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A CHINESE THEORY OF COMMUNITY POLICING

This paper introduces the readers to a radically different theory of community policing: "Police power as social resource theory" (SRT), drawing upon Chinese political philosophy ("mass line") and policing practice ("renmin jingcha"). The SRT addresses three main questions: What is the role and function of the police? What is the relationship of the police with the people? Why do people call the police? SRT (re)conceptualizes crime and police from the perspective of the people, not that of the state. From the people's perspective crimes are personal problems, while problems are unmet expectations resulting from resource deficiencies and police are social resources make available to the people in solving their own problems. In terms of foundation SRT is a theory of the people, a theory of democratic governance, a theory of empowerment, and a theory of self-help.
Keywords: Chinese policing, community policing, problem oriented policing, Chinese theory of policing, policing as self-help, police as a social resource

"The value of criminal records for history is not so much that they uncover about a particular crime as what they reveal about otherwise invisible or opaque realms of human experience."
Muir and Ruggiero (1994)[1]

"The American city dweller's repertoire of methods for handling problem including one known as "calling the cops."
Bittner (1970)[2]

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[1] Muir and Ruggiero (1994).

"If the people were allowed to manage their affairs for themselves. They could do that with half of the number of policeman who were now employed."

Halley Steward, MP (1888)[3]

I
Introduction

This study of first impression explores the philosophy of MLP in China[4], and offers a radically different Chinese theory of policing: "Police power as social resource theory" (SRT).

The SRT addresses three main questions: Who are the police? What is the relationship of the police with the people? Why do people call the police?

SRT (re)conceptualizes police power (1) from the perspective of the people, not that of the state; (2) as a function of problem solving, not defined solely by law.

This article is organized in the six sections: Section I: "Introduction;" Section II: "Philosophy of Imperial Social Control;" Section III: "Principles of Contemporary Political Ordering;" Section IV: "SRT Theoretical Propositions;" Section V: " SRT Theoretical Foundation;" and Section VI "Conclusion."

II
The Philosophy of Imperial Social Control

Historically, social control in China was decentralized and organized around natural communal and intimate groups, e.g., family and clan, with governmental endorsement and support.[5] Local social control was institutionalized. The emperors ruled the state by and through his officials who in turn governed the people by and through the family head and community leaders.[6] Such decentralized, grass

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[2] Bittner (1970:36-47); Gaskill (2002). (It is important to investigate into people's mentality about crime to gain insight how people think, feel and act on crimes.)
[3] *Hansard*, CCCXXVII, 19 June 1888, cols 605-6.
[4] Qilu and Dawei (1995).
[5] Wong (1998).
[6] Chang (1955).

root, social control practices were informed by Confucian teachings: "Wishing to govern well in their states, they would first regulate their families. Wishing to regulate their families, they would first cultivate their persons." (De Barry at al. 1960:115)[7] When asked, "What is meant by "in order rightly to govern the state, it is necessary first to regulate the family?", Confucius answered: "It is not possible for one to teach others, while he cannot teach his own family. Therefore, the ruler, without going beyond his family, completes the lessons for the state."[8]

Thus, functional social control in China was supplied informally and extra-judicially, within the family and throughout the community. This resulted from deliberate state policy, building upon existing natural communal structure of interdependence,[9] established cultural habits of informal social control,[10] and entrenched customary practices of clan rule.[11] Hence, while in theory the local magistrate's offices (yamen) were supposed to be in total control on all matters large and small in rural China, in practice broad police powers were delegated or conceded to the local community and exercised by the family and clan:[12]

Consistent with the above Confucius ideas and ideals, crime prevention and social control in traditional China was realized through indigenous groups – starting with the family which provides the education and discipline for character building, the neighbors which provide the supervision and sanction against deviance, and the community which set the moral tone and customary norms to guide conducts.

Finally, the state acts as the social control agency of a last resort in providing punishment against crimes, and economic maintenance and social welfare to anticipate civil disorder. In this regard, the Chinese has taken a broad notion of control that includes the internalization of norms (by the individual), socialization and

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[7] De Barry and al. (1960:115).
[8] Legge (trans.) (1981:23).
[9] Dutton (1992:84-85).
[10] Williams (1883), Chu, Tung-tus, (1962)
[11] Liu-Wang (1959:56).
[12] Lui-Wang (1959: chapter 2).

