China*

Murray Scot Tanner and Eric Green

ABSTRACT This article extends the enduring debate over the balance of central versus local government control to China’s cornerstone of state coercive control: the public security (civilian police) system. A recent series of studies argues that during the 1990s central authorities made terrific progress in regaining influence over local officials across a wide variety of issue-areas. This study, by contrast, argues that each policy sector in China has developed its own historical and institutional set of “lessons” that help structure power in that sector. Likewise, the particular issues in each policy sector create unique challenges for “principals” trying to monitor their “agents.” Regarding internal security, the historical lessons the Party has derived from past security crises combine with the uniquely difficult challenges of monitoring police activities to create a system in which local Party and government officials have tremendous power over policing. The many institutions intended to help central authorities control, oversee and monitor local policing actually provide weak control and oversight. These obstacles to central leadership create tremendous additional challenges to building rule by law in China.

State Coercion and Central–Local Relations

What is the balance of power among central and local officials, and what is the impact of that balance on state power and policy? Few questions have been more central and enduring in the study of modern Chinese politics. The long-running debate over central–local relations has been reawakened recently by several studies arguing that the wave of decentralization of power that occurred in the 1980s has, in important ways, been reversed since the early 1990s, thus reviving

* The views and analysis expressed in this article are those of the authors and do not necessarily reflect those of Western Michigan University, the RAND Corporation, or RAND’s management or corporate clients. After the final changes to this article were made, Dr Tanner accepted a position as Deputy Staff Director of the United States Congressional-Executive Commission on China (CECC). Needless to say, the views in this article also do not necessarily reflect those of the CECC, its staff or membership, or its leadership. The authors are grateful for comments from Donald Clarke, Pitman Potter, Benjamin Liebman, Kenneth Lieberthal and Melanie Manion for comments on earlier versions. Dr Tanner dedicates this article to the late Michel Oksenberg, who inspired his interest in this topic.

the Chinese central state's capacity in finance, administration and personnel, monitoring, and coercion.¹

As Jae Ho Chung has pointed out, there has long been a pronounced and somewhat troubling sectoral bias in the literature on central–local relations. “The predominant majority of studies on China’s central–local relations have to date focused on their economic dimensions, and most notably the fiscal aspect (largely on budgetary arrangements and investment controls).”² It is especially unfortunate that very little of this research has focused on what Weber and most state theorists have considered the touchstone of state power – legal coercion.³

This article attempts to expand our understanding of state power and central–local relationships to include the vital legal-coercive sector – specifically, China’s public security system. In so doing, it also attempts to put forward some more general criteria for distinguishing policy issues on which the central government will have an easier or harder time exerting its control. This work draws upon a large body of newly available documentation and interviews to analyse the central–local balance of power over policing and its significance for state coercive power and the rule of law.

Our key conclusion is that notwithstanding recent efforts to strengthen central control over police and build nationwide standards of law enforcement behaviour, powerful historical and institutional factors continue to reinforce the power that local Party officials exercise over police. The result is a relatively decentralized and feudal system of law enforcement and state coercion that constitutes a major obstacle to building rule by law in China. These obstacles, moreover, would still be difficult to overcome even if the current or future central leadership had a higher level of commitment to establishing rule by law than it does.

Multiple Principals and Secretive Agents

As with other state organs, the Chinese Communist Party (CCP) central leadership long ago tried to structure control over public security through an

- 1 Barry J. Naughton and Dali L. Yang (eds.), *Holding China Together: Diversity and National Integration in the Post-Deng Era* (Cambridge: Cambridge University Press, 2004); See the debate in *The Journal of Democracy*, Vol. 14, No. 1 (2003); also Maria Edin, “State capacity and local agent control in China: CCP cadre management from a township perspective,” *The China Quarterly*, No. 173 (2003), pp. 35–52.
- 2 Jae Ho Chung, “Reappraising central–local relations in Deng’s China,” in Chien-min Chao and Bruce J. Dickson (eds.), *Remaking the Chinese State: Strategies, Society and Security* (London: Routledge, 2001), p. 52. See also Jae Ho Chung, “Studies of central–provincial relations in the People’s Republic of China: a mid-term appraisal,” *The China Quarterly*, No. 142 (1995), pp. 487–508.
- 3 Exceptions include Donald C. Clarke, “The execution of civil judgements in China,” *The China Quarterly*, No. 141 (1995), pp. 65–81; Stanley Lubman, *Bird in a Cage: Legal Reform in China After Mao* (Stanford: Stanford University Press, 1999), esp. ch. 9, pp. 250–97; and Karen G. Turner, James V. Feinerman and R. Kent Guy (eds.), *The Limits of the Rule of Law in China* (Seattle: University of Washington Press, 2000); Randall J. Peerenboom, *China’s Long March Toward Rule of Law* (Cambridge: Cambridge University Press, 2002); Melanie Manion, *Corruption by Design: Building Clean Government in Mainland China and Hong Kong* (Cambridge, MA: Harvard University Press, 2004); also Murray Scot Tanner, “The institutional lessons of disaster: reorganizing the People’s Armed Police after Tiananmen,” in James Mulvenon (ed.), *The People’s Liberation Army as an Organization* (Washington, DC: RAND, 2002).

interlocking system of vertical-professional control by superior public security organs, and horizontal control by local Party and government organs. The result, however, was not redundant avenues of central control, but rather a “principal-agent” structure in which local police became “agents” formally subject to the leadership of multiple, often competing principals – the two most important being superior-level public security departments, and CCP committees and governments at the same level.⁴ This article examines the distribution of power resources and monitoring mechanisms that central and local officials have at their disposal to influence police behaviour, and the incentives these power resources create for police to obey one set of principals at the expense of the other.⁵

Many studies of central–local relations have attempted to draw system-wide generalizations about the balance of central and local power across all or most issue areas. But our study of public security work suggests that, as a general rule, the balance of central–local power is substantially affected by the nature of the policy issues at stake. In the case of public security work, there are at least two major reasons for the powerful impact of policy issue upon the central–local relationship.

First, and probably most importantly, the nature of the challenges that principals face in monitoring compliance by their agents often varies enormously across issue areas. Just as policy process theorists have argued that the process of policymaking can vary with the nature of the political goods at stake, it is also inherently much easier for principals to monitor their subordinates’ compliance with certain types of orders than others. A variety of characteristics of the issue involved – tangibility, accessibility, concreteness, quantifiability, the inherent “publicness” – can all either facilitate or complicate monitoring.

It makes sense, therefore, that scholars who research activities that are intrinsically easier to monitor would end up stressing the centre’s enduring or revived power. Did a factory really hand over its assigned quota of steel? Was a capital construction project actually built on time? Does a government office exist or not? The answers to all of these are relatively easy to confirm.

Conversely, scholars who focus on activities that are inherently hard for central principals to monitor often find that localities enjoy great autonomy (such as over the total amount of extrabudgetary tax and fee revenues that localities collect). Moreover, as Jean Oi’s work clearly illustrates, the ease or difficulty of monitoring can create powerful incentives for local

4 On “principal-agent models” and central–local relations in China, see in particular Jean C. Oi, *Rural China Takes Off: Institutional Foundations of Economic Reform* (Berkeley: University of California Press, 1999), esp. chs. 1, 5 and 6, pp. 1–16, 139–90; more generally, see Terry Moe, “The new economics of organization,” *American Journal of Political Science*, Vol. 28, No. 4 (1984), pp. 739–77.

5 For earlier examinations of power resources and incentive structures in central–local relations see Oi, *Rural China Takes Off*, also Huang Yasheng, *Inflation and Investment Controls in China: The Political Economic of Central–Local Relations During the Reform Era* (Cambridge: Cambridge University Press, 1996); Huang Yasheng “Central–local relations in China during the reform era: the economic and institutional dimensions,” *World Development* (April 1996), pp. 655–72.

agents – encouraging them to focus their energies on those activities over which they enjoy greatest autonomy, or which principals cannot easily monitor.

State legal coercion and enforcement emphatically falls into the second category. Even in the most open and legalistic societies, the quality of policing and of “law enforcement” are among the most difficult activities for superiors to monitor. This is especially true for principals who are not police officers themselves, or who live outside the locality being monitored. For many reasons, the classic problems of the agent’s “information advantage” (that is, agents always know more than their bosses do about their actual level of compliance and quality of work) are enormous for law enforcement work.

First, the goals of policing are often nebulous, hard to quantify and potentially contradictory: “maintain good social order,” “establish good working relations with society,” “respect the rights of citizens.” Since their success is often measured by the absence of crime and disorder, proving that success is difficult in the same way it is hard to “prove” a successful case of deterrence. In China, even highly quantifiable targets, such as “case-cracking rates” can easily be manipulated by tampering with the denominator and failing to open formal case files on hard-to-solve cases.

Secondly, since policing requires a large, irreducible and easily justifiable realm of secrecy, police are permitted far greater confidentiality over their activities, information, files, budgets, manpower levels and allocations than nearly all other bureaucracies. This secrecy is typically compounded by “compartmentalization” of information on a “need to know” basis.

Thirdly, most police work is carried out at great distance from direct supervisors. Authorities must entrust agents with tremendous discretion to respond quickly, flexibly, and often with deadly force or violence. Consequently, principals must rely heavily on selecting reliable personnel and subjecting them to intensive training rather than direct monitoring.

