

## 11. Detention, stability and ‘social management innovation’

Elisa Nesossi

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### INTRODUCTION

Since 2009, pre-trial detention institutions have appeared in the official and scholarly reformist discourse, opening up one of the last bastions of secrecy in the Chinese criminal justice system.<sup>1</sup> Before then, under the strict control of the public security authorities, pre-trial detention facilities were rarely the object of external scrutiny and were surrounded by an epistemically almost impenetrable wall. Discussions about amendment of the 1996 Criminal Procedure Law (CPL) addressed specific aspects of the legislation that could be improved during the pre-trial stage of proceedings. However, the discussions did not tackle directly the issue of pre-trial institutions, thus avoiding any direct challenges to the Ministry of Public Security (MPS) administering them (Nesossi 2008). This meant that while there could be public debate about the legislation – except where it concerns local regulations on detention centres, which are still treated as mainly internal matters open only to an inner core of the politico-legal circle (*neibu*) – the institutional and structural arrangements of these facilities could not be questioned.

This situation seems to have changed dramatically. A neglected area for a long time, pre-trial detention institutions quickly hit the headlines of national media after being finally nudged into China’s official discourse in 2009. In February of that year, media reportage on the ‘*duo mao mao*’ (hide and seek) accident involving the death of young Li Qiaoming in the Jinning detention centre in Yunnan Province projected the problems of

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<sup>1</sup> The pre-trial detention centres I refer to in this discussion are primarily *kanshousuo* (‘post-arrest’ pre-trial detention centres). They are mainly institutions within the criminal justice system – that is, they are not used to detain people for other reasons such as administrative detention.



criminal detention centres into the spotlight.<sup>2</sup> Indeed, between 2009 and 2010 national media reported more than ten other 'unnatural deaths' (*fei zhengchang siwang*), raising public indignation and fuelling intense debates (China Daily 2009). Scholars and officials from the MPS and the Supreme People's Procuratorate (SPP) have been mobilized to make specific suggestions on how to strengthen the existing legal framework of such institutions and improve the conditions for those held within detention centres.

Such proposals and discussions, triggered by contingent instances of violence and abuses in places of detention, have continued to flourish since. They have been variously linked to wider discourses on reforms of criminal justice legislation and institutions, protection of criminal suspects' human rights, stability maintenance (*weihu wending*), social management (*shehui guanli*) and – more or less explicitly – political legitimacy. Scholars and officials offer intriguingly complex perspectives on both theoretical and empirical approaches to stability and its relationship with 'social management innovation' (*shehui guanli chuangxin*) in the context of criminal justice.

One of the premises of the analysis in this chapter is the subtle relationship between political structures and criminal justice. Damaška (1986) explained this relationship more specifically as between the institutional environment and the political purposes of the administration of justice. Of the two state models Damaška described – the activist and the reactive state – the activist model more closely resembles the Chinese state. This model is inspired by interventionist political doctrines that actively involve state authority in all spheres of social life and in the management of society, which 'as it exists ... is defective and in need of improvement' (Damaška 1986: 80). The activist state legitimizes its power through 'a shared sense of citizenship', through 'harmony and cooperation rather than dissonance and conflict' so that 'individual autonomy is far from sacrosanct ... what citizens want becomes increasingly what the state intends them to want' (Damaška 1986: 81).

In the activist state, results are of paramount importance and decisions are legitimated by the correct outcomes they embody; the correct outcomes of legal suits realize state policy. Without recognizing the value of procedures per se, the activist state prefers to avoid procedural safeguards that reflect distrust of its officials and to provide its officials with wide discretionary power to act. The authorities responsible for

<sup>2</sup> The 'duo mao mao' accident has been widely reported on national media. See, for example: China Youth Daily 2009 and Luo 2009.

administering justice are encouraged to cooperate through a system of superior audits and incentives for promotion on a hierarchical scale. It is expected that officials whose individual aspirations may obstruct the harmonious functioning of the organization, and, more broadly of the state, will be bypassed for advancement (Damaška 1986: 21). In this context, the involvement of 'outsiders' in the criminal justice system is looked upon suspiciously and discouraged.

While models can be helpful explanatory tools, politics and systems of justice as they are actually lived are not static and closed entities. Their internal dynamics and interrelationships constantly change and evolve, at times becoming more sophisticated as they follow socio-historical developments manifest in local legal cultures and in contingent legal arrangements. Changes may be open or subterranean, gradual or abrupt, imposed or inherent. They may be triggered by internal factors like instinctive adjustments to the domestic legal and political systems, or by external influences as a by-product of globalization and other external circumstances (Nesossi 2012: 12).

Relying mainly on recent publications and proposals for reform by the MPS, the SPP and Chinese criminal justice scholars, this chapter offers a preliminary assessment of the type of change and 'innovation' (*chuangxin*) that is possible within the current framework of 'social management innovation'. It explores how typically Western concepts like transparency and accountability have been co-opted into the Chinese legal-political discourse on 'social management' and criminal justice 'socialization' (*shehuihua*) to support the line of stability and legitimacy maintenance. In particular, it considers the nature of the debates surrounding pre-trial detention reforms and the scope and significance of changes brought about in the name of attributes like openness (*kaifang*), public participation (*gongzhong canyu*) and transparency (*toumingdu*).

Overall, the chapter argues that the introduction of these new principles well serves the purposes of a wider project of 'social management' and social engineering pursued by the Party-state. The current politico-legal discourse may lead to formal alignment of China's criminal justice system with internationally recognized principles of criminal justice and, perhaps, to improving the conditions of detention centres in some parts of the country. Even so, that would hardly be indicative of a substantive change in the nature of the activist Chinese state, its bureaucratic structure and the criminal justice system as a whole.

This chapter has two main sections, followed by a Conclusion. The first section overviews the concept of 'social management innovation' and its implications for criminal justice. It delves into the issue of criminal justice 'socialization' and related discourses on the relationship



between 'legal outcomes' (*falü xiaoguo*) and 'social outcomes' (*shehui xiaoguo*), finding that such concepts may assume various meanings and may easily be used to justify illegal or extra-legal practices. In the second section, these debates are contextualized and assessed empirically through the lens of 'innovation' in pre-trial justice and the discourses concerning official supervision over institutions of pre-trial detention. The Conclusion draws together these two sections, arguing that 'innovation' is crucial to the maintenance of stability and the power of the Party-state and it does not impinge upon the very nature of the criminal justice system and the main features of the activist state.