disciplinary regime (by the family); setting up custom and accountability system (in the community), removal of criminogenic conditions (by the administration) and defining the moral and social boundary (by the state)[13] The Chinese approach come close to Edward A. Ross' definition of social control - "the molding of the individual's feelings and desires to suit the needs of the group" – including supernatural, ceremonies, public opinion, morals, art, education which formed the normative structure of a society. In a very real sense, Chinese social control is of a totalitarian gem[14] and of a disciplining type.[15]

The site of control (family) and method of control (informal), also changes how deviance and disorder is perceived and dealt with. In a family and communal setting, with blood relations, tight bond and enduring association, "deviance" and "disorder" are not recognized by official label as "crime" deserving punishment, but seen as problems to be "dealt with" - accepted, avoided, prevented, resolved, and suppressed by varieties of means. Problems are cognizable as things that should not have happened, happened, i.e., breach of expectation ("bugai"). The objective is to deal with "problems" to promote group welfare, to return to settled group norms and individual expectations.

III
The Principles of Contemporary Political Ordering

The "renmin jingcha" ("people's police")

The PRC police was named "renmin jingcha" or "people's police" at the first National Public Security Meeting in October of 1949. "Renmin jingcha" captures the basic nature and essential characteristics of police in Communist China; the police are at one with, belong to and dependent upon the people. The imagery used to depict police vs. people's relationship is "fish (police) in the water (people)."[16]

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[13] Gibbs (1982:9-11)
[14] Wittfogel (1957).
[15] Williams (1883), Chu (1962).
[16] Damin (2001:200 – 205).

That understood, Chinese police have no separate identity and interests beyond that of the people. They are supposed to see crime and disorder from the perspective of the people, as personal problems, and not response as legal violations. The police should and will do everything they can, including scarifying their own well being, interests, and welfare to solve people's problems.

Mass line policing (MLP)

ML is the basic tenets of governance of the CCP (Townsend 1977:1011). MLP has direct application upon how police is led, organized, and operated.

Ideologically, ML makes the people the master of their own destiny. In all matters of political governance and social maintenance, the peoples' perspective, value and interest prevails.

Functionally, a ML perspective allows the masses see where their true and long term interests lie. It effectively liberates the people from the straightjacket of "false consciousness" in a capitalistic society. In so doing the "mass line" recognizes that nobody understands the plight of the people more than the people themselves.

Operationally, the ML is a method of revolutionary leadership. It consisted of three recurring steps: (1) gathering scattered ideas of the masses; (2) processing (concentrating and systemizing) ideas of the masses; (3) using the ideas to lead the masses to struggle against class enemies; with education, propaganda, and mobilization. "The ML is, everything for the mass, everything depend on the mass, everything from the mass, everything to the mass."[17]

ML is based on the (scientific) understanding of world that the masses create history[18] by living the reality. Marx and later Mao credit the masses with the ability to create knowledge and the right to take

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[17] "Qunzhong luxiam, jiushi yiqiao wei qunzhong, yiquia yi qunzhing, zhong qunzhonglai, dao qunzhong chu - 群众路线，就是一切为了群众，一切依靠群众， 从群众中来，到群众中去". (Liao Wan 2007)

[18] "The millions of people will never heed the advice of Party if this advice does not coincide with what the experience of their own lives teaches them" (Lenin 1961: 426).

initiative[19] to change the world in their own image and according to their own interests (Mao Zedong 1963:502).

From its inception and until now, the ML informs upon everything the police do: First, the people and not the police should take care of their own problems; Second, the people and not the police have a better understanding of their own problems; Third, the people and not the police are more motivated to solve their own problem; Fourth, the police should look at crime and disorder as problems and from the people's perspective; Fifth, the police can help the people to solve their problems as experts.

IV
SRT Theoretical Statements

Proposition#1: People confront problems routinely some of them are called crime.

Proposition#2: To the people problems of everyday life are unmet expectations, resulting from a lack of resources.

Proposition#3: All problems can be solved by redefining expectations and/or acquiring resources.

Proposition#4: People experience crime as a personal problem not as a legal violation.

Proposition#5: People call the police because they do not have (or unwilling to spare) the necessary resources to deal with their problems, crime and non-crime.

Proposition#6: Police call the police because they are resources of legitimacy and coercion.

Proposition#7: Police power is a kind of emergency (social) resources made available to the people to solve their problems.

Proposition# 8: The more resources at the disposal of the people the less problem the people will be confronted with.

Proposition#9: The more resources at the disposal of the people the less they have to call on the police when problem (crime) happened.