Finally, because of their coercive power over witnesses and evidence, police enjoy an almost unrivalled capacity to suppress or cover-up the very information their principals require to monitor their activities. An obvious example is the infamous and well-known device of an officer removing his or her wristwatch before beating a suspect to avoid leaving detectable marks that would facilitate an official inquiry into torture charges.

Given these obstacles, there should be little wonder that Terry Moe, a seminal theorist of principal-agent theory, singled out policing as the quintessential example of an administrative activity in which monitoring is extremely difficult, the risks of “adverse personnel selection” of agents are very high, and therefore, government subcontracting of the service to private agencies is particularly ill-advised.

The second major reason for the powerful impact of policy issue upon the central-local relationship is that the power structures in different policy sectors are, in part, shaped by different historical-institutional “lessons” hammered out

through political struggles unique to that sector. Battles within the Party over how to evaluate its past victories and failures produce issue-specific institutional “lessons” about policies and power structures in those realms (“crisis learning” is an example). The “lessons of history” have taught the Party that for certain issues, certain types of power allocations lead to better policy outcomes, while other power allocations may risk disaster. The Great Leap Forward catastrophe, for example, clearly had an enduring impact on the structure of agriculture, while the scarring wars in Korea and Vietnam (1979) contributed greatly to the People’s Liberation Army’s (PLA) long-term trend towards professionalization, modernization and centralization. In other policy sectors, however, the “lessons” of these three crises do not loom as large. Conversely, CCP industrial policy experts do not invoke the Party’s tragic 1931 policy failures in the Jiangxi Soviet. But the Party’s internal security experts do. Thus, official perceptions of certain key historical incidents in internal security work still cast a long institutional shadow. In a sector with genuine “life or death” consequences, such lessons can be uniquely powerful.

The competition between higher-level police specialists and generalist local Party officials for control over local police is shaped by these issue-specific factors as well as by system-wide trends. The historical-institutional lessons of early security crises helped set in place a highly decentralized power structure. The unique nature of police work helps shape the relative effectiveness of the CCP’s classic tools of central control.

This article focuses on these two important factors in this central–local competition: the impact of institutional history on the central–local balance of power over the police; and the central–local balance of control over key power resources and systems that can influence local police. These include policy leadership, organizational and personnel power, financial controls, and avenues of oversight and monitoring.

For decades, the official leadership system in Chinese communist public security work has been summed up in two awkward phrases: “unified leadership with management divided by levels” (*tongyi lingdao, fenxi guanli* 统一领导, 分级管理) and “combining vertical and local leadership, with local leadership as the main part” (*tiaokuai jiehe, yi huai wei zhu* 条块结合, 以块为主). The formal system, whose roots date back to the 1930s, in theory grants superior-level public security organs “unified leadership” over “professional” police matters. But it also grants local CCP committees and governments the primary leadership over public security organs and personnel. As this article will demonstrate, the systems of organizational, personnel and financial power over policing create much more powerful incentives for local police units to obey their local Party and government “principals” than their superior public security “principals” or the central leadership. Moreover, the classic institutional counterweights to the agency problems of localism and “moral hazard” – oversight and monitoring systems – are especially difficult to employ with respect to policing work, and in China they are largely structured so that they do

more to strengthen local Party control than professional police or central control.⁶

This central–local distribution of power over police work has enormous consequences for several aspects of state power and policy, in particular the maintenance of social order, problems of “predatory” policing, and prospects for the gradual construction of “rule of law.” The relatively weak controls and monitoring devices available to central principals suggest that instead of the emergence of any nationally uniform pattern of coercive controls and law enforcement, we should expect a variety of local patterns shaped in part by specific local interests, power balances, economic resources and state–society relations. Many of these patterns will be fundamentally at odds both with Beijing’s near-term security goals and with the long-term emergence of “rule of law” – especially if “rule of law” is conceived in classic Weberian terms of legal professionalism and relatively equitable, fair and universalistic enforcement of rules across jurisdictions or among citizens.

We do not, however, contend that decentralization has created an entirely “zero-sum” relationship between the centre and localities.⁷ Quite the contrary, one of the most powerful forces favouring the continued survival of the CCP regime is the common interest Party leaders at all levels still appear to feel in maintaining single-party political control, suppressing dissident and labour organizations, and keeping crime rates tolerably low. But this research makes clear that in important ways, the legal and security interests of the centre, provinces and localities are far from identical. And in a classic case of the collective impact of individual actions, local Party leaders, while pursuing their own security interests, frequently order police actions that inadvertently undermine the centre’s strategies for refurbishing regime legitimacy and maintaining social control.

In the past 15 years numerous public security officials and analysts at all levels have criticized this highly localized policing system for undermining many of Beijing’s security policies. In particular, they charge that excessive decentralization undermines police professionalization by creating powerful institutional incentives for local police abuses, corruption, predation and “protectionism.” More reform-oriented officials and scholars criticize this localism as a major obstacle to establishing rule of law.

With the classical tools of Leninist control over the police overwhelmingly in local Party hands, Party advocates of either greater central control or greater “rule of law” find themselves in a dilemma. Facing powerful local resistance,

6 Oi discusses the problems of “moral hazard” and monitoring compliance in *Rural China Takes Off*, pp. 139–41, 152–53; on the irreducible challenges of directly monitoring police work, see Murray Scot Tanner, “Will the state bring you back in? Policing and democratization,” *Comparative Politics* (October 2000), pp. 101–23; and Paul Chevigny, *The Edge of the Knife: Police Violence in the Americas* (New York: The New Press, 1995).

7 For critiques of the “zero sum” assumptions in much literature on central–local relations, see Jae Ho Chung, “Studies of central–provincial relations”; Linda Chenlan Li, *Center and Provinces: China 1978–1993* (Oxford: Clarendon Press, 1998), esp. pp. 30–35, 296–98; Oi, *Rural China Takes Off*, p. 142.

their only choices may be to accept local Party control and all that these dangerous incentives imply for the Party's future, or risk trying to strengthen *non-Party* oversight and monitoring institutions and information networks, perhaps even making common cause with social forces that could further erode one-party control over society.

Historical-Institutional Lessons: The Origins of "Yi Kuai Wei Zhu"

The origins of local Party committee control over internal security lie in classic "crisis learning" – a major, self-inflicted security crisis the Party faced in the late 1930s that caused it to reject USSR-style security work. Public security historians now freely concede that during the early 1930s, the Chinese Soviet governments in Jiangxi made a massive mistake by setting up State Political Security Bureaus (*guojia zhengzhi baowei ju* 国家政治保卫局, SPSB) that simply "copied" the highly centralized, independent and secretive system of Stalin's GPU (later the NKVD and the KGB). These historians lay much of the blame for the widespread, self-destructive intra-Party purges of this period on the SPSB's "vertical leadership" system (*chuzhi lingdao* 垂直领导) and their independence to penetrate and purge Party and Red Army units. While more objective historians should look on this official interpretation with scepticism, it still remains a powerful historical-institutional "lesson" for contemporary security work. After the pivotal Zunyi meeting, the SPSBs were criticized and dismantled, and by 1939 the Party established new *Party* (not *state*) internal security organs under the leadership of territorial Party committees – the equally infamous Social Affairs Departments (*shehui bu* 社会部, SAD).⁸ The SADs participated in the massive Yanan purge campaigns of the early 1940s, but official historiography has excused local Party secretaries and their unprofessional, mass-based "anti-spy campaigns" for these abuses. Instead, the purges were blamed largely on the machinations of Mao's SAD chief, Kang Sheng, and the SADs, which allegedly became "divorced from real Party leadership" – a charge even more deserving of scepticism. Thus, the institutional "lesson" was officially preserved, and police historians laud local Party control over security as a "unique characteristic" of China's system, not practised in the other socialist countries that were more heavily influenced by Stalin's Soviet Union.⁹

The CCP's attainment of state power compelled a controversial reconsideration of police–Party relations, and beginning in October 1949 the Party's Social Affairs Departments were converted into state "public security" organs. But despite reported Soviet pressure for the CCP to resume emulating Soviet security work, the principles of local Party control – *tongyi lingdao*, *fenji guanli* and *tiaokuai jiehe yikuai weizhu* – were quickly affirmed. Mao dramatically

8 On this period see Murray Scot Tanner "Who wields the knife? An institutional history of Chinese Communist police and intelligence organs, 1927–1950," draft ms.

9 *Zhongguo tese gongan zhi yanjiu* (*Studies in China's Special Public Security*) (Beijing: Qunzhong chubanshe, 1996), pp. 55–56.

reinforced this rule in 1950, when he criticized the new minister of public security Luo Ruiqing for reporting to Premier Zhou Enlai – but not to the Party Chairman – on counterrevolutionary suppression work. Very soon thereafter, Mao issued the most famous organizational directive in Chinese security work: insisting that “security work must especially emphasize Party leadership ... and *in reality* accept direct leadership by Party committees.”¹⁰ Since this directive, the general principle of “Party leadership over security” has been exclusively equated with just one organizational form – local Party committee leadership over the police.¹¹ If we contrast this police structure with the PLA, the importance of sectorally-specific institutional histories becomes apparent. In the PLA, the Party’s role as “principal” (“the Party must control the gun”) has nevertheless long been regarded as entirely compatible with standard military style “vertical” leadership forms.