### SOCIAL MANAGEMENT, STABILITY MAINTENANCE AND CRIMINAL JUSTICE SOCIALIZATION

From its very outset, in the context of the Chinese activist state, the concept of 'social management innovation' grew out of a purely political discourse on harmony and stability. Tensions generated within society by serious social inequality and rights violations that have become more prominent during the last 20 years, and the emergence of new social phenomena beyond the traditional remits defined by the state have made the Chinese government increasingly aware of the need to modernize its methods of control over society. The growing instability and social complexity seriously called into question the capacity of the Party-state to continue managing society efficiently, while simultaneously preserving control over it in a legitimate way. Tensions within society demonstrated that the forms of social management that characterized the early years of reforms needed to be reformed, improved and – using a term increasingly dear to various social and political sectors within China – 'innovated'.

During the 2011 Forum on Social Management and Innovation, Hu Jintao emphasized that social harmony could be achieved only through adequate social management strategies that could coordinate social relationships and behaviours, promote social justice and stability, and manage social risk. Accordingly, 'the main objective of strengthening and innovating social management is to preserve social order, promote social harmony, and ensure that people live in peace and work contently, in order to create a better environment for the work of the Party and the state' (Yan and Wang 2011: 92).

Notwithstanding the numerous official statements and debates on the meaning, scope and practical implications of 'social management innovation',<sup>3</sup> the concept remains somewhat nebulous. As such, it has the potential to be used and moulded opportunistically on the basis of very contingent Party-state needs as well as longer term-priorities. Pieke (2012: 159) argues that:

Within the discursive space created with the concept of social management, many political agendas and images of China's future compete with each other. These include ruling China according to the law, strengthening and modernizing public and national security, developing a non-state, self-governing public sector, the retreat of the state from society and the economy, the strengthening and centralization of the state, and the promotion of the Party as the pivot of the nation ... Social management is therefore somewhat of a magic wand, the cure to the many ills that plague Chinese society and government ...

Theoretically, social management stemmed from the idea that economic development had caused dramatic social changes. However, since society remains defective, in order to be stable and harmonious, it needs to be perfected and brought to a higher level – where quality standards are defined by the state. Such understanding is indeed based on two

<sup>3</sup> In 2002 the Sixteenth Party Congress mentioned social management as one aspect of maintaining public order; similar references were made in the 2004 CCP Central Committee Decision on Strengthening the Party's Governing Capability and the 2005, Communique of the Fourth Plenary Session of the Sixteenth Central Committee. In 2005 Hu Jintao explained the main functions of the government are economic and market regulation, social management and public service. These functions, he added, would have to be carried out strictly according to the law. In 2007 the Report to the Seventeenth Party Congress reiterated the need to 'perfect the structure of social management'. In April 2010 *Qiushi* (Seeking Truth) published an article by Hu Jintao on 'Shengru tuijin shehui maodun huajie, shehui guanli quangxin, gongjian lianjie zhifa' (Promoting the Harmonization of Social Contradictions, Innovating Social Management and Fairly and Honestly Implementing the Law) and, one year later another similar article expressing Zhou Yongkang's main views on social management innovation. In February 2011 Hu Jintao delivered a series of speeches to provincial Party leaders on social management innovation expressing what is considered his orthodox view on this issue. Such official views have been formalized in the *Guanyu jiaqiang he chuangxin shehui guanli de yijian* (2011 CPC and State Council Opinions on Strengthening and Innovating Social Management). That year, the Twelfth Five-Year Plan included social management as one of its eight 'key targets', mentioning public service, democracy and legal system, a 'social management system for greater social harmony', and the use of volunteers.



assumptions. One is that society, independent of its internal complexity, may be changed and 'statized' – swallowed by the state (Damaška 1986) – that is, completely aligned with the interests of the state. The other is that the very same social energies (*shehui liliang*) that cause instabilities may be also used, or perhaps exploited, to recreate the lost harmony.

Whilst acknowledging the complexity of contemporary Chinese society, its increased sophistication and internal pluralism, Chinese political leaders looked at external models of public administration and social governance for inspiration on how to manage social phenomena appropriately. As Pieke (2012) explained, the Western discipline of 'public management' was introduced into the curricula of Chinese universities, translating the language of business administration into public administration and creating a new class of capable and pragmatic managers that would have the skills to similarly manage society as well as business. Reformers look at foreign models to identify alternative avenues of political success. In practice, this leads to the incorporation of foreign concepts – or at least foreign terminology – into the Chinese political vocabulary, together with possible ideas on how best to work with society to maintain and strengthen political legitimacy. In doing so, Chinese leaders have tried artfully also to please the West and its constant quests – rhetorical or in practice – for democracy, human rights and the rule of law.

Indeed, the Western discourse on the rule of law offers a fairly convenient avenue to link purely political needs with allegedly legal requirements. Thus, the Chinese government asserts that to promote stability the state should rely on the rule of law (*fazhi*), guarantee basic human rights, and promote pluralism and diversity within society. Social management mechanisms developing outside the realm of the law should be brought into such a framework and 'legalized'. Thus, the law should be improved with amendments to fit the objectives of social management and, as a result, it should prove instrumental to social harmony and stability (Gao and Chen 2012: 54). Rephrasing the idea of 'social management innovation' within the contours of the law not only confers legitimacy upon such a project inside and outside China, but also offers a tool for professionalizing, standardizing and – at least apparently – depoliticizing it. In this conception, traditional tactics for the maintenance of law and order should be legalized, made more scientific and professional, and rephrased using the modern and mild terminology of transparency, accountability, openness and public participation. Criminal justice is by no means an exception and perfectly fits the purposes of this ambitious project, since it is conceived as both an instrument to manage society and an area for experimenting with new principles.

### Social Management, Criminal Justice Institutions and Legislation

In the hierarchy of officialdom that generally characterizes the activist state in Damaška's model (1986: 21), the institutions involved in administering criminal justice are all called to work jointly, in harmonious relations, to realize a socialist system of justice and stability. This is true in the project of 'social management innovation' in contemporary China, with the public security authorities called to improve their ability to preserve public safety and social stability. Both Zhou Yongkang and Meng Jianzhu<sup>4</sup> have stressed the crucial role of the MPS in preserving public security and, in particular, 'in solving three main problems: the management of services for the floating population; the management of the system of "help and education" of special groups; and the management of public security in some focal areas' (Song 2011: 31).

The courts are equally considered active players in strengthening and innovating social management to achieve social stability and, accordingly, 'judges should not only apply the law strictly but, through their work, they should also be able to re-adjust and manage social relationships' (Wang 2011). In their decisions they should act as both fair and highly efficient justice administrators, and as social managers (*shehui guanglizhe*) (An 2010: 1). When deciding a case, they should keep in mind social management priorities like the maintenance of stability and the harmonization of social conflicts.