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[19] "In the Great Proletarian Cultural Revolution, the only method is for the masses to liberate themselves, and any method of doing things in their stead must not be used. Trust the masses, rely on them and respect their initiative." See Decision of the Central Committee of the Communist Party of China Concerning the Great Proletarian Cultural Revolution, in Fan (1968:165).

Proposition#10: The more (adequate and appropriate) resources at the disposal of the police the more effective they are in solving people's problem.

Proposition#11: The less (adequate and appropriate) resources at the disposal of the police the more likely they will resort to illegal or extra-legal means in solving people's problem.

Proposition#12: The person who is closest (impact, information, knowledge) to a problem is and should be the person to solve the problem.

Definitions:

"Police" is defined as: "Police is a depository and coordinator of social resources. Police is an all purpose emergency problem solver who is authorized to use "legitimacy" and "coercive" resources to solve people's problems in a domestic situation and during peaceful time."

"Problem" is defined as: "An unrealized expectation of wants or needs due to resource deprivation."

"Resource" is defined as: "Things of all kinds, including to power, time, materials, skills, culture, ideas, and knowledge that can satisfy ones expectations of want and needs."

"Legitimacy" is defined as: "That which is endorsed, supported and promoted by duly constituted political authority, which illicit intuitive respect and demand obedience."

V
SRT Theoretical Foundation

A radical theory of policing

Build upon MLP, SRT starts with a basic observation that in a state run by the people we must understand how the people conceive of the nature of crime and role of the police.[20]

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[20] Conflict theorists have long observed that it is impossible to have all the people agreed upon a uniform understanding of the social order. The radical theorists have challenged consensus theorists' understanding of law and order from the perspective of the dominant class, while totally ignoring the contribution of the dominated class. This is a major oversight; people's mentality and sensitivity matters. The nature and distribution of police power takes different shape viewed from above, as it is from below.

From the perspective of the state, crime is a legal violation. From the perspective of the people, crime is a set of life experience, and a multi-faceted personal problem.

From the perspective of the state, police power is a political resource to secure control, maintain order[21] and command obedience.[22] It is defined coercively, structured legally, organized bureaucratically and imposed unilaterally.

From the people's perspective, police power is a social resource made available by the state and draw upon by the citizens to handle personal problems of an emergency nature or crisis kind. More significant, in the eyes of the people, police power is not reconstructed in political image, structured by law, organized with reference to police needs[23] but dictated by the people and negotiated to fit the personal circumstances and situational needs the problem calls to mind.

Policing from the people's perspective

Looking at police role and functions from the public's perspective can be justified on a number of grounds.

First, MLP calls for looking at life course problems from the people's perspective, as a matter of birth right and process of maturation. In Kant's words:"Enlightenment is man's emergence from his self-imposed immaturity. Immaturity is the inability to use one's understanding without guidance from another."[24]

This means empowering the people to meet their own personal needs supplying them with the necessary resources, on demand and as required.

Second, MLP corrects the lopsided relationship between police and the people by returning the people to the center stage, and put them in control, thus achieving the communalization, socialization or personalization of crime.

Third, MLP marks a shift of focus from a state centered community oriented policing to a people driven policing.[25]

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[21] Robinson and Scaglion (1987).
[22] Austin (1995).
[23] Manning (1983:176).
[24] Kant (1959: 41).
[25] There is an urgent need to draw a clear distinction between the "community" and the "people". They are conceptually different categories for analytical and operational

Fourth, MLP gives "social" meaning and lends "emotional" content to police – people activities, which is what policing is all about, i.e., dealing with personal issues, human problems, relationship difficulties of one form or another.[26] In so doing it socialize and humanize the police – people interface, making police business a truly peoples' business.[27]

Fifth, MLP liberates the police from the sterile confine of the law and stifling restrains of the bureaucracy. It gets away from one size fits all "McDonaldization" of police (burger, cheese burger, double cheeseburger is still a burger) strategy and practices.

Sixth, MLP recognizes police work should be as diverse and complex of people's problem, i.e., policing changes with time, place, people, context, circumstances and situations.

Seventh, and most importantly, MLP allows the people to be heard. For all too long, the public is an object of policing when in fact they are, and should be, the subject of policing. Instead of being policed, people are engage in problem solving.

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purposes. Analytically, a community is a collectivity (group of people) sharing certain identifiable characteristics and relationship, i.e., "a group of people who share certain demographic and socio-economic traits and fellowship." (Fessler, 1976). The people are an unbounded group of individuals sharing few things in common other than a universal social nature (humanity) and particularistic political character (nationality). Operationally, COP means that "The police designate a community in which they will engage in problem solving, develop relationships (that hopefully become partnerships) with the population, collaborate with them to diagnose problems that have some generalized impact, prescribe and implement interventions to solve the problems, and continuously monitor the results."(Flynn 1998). In the case of people's policing it is the people's problem, individually or as a group that should be of dominant concern.