Key institutional levers of police control were decentralized to local Party committees throughout the 1950s. Through a series of reorganizations, formal control over police personnel quotas (*bianzhi*) was decentralized, first to public security officials in the six great administrative regions in 1952, with local Party committees gaining joint control over police political officers in their area.¹² Between 1953 and 1955, the central Ministry of Public Security (MPS) and the CCP Organization Department granted local Party committees authority to manage leading public security cadres at the same level – essentially the same basic system that endures today.¹³

Public security and finance departments jostled repeatedly over control of public security budgets, reorganizing the system five times between 1949 and 1958. By late 1954 Luo Ruiqing persuaded Chen Yun and other central leaders to grant the MPS nationwide “vertical management” over “special” or “professional expenditures,” which the Ministry of Finance turned over to the MPS for direct disbursement. But local governments frequently comingled these “special funds” with regular police administrative budgets, forcing police to use them for ordinary needs. One longstanding MPS financial official indicates that by about 1956, many local public security bureau (PSB) chiefs felt it would be

10 Mao’s directive was a comment on the report of the 1950 Economic Security Work Conference. See Luo Ruiqing *dajiang san ci danan bu side* (*General Luo Ruiqing: Thrice Endangered but Undying*) (Beijing: Zhonggong dangshi chubanshe, 1994), pp. 123–24.

11 On the Mao-era system, see MPS Political and Personnel Depts (ed.), *Gongan renshi guanli* (*Public Security Personnel Management*) (*GARSGL*) (Beijing: Qunzhong chubanshe, 1997), esp. ch. 3, pp. 42–75; *Zhongguo renmin gongan shigao* (*A Draft History of Chinese People’s Public Security*) (Beijing: Jingguan jiaoyu chubanshe, 1997), esp. pp. 186–255; Xu Xinyuan, “Woguo gongan jiguan he renmin jingcha zuzhi jigou lishi yange” (“The historical evolution of our country’s public security and people’s police organizational structure”), *Gongan yanjiu* (*Studies in Public Security*) (*GAYJ*), No. 3 (1999), pp. 91–94; Liu Jiying “Gongan yewu jingfei baozhang jizhi jianshe huigu yu sikao” (“Reminiscences and reflections on constructing the system to guarantee public security professional expenditures”), *GAYJ*, No. 2 (1999), pp. 56–58; Feng Shuangping in MPS Political Department and Personnel Bureau (ed.), *Gongan duiwu zhengguihua jianshe lilun yu shijian* (*Theory and Practice of Building Standardization in the Public Security Corps*) (*GDZJLS*) (Beijing: Zhongguo renmin gongan daxue chubanshe, 1998), pp. 80–91; also the sources cited in Tanner, “Who wields the knife?”

12 *GARSGL*, p. 14; Liu Jiying, “Reminiscences and reflections,” p. 56.

13 *GARSGL*, pp. 342–46.

less of a hassle to have all their funds – professional and administrative – coming from local governments.¹⁴

Public security leadership, personnel and funding underwent wholesale decentralization during the Great Leap Forward. After mid-1958, although the MPS remained officially “responsible” for security work nationwide, local Party committees became the main leaders of security work in their areas. Local personnel allotment committees exercised unified management over police personnel quotas, with local PSBs merely “assisting” them. “Professional” finances were decentralized from the MPS to provincial officials, and administrative funding remained under local control.

It appears that after the Great Leap, however, public security control was less fully and less quickly recentralized than economic and other policy sectors. Not until 1965 was control over personnel quotas recentralized, and then only to the provincial level. Beijing tried, however, to insulate police personnel numbers from bureaucratic competition with other departments by ordering provinces to list police quotas separately (*danlie* 单列) from other personnel quotas.¹⁵ Despite repeated efforts by the MPS and Ministry of Finance to recentralize or insulate police funding, the basic system of same-level government funding has remained in place until the present.¹⁶

The destruction of central control was completed during the Cultural Revolution, when the central MPS was taken over and virtually closed down, and its bureaucratic links to lower-level PSBs were severed almost completely for several years. A slow recovery began in 1971, but even as late as 1978 the centre could do little more than “encourage” local finance departments to support their public security units better – especially the many local police stations (*paichu suo* 派出所) that were destroyed by riots or taken over by local officials.¹⁷

Many Party and security officials interpret the abuses of the Cultural Revolution as proof of the lessons of Party control over the police. Although much of the system was closed down, Kang Sheng and others were able to employ selected security officials in the MPS and Central Investigation Department to persecute their rivals. A key aspect of the normalization of Party life after the Cultural Revolution was a reaffirmation of the principle that the “organs of dictatorship” should not be employed within the Party itself, and buffers to protect Party leaders from most police investigations were re-established.

By the advent of the reform era, the institutional principle of local Party committee leadership of public security had acquired considerable historical weight. Still, despite this seemingly inviolable norm, many police officials have clearly felt the desire to strengthen “vertical” police leadership and professional independence, and this remains a contentious issue. For three decades Peng

14 Liu Jiyong “Reminiscences and reflections,” pp. 56–57.

15 *GARSGL*, p. 66.

16 Liu Jiyong “Reminiscences and reflections” p. 57.

17 *Ibid.*

Zhen, the senior Party official most responsible for political-legal work, repeatedly inveighed against efforts to revive vertical leadership.¹⁸ At various times Luo Ruiqing, Hua Guofeng, Kang Sheng, Wang Dongxing and other senior security officials have all been charged with trying to emulate the KGB's organizational independence. Since the early 1980s, persistent calls for greater "militarization," "professionalization," "standardization" and "unification" of the public security corps have clearly reflected this desire.¹⁹ Unquestionably, an enduring cleavage persists between defenders of the historical lesson of the need for absolute local Party leadership over public security and police critics of excessive localism.

Present-Day Central–Local Influence Over Public Security

The central and local principals can employ four types of power resources to create incentives for police to obey their directives: control over formal policy authority, personnel and organizational systems, financial and budgetary resources, and oversight and monitoring mechanisms.

Influence over formal policy decisions

Although the MPS formally exercises "unified leadership" over nationwide public security work, local Party committees enjoy substantial authority to interpret and implement policy in their regions. This includes responsibility for ensuring correct implementation of the Party's "line," "direction" and policies. They have authority to decide "important policy questions," draft public security legislation, make strategic police deployments and manage local security "incidents." This last one is important. Although much control over People's Armed Police (PAP) anti-riot units was transferred from public security units to the PLA during the early to mid-1990s, local Party committees and governments nevertheless retain authority to "activate," "employ" and lead the PAP units in their regions.²⁰ Among the Party committees' most important powers is

18 See Peng Zhen, *Lun xin Zhongguo de zhengfa gongzuo* (Beijing: Zhongyang wenxian chubanshe, 1991), pp. 11–12, 100–01, 144–45, 242, 390; and former Minister of Public Security Tao Siju's memorial essay in *Mianhuai Peng Zhen (Remembering Peng Zhen)* (Beijing: Zhongyang wenxian chubanshe, 1998), pp. 90–91.

19 On historical efforts at "unification" and "militarization" see Feng Shuangping, *Theory and Practice of Building Standardization*.

20 Control over PAP units was changed by the 3 March 1995 joint State Council–Central Military Commission "Decision on adjusting the leadership structure of the Chinese People's Armed Police forces." See Murray Scot Tanner, "The institutional lessons of disaster: reorganizing the People's Armed Police after Tiananmen," in James Mulvenon (ed.), *The People's Liberation Army as an Organization* (Washington, DC: RAND, 2002). See also Xu Yongqing, "Xin shiqi wujing budui jianshe de zhongyao zhidao sixiang" ("The important guiding thought on building the People's Armed Police forces during the new era"), *Qiushi*, No. 20 (1997), pp. 35–36; *Xiandai wujing suzhi (On the Quality of the Contemporary PAP)* (Beijing: Qunzhong chubanshe, 1996), p. 3; Du Shuyun, "Zhongguo tese de wuzhuang jingcha budui" ("Armed police forces with Chinese special characteristics"), in Chinese Police Study Society (ed.), *Lun Zhongguo tese de gongan* (Beijing: Qunzhong chubanshe, 1997), pp. 121–29.

authority to resolve disagreements among the various local political-legal departments, including the justice departments, courts, procurators and even the more independent state security organs.²¹

Influence over organizational structure and personnel

Control over organizational structure and personnel has several aspects: control over the internal structure of subordinate PSBs, overall personnel quotas, specific hiring plans, individual hiring decisions and management of leading cadres.²² The MPS officially “directs” the system’s overall structural development, sets overall personnel allotments and “rationalizes” relations among public security offices nationwide. Although official MPS manuals like to play up the rationality and central control of this system, many official sources suggest it is more formal than real.