Within the current institutional arrangement, the procuratorate is mainly considered complementary to the other organs of justice, in that it exercises legal supervision of the authorities directly responsible for taking measures for stability maintenance (Zhao and Li 2011). In one of his 2009 speeches on stability and the related duties of the political-legal authorities, Zhou Yongkang emphasized the crucial role of the procuratorate in supervising the implementation of projects aimed at realizing 'social management innovation' (Wu and Chu 2010). Such a crucial role is spelled out clearly in the 2011 '*Guanyu chongfen fahui jiancha zhineng canyu jiaqiang yu chuangxin shehui guanli de yijian*' (SPP Opinions on Fully Realizing the Procuratorate's Ability to Participate and Strengthen Social Management Innovation), which explicitly says that

<sup>4</sup> Zhou Yongkang was Secretary of the Central Political-Legal Committee of the CPC from 2007 to 2012 and was Minister of Public Security from 2002 to 2007. Meng Jianzhu is Secretary of the Central Political-Legal Committee, succeeding Zhou.



supervision is functional to 'social management innovation' as it contributes to harmonizing social contradictions and realizing social stability and fairness within society.

Under this project of institutional harmony and cooperation, when agreement among the *gongjianfa* authorities<sup>5</sup> fails or is difficult to reach, the highest harmonizing authority – the Politico-Legal Committee of the Chinese Communist Party (CCP) (*Zhongguo gongchandang zhongyang zhengfawei*, generally called *zhengfawei*) – steps in to mediate (*xietiao*) the various positions and impose politically correct views on matters at stake.<sup>6</sup> Thus, despite ongoing internal debates about reform of the *zhengfawei*, the obsessive call for harmony and mediation of conflicts may raise interesting questions about possible future changes and the eventual dilution of power of this organ that is still so crucial to the entire administration of criminal justice in the context of a potentially harmonious but unstable Chinese society.

Criminal laws have been drafted and amended to accommodate these higher political and institutional priorities. As Guo's chapter in this volume elaborates, the more recent amendment of the 1996 CPL is a clear example of an institutional compromise inscribed into the pronouncements of the law.

#### 'Socialization' of Criminal Justice

Another basic idea that the project of 'social management innovation' builds upon is that society is an organic unit comprising 'social people' (*shehuiren*).<sup>7</sup> In the activist state, relationships among 'social people' are based on 'a strong sense of citizenship, on harmony and cooperation rather than dissonance and conflict. People should be linked by their efforts to achieve common goals, each subordinate to the overriding state interest' (Damaška 1986: 81). Here criminal justice should contribute to building such harmony among the 'social people' by solving existing

<sup>5</sup> In Chinese, the term *gongjianfa* is generally used as an acronym of the Chinese terms for the police (*gong'an*), the procuratorate (*jiancha*) and the court (*fayuan*).

<sup>6</sup> The role of *zhengfawei* is defined in the 1980 Notice on the Establishment of the Central Political-Legal Committee, issued by the Central Party authorities.

<sup>7</sup> The expression *shehuiren* was used by Zhou Yongkang in a 2006 statement in which he was arguing that the 'working unit people' (*danweiren*) have transformed into 'social people' (Pieke 2012: 158).

contradictions (*maodun*).<sup>8</sup> With the ultimate aim of merging state interests with social interests and needs, criminal justice should be adapted to social changes and become 'socialized', a process made possible by the relative flexibility and malleability of both criminal justice and society.

In keeping with the multifarious concepts of social management and stability maintenance, the process of 'socialization' of criminal justice simultaneously implies multiple things. To start, it designates a relationship of mutuality between criminal justice and social development. As explained by Li and Shi (2011: 36), this implies that social development guides changes in criminal justice laws, policies and institutions, and provides the directions for criminal law reforms. In turn, criminal justice has the power to mobilize social forces and to provide the input for social changes and development.

The Chinese legal literature generally considers at least three examples of this mutual dependence. First, the rapid social changes that have followed economic development led to the emergence of new, particularly complex forms of crime. The 1997 Criminal Law has been amended to deal with these novel forms of crime, with new legislation and new institutions at different levels. New laws and institutional arrangements are aimed at addressing crime among specific social groups and preventing the recurrence of related social problems.

Second, Chinese society has become more open to external influences and is increasingly aware of law and rights. Such knowledge and increased consciousness has led legislators to change criminal laws with an eye to satisfying people's moral and social expectations. Today, the law must emphasize the protection of human rights and ideas of openness and transparency, and it seeks the involvement of social groups in the administration of criminal justice. Thus, changes in legal terminology and, at least apparently, in the spirit of the law, may in turn raise social consciousness about the law and create awareness of the complexities inherent in administering criminal justice.

Third, the increased pluralization of society and the incipient strengthening of civil society are leading the government to create new laws and new social structures to support implementation of the law, for example, programmes of restorative justice, crime prevention or involvement of social groups in the oversight of places of detention. Such experiments and new areas of law will likely strengthen, in a corporatist fashion,

<sup>8</sup> Trevaskes (2012) explains clearly the significance and implications of the recent use of the Maoist-inspired 'theory of contradictions' in relation to stability maintenance in contemporary China.



mostly mass organizations that are responsible for such activities to support the idea of 'interactive governance' (*wudong zhili linian*) (Li and Shi 2011: 38) promoted by the Party-state.

Crucial to the project of socializing criminal justice is harmonizing 'social outcomes' with 'legal outcomes'. Trevaskes (2012) details the genesis and the implications of the official discourse on the relationship between social and legal outcomes. Informed by Supreme People's Court (SPC) documents and considering both 'strike hard' (*yanda*) policies and official views on the death penalty, she convincingly argues that 'social outcomes is a byword for the perceived social utility of capital punishment, its deterrence effect, and its capacity to deliver social stability'. Its conceptual counterpart – legal outcomes – was coined more recently by legal reformers 'to acknowledge the need for legal propriety to ensure correct legal judgments are made strictly within the boundaries of the law' and that 'building authority and legitimacy of the law into the judicial system by prioritizing positive legal outcomes would in itself lead to positive social outcomes'. For these reformers, 'making social and legal outcomes mutually compatible required rebalancing the law-policy nexus to improve the quality of legal outcomes' (Trevaskes 2012: 6–7).

Overall, the project of harmonizing the two outcomes entails minimizing the risks of social tensions that may result from decisions by justice authorities or from laws that are not congruent with shared social values and moral principles. As Trevaskes (2012) implies subtly, the difficult relationship between social and legal outcomes makes the administration of justice not only challenging but also particularly dangerous, as it tends to blur the line between objective legal consideration and subjective assumptions.