[26] Crime is never more than a breach of human trust, destruction of social relationship and infringement personal rights. Breach of trust as failed expectation of predictability generates fear (of crime). Destruction of relationship as failed expectation of intimacy results in alienation (from others). Infringement of personal rights as failed expectation of entitlement caused loss (of property) or injury (to body). A reintegration strategy is much better than punishment strategy in renewing faith, building relationship and repairing harm. In this way, my theory echoes the concerns of Braithwaite with traditional punishment (cf. Braithwaite 1989).

[27] At its heart, all policing is a policing of relationship.

The legal anthropologist has contributed much, through the study of "trouble cases," to our understanding of how indigenous people of other cultures settle dispute and deal with problems. Such research informs that the problems of everyday life look and feel very differently from the inside than from outside point of view.[28]

SRT as proposed – people solving their own problem with state resource - is consistent with the civil society movement,[29] privatization of police trend,[30] and alternative dispute resolution initiative.[31] The theory, if ever fully realized, allows the people to be the master of their own affair. They have the right to dictate and control the extent and manner of the state's involvement in their life choices.

Legalization of people's problems

When the police power is exercised by state officials to enforce the law, e.g., criminal arrest, or invoked by the public to deal with a problem, e.g., call for police assistance, it automatically transforms the nature and handling of the "situation"[32] on hand.

When the public call the police, it gives the state the opportunity to transform a private/personal matter into a public/legal one. This amounts to the bureaucratization/legalization/professionalization of a private or personal problem, transforming/converting it into a one that is recognizable by the police and actionable in court.

In being captured by law, a personal problem loss much of its attributes and meaning derived from the social milieu, communal setting, interpersonal relationship, historical context and situational dynamics of which it is an integral part, or what the "situation" in situ is all about.

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[28] Nader (1969:337-348). Law of the state is build upon custom of the people but never able to reproduce its richness or replicates its nuance.
[29] Madsen (1993).
[30] Joh (2004); O'Leary (1994).
[31] Gross(1995).
[32] Before the decision to call the police and police intervention, we have a "situation" waiting to be labeled. The nature and control of any situation remains in the hand of the people involved, until the police is called. Even when the police is called, there is oftentimes some negotiation between parties involved, ending in most cases: "Do you want to file a complaint?"

The process and effect of transformation of a private affair into a public matter on the event and people involved is best described by Manning:

"As the message moves the system, it loses the implicit, connotative meanings associated with the polysemic nature of what was reported to have happened and becomes more denotative, represented in police classification, and is treated by the organization more as something to sort out and deal with and less as a reflection of a complex, emotional, sensate event. I shall refer to this as bureaucratization of social and personal problems." (Manning 1983:176)

Legalization of a problem also shifted the ownership and arena of dealing with the problem from the public to the state.

Policing as self-help

As structured, the theory SRT is a theory about "self-help,"[33] "private ordering" and "personalized justice."[34]

Policing as social services

Cumming and her colleagues were one of the very first to discover the dual roles of the police, i.e., as a control vs. supportive agent. "Finally, besides latent support, the policeman often gives direct help to people in certain kinds of trouble." (Cumming et al. 1965). After analyzing 801 calls over 82 hours, Cumming and her colleagues found that over 50 percents of the police calls seek help of one sort or another. The research team concluded that the police instead of enforcing law or fighting crime were asked by the people to help solve their problems, i.e., in acting as philosopher, guide and friend to people in need.

Policing as problem solving

Goldstein observed that there is a "tendency in policing to become preoccupied with means over ends" (Goldstein 1987: 236). Goldstein was one of the first to re-orient the police function from reactive crime fighting to pro-active problem solving in the community.

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[33] Black (1968).

[34] To the extent "private ordering" as "self help" involves police resources, "self help" is mediated by the police in legal and bureaucratic considerations. "Within very broad limits, citizens must generally avail themselves of police services rather than resort to "self-help" in dealing with problems or property." (Reiss and Bordua 1967:28).

He called for a shift in police strategy and activities to that of "problem oriented policing" (POP) which has since then been the organizing principle informing police reform in the 1980s.