Some Western analysts contend that control over institutional structure is an important source of central control.²³ The MPS has promulgated many regulations regarding the internal structure of lower-level public security organs,²⁴ although these do grant localities considerable flexibility to establish specialized organs to meet particular local security problems, such as anti-drug, anti-smuggling, or special religious and minority affairs offices. Within the broad parameters set by the MPS, the authority to establish or reorganize new bureaucratic units is moderately decentralized, using a “two level” (*geji* 隔级 or *liangji* 两级) system. Under this system, “the organ that is directly superior to the organ that wants to establish, change or merge a significant new organ is responsible for seeking approval from the leading organ one level up.”²⁵ In other words, PSBs below the provincial level that want to establish or reorganize any major sub-organs are supposed to obtain approval from their direct superiors and the next level up – including both the public security departments and people’s government and sometimes Party committees. Thus, county PSBs that wish to establish major new offices (*ke* 科 or *gu* 股 rank) must obtain approval from both the prefectural/municipal and the provincial levels.²⁶ But the authority to establish lower-ranking new offices, institutions and enterprises can often be granted by Party and government organs at the same level.²⁷

Still, many public security sources complain that local PSBs, especially at the county level, frequently ignore these regulations and establish unauthorized internal offices. The resulting increase in administrative personnel exacerbates

21 *Studies in China’s Special Public Security*, pp. 58–61. Significantly, this last point suggests that state security departments, which are more centralized and independent than public security departments, must also sometimes bow to local Party committees.

22 *GARSG*, pp. 42–75.

23 Huang Yasheng, “Central–local relations in China during the reform era.”

24 Essential offices include political departments, criminal investigation, social order management and political security departments.

25 *GARSG*, p. 56.

26 *Ibid.* pp. 59–61. The source unfortunately provides no concrete examples below the central level.

27 *Ibid.*

the shortage of quality police personnel “on the street” where they are most needed.²⁸

Police, unlike the military, are considered state administrative personnel. But China has many categories of “police” personnel under the control of many different units and levels, and the overwhelming majority are not under direct control of the MPS. A large and growing number are not even under the public security system.

Official MPS descriptions of the personnel quota approval process are somewhat self-contradictory and ambiguous. The centre (specifically, the MPS and the Central Personnel Quota Committee) reportedly checks and sets the overall personnel quotas and deployment plans for each level of the system, and then these plans are sent down and managed level by level. But when a local PSB requests an increase in personnel, for a new or existing department, these requests are handled by government personnel departments at the same level.

Even within the public security system, many personnel fall outside these quotas and are difficult for the MPS to control. Excluded are many “non-administrative” personnel attached to public security institutions and enterprises, as well as the MPS’s border management, fire fighting and bodyguards bureaus, which have long been part of the PAP military service personnel quota.²⁹ Some local governments have responded to reform-era police shortages by adding special “local quotas” and temporary “contract system police” hired outside government quotas. Many major enterprises and institutions have established their own “public security organs” outside government personnel quotas, as well as employing security service company guards (who are part of the authorized staffing level (*bianzhi* 编制) of the units they serve). Finally, public security quotas also exclude massive numbers of citizen security volunteers in neighbourhood residents’ committees, joint protective teams and security protective committees.³⁰

In recent years central authorities have tried to use their influence over the *bianzhi* to shift police personnel resources into areas of desperate need. Between 1986 and 1995 the centre authorized a special nationwide increase of 44,000 traffic police.³¹ Another priority has been strengthening elite, well-armed, quick response forces, including anti-drug units, “special police,” and mobile “patrol police.” In April 1990, the MPS authorized an increase of 27,000 public security anti-riot forces in several “keypoint” major cities. Many cities apparently did not heed this central directive, however, and Beijing once again called on large cities to strengthen public security anti-riot units in January 2001. Only

28 *Ibid.* pp. 45–48, 54–57; Zhu Chunlin in *GDZJLS*, p. 12.

29 The PAP has been under the State Council military *bianzhi* since well before the PAP’s post-Tiananmen militarization. See the 1988 MPS internal organization plan in *ZRGGFQ*, pp. 1447–50; also Tanner, “Reorganizing the PAP after Tiananmen.”

30 Yan Junxing, *Jingcha yewu quanshu*, pp. 99–100; *GARSGL*, pp. 57–59, 62–68.

31 *GARSGL*, pp. 64–65, 68.

in 2005 was there evidence that these units were being manned in large numbers.³²

Despite the many ways in which local officials can and do skirt centrally imposed limits in the personnel quota system, influence over the total *bianzhi* may actually be one of the centre's stronger control devices. For example, despite the tremendous differences among provincial PSBs in their per capita personnel, the centre has been able to concentrate forces in those key cities (most notably Beijing and Shanghai) whose stability is crucial to the party-state's internal security strategy.

Public security departments must get approval for specific hiring plans for their regular police officers and lower-level cadres. This approval system is formally structured to share power between local officials and superior-level public security offices. The central MPS apparently has little control over these plans, and the power of upper-level security officials only extends one level downward. According to current regulations, the hiring plans of provincial-level PSBs are drawn up by these bureaus and approved by the governments at the same level. County-level PSBs, for example, must obtain approval from their municipal PSB as well as the county government.³³ Although county level PSBs have no formal authority to hire people's police directly (this is supposed to be done at the municipal level), public security sources indicate that this rule is widely disobeyed.³⁴

Despite its weak control over local hiring plans, the MPS has tried to use its guidance authority to improve the professional quality of police officers, and prevent the hiring of untrained and under-qualified personnel. A particularly thorny political problem has been the pressure on local political-legal departments to hire demobilized PLA personnel.

Another source of concern has been the hiring of unemployed "social youth" and other untrained personnel as "contract police." Beginning in 1984 the MPS authorized local PSBs to use local funds to hire largely untrained and non-professional (non civil service) contract police as a temporary stopgap in rapidly growing and severely under-policed regions. By 1990 the number of contract police had ballooned to well over 100,000 nationwide (one-tenth of the total national force). The MPS sees these contract officers as a major discipline problem, and believes that under the growing body of civil service and people's

32 Note that these are Public Security anti-riot forces and not PAP forces. See "China: Beijing strengthens security responsiveness," *Oxford Analytica*, 6 September 2005; "Gonganbu guanyu zai zhongdian chengshi zujian gongan fangbaodui de tongzhi" ("MPS notice on organizing public security anti-riot brigades in keypoint cities"), 24 April 1990, in *ZRGGFQ*, pp. 1453–54; Beijing Xinhua (English), 27 January 2001; Erik Eckholm, "Chinese order cities to bolster riot police forces," *New York Times*, 30 January 2001, p. 4.

33 *GARSGL*, pp. 105–07. The 15 August 1984 MPS/MLP regulations "Guanyu xishou renmin jingcha de guiding" may be found in *ZRGGFQ*, pp. 1443–44.

34 See the articles by MPS vice-minister Zhu Chunlin and Zhang Zhaoduan in *GDZJLS*, pp. 23, 61–70; Chen Shaoji, "Yifa jiaqiangan gongan duiwu jianshe weihu zhengzhi he shehui changqi wending," in *Renmin jingchafa lilun yu shijian lunwen xuan* (*Collected Essays on Theory and Practice of the People's Police Law*) (Beijing: Qunzhong chubanshe, 1996), p. 3.

police laws, there is no “legal basis” for them to perform law enforcement work. They are also frequent culprits in police abuse and torture cases. Finally, in defiance of MPS directives, many rural governments have paid for these officers through all sorts of special fees and exactions from peasants. After years of trying to ease out contract officers, in 1996 the MPS conceded that more than 37,000 were still employed, and many regions continued to defy MPS orders by hiring them under different titles. More recent sources still cite them as a periodic problem.³⁵

Central public security leaders would prefer recruiting from police training programmes, and regard the continued employment of ex-servicemen and contract police as significant obstacles to police professionalization. A 1996 MPS–Ministry of Personnel joint directive instructed local departments to meet their personnel quotas mainly through properly tested professional “civil service” channels, recruited from police training programmes. Demobilized soldiers and “social youth” were only to be used as “supplementary” hiring pools.³⁶ But the MPS’s admission of local resistance to getting rid of contract officers underscores the limitations on central power to enforce compliance.

Despite the special sensitivity of public security work, central *nomenklatura* controls over the appointment, removal, promotion and transfer of leading cadres do not extend any deeper for public security departments than they do for other state administrative organs.³⁷ As noted above, since the 1950s local Party committees have dominated management of leading security cadres. Formally, superior public security organs one level up are only authorized to “assist” local Party and government officials by making “suggestions” about cadre decisions that local leaders are supposed to “consider.” In cases of “major disagreements in principle,” the decision may be referred to higher levels, but the final decision still goes to the superior-level territorial Party committee, not the public security organ.

It might be argued that the centre could use its appointment influence over provincial public security officials by rotating security chiefs among the provinces in the manner that senior PLA officers and provincial Party secretaries are rotated. But the available evidence indicates that this rarely

35 “Gonganbu guanyu zuohao qingtui hetong mingjing shouwei gongzuo de tongzhi” (“MPS notice on doing a good job of work on withdrawing contract police officers”) (5 February 1996), in *ZRGGFQ* (1995–97), pp. 988–89.

36 *GARSGL*, p. 105. For the original MPS/Ministry of Personnel regulations see *ZRGGFQ* (1995–97), pp. 1008–09.