Discourse on the correlation between legal and social outcomes has been developed mainly with regard to court decisions. Yet the difficult relationship between these two outcomes is also relevant to other areas in the administration of criminal justice, including the work of the public security authorities and the procuratorate. For example, as procuratorate and legal scholar Xiang Zexuan expounds:

The procuratorate should conduct its legal supervisory functions aiming to reach equilibrium between the two possible outcomes. It should be fully aware of the legal outcomes resulting from its supervisory activities, which should be conducted according to the law. However, it should also know whether such supervisory activity conforms to the parameters imposed by the social needs of development and stability. (Xiang 2011: 33)

Judicial decisions by the justice authorities are often marred by vague use of such 'outcomes' concepts, which may be used to justify illegal or extra-legal judicial practices. Conduct such as torture by investigative authorities may be cannily condoned by the idea of achieving positive legal outcomes, which in some circumstances may be socially accepted as well. Here the process of supervising administration of criminal justice becomes particularly difficult – a matter of subjective balance between the two outcomes. Some instances of physical violence or other violations inflicted in the conduct of criminal justice have become publicly known, as in cases of death in custody or miscarriages of justice. These hamper the already fragile balance established between the legal and the social spheres, calling into question basic shared assumptions about the law and the institutions administering it and creating new social tensions and expectations. Public disclosure of instances of violence or other abuse by the public authorities has at least two purposes that concern knowledge and legitimacy. It enables the central government to identify problems at the local level and purge the so-called bad apples who cause them, and provides the authorities with a credible excuse to demonstrate their goodwill in problem solving and responding to the need to reform the system by introducing new principles.

Finally, the process of 'socializing' criminal justice also entails promoting its educational role. In fact, the Party-state requires institutional actors to set principles and examples for society at large to uphold and observe. Court doors are to be open wide and judicial decisions made publicly available, injustices are to be denounced widely, and places of detention are to be accessible to the outside world. Certain segments of society are also mobilized to play an active role in projects of openness and transparency, as discussion of criminal detention centres in the section below reveals.

#### PRE-TRIAL DETENTION, 'SOCIAL MANAGEMENT INNOVATION' AND 'CRIMINAL JUSTICE SOCIALIZATION'

Criminal detention centres in the PRC are places of detention at the county level or above, administered by the MPS's Bureau for Managing Prison and Criminal Detention Centres (*Gong'an bu jiansuo guanli ju*).<sup>9</sup>

<sup>9</sup> Under Article 5 of the 1990 'Regulations on Criminal Detention Centres', the State Security Bureau may also administer these detention centres at different



The people's police are responsible for law enforcement (*zhifa*) in these centres. Such centres are regulated not only by the 1996 CPL, but also by the 1990 *Zhonghua renmin gongheguo kanshousuo tiaoli* (Regulations on Criminal Detention Centres) (hereafter 1990 Regulations) and its *Zhonghua renmin gongheguo kanshousuo tiaoli shishi banfa* (Methods of Implementation) issued in 1991, and by specific rules, regulations and measures concerning particular aspects.

Article 2 of the 1990 Regulations identifies the types of people for whom criminal detention centres are to serve as custodial institutions: suspects prior to or after arrest, offenders sentenced to less than one year fixed-term imprisonment, offenders with less than one year left to serve and 'offenders whom it is inconvenient to send for reform through labour camps'.<sup>10</sup> Offenders sentenced to death also may be detained while awaiting execution.<sup>11</sup> In some major and difficult cases, with the joint formal approval of both the head of the local public security bureaus (PSB) and the director of the local criminal detention centre, and with the agreement of the people's procuratorate, criminal detention centres may also detain offenders with more than one year left to serve (Article 56, 1991 Methods of Implementation). In addition, under Article 2 of the *Kanshousuo liusuo zhixing fa zuifan guanli banfa* (2008 Methods for Administering Prisoners Retained in Detention Centres for Executing their Sentence), people sentenced to criminal detention (*juyi*) should be detained in criminal detention centres rather than in prisons.<sup>12</sup>

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levels, including provincial, autonomous region and municipalities directly under the central government. Criminal detention centres at higher levels may also be established and administered by the authorities responsible for the railways, traffic, forestry and aviation.

<sup>10</sup> Neither the 1990 Regulations nor the 1991 Methods of Implementation clarify the term 'inconvenient' (*bu bian*).

<sup>11</sup> According to Article 15 of the 1994 Prison Law, 'Before a criminal is handed over to prison authorities for the execution of criminal punishment, if the remaining term of their sentence is no more than one year, criminal punishment will instead be executed by the criminal detention centre'. A similar provision is contained in Paragraph 1 of the 1987 SPC, SPP, MPS and MoJ (Ministry of Justice) *Guanyu zuifan zai kanshousuo zhixing xingfa yi ji jianwai zhixing de you guan wenti de tongzhi* (Notice on Issues Concerning Criminal Offenders Serving their Sentence within Criminal Detention Centres and Outside Prison under Surveillance).

<sup>12</sup> Criminal detention is one of the principal punishments defined by the 1997 Criminal Law, in Articles 42–44. The term of this detention is to be not less than one month but no more than six months.

The detention centres are still fairly closed and unscrutinized, but during the last 30 years a number of official mechanisms for supervising places of detention have been gradually incorporated into legislation and administrative regulations.<sup>13</sup> Indeed, following transformation of the police force from a mere instrument of the Party to a law enforcement agency, authorities soon recognized that law enforcers themselves had to be subject to law in exercising their powers, and a number of legal constraints were put in place to deter and punish abusive practices. As argued by Biddulph (2007: 277):

Development of the legal system has expanded from a view that law is something that the police enforce, to include a requirement that the law enforcers themselves are subject to law in the exercise of their powers ... social stability increasingly depends not only upon the exercise of the state's coercive powers, but also upon the state controlling arbitrary and abusive uses of power by state officials through strengthening legal control over them. The police themselves recognize this.

The PRC has progressively developed internal (*neibu*) and external (*waibu*) mechanisms of supervision (*jiandu xitong*) over law-enforcement organs and places of detention, through which state actors are held accountable for their conduct. Under the internal system of supervision, the authorities in detention centres are answerable to superior levels of their own segment of the bureaucracy and to the Central Commission for Discipline Inspection of the Communist Party (*Zhongguo gongchandang zhongyang jiliu jiancha weiyuanhui*). Under the external system of supervision, they are accountable to the same level of national people's congresses or the Chinese People's Political Consultative Committee Conference (CPPCC),<sup>14</sup> the

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<sup>13</sup> The system of supervision is based on principles contained in the 1982 Constitution (Article 27), the 1996 CPL (Article 224) and the 1995 Police Law (Articles 42–43).