This invitation for the police to shift its role and function from dealing with crimes to solving community problems, challenges the police to look at the nature (complexity of causes), extent (diversity of manifestation) and remedy (variety of alternatives) to community problems beyond the narrow confine of the tradition role of police as law enforcer and crime fighter. In so doing, the police no longer fight crime and enforce law but engage in community problem solving.

SRT while agreeing with Goldstein's POP approach differs from his in a number of important ways.

First, Goldstein's POP theory is in the main a theory about solving "community problem" as revealed by individual's call for assistance, e.g., repeated calls about robbery in a neighborhood tells the police that this is a criminal "hot spot." In so doing, Goldstein is not interested in dealing with individual level problems as much as he is concerned exclusively with resolving community level problems. Given Goldstein theoretical posture, an issue is raised as to what kinds of problem are Goldstein interested in – root problems giving rise to crime or personal problems generated by or associated with crime?

SRT argues that both are important, but from the perspective of the people (victim) it is the later that is more important. That is why people called the police in the first instance.

Second, Goldstein's theory is a "police" theory. Goldstein's main contribution is in having the police looking at the larger roots of crime picture beyond the immediate incidents of crime. SRT is a pure "people" theory of policing. It asks the police to look at crime, disorder and other problems from the perspective of the people. In so doing, what is a problem to the public is considered ipso facto a problem for the police.

Third, Goldstein expects the police to solve community problem with the help of the community. SRT wants the people to solve their own problem with or without the help the police, i.e., police resource is only one of the many resources potentially available.

Fourth, Goldstein wants the police to have more expansive police power to solve the crime problems, e.g., nuisance abatement law. SRT wants to empower the citizens, themselves (e.g., learn how to deal with

disputes) or with the help of others (e.g., police, social worker, friends, relatives) to solve their own problems, e.g., civil injunction against nuisance.

Fifth under Goldstein's formulation, police problem solving will lead to more police penetration into community lives. Under SRT the police will be playing a lesser and lesser role in the community with the people getting better and better in taking care of their own business. In sum, Goldstein wants to enlarge the state role and SRT wants to create more civic society space.

Table I: Goldstein "problem oriented policing" vs. Wong's "state police power as social resource"

	Goldstein POP	Wong SRT
Definition of problem	Police in consultation with the public	People identifying their own personal or community problem
Ownership of problem	Police	People
Solution to problem	Police provide solution to problem	People draw upon the police as a resource to solve personal problem
Mean to solve problem	More police resources	Varieties of community/ personal resources
Role of police	State control agent	People's problem solving agent
Role of citizen	Community participation (policy consultation) and assistance (eyes and ears)	Citizen consult, engage, or direct police to solve problem.

Police as a coercive resource

Bittner convincingly argued that "the role of the police is to address all sorts of human problems when insofar as their solutions do or may possibly require the use of force at the point of their occurrence."[35] More specifically, police: "is best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of

[35]ittner (1980:38).

situational exigencies."[36] Bittner was quick to observed argued that in most cases police coercive force is not needed and never will be used, e.g. police treatment of lost children. Thus to Bittner it is not the actuality or even probability of using force that define the role of police, it is the possibility (no matter how slim) and potentiality of use of force (no matter how contingent) which justifies the definition of police role. Finally, Bittner postulated that everyone expects the police to use force to solve problem when they call the police:"There is no doubt that this feature of police work is uppermost in the minds of people who solicit police aid (and) …every conceivable police intervention projects the message that force may be, and may have to be, used to achieve a desired objective." (Bittner 1970: 40)

I do not agree with Bittner that all or even a majority people call the police because of the police's "capacity and authority" to use force:

The public calls the police for a variety of reasons, not all of them require the use of force. For example, when the police is called to help locate a lost relative, to unlock a locked vehicle, or put out a fire, the public do not expect the police to use force because force is not contemplated and of no use.

In some cases, the people call police precisely because they do not want force to be used. For example, people may be calling police as an arbitrator in a family dispute with strong headed family members. An irate wife may call the police to affirm that her husband had a lady in the car while he crashed in the early morning. In either case, the parties do not want nor expect force to be used.

According to SRT, whether a citizen is calling on the police's "capacity and authority" to use force certainly depends on whether the citizen have the "capacity and authority" to use force relative to the police, thereby making the police "capacity and authority" superfluous.