37 According to John P. Burns’ sources, the central *nomenklatura* in public security is virtually the same as for other state ministries and commissions. The list of public security cadres “managed” by the centre includes the minister, vice-ministers, the head of the political department, the MPS Party core group secretary, deputy secretaries and members, and the head of the Party group’s discipline inspection group. Public security cadres “reporting” to the Party centre include all MPS bureau chiefs, deputy chiefs, bureau-level investigators, researchers, auditors, discipline inspection group heads, department heads, deputy department heads, and all provincial-level public security bureau chiefs and deputy chiefs. The only difference between MPS and other ministries is that public security departments have political departments. See Burns (ed.), *The Chinese Communist Party’s Nomenklatura System* (Armonk, NY: M.E. Sharpe, Inc., 1989), esp. pp. 122–36.

happens, and nearly all those provincial public security chiefs on whom we have information have spent virtually their entire careers in the same province.³⁸ A 2001 Hong Kong report claims that provincial leaders may have begun experimenting with rotating county and municipal-level PSB chiefs within the province in response to a wave of local police corruption cases, but available data do not suggest this is yet a widespread practice.³⁹

Influence over budgetary and financial resources

Since at least the late 1950s, the bulk of public security budgets have been paid from the coffers of local governments at the same level.⁴⁰ The central and provincial governments provide local security departments with some supplemental funding, primarily for investigating “large and major cases” and some special equipment. But officials report these are “not a large percentage” of police funding. Complete data are not available either nationwide or for individual provinces. But in 1996 one unnamed provincial-level government spent 40 million yuan on public security and only received an additional one million yuan from central-level public security organs. Within the various provinces, moreover, funding formulas differ; some large and medium cities are more centralized than other, geographically more dispersed regions. Beijing and a number of smaller cities divide financial responsibilities, with the city government paying some “professional” expenditures, and lower levels meeting “administrative” costs, including salaries.⁴¹

Control over the substantial sources of revenue that local public security departments can generate – both legitimate and illegitimate – is a key aspect of this localized budgetary system that creates powerful behavioural incentives for police and local officials. Among the major sources of revenue controlled by police are many forms of licensing and fines, notably those related to “social order management” and “traffic management.” Official figures on “social

38 As a very rough test of this hypothesis, we examined background information on all the identifiable provincial-level public security chiefs in the online database China Vitae (<http://chinavitae.com>, accessed October 2006) and in *Who's Who in China: Current Leaders* (1992 and 1994 editions) (Beijing: Foreign Languages Press, 1992, 1994). Of the approximately 25 current and former provincial PSB chiefs on whom we found data, only two had not apparently spent their entire career in the same province.

39 Hong Kong *Ming pao* (internet version) 11 June 2001, *FBIS Daily Report*, 11 June 2001.

40 On the expanded sources of revenue under local control since the early 1980s, see Oi, *Rural China Takes Off*, esp. pp. 17–57.

41 “Cong Guangdong de shijian kan shehuizhuyi shichang jingji tiaojianxia gongan gongzuo xin tese” (“Using Guangdong’s experience to look at the new characteristics of public security work under the conditions of a socialist market economy”), and “Lun shehuizhuyi shichang jingji tiaojian xia jianchi fahui xianxing de gongan lingdao guanli tizhi de tese” (“Continuing to give full play to the special characteristics of the existing public security leadership and management system under the conditions of the socialist market economy”), both in Chinese Police Study Society, *Lun Zhongguo tese de gongan*, esp. pp. 162–63, 370–73; Xiao Yong, “Wanshan shoudu gongan jingfei baozhang jizhi de sikao” (“Reflections on perfecting the capital’s public security expenditure guarantee system”), *Renmin gongan bao*, 15 August 1998, p. 4; Xing Xin, “Guanyu wanshan shoudu gongan jingfei baozhang jizhi de sikao” (“Reflections on perfecting the capital’s public security expenditure guarantee system”), *GAYJ*, No. 5 (1998), pp. 35–37; Liu Jiying, “Gongan yewu jingfei baozhang jizhi jianshe huigu yu sikao” (“Reminiscences and reflections on constructing the system to guarantee public security expenditures”), *GAYJ*, No. 2 (1999), pp. 56–58; see also *GAYJ*, No. 3 (1997), p. 56.

order"-related revenue are not available. Traffic management includes vehicle inspections, drivers' licences, driver training, fines from traffic violations and so on. While it is unclear what percentage of total public security revenue and expenditure these funds account for, the level is clearly substantial. In 1997 the officially reported traffic management revenue nationwide totalled over 13.5 billion yuan, making it a significant, if not enormous, revenue source.⁴² However, over half this official figure came from inspections, licences and driver training, and very little from traffic fines, suggesting these may be systematically underreported. To put this figure in perspective, if it were divided by 32 provincial-level units, it would equal approximately 422 million yuan per province, or more than ten times the total annual public security expenditure reported by the provincial government noted in the preceding paragraph.

As the volume of traffic has exploded in recent years, control over these funds has become a major object of struggle between financial and public security departments at a variety of local levels. According to an MPS traffic official, traffic management funds are shared according to two formulae. Although the revenues from vehicle inspections, drivers' licences and driver training are considered "administrative" fees, they are in general handled in the same way as "within budget" local revenues: they are passed up level-by-level and shared by the PSBs and finance departments at the local, prefectural/municipal and provincial levels according to (unspecified) fixed amounts.⁴³ Apparently little or none of this money makes it to the central government. The revenues from traffic fines, however, are handled more like "extrabudgetary revenues"; they are primarily retained by local-level PSBs and finance departments. In recent years provincial and local finance departments have moved aggressively to try to secure prompt control over these funds.⁴⁴

These revenue handling rules give local governments and their police departments a powerful incentive to engage in predatory fine collection and maximize their share of those revenues that are retained locally, while devoting somewhat less attention to collecting revenues that must be shared with upper levels. This would mean, for example, collecting as many fines as possible from people and units that are not powerful in local politics and not essential to local economic growth (for example, by maximizing traffic fines on out-of-area travellers).⁴⁵

Beginning in the early 1980s, when the balance of financial power shifted towards the localities, public security dependence upon local funding became a major object of criticism, even among security officials who generally support

42 Our judgement is based on data in Oi, *Rural China Takes Off*, figs. 2-4, pp. 40-44.

43 *Ibid.* pp. 38-47.

44 "Feishui gaige zhong gongan jiaotong guanli jingfei baozhang wenti de yanjiu" ("Research on the problems of guaranteeing public security traffic management finances amidst the reform of funding and taxation"), *GAYJ*, No. 6 (1998), pp. 81-83.

45 Guo Yu and Li Guoqiang, "Jingcha quanli lanyong de yuanyin fenxi ji qu kongzhi" ("An analysis of the reasons for the abuse of police authority and its control"), *Jilin gongan gaodeng zhuanke xuexiao xuebao*, No. 1 (2005), p. 71. This line of analysis is inspired by Oi, *Rural China Takes Off*.

local Party leadership.⁴⁶ Many officials and analysts charge that local governments often show little understanding of police budgetary needs and are slow to fund necessary expenditures for increased personnel, equipment, communications and other professional needs. Their fundamental objection is that police funding levels are now principally a function of local levels of economic development and political support for security, rather than actual social order conditions. Long-term stable funding is replaced by a last-minute system of “one problem, one request; one problem, one approval.” In impoverished areas, “funds for handling cases, for cadres and police housing and medical care are all hard to come by.”⁴⁷ A 1998 report by the MPS planning and finance office suggests that local payouts of only 70 per cent of real expenditure is a common figure nationwide, with 50 per cent not unusual. This has often produced vast gaps among jurisdictions in police personnel numbers, salaries, arms, equipment and other expenditures.⁴⁸

Influence over oversight and monitoring mechanisms

Oversight and monitoring mechanisms are a key weapon for central principals to overcome the advantage local principals and agents have in knowing how faithfully central policies are being implemented. Like most other state administrative departments, China’s public security organs are at least formally subject to a remarkably large number of oversight systems. These include public security internal oversight organs (including the “legality” offices (*fazhi* 法制), auditing (*shenji* 审计), the masses letters and visits offices, and the relatively new oversight police (*ducha jingcha* 督察警察) organs); Party-based external oversight organs (including Party organization and discipline inspection); the state-based external oversight organs (including the procuracy, the courts and administrative supervision); and increasingly the official press, especially the political-legal press.

46 See MPS Equipment and Financial Bureau (ed.), *Gongan houbu baozhang gongzuo yanjiu* (Beijing: Zhongguo renmin gongan daxue chubanshe, 2003), pp. 4–7.

47 Wang Mingxin, *Gongan zhandouli lun* (*On Public Security Fighting Strength*) (Beijing: Jingguan jiaoyu chubanshe, 1993), pp. 98–99; Liu Jiying, “Reminiscences and reflections,” p. 58; Lan Rongzeng, “Shenhua gongan gaige, jianli gongan gongzuo xin jizhi” (“Deepen public security reform, establish new structures for public security work”), *GAYJ*, No. 5 (1997), p. 61; Zhou Yuanxi, “Qiantan gongan duiwu buzhenzhifeng de zhuyao yuanyin ji duice” (“A cursory discussion of improper practices in the public security corp, reasons for them, and countermeasures”), *GAYJ*, No. 4 (1991), pp. 7–9; Fu Hongjie, *GAYJ*, No. 1 (1996), pp. 31–32.