<sup>14</sup> See the 1997 MPS *Gong'an bu guanyu zhudong jieshou renda, zhengxie dui kanshousuo gongzuo jiancha jiandu wenti de tongzhi* (Notice on Actively Accepting the NPC and CPPCC Supervision over the Activities of Criminal Detention Centres), and the 1993 NPCSC *Guanyu jiaqiang dui falü shishi qingkuang jiancha jiandu de ruogan guiding* (Provisions on Strengthening Inspection and Supervision of Law Enforcement). The external system of supervision is something of a meta-supervisory institution: a formal system of supervision over the legal framework governing places of detention, and over law enforcement and supervision of the detention system. Under the 1982 Constitution (Article 104) and the 2007 Law on Supervision of Standing Committees of People's Congresses at Various Levels, people's congresses have the constitutional and legal power to exercise supervision over state authorities.



Ministry of Supervision and the State Council,<sup>15</sup> the procuratorate,<sup>16</sup> and the general public.<sup>17</sup> The two distinct forms of control have their own peculiarities and priorities and are intended to be mutually complementary, meeting the differing but equally important needs of the detention institutions.

### Promoting Transparency and Strengthening Supervision

In 2008 strengthening supervision of police stations (*paichusuo*) and detention centres, and improving their legislative framework were listed among the priorities of criminal justice reform. In January 2009 the MPS was made responsible for amending the 1990 Regulations<sup>18</sup> and a few months later the debate on reforms was already reaching its apex. Cases of abuse and 'unnatural death'<sup>19</sup> that populated the media during 2009 and 2010 helped project criminal detention centres into the spotlight, animating the reformist discourse among legal scholars and government officials as well as raising concerns among the general public. Many observers saw such cases as simply confirming shared images of violence within these obscure places where detainees are deprived of their liberty and are subject to the worst forms of abuse perpetrated by guards, case

<sup>15</sup> This form of supervision is mainly over administrative laws and regulations concerning places of detention (Wang 2006: 63). The Ministry of Supervision and its subordinate agencies have the authority to receive citizens' complaints against the public security authorities and to investigate unlawful acts.

<sup>16</sup> As indicated by the 1982 Constitution (Article 129), the people's procuratorate is the 'state organ of legal supervision' acting on behalf of the state in exercising control over public security organs and the courts. The procuratorial Department for the Supervision of Places of Detention (*jiansuo jiancha bumen*) is also the main organ responsible for supervising the application of custody measures and punishment. Article 8 of the 1990 Regulations confers upon the people's procuratorate a supervisory role over detention centres.

<sup>17</sup> According to the 1995 Police Law, the police must voluntarily accept citizen and society supervision (Article 44). According to Article 46, social supervision implies citizens' rights to make recommendations and suggestions to law enforcement agencies, to file complaints against the police – through the procuratorate or the Ministry of Supervision – and to bring lawsuits against the police.

<sup>18</sup> Notice of the General Office of the State Council on Issuing the Legislation Plan of the State Council (2009).

<sup>19</sup> This term was initially defined in the 1962 MPS *Guanyu ruhe huafen zhengchang siwang yu fei zhengchang siwang jixian wenti de dafu* (Reply on the Issue of How to Differentiate between Natural and Unnatural Death).

investigators or fellow cellmates behind tightly closed doors. For reform-minded scholars and officials, the cases presented the perfect opportunity to put forward related proposals for legal and institutional reforms.<sup>20</sup>

Official statements and publications have associated the discourse on detention centres and their reforms with two main issues: the concepts of stability and social management, and debates about openness and transparency. In developing such ideas, they have produced a discourse that firmly links (in)stability to the recurrence of violence and institutional legitimacy, and ideas about supervision, transparency and accountability. Both the official and academic debates indicate that cases of abuse hamper social stability since they undermine the educational and restorative mission of the detention institutions. They also produce a serious discrepancy between the expected 'social outcomes' generated by justice administrators and 'legal outcomes' required by law, thereby challenging institutional legitimacy at its core.

Scholars have advocated for specific changes to management of the detention centres and their legislative framework, inserting their arguments into wider debates concerning criminal justice reforms and human rights. They sought amendment of the obsolete 1990 Regulations and issuing of a new law to replace them. They also pushed for authority over detention centres to be passed from the MPS to the Ministry of Justice (MoJ).<sup>21</sup> The proposals focussed on both the form and substance of the text of the 1990 Regulations. They called for rejuvenation of its language

<sup>20</sup> In April 2009, just a few months after the 'duo mao mao' accident, the MPS and the SPP officially launched a five-month campaign for revision of all the national criminal detention centres, aiming to strengthen internal and external supervision over detention centres and improve the procedures for reporting accidents. That same month, the SPP issued a paper, *Guanyu jianguan changsuobei jianguan ren siwang jiancha chengxu* (Several Opinions on Undertaking Legal Assessment in Cases of Unnatural Death); in May, the MPS published *Kanshousuo yufang he daji 'lao tou yu ba' shi tiao guiding* (Ten Regulations on Watching Out For and Combating Bullying in Detention Centres), and the *Guanyu kanshousuo nüxing zai yarenyuan shixing jizhong guanya guanli de tongzhi* (Notice on Centralizing the Management of Women Detainees in Detention Centres). A few months later, the MPS and the Ministry of Health promulgated the *Guanyu qieshi jiaqiang he gaijin gong'an jianguan changsuo yiliao weisheng gongzuo de tongzhi* (Notice on Strengthening and Promoting the Public Security and Supervisory Organs that Work on Medical Treatment and Health in Detention Centres).