Lastly, and perhaps most importantly, Bittner's formulation assumes that all people in all communities at all time on all matters look at police (coercive) role the same. This presupposition runs counter to the first lesson learnt about studying policing and society. How the people of a given society in a certain era and at a certain place conceive of the police and their relationship with society must of

[36] Bittner (1980: 41).

necessity depends on the cultural understanding of that society about the role, functions and relationship of the police with the public. In pre-history time, the clan control their members with high priests who were readily obeyed without the threat or use of force. In modern time, private security of a company is able to police without resort to force because employer has the authority to hire or fire.

Police power as a "legitimacy" resource

SRT postulates that police power is a "legitimacy" resource for the people to solve problems. In fact most people call the police to "legitimize" what they are doing, i.e., to determine right vs. wrong, fair vs. unfair.[37] For example, in divorce cases, embattled spouses routinely call the police to be arbiter of property, custody, privacy disputes.[38]

In practice, most people call the police because the police's other "capacity and authority," e.g., the police as a moral authority. For example, people see police as a moral authority representing the state. As such, they follow the police instruction voluntarily and instinctively, and expect others' to do so.

The importance of legitimacy and moral authority in securing compliance and helping people to resolve problem within relevant in-groups is well established. Different groups secured legitimacy and privileged authority differently. [39]

In imperial China, the instruction of the father (delegated police authority) is instantly obeyed, less so because he can use force to exact compliance and more so as a result of his elevated social status and established moral authority. Within the Church, the admonition of the Pope is never challenged because he possesses ultimate religious stature and moral authority. In a corporation, the security chief's order is never questioned, not because he can use physical force to enforce his will but because he is empowered by the company to compel performance from the employee with economic means. Within the scientific community, the lead scientist has the final say over a scientific project because he has expert authority.

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[37] Black (1968).
[38] The author was an experienced divorce lawyer.
[39] Graftstein (1981).

Problem as resource deprivation

As intimated above, when people call the police, they do so because they need help (with resources) to solve a problem. A problem arises as a result of unmet expectations, or resource deficit. Expectations can be met by deploying proper resources or lowering of expectations. For example, a simple theft is a problem because it breaches a number of expectations: victim does not expect to be violated; victim does not expect to loss money; victim does not expect to have to walk to work, etc. For those who lived in a crime infested neighborhood, residences learn to adjust their normative expectations and prioritizing their needs; a "crime" problem in the suburb might just be a nuisance in the inner city.

The victim might not need to call the police if he has resources to meet those expectations, e.g., if the victim is rich he might be protected by security guards and if a driver has AAA insurance he can call AAA to open the locked care. The most appropriate way to deal with crime as a personal or social problem is: First, define what problems are confronted by the people; second, provide the people the necessary resource to prevent or resolve such problems.

State (police) as supplier of resources

In imperial China, problems of "crime" and issues with "punishment" are thought about philosophically and theoretically as integrated governance issues. The philosophy of good governance has one objective, how to perfect the Emperor's rule approximating mandate of heaven. Good governance requires moral leadership and benevolent rule of the Emperor (by and through his officials), manifested as stern discipline for the officials, ethical education for the public (especially the intellectuals), sound economic policy and paternalistic social programs.

Guan Zhong [40] was appointed the Prime Minister of the state of Qi in 685 BC. He was known for his enlightened reform policy in

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[40] "Guan Zhong (Chinese: 管仲, Wade-Giles: Kuan Chung) (born 725 BC, died in 645 BC) was a politician in the Spring and Autumn Period. His given name was Yíwú (夷吾). Zhong was his courtesy name. Recommended by Bao Shuya, he was appointed Prime Minister by Duke Huan of Qi in 685 BC." (cf. http://en.wikipedia.org/wiki/Guan_Zhong. Accessed July 30, 2008).

strengthen Qi state and improving the livelihood of the people. Guan Zong articulated and explained his thinking on good governance policy in 管子(Guan Zi). "Rulers who are shepherds of people ("mu min") need to be vigilant and industrious. If the country is rich and strong, people would come from wide and far. "If the storage is full, people will know about protocol, if they have are properly clothed and fed, they know about shame and glory."[41]

Guan Zhong's major approach to law enforcement, order maintenance order and crime prevention is by providing for the material well being of the people. According to him, the effective governance of people starts with the provision of physical security and material well being. In this regard, Guan Zhong made clear:

"When citizens are rich, they will settle peacefully at home and pay attention to the family ("an xiang zhong jia"), if they settle peacefully at home and pay attention to the family they will be respectful of authority and fearful of crime ("jing shang wei zui"), if they are respectful of authority and fearful of crime, they are susceptible to rule." Guan Zi. Mumin[42]

In order to govern well, the state must inculcate the people with four dispositions,[43] i.e., li,[44] yi,[45] lian,[46] qi.[47] People who know etiquettes will not transgress norms, thus people will not undermine authority. People who know honesty will not ask for more than deserve, thus people will not act dishonestly. People who know honor will not cover up bad deeds, thus people will not indulge in illegality and

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[41]"倉廩實，則知禮節；衣食足，則知榮辱" (Guan Zi. Mumin): "If the granary is full, (people) know about protocols; if (people) properly fed and clothed, (people) know glory and shame."