48 Wang Mingxin, *On Public Security Fighting Strength*, p. 101; Zhao Dabin (MPS finance and planning bureau director), “Zhuazhu jiou, yifa yanjiu zhiding gongan jiguan jingwu baozhang gongzuo de zhengce yu guihua” (“Seize the opportunity, research and establish work to guarantee public security organs and police work policies and plans according to law”) in *Renmin jingchafa lilun yu yanjiu shijian lunwen xuan* (*Selected Essays on the Theory and Practice of the People’s Police Law*) (Beijing: Qunzhong chubanshe, 1996), pp. 34–39; Sun Xiaodong, “Qianlun gongan duiwu zhengguihua jianshe de chengjiu yu cunzai de zhuyao wenti yu duice” (“A superficial discussion of achievements in constructing public security regularization, problems that exist, and policies for dealing with them”), *GDZJLS*, p. 44; Shang Wu (Hubei PSB political department), “Gongan gongzuo de kunjing yu gaige chuyi” (“The predicament of public security work and modest proposals for reform”), *GDZJLS*, pp. 95–96; Liu Jiying, “Guanyu zai shehuizhuyi chujie jieduan gaohao gongan jingfei baozhang gongzuo de sikao” (“Reflections on doing a good job of guaranteeing public security finances during the initial stage of socialism”), *GAYJ*, No. 3 (1998), pp. 43–45.

Recent studies have generally not painted a picture of active, aggressive, honest monitors. Melanie Manion's careful and detailed study of China's anti-corruption institutions – the CCP discipline inspection organs, the procuracy and the state supervision departments – demonstrates how the Party's obstinate insistence on “policing its own” has prevented the rise of a self-generating, self-sustaining system to fight corruption. Instead, these systems tend to be dominated by local leaders, and show a marked bias toward secretive, “in-house” investigations, low rates of cases being handed over to the formal legal system and relatively weak punishments.⁴⁹

Central monitoring of public security is further undermined by the fact that internal police oversight organs tend to be dominated by the local PSBs within which they are contained, while Party- and state-based external oversight organs tend to strengthen the control of local Party officials over public security. Incentives for these local departments to report faithfully to the centre are not strong. This section briefly reviews some major oversight organs, although space limitations prohibit an analysis of procuratorial, court or press oversight of policing.

First, within the political departments of all public security units at and above the county level (and all PAP *zongdui* 縱隊) are discipline inspection (DI) units. When these units were re-established after the Cultural Revolution, they were initially led by the Party organs within each PSB. From 1983 to at least 1994 they were changed into directly deputized (*paichu* 派出) units of the local Party committee's discipline inspection commission. These units now reportedly fall under “dual leadership” with local Party committee DI organs providing the main leadership while the host public security unit provides “guidance.”⁵⁰ Their government counterparts, the supervision departments, were merged with the Party DI units in the MPS and most local PSBs after July 1992 as part of a post-Tiananmen rollback of “separating Party and government.”⁵¹

According to rules promulgated by MPS Party officials in 1992, violations of Party and state discipline by public security and PAP officials are handled primarily by local Party organization, discipline inspection and state supervision departments at the same level. Superior level public security units play a subsidiary role, and are consulted and/or must agree to punishments determined in cases involving higher-ranking officials.⁵²

49 Manion, *Corruption by Design*, pp. 145–54.

50 See Yun Shiyong (MPS DI group head), “Yikao dangwei lingdao, fahui zhineng zuoyong, nuli zuohao gongan jijian gongzuo,” in CCP Central Discipline Inspection Commission General Office (ed.), *Zenyang gaohao dangfeng dangji he lianzheng jianshe (How to Do a Good Job of Building Party Style, Party Discipline and Clean Government)* (Beijing: Zhongguo fazhi chubanshe, 1991), pp. 266–75; Yan Li et al., *Zhongguo gongan yewu quanshu*, pp. 67–68; *Gongan shi zhishi wenda (Questions and Answers About Public Security History)* (GASZSWD) (Beijing: Qunzhong chubanshe, 1994), p. 129.

51 GASZSWD, p. 129.

52 Quan Jun and Yu Yong, *Gongan jijian jiancha (Public Security Discipline Inspection and Oversight)*, pp. 37–38; “Gonganbu jiwei, jianchaju guanyu chachu weiji anjian fengong de guiding [shixing]” (“MPS discipline inspection committee, supervision bureau regulations the division of labour in investigating and handling cases of violating discipline [for trial implementation]”), in *Zhifa shouce (Law Enforcement Handbook)*, Vol. 14 (1992) (Beijing: Qunzhong chubanshe, 1993), pp. 602–05.

Secondly, auditing departments monitor how public security units handle the wide variety of financial streams and fees under their control, including administrative, professional, educational and research, and capital construction finances, and foreign exchange, extrabudgetary, fine and confiscation, and traffic control funds.⁵³ Leadership over auditing departments in public security units is not entirely clear, but it appears that largely for reasons of police secrecy, they are dominated by the local public security organs within which they are established. Thus, the auditing organs in the public security system seem to provide the central state with significantly less independent monitoring control than they do vis-à-vis other state administrative units.

In 1984, the State Auditing Administration established directly deputized offices within the MPS, and by 1986 similar offices were established in provincial and municipal PSBs with jurisdiction over all PSBs in their territory. County-level PSBs now have either auditing organs or specialized auditing personnel to oversee their subordinate organs. But public security auditing references stress the “special nature” of auditing work in their system, noting that “public security auditing work” is “internal oversight” rather than “external oversight,” and these departments are “far less independent” from their host units than are state auditing organs in other administrative departments. A 2004 internal volume on police auditing work notes that public security officials within these departments not only directly lead the auditing work, they also exercise administrative leadership and management over the auditing departments. PSB auditing offices are also supposed to accept the “professional guidance and oversight” of state auditing departments and report to them in addition to their public security superiors. In part, this independence is driven by police secrecy concerns, and was clearly affirmed in a January 1990 State Auditing Administration order granting public security organs the authority to self-audit the budgets of their most secret programmes and operations.⁵⁴

Many security officials feel that under existing oversight systems, “upper level public security organs lack effective mechanisms to constrain lower-level public security organs.” They protest that local officials’ influence over DI, state supervision and auditing units hampers upper-level investigations of improprieties and has even “turned some local public security units into the guards of local protectionism.”⁵⁵

Thus in 1997 the third major new internal system – the oversight police – was established to strengthen the legal and professional oversight capacity of higher level police organs. Their principal focus is on law enforcement procedure and

53 See Oi, *Rural China Takes Off*, pp. 144–57 on the importance of auditing departments in monitoring local finances.

54 Guo Ying, *Gongan shenji (Public Security Auditing)* (Beijing: Zhongguo renmin gongan daxue chubanshe, 2004), esp. pp. 2–11; see also GASZSWD, p. 129; Sun Mingshan *et al.*, *Xin shiqi gongan zhengzhi gongzuo shouce (Handbook on Public Security Political Work During the Current Period) (XSGZGS)* (Beijing: Qunzhong chubanshe), pp. 288–99.

55 *Gongan jiguan ducha tiaoli shiyong zhinan (Guide to Using the Regulations on Public Security Oversight Organs) (GJDTSZ)* (Beijing: Zhongguo renmin gongan daxue chubanshe, 1997), p. 50.

discipline, especially monitoring crime scene investigation, though official sources concede that their function overlaps significantly with other oversight organs. Some scholars have compared them to Internal Affairs Departments in American police departments, and one oversight officer has characterized his unit to one of the authors as “the police within the police.”

To strengthen vertical leadership, oversight organs are responsible for monitoring police behaviour at their own geographical level and one level down. Likewise, they fall under the dual leadership of their own department and the oversight organ one level up. Although formally this might tend to counterbalance local control, cadres in oversight organs are still principally managed by local Party offices, just like other security cadres.

Writing almost a decade after the establishment of these units, however, a Jilin provincial security analyst painted a discouraging picture of their performance, suggesting that local control over budgets and personnel was overwhelming official efforts to institutionalize more vertical leadership in these units:

Although the existing oversight police structure also has all sorts of regulations making these units responsible to upper-level oversight police organs, still, in the establishment of organs, the deployment of personnel, organizational and personnel relationships, and various other aspects, they still “take local leadership as the main element (*yi kuai wei zhu*).”⁵⁶

This analyst goes on to charge that the system of local leadership makes it difficult for oversight police units to carry out effective monitoring of police several levels down the system, and encourages them to focus on average police cadres and not leading police cadres. Until this system is more centralized and vertical, he concludes, the oversight police system will never develop the necessary level of institutional independence.⁵⁷

Thus, many officials express frustration that, notwithstanding a matrix of supervisory and oversight organs within the public security system, upper levels lack the independent, reliable information sources they need to monitor and enforce discipline. Some authors have made increasingly bold suggestions that public security organs borrow stronger oversight systems from foreign police forces in order to break down what in other systems is commonly called the “blue wall of silence.” These include holding all members of a PSB leadership group “corporately responsible” for serious violations of law and discipline that the unit fails to detect and punish, or instituting a form of the “secret report officer” system that Chinese police scholars believe was pivotal in attacking corruption in the New York City Police Department.⁵⁸

56 Chen Shaokui, “Guanyu woguo jingwu ducha gongzuo de jidian sikao” (“A few points of reflection on our country’s police affairs oversight work”), *Senlin gongan (Forestry Public Security)*, No. 3 (2005), pp. 9–11.

57 *Ibid.* p. 10.