<sup>21</sup> In 2003 scholars and local authorities had already advanced a proposal concerning passage of authority over criminal detention centres from the MPS to the MoJ. See Huang 2009.



and suggested a number of substantive changes to be standardized through a law issued by the National People's Congress Standing Committee (NPCSC) (Jiang 2010, Chen 2011). In their view, the law should introduce new and more specific procedures addressing issues related to the admission of detainees into criminal detention centres; the formalities governing meetings among lawyers, family members and detainees; medical assessment; procuratorial supervision; and interrogations (Xue 2007: 538–9). Once properly studied and systematized, such proposals for reforms informed the NPC 2011 motion to the MPS and the State Council calling for the promulgation of a national-level law.<sup>22</sup>

The reformist discourse advanced by Chinese legal scholars has been accompanied by an increased official emphasis on stability and security within institutions of detention. In 2010, through the *Guanyu zonghe zhili kanshousuo anquan guanli gongzuo de yijian* (Opinions on the Comprehensive Management of the Security Work in Detention Centres),<sup>23</sup> security work in detention centres was officially inserted within the framework of comprehensive management of public order.<sup>24</sup> According to the 2010 Opinions, 'problems related to the security work in detention centres have a direct impact on mechanisms for guaranteeing security within society'. Accordingly, the authorities administering such institutions and the procuratorate have been called upon to play a greater role in 'social management innovation' within detention facilities. The 2010 Opinions paper asks them to raise the level of security, minimize the risk

<sup>22</sup> *Quanguo renmin daibiao dahui neiwu sifa weiyuanhui guanyu di shiyi jie quan guo renmin daibiao dahui di si ci huiyi zhuxi tuanjiao fuzhengyi de daibiao tichu de yi'an shenyi jiegou de baogao* (Report on the National People's Congress Internal Affairs Committee on 'Review of the Motions Lodged by Delegates to the Presidium of the Fourth Session of the Eleventh National People's Congress' 31 December 2011), [http://www.npc.gov.cn/npc/sjb/2011-12/31/content\\_1688779\\_3.htm](http://www.npc.gov.cn/npc/sjb/2011-12/31/content_1688779_3.htm). Accessed 1 January 2012. See also Chen 2012.

<sup>23</sup> *Quanguo renmin daibiao dahui neiwu sifa weiyuanhui guanyu di shiyi jie quan guo renmin daibiao dahui di si ci huiyi zhuxi tuanjiao fuzhengyi de daibiao tichu de yi'an shenyi jiegou de baogao* (Report on the National People's Congress Internal Affairs Committee on 'Review of the Motions Lodged by Delegates to the Presidium of the Fourth Session of the Eleventh National People's Congress' 31 December 2011), [http://www.npc.gov.cn/npc/sjb/2011-12/31/content\\_1688779\\_3.htm](http://www.npc.gov.cn/npc/sjb/2011-12/31/content_1688779_3.htm). Accessed 1 January 2012.

<sup>24</sup> Such a framework is defined by the 2002 *Guanyu jin yi bu jiaqiang shehui zhi'an zonghe zhili de yijian* (Several Opinions on Continuing to Strengthen the Building of Comprehensive Management of Public Order), <http://cmzz.mca.gov.cn/article/zcfg/zyfg/201201/20120100077335.shtml>. Accessed 1 January 2012.

of 'unnatural deaths', and improve the system of legal supervision through the existing office of the on-site procuratorate (*zhusuo jianchayuan*), with the overall aim of protecting social harmony and stability.

To complement the 2010 Opinions, in February 2011 the MPS issued the *Guanyu tuijin kanshousuo guanli jizhi chuangxin de tongzhi* (Notice on Promoting the Innovation of the Management Mechanisms in Detention Centres).<sup>25</sup> The introduction says:

Over the years ... detention centres have duly contributed to the fight against crime and the maintenance of social stability. However, recently new circumstances and problems have emerged. First, the management of detention is very challenging and difficult. At present, what makes it an arduous task is the persistence of internal contradictions among the people, the high rate of crime, and complex struggles against the enemies. This situation creates difficulties for daily management of the detainees; the instruments used to confront those who oppose management or try to escape need to be constantly innovated ... Second, the construction of the national legal system is becoming progressively more sophisticated and the masses' legal consciousness and knowledge of rights has increased. As a result, protecting the rights and interests of detainees has become the focus of widespread concern in society. Third, the Internet has transformed into the main source of information and divulging of publicly shared opinions. During the last two years, detention centres have generated negative views within the public opinion. These negative views on law enforcement and management problems can easily become widespread online and they could harm the image of the public security authorities, the Party committee and the government, and damage social stability. In this context, the innovation of working ideology and mechanisms, and the effective improvement of the level of law enforcement and management of detention centres will raise confidence in the Party and the government, and will contribute to social harmony and stability. Thus, the public security and the supervisory departments should promote further the 'three priorities' and the 'three buildings' in a full understanding of the prominent problems existing today in detention centres. Thus, they need to sum up their experience, continue to explore innovative mechanisms, improve and perfect a management system that conforms to the developments in society, and fully raise the ability and quality of the public security and supervisory departments responsible for protecting social stability.

This MPS Notice is very significant as it clearly locates the work of detention centres within a wider project of stability maintenance and 'social management innovation' in the context of criminal justice socialization. Indeed, this introductory statement defines the framework for all the initiatives to be taken inside detention centres to promote innovation

<sup>25</sup> [www.gov.cn](http://www.gov.cn). Accessed 1 January 2012.



of their management style and advance social stability both within and outside the walls of the institution, while protecting the rights of detainees and the interests of society – and by reflex, of the state.

While it is generally recognized that policing of places of detention requires a fair amount of individual discretion, Chinese official commentators today openly admit that independent monitoring and supervision are generally crucial to institutional transparency, accountability to society, and the protection of human rights.<sup>26</sup> Chinese authorities are more heavily emphasizing external supervision of detention centres to strengthen already existing mechanisms and create new ones. The 2010 Opinions paper notes that ‘in view of their nature and institutional features, detention centres become the focus of public concern and media attention’. This official statement constitutes the theoretical framework for recent debates and experiments on supervision of detention centres by both the procuratorate and the public.

During the first half of 2010, the head of the Bureau for the Management of Prison and Criminal Detention Centres, Zhao Chunguang, formally announced MPS support for initiatives promoting openness in places of detention under MPS supervision. He also issued the *Guanyu quanmian tuikai kanshousuo dui shehui kaifang gongzuo de tongzhi* (Notice on Fully Promoting Work on Opening Up Detention Centres to Society).<sup>27</sup> This Notice contributed to standardizing the various ‘sunshine’ (*yanguang*) initiatives<sup>28</sup> launched officially in a number of detention centres around the country.<sup>29</sup> The Notice promoted the idea of ‘sunshine detention centres’ (*yanguang jiansuo*) open to external scrutiny, in particular to detainees’ families, journalists and certain groups

<sup>26</sup> It is interesting to note that the two Chinese National Human Rights Action Plans issued by the State Council in 2009 and 2012 include a full section on the rights of detainees, which was almost a taboo area in the public discourse until just a few years earlier. They also place greater emphasis on transparency and accountability in this area, to be realized through a well-developed system of supervision (State Council 2009, State Council 2012).

<sup>27</sup> Similar notices supporting ‘sunshine’ initiatives were also issued in relation to ‘compulsory drug rehabilitation centres’ (*qiangzhi geli jiedusuo*), ‘pre-arrest detention centres’ (*jiulusuo*) and ‘shelter and education centres’ (*shourong jiaoyusuo*) (Yu 2010: 5).