[42] "Guan Zi. Mumin" is a chapter on herding ("mu") the people ("min"). For the book of Guan Zi. Mumin (管子. 牧民) see ftp://sailor.gutenberg.lib.md.us/gutenberg/etext05/8guan10.txt. (accessed July 30.8.2008).

[43]"何謂四維？一曰禮，二曰義，三曰廉，四曰恥 。" What are the four protocols: First is rite; Second is justice; Third is integrity; Fourth is shame." *Id.*

[44] "Li" is "etiquette; rite; protocol", according to the Pinyin Chinese-English Dictionary (PYCED). Hong Kong : Commercial Press. PYCED (2005: 415L).

[45] "Yi" is "justice; righteousness". PYCED (2005:821L).

[46] "Lian" is "sense of honor". PYCED (2005:424L).

[47] "Chi" is "sense of same". PYCED (2005:92L).

immorality. People who know shame will not tolerate injustice. Thus people will tolerate bad deeds.[48] The best state policy is to remove people's anxiety, poverty, emergency and evilness.[49] Conversely, the worse policy is to use punishment and coercion. Because punishment can never effectively remove desire and coercion has a tendency to court rebellion.[50]

The above brief excursion into Chinese history and philosophy makes clear that the best way to fight crime and disorder is to secure the people from needs (materials resources) and educate the people to think (intellectual resource) and behave morally (moral resource). One the people is empowered – materially, intellectually, morally, they will be less inclined to commit crimes. That is why crime rates in China have been so low, in the past.

VI
Conclusion

The core principles that drive this research is extracted from China's MLP, captured by Mao statement: "The people, and the people alone, are the moving force in the making of world history" (1945).[51]

In the case of Mao's policing, the political principle of "mass line" formed the basis of "people's policing"[52] whereby the local

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[48] "禮不逾節，義不自進，廉不蔽惡，恥不從枉。" "To follow rite is not to exceed bounds, to do justice is not to transgress norms, to have integrity is not to tolerate wrong, to know shame is not to participate in evil." Guan Zi. Mumin. Op. Cit. note 112.

[49]"民惡憂勞，我佚樂之；民惡貧賤，我富貴之；民惡危墜，我存安之；民惡滅絕，我生育之。" "When people are satisfied they are worried, it is my job to make them happy; when people do not like poverty, my job is to make them rich; when people are concerned with safety, it is my job to secure them; when people do not have hope, I cultivate them." *Id.*

[50]"故刑罰不足以畏其意，殺戮不足以服其心。故刑罰繁而意不恐，則令不行矣；殺戮眾而心不服，則上位危矣。" "Thus punishment is not sufficient to deter people's mind, killing and maiming is not sufficient to pacific people's heart. Thus more punishment will lead to lack of fear, then government policy will not be effectively implemented. If by killing many and people are still not obedient, then rulers are at risk." *Id.*

[51] Mao Zedong (1945:257).

[52] It is more appropriate to refer to "mass line" policing in the earlier days of the PRC as "people's policing." The whole of "the people" as an exploited and oppressed class

people are supposed to be self-policed.[53]There are many reasons for engaging the people MLP:

First, the people have the right (*quanli*) as a ruling class to participate in their own governance. This is akin to the idea and ideal of localism in the U.S.[54] wherein all the powers of the central government come from the people. While federalism envisions a government from the top down, localism conceives of a government from the bottoms up. The legal status and relationship of local associations to central authority (state) is best captured by the U.S. Supreme Court in Avery v. Midland County [55] "Legislators enact many laws but do not attempt to reach those countless matters of local concern necessarily left wholly or partly to those who govern at the local level."[56]

Second, the people has the responsibility (yiwu as a citizen) to fight crime. In the PRC people's rights and responsibilities are complementary. PRC Constitution (1982) Article 33 provides that "Citizens enjoy rights guaranteed by the Constitution and law but they must also fulfill their constitutional and legal responsibility."[57] This is akin to the notion of "communitarism" in the U.S. which is defined as "a mindset that says the whole community needs to take responsibility

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was mobilized to impose their political will. In the later years (since 1979), "people's policing" become "community policing" when the local people are encouraged to take part in managing their own affairs.