58 On such proposals, see Sun Xiaodong, “A superficial discussion,” p. 47.

The Impact of Decentralized Policing on State Power and Rule of Law

Obstacles to professionalization

Most public security leaders see “professionalization” and “regularization” of the public security corps as essential to accomplishing more sophisticated social control strategies in China’s increasingly restive and mobile society. The more reformist police and legal scholars agree, but also see professionalization as a key intermediate goal on the path to building the “rule of law.” Force professionalization requires great improvements in police skills, discipline and legal norms. Organizationally, it also requires moving away from China’s traditionally high reliance upon untrained citizen security activists and entrusting enforcement chores to state employees with professional law enforcement training. Such a transition requires police to be allowed to train a professional corps of sufficient size and quality to handle law enforcement tasks quickly, effectively, legally and with greatly reduced violence.

Many sources insist that local control over personnel and budgets has exacerbated several structural problems in the police corps, most notably very low ratios of full-time professional police to citizens and a highly uneven distribution of those personnel. According to official sources, in 2005 China’s total public security forces at all levels numbered 1,700,000 persons, equivalent to just 13 officers for every 10,000 citizens.⁵⁹ Analysts frequently protest that China’s police/citizen ratio lags far behind not only developed urban societies such as Japan and South Korea but even other large developing Asian societies such as India, Pakistan and Thailand.⁶⁰ Within China, ratios vary greatly across provinces and municipalities. The ratios fall off dramatically at lower levels and especially in rural areas. In the mid-1990s, even some relatively wealthy agricultural counties averaged a mere 2.5 officers per 10,000 citizens.⁶¹

Taking into account that more than one-fourth of police officers are assigned to various enterprise, transport and forestry duties,⁶² and persistent complaints that far too many are assigned to “desk” jobs, it becomes clear that the police’s “street presence” in many areas of China is slight. In response, the MPS is pushing for departments to aim to place 85 per cent of their personnel on street duty by 2008.⁶³

59 Total public security police and cadres rose from 658,000 in 1982 to 870,000 in 1995 to 1.4 million by 2006, reflecting several waves of personnel increases from 1986. Data from Jia Chunwang’s speech in *GDZJLS*, p. 7, MPS Political Department Personnel Bureau (ed.), *GARSGL (Public Security Personnel Management)* (Beijing, Qunzhong chubanshe, 1997), pp. 67–68. This total apparently does not include PAP border guards, fire-prevention and guards (*jingwei*) personnel. See “Gonganbu zhineng peishu neishe jigou he ren yuan bianzhi fang’an,” in MPS, *Zhifa shouce*, Vol. 16, Part 1, pp. 432–39.

60 *GARSGL*, pp. 67–68.

61 Fu Hongjie, *GAYJ*, No. 1 (1996), p. 31.

62 In 1993, of 923,000 officers more than 270,000 were assigned to these specialized duties. MPS Public Security Research Institute (ed.), *Qicao renmin gongan jingchafa cankao ziliao xiexuan (Selected Reference Materials for Drafting the People’s Police Law)* (Beijing: Qunzhong chubanshe, 1997), pp. 3–4.

63 “2008 yi xian shi zhan jingli daoda 85%” (“Fill out police strength on the first line to 85% by 2008”), <http://www.chinalegalnews.com.cn/legaltimes/20060220/0601.htm>.

Many security experts believe that one serious consequence of low police–citizen ratios is that they force local PSBs and other institutions to rely heavily upon non-professional law enforcement personnel, including citizen activists and “semi-police.”⁶⁴ There are entirely separate non-public security police units under banking, industrial/commercial, taxation, civil affairs, posts and telecommunications, electrical power, hydropower, agricultural, mining, oil field, factory, hospital, public transport and other departments and units.⁶⁵ Most factories, hotels and other economic units now also employ guards from semi-private security companies (*bao’an gongsi*) who receive a couple of weeks’ training from local public security units, but thereafter are controlled and paid entirely by their new work units.⁶⁶ The proliferation of these undertrained and weakly disciplined new security officers (many of whom illegally purchase genuine public security uniforms and regalia to enhance their image) present new obstacles to dealing with the problems of torture and abuse. A 1997 study by the Supreme People’s Procuratorate indicated that enterprises’ security officials may now have supplanted public security officers as the foremost perpetrators of illegal detention crimes in China.⁶⁷

Police sources also protest that local Party control has caused security departments to lose control over their “entrances” (hiring), “exits” (retirement and dismissal) and “elevators” (promotions and demotions). Local leaders direct their PSBs to hire cronies who are unqualified for police work, while police training academy graduates are unable to find jobs. A 2005 report by Gansu PSB officials protested that during their hiring campaigns, even though superior levels insisted that all new hires pass appropriate police tests, many local officials signed forms overriding the directives and ordering the hiring of unqualified applicants.⁶⁸ In 1998 the Hubei provincial PSB investigated 988 police hired by various county-level PSBs since 1994, and discovered that more than half did not meet minimum hiring standards. In one county PSB, of 133 recent hires, 85 failed to meet standards, and 41 of these had hiring recommendations signed by senior county Party and government officials in their personnel dossiers.⁶⁹

64 Guizhou Provincial PSB chief Jiang Yanhu, for example, contends that the major problem is low personnel “quality” rather than low raw numbers or per capita ratios. See *Collected Essays on Theory and Practice of the People’s Police Law*, pp. 19–20.

65 See, for example, Hubei Deputy Public Security Chief Ai Hanjin’s complaints in *GAYJ*, No. 1 (1993), p. 2.

66 Information gathered by one of the authors from conversations with over three dozen Chinese security guards, 1995–2005.

67 Zhang Zhijie, *Feifa jujin zui (The Crime of Illegal Detention)* (Beijing: People’s Procuracy Press, 1997), pp. 20–22, 30–33. This volume indicates that many illegal detentions are committed by factory, enterprise and mine security officials detaining, torturing and/or killing employees and others on suspicion that they have stolen enterprise property.

68 Gansu Provincial Public Security Bureau Political Department Study Group, “Gongan duiwu zhengguihua jianshe de nandian ji jie jue tujing” (“Problems in building standardization in the public security corps and paths to their solution”), *Gongan yanjiu*, No. 2 (2005), pp. 33–38.

69 Shang Wu, “The predicament of public security work and modest proposals for reform,” p. 93; see also *Renmin gongan bao*, 6 August 1998, p. 1.

Since social order is a major item in the political evaluation (*zhengji*) of local Party officials, many have pressured local security officials to alter reports on social order to improve their reputations. Dating all the way back to the 1983 Anti-Crime Campaign, police statistical experts have criticized this pressure to misreport social order conditions. Pressure becomes even greater during anti-crime campaigns, when local Party leaders are held personally responsible for improving crime rates.⁷⁰

Obstacles to intelligence-sharing

Police analysts have also argued that local Party dominance over law enforcement creates powerful incentives for local police departments to neglect their responsibilities to share crime-related data and intelligence with other jurisdictions. As cross-jurisdictional organized crime increases, experts in counter-narcotics policing in particular have attacked many local departments for only collecting intelligence that is germane to specific local cases, and not even developing independent, comprehensive law enforcement intelligence departments for their own localities. Information sharing within single public security departments is sometimes very weak (between, for example, the economic crime investigation and the regular criminal investigation offices). The MPS has attempted to overcome this problem through greater use of nationwide computer networks, and through the formation of special offices, such as its Counter-Narcotics Bureau, with nationwide mandates to facilitate intelligence sharing. But a 2005 article reports that relatively few provincial and municipal PSBs followed the MPS's lead and authorized their counter-narcotics offices to encourage effective intelligence sharing among local PSBs within their province.⁷¹

Legality and non-police duties: "collecting debts, beating dogs, and tying tubes"

Public security leaders have repeatedly attacked some local officials for treating the police as their "personal all-purpose tool of dictatorship" and ordering them to undertake numerous improper duties. MPS commentators contend that the use of police coercion for such officially banned tasks as collecting grain from farmers, forcing farmers off their land, enforcing birth control regulations, detaining businesspeople in contract disputes or attacking local residents who complain about such abuses has become a major issue in the increasing wave of

70 Li Maolin, *GAYJ*, No. 1 (1993), p. 3; see also Fu Hongjie, *GAYJ*, No. 1 (1996), pp. 32–33. On local Party pressure to misreport statistics, see Murray Scot Tanner, "State coercion and the balance of awe: the 1983–86 'stern blows' anti-crime campaign," *The China Journal*, July 2000.