<sup>28</sup> The ‘sunshine policy’ (*yanguan zhengze*) promoted in public discussion on politics and law in China refers to a number of initiatives taken in very different contexts to promote openness in various government areas to discourage corruption and illegal activities by public officials.

<sup>29</sup> See [http://www.9ask.cn/zhuanti/shidian/20100515\\_531.html](http://www.9ask.cn/zhuanti/shidian/20100515_531.html). Accessed 30 October 2012.

of citizens. Specifically, the Notice stresses the importance of three types of supervision that should be strengthened in detention centres: internal supervision by the MPS itself, supervision by the procuratorate and social supervision.

In June 2011 a joint notice *Guanyu gonghui, gongqingtuan, fulian zuzhi canyu zonghe zhili kanshousuo anquan guanli de tongzhi* (Notice on Participation of Trade Unions, the Communist Youth League and the All Women’s Federation in the Comprehensive Management of Security Work in Detention Centres) was issued, aiming to formalize the intervention of mass organizations in detention work.<sup>30</sup> It encourages mass organizations to participate in managing security work within detention centres according to aims established by the political authorities and the public security organs. In this sense, the 2011 Notice is extremely emblematic as it represents the perfect combination of elements pertaining to the discourses on ‘comprehensive social management’, ‘comprehensive management of public order’, ‘social management innovation’ and participation and transparency as officially interpreted by the Chinese government. Thus, it promotes the principles of openness and public participation, but only within the limits imposed by the work of comprehensive social management, and these principles are to be realized through traditional mass organizations.

Preventing or avoiding recurrence of accidents inside detention centres has been approached not just through more thorough or innovative policing measures, but also through the regular presence of personnel from the procuratorate inside places of detention. Generally, supervision is exercised through both an on-site procuratorial office established as a permanent fixture within criminal detention centres<sup>31</sup> and an external procuratorial office (*paichu jianchayuan*). The on-site office of the procuratorate acts as a formal check on the work of the police in an attempt to counterbalance police power within such institutions. According to the 2008 *Renmin jianchayuan kanshousuo jiancha banfa* (SPP Methods for Procuratorial Work in Criminal Detention Centres), the procuratorate is responsible for supervising the legality and accuracy of procedures carried out upon detention (*shouya*) and release (*jiefang*) of pre-trial detainees, time-limits and the administration of detention, the

<sup>30</sup> The Notice was jointly issued by the Office of Central Committee on Comprehensive Management of Public Order, the MPS, the All-China Federation of Trade Unions, the Communist Youth League and the All-China Women’s Federation.

<sup>31</sup> The on-site procuratorate offices were established through the 2007 SPP Decision on Strengthening and Improving the Procuratorate Supervisory Work.



education and 'reform' of detainees, and the investigation activities of the police. The 2008 SPP Methods together with the central government authorities' increased emphasis on supervision have fortified the official desire to have a system in place to supervise policing work in places of detention, thus working towards reinforcing and standardizing the role of the procuratorate. Notwithstanding the limits imposed by the weak authority of on-site procuratorates and the challenges they face working within detention centres (Nesossi 2012: 92–4), various mechanisms aimed at strengthening their role have been developed at the local level.<sup>32</sup>

Initiatives involving the procuratorate, mass organizations and the general public, which have proliferated in detention centres around China during the last few years, appear to demonstrate that promoting openness, transparency and accountability is both functional and complementary to the wider project within detention centres of maintaining stability and re-establishing public confidence (Zhao 2010). Indeed, official views support the idea that the new legislative framework and the 'sunshine' initiatives that have seen more than 1,500 detention centres opened up from mid-2009 to mid-2011 (Ministry of Public Security 2011) have reduced bullying and abuse in detention centres and have fully overcome public distrust of them. This sentiment is captured in a report from the MPS Bureau of Management of Prisons and Detention Centres (2011):

Many people who visit detention centres generally express 'I never imagined' three times. I never imagined that ordinary people could access detention centres and could understand their real situation. I never imagined that the environment in the cell area could be so clean and bright and the detention facilities so modern. I never imagined that the style of managing police enforcement could be so civilized, as my general impression had been that detention centres are dark, damp and violent places.

## CONCLUSION

This chapter presents an attempt to delve into possibilities for change in the current Chinese politico-legal context, aiming to identify the kind of 'innovation' that is feasible within the existing framework of 'social management innovation' given its constant preoccupation with stability. In theory, the idea of stability and innovation may seem incompatible. However, as this chapter demonstrates, in practice there is no contradiction between the obsessive emphasis on stability and the prominence

<sup>32</sup> An informed account of such initiatives is offered in Bai 2009.

given to innovation. Reforms within the institutions responsible for pre-trial detention demonstrate how this combination is possible in the present Chinese politico-legal context, and they may offer input for wider consideration about the complex dynamics unfolding in other areas of the Chinese legal system. The recent changes involving pre-trial detention facilities are therefore considered emblematic as they bring together discourses on 'social management innovation', stability, criminal justice socialization as well as institutional legitimacy and accountability, to prove how such theoretical and somehow contradictory and vague concepts may be harnessed to support actual reforms and innovation.

Various initiatives realized within detention centres in the last few years have stressed the importance of supervision – by the people's procuratorate, by mass organizations and by the public. The procuratorate is asked to check upon the work of the police and to strengthen its institutional structure and working procedures to perform such a role systematically. This form of supervision – albeit crucial in enhancing police accountability – may prove not to be extremely significant in changing policing practices within detention centres. Indeed, in a purely activist fashion, the police and the procuratorate should work together towards institutional harmony and the broader aim of social stability.

As explained in the second section, public and social supervision is to be realized through two main channels: mass organizations and the general public. Supervision by mass organizations, as supervision by the procuratorate, does not constitute a novelty in itself; indeed, what is new is the emphasis and publicity put on such work, and systematization of it through legal channels. Supervision by *mass organizations* is sometimes presented as supervision by *social organizations* (indicating NGOs and not-for-profit organizations). However, when performed by official representatives of the trade unions, the Communist Youth League and the Women's Federation, it may be considered as not the expression of a lively and pluralistic civil society.

Supervision by the general public, which the official discourse presents as a clear manifestation of public participation in the Chinese context, is by far the most interesting development in supervision of detention centres, albeit difficult to explain. The 'sunshine' initiatives promoted by the Chinese government may be approached taking into account the discourse on 'socialization of criminal justice'. First, they rely on the energies of society – or, at least, of citizens of good repute – in order to scrutinize the performance of the institutions of detention, with the aim of reassuring all members of society that those facilities are properly managed according to basic principles of humanity and shared morality. Thus, positive feedback coming from within society may help the system



to regain its legitimacy and the general public to overcome its mistrust of the justice authorities. While the opinions of visitors may not have an effect on the possible recurrence of abuses or on the daily running of the facilities, they may nevertheless provide a stimulus for officials administering the detention centres to improve the quality of their work, at least in very contingent matters like food and hygiene, for example. Considered within the framework of public and social management, 'sunshine' initiatives exemplify ways in which Western concepts like transparency and accountability have been used within the Chinese legal-political vocabulary to rebuild social trust in the existing institutions and enhance political legitimacy.

Overall, an improved system of supervision that involves multiple social and institutional actors may prove very significant. It may generate changes at the very local level and, perhaps, if legalized – that is, if inserted into the national legislation – have a wider impact upon institutional relationships and social approaches towards the law and its representing authorities. Scholarly perspectives on the mutuality of law and society changes have argued to this effect. However, change and innovation may be possible only within existing parameters fixed by higher political priorities, which define the framework for all the activities possible within society. Indeed, the doors of detention centres could be opened widely to the public, but this action should be done to serve the project of stability and 'comprehensive social management' as requested by the 2010 Notice. All the social and legal activities should be performed with this clear-cut framework in mind.

The structure of the legal-political system may show a number of cosmetic changes and shifts. However, arguing that calls for transparency, openness and respect of human rights demonstrate changes in the wider approach of politics towards society and the law would likely prove to be quite simplistic. While new concepts are learned, re-interpreted and tossed about in the existing life of society, the political frame remains the same. Innovation and increased sophistication are, however, crucial to the Party-state for maintaining stability and continuing to exercise power. Changes do not substantially impinge upon the very nature of the criminal justice system, as the main features of the activist engineering state in fact remain the same.

## REFERENCES

- An, Keming (2010), 'Wang Shengjun zai guanche luoshi quanguo shehui zhi'an zonghe zhili gongzuo huiyi jingshen dianshi dianhua huiyi shang qiangdiao:

- chongfen fahui renmin fayuan zhineng zuoyong, jiji tuiding shehui jianshe he shehui guanli chuangxin, weihe shehui hexie wending' (In a conference call on the meeting on the national implementation of the work on the comprehensive management of social order, Wang Shengjun emphasized: he needed to fully use the skills of the people's courts, actively promoting the construction of society and social management innovation, and protect social stability), *Renmin fayuanbao* (People's Court Daily), 9 July, <http://npxfy.chinacourt.org/public/detail.php?id=41>. Accessed 20 December 2012.
- Bai, Quanmin (ed.) (2009), *Paizhu jianchaguan zhifa jiandu jishi* (Record on the on-site procuratorate supervision on the implementation of the law). Beijing: Zhongguo jiancha chubanshe [For internal circulation only].
- Biddulph, Sarah (2007), *Legal Reforms and Administrative Detention in China*. Cambridge: Cambridge University Press.
- Chen, Liping (2012), 'Fazhiban zhengzai shencha tiaoli xiugaigao' (The State Council Legislative Office is examining the proposal for the amendment of the detention centres regulations), 2 February, <http://old.chinacourt.org/html/article/201202/02/474526.shtml>. Accessed 18 September 2012.
- Chen, Qiao (2011), 'Daibiao jianyi zhiding kanshousuo fa bimian liqi siwang shijian' (Representative proposed a method to avoid mysterious deaths in criminal detention centres), *Jinghua shibao* (Beijing Times), 14 March, <http://news.sina.com.cn/c/2011-03-14/021222107993.shtml>. Accessed 18 September 2012.
- China Daily (2009), 'State cleans house over detentions', 20 April, [http://www2.chinadaily.com.cn/china/2009-04/20/content\\_7693434.htm](http://www2.chinadaily.com.cn/china/2009-04/20/content_7693434.htm). Accessed 25 April 2009.
- China Youth Daily (2009), 'Yunnan jingfang tongbao duo mao mao shijian. Cheng Li wan youxi fasheng yiwai' (Yunnan Police notify about the accident of hide and seek. A guy called Li had an accident while playing), 21 February, <http://news.sina.com.cn/c/2009-02-21/032717258307.shtml>. Accessed 20 December 2011.
- Damaška, Mirjan R. (1986), *The Faces of Justice and State Authority: a comparative approach to the legal process*. New Haven and London: Yale University Press.
- Gao, Mingxuan and Chen, Ran (2012), 'Lun shehui guanli chuangxin zhong de xingshi fazhi wenti' (Discussing the issue of the rule of law in criminal matters in the context of social management innovation), *Zhongguo faxue* (China Legal Science), 2: 54–66.
- Huang, Xiuli (2009), 'Kanshousuo gaige, 26 nian hou ke zai chongqi. Zhuanfang Zhongguo fanzui xuehui fu mishu zhang, Zhongguo zhengfa daxue jiaoshou Wang Shun'an' (The reform of criminal detention centres restarts after 26 years. Interview with Wang Shun'an, Vice-Deputy Secretary General of China Crime Academic Society and professor at the Chinese University of Politics and Law), *Nanfang zhoumo* (Southern Weekend), 26 March, <http://www.infzm.com/content/26106>. Accessed 20 December 2012.
- Jiang, Anjie (2010), "'Kanshousuo tiaoli': 'da xiu' haishi 'lifa'?" ('Criminal detention centre regulations': 'great amendment' or a 'new law'?), *Fazhi ribao* (Legal Daily), 24 February, [http://www.legaldaily.com.cn/bm/content/2010-02/24/content\\_2063599.htm?node=20737](http://www.legaldaily.com.cn/bm/content/2010-02/24/content_2063599.htm?node=20737). Accessed 20 December 2012.
- Li, Ziping and Shi, Juban (2011), 'Shehui guanli chuangxin yu xingfa shehuihua' (Social management innovation and criminal law socialization), in Mingxuan Gao (ed.), *Shehui guanli chuangxin yu xingfa biange* (Social management innovation and reforms of the criminal law). Beijing: Zhongguo renmin gong'an daxue chubanshe, pp. 34–41.



- Luo, Jieqi (2009), 'Guanfang tongbao "duo mao mao" shijian diaocha jieguo' (Officials notify about the results of the 'hide and seek' accident), *Caijing* (Finance and Economics), 27 February, <http://www.caijing.com.cn/2009-02-27/110075141.html>. Accessed 20 December 2011.
- Ministry of Public Security Bureau of Management of Prisons and Detention