[53] For self-help literature, see http://www.ac.wwu.edu/~jimi/cjbib/selfhelp.htm. (accessed July 30, 2008).

[54] For a comprehensive treatment (law and theory) of localism in the U.S. see Briffault (1990a and 1990b). For a brief history on the development of localism, see Eaton (1900).

[55] Avery v. Midland County 390 US 474, 481 (1961) (Challenge to the apportionment of the Midland County Commissioners Court - the county legislature - which gave a tiny rural minority a majority of the legislative seats. The apportionment was pursuant to Texas Constitution which did not require districts to have equal population.)

[56] *Id.* 390 U.S. 474, 482. Local inhabitants have personal stake in local government. Their self-determination is not to be interfered with by the state.

[57] The CCP has interpreted this to mean that the concept of right (quanli) and duty (yiwu) is unitary in nature (tongyixin): "People can enjoy right but also have to fulfill their duty, just enjoying rights and not fulfilling duties is not allowed; nor should the assumption of duty without the enjoyment of right be tolerated." (Zhonggong Zhongyang Dangxiao 1993: 89) This is to say that right and duty are supplementary to and complementary of each other ("xiangfu- xiangcheng").

for itself. People need to actively participate, not just give their opinions … but instead give time, energy, and money."[58]

Third, the people is in the best position to see that "people's justice" is done, including making decisions on who to police, what to police and how to police. Mao supplied the rationale to MLP in his "Report on an Investigation of the Peasant Movement in Hunan": The peasants are clear sighted. Who is bad and who is not quite vicious, who deserves severe punishment and who deserves to be let off lightly—the peasants keep clear accounts and very seldom has the punishment exceeded the crime."[59] This is akin to the idea in the U.S. that the community notion of order and justice prevails over the rule of law.[60]

Fourth, the people were deemed to be more motivated, thus more vigilant, as an oppressed class to detect the counter-revolutionaries.[61] This is akin to the idea that citizens of a state, as with employees of an organization, naturally seek responsibility if they are allowed to "own" a problem. "The average human being learns, under proper conditions, not only to accept but to seek responsibility."[62]

Fifth, the people are in the best position, being more able, efficient, and effective in conducting the people's business. Criminals and counter-revolutionaries lived in the mass. They cannot long survive within the mass without being exposed. This is akin to the notion in the U.S. that the public is the best source of intelligence for the police.[63]

Sixth, the police could not be everywhere the same time and in any one place all the time. This is especially the case in the sparsely populated area: e.g., border and rural areas [64] It is unlikely that the

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[58] Gurwit (1933).
[59] Mao Zedong (1977:28). Under communism citizens have reciprocal rights and responsibilities.
[60] Wilson (1968:287).
[61] Luo (1994: 57).
[62] This is the famous "Theory Y" (McGregor 1960:48). The theory Y calls for involving the employee in making and implementing decisions.
[63] Sparrow (1993:4).
[64] Luo (1994: 317-322,319).

police could be informed of illegal activities unless informed by the people.[65]

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[65] Luo (1994: 347-352).

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KINESKA TEORIJA COMMUNITY POLICING-A

Ovaj članak upoznaje čitaoce sa radikalno drugačijom teorijom opštinske policije, tj. „community policing-a“. „Moć policije kao teorija društvenog sredstva“ („SRT“), predstavlja kinesku političku filozofiju (“mass line“) i iskustva u funkcionisanju policije (“renmin jingcha”). SRT se bavi sa tri glavna pitanja: Koja je uloga i funkcija policije? Koji je odnos policije i ljudi? Zašto se ljudi obraćaju policiji? SRT analizira krivično delo i policiju iz perspektive ljudi, a ne iz ugla države. Iz perspektive pojedinca, zločini su lični problemi, a problemi su dalje neispunjena očekivanja koji proizilaze iz nedostatka sredstava, dok policija predstavlja društveno sredstvo dostupno ljudima radi rešavanja njihovih ličnih problema. U pogledu ustanovljenja, SRT predstavlja humanističku teoriju naroda, teoriju demokratske vladavine, teoriju ovlašćivanja i teoriju samopomoći.

Ključne reči: Kineska policija, opštinska policija, policija usmerena na rešavanje problema, kineska teorija policije, policija kao samo-pomoć, policija kao društveno sredstvo.