71 Zhen Yonghong and Li Boyang, "Lun xibu diqu de jindu qingbao xiezuo" ("On counter-narcotics intelligence co-operation in China's western regions"), *Guizhou jingguan zhiye xueyuan xuebao*, No. 1 (2005), pp. 81–84, esp. p. 82; also Yang Xijun, "Lun jindu qingbao fuwu" ("On service in counter-narcotics intelligence"), *Shanghai gongan gaodeng zhuanke xuexiao xuebao*, February 2005, pp. 66–69, esp. p. 67.

protests since the mid-1990s. As one commentator noted in 2004, because of the system of *tiaokuai jiehe yikuai weizhu* for leadership management and budgetary guarantees, “public security organs have no choice but to ‘follow orders’ from local Party secretaries.”⁷² In 1992, one police scholar who is otherwise sympathetic to local control surveyed 75 county PSBs and found that on average 10–15 per cent of their work was taken up by non-police duties ordered by local officials.⁷³ As one local official pointed out, many security officials increasingly resent that these demands for them to “collect debts, beat dogs and tie-off tubes” are destroying relations between local police and citizens.⁷⁴ Although several recent documents have officially forbidden such use of security forces, and explicitly authorized local police leaders to defy local leadership and decline such tasks, the incentives for police officers to obey are often overwhelming. Police sources claim that as Party demands for “absolute leadership” over security have increased in recent years, many local officials have wielded the charge of “disobeying the Party” as a club to threaten unwilling police.⁷⁵

Local financing and police predation

Central security officials have attacked local financing of security for creating powerful incentives for a wide range of police abuses and predatory practices. Legal media blame weak local government funding and low police salaries for widespread police “moonlighting” running karaoke bars, brothels and other jobs dramatically at odds with their legal duties. Central leaders have demanded that the police, like the military, stop “eating impure grain” (*chi zaliang* 吃杂粮) and live exclusively off of “the emperor’s grain” (*chi huangliang* 吃皇粮). In 2004 Ma Yongmei, a commentator for *Public Security Internal Reference*, stated that “when ‘the Emperor’s grain’ is inadequate ... it can get so bad that basic-level people’s police have no choice but to use ‘violating discipline’ as a substitute financial guarantee, severely undermining police–citizen relations.”⁷⁶

Equally disturbing to police officials have been allegations that local governments are increasingly demanding that public security units use fines, confiscations and fees to cover very large percentages of their own regular administrative budgets and to generate government revenues.⁷⁷ Data on such

72 Ma Yongmei, “Dangqian yingxiang jingmin guanxi yisu tanxi” (“An analysis of current factors influencing police-mass relations”), *Gongan yanjiu*, No. 8 (2004), pp. 53–56, esp. p. 54. This pattern has been widely discussed in the literature, see David Shambaugh (ed.), *Is China Unstable? Assessing the Factors* (Washington, DC: Sigur Center for Asian Studies, 1998), esp. the essay by Thomas Bernstein; also Elizabeth J. Perry and Mark Selden (eds.), *Chinese Society: Change, Conflict, and Resistance* (London: Routledge, 2000), esp. the essays by Perry and Selden, Lee, Pei, and Zweig.

73 Wang Mingxin, *On Public Security Fighting Strength*, p. 99.

74 This vivid quote is from Shang Wu, “The predicament of public security work and modest proposals for reform,” p. 94.

75 Fu Hongjie, *GAYJ*, No. 1 (1996), pp. 32–33.

76 Ma Yongmei, “An analysis of current factors influencing police-mass relations,” pp. 53–56, esp. p. 54; Sun Xiaodong, “A superficial discussion,” p. 43.

77 “Using Guangdong’s experience to look at the new characteristics of public security work” and “Continuing to give full play to the special characteristics of the existing public security leadership and management,” esp. pp. 162–63, 370–73.

abuses are of course unavailable, but even senior MPS finance bureau officials note that “many prefectural and county public security organs nationwide rely on income from fines and confiscations, outside assistance, administrative income, and running economic entities to generate about 50 per cent of their budgets.” One senior security analyst recounts the story of a county public security official who submitted his annual budgetary request to the local finance department, and was only granted 40 per cent of his request. “You are the police. You have special powers. You can fine people!” was the proposed solution to the funding shortfall.⁷⁸ Many PSBs have responded by using funds generated from traffic and social order management cases to defray the costs of “unprofitable” criminal investigations or by “substituting fines for punishment” to generate revenue.⁷⁹

The centre’s apparent powerlessness to control this problem is amply demonstrated by the endless string of demands for an end to such practices. In traffic management alone, for example, the MPS together with other departments issued at least seven nationwide documents demanding an end to “three arbitrary abuses” (arbitrarily charging fees, exacting fines and setting up traffic checkpoints) in just 18 months from May 1995 and November 1996.⁸⁰ Yet in subsequent directives and speeches, senior officials bluntly conceded that these problems are as bad as ever.⁸¹

Conclusions: Assessing the Central–Local Balance and its Impact

Local police in China are “agents” formally subordinate to a variety of central, police and local party-state “principals.” An examination of the balance of “power resources” indicates that the centre certainly does have important sources of influence. Its major levers are over general policy directives and laws, the appointment of provincial Party secretaries, the organizational structure of provincial PSBs, and overall personnel quotas. But the widespread local disobedience to central directives cited here demonstrates that these resources do not translate into detailed, effective control over local police behaviour. The powers in the hands of local party-state leaders – leadership authority, hiring of regular officers, leading cadre management, finance and budgeting, and setting salaries – still loom much larger. They create powerful incentives for local public

78 Security scholar, interview, 1998.

79 Zhao Dabin, “Zhuazhu jiou, yifa yanjiu zhiding gongan jiguan jingwu baozhang gongzuo de zhengce yu guihua” (“Seize the opportunity, according to law research and set policies and plans for work to guarantee public security organs’ police work”), in MPS, *Renmin jingcha fa lilun yu shijian lunwenxuan* (*Essays on Theory and Practice of the People’s Police Law*) (Beijing: Qunzhong chubanshe, 1996), p. 37; also Liu Jiyang, *GAYJ*, No. 3 (1998), p. 44; and Shang Wu, “The predicament of public security work and modest proposals for reform,” p. 96.

80 These documents, whose titles are too long to list here, are all in *ZRGGFQ* (1995–97), pp. 676–84, 1059–61, 1723–25.

81 See the directive of the State Council, the MPS and several other offices on the “san luan” issued on 6 February 2005, Ministry of Supervision website, www.mos.gov.cn/Template/article/display0.jsp?mid=20050205009965; See also Wei Jianxing, *Renmin ribao*, 16 May 1998, p. 1.

security officials to obey their local Party “principals” more than either their superior public security “principals” or the Party centre. Finally, the variety of legal, administrative, discipline inspection and auditing oversight systems that are supposed to help strengthen central monitoring and access to information for the most part actually end up reinforcing control by local Party committees and PSBs.

Our conclusion is that in this cornerstone sector of state power – legal coercion – the levers of central control over provinces and localities are relatively weak, and very shallow in their reach. If central and provincial-level authorities want to monitor compliance in a particular locality, they must enlist the active support of local Party leaders, and must often pay significant information and transaction costs by dispatching inspection teams or political-legal press reporters, or hoping that “letters from the masses” will reach them.

To strengthen their monitoring capacity, upper-level officials might benefit from making greater use of the emerging institutions that allow officials to tap into and mobilize information sources and political pressure from local citizens who know first hand about many of the failings of law enforcement officials. These institutions include village elections, administrative lawsuits, an increasingly open and investigatory press, and of course the internet. All of these have periodically strengthened the centre’s access to information that is needed to monitor police officials in at least some areas. In recent years, for example, internet users have transformed the cases of police shooting demonstrators in Dongzhou, Guangdong, and of Sun Zhigang (a Guangdong student who was killed in police administrative detention) into nationwide “focusing incidents” to spread popular knowledge of law enforcement problems. But during the past three years, the Party leadership has, if anything, backed away from building up such hard-to-dominate institutions rather than making a serious effort to mobilize them to strengthen the centre’s monitoring capacity.

Impact on social order and rule of law: Pinkertons of the local state?

Local Party and public security officials face many powerful incentives and opportunities to undermine both central government goals for police professionalization and social control, and long-term prospects for building “rule of law.” In particular, police sources have highlighted obstacles to police professionalization as well as local leaders’ abuse of police to enforce illegal and predatory policies, which are a major source of local resentment, protests and riots. These include coercive grain collection, land confiscations, tax and fee shakedowns, improper “enforcement” of contracts, family planning, “local protectionism” and revenge against those who complain about such abuses. The incentives form a major obstacle to building the rule of law in China. This point is independent of any assessment of the centre’s real commitment to building a state that is legally accountable.

We suspect that decentralized power over public security is not likely to result in the emergence of any nationally uniform pattern of coercive controls and law enforcement. Rather, we expect a variety of local patterns to emerge that are shaped in part by local power balances, leadership commitment to legality, social networks, economic resources and so on.⁸² Many localities will probably produce patterns that are fundamentally at odds with the long-term emergence of “rule of law” – especially if “rule of law” is conceived classically in terms of legal professionalism and institutional independence, limits to arbitrariness, or universalistic enforcement of rules across regions or among citizens. It may be that in some large, relatively prosperous cities with high education levels, extensive financial resources to devote to professional police forces and relatively strong “pro-law” professional groups there will be “pockets” of relative legality. However, in localities where a small, tight elite of Party leaders and entrepreneurs collaborate to dominate both state and economy, there are increasing signs that the police (and semi-private “security companies”) are emerging as the repressive, anti-labour “Pinkertons” of “local state corporatism.” Finally, some still more menacing patterns could emerge, as they did when Yunnan’s Pingyuan county was taken over by drug lords in the early 1990s, or more recently in coastal Fujian, where extreme poverty apparently contributed to local police becoming bodyguards for the local government-protected trade in drugs and illegal emigrants. The role local Shanxi and Hunan police played in protecting slave labour brick kilns there recently is an even more chilling example. Any of these latter cases make the prospects for growth of the “rule of law” appear bleak indeed.

82 On locally variant patterns of state–society relations, see Elizabeth J. Perry, “Trends in the study of Chinese politics: state–society relations,” *The China Quarterly*, No. 139 (1994), pp. 704–13.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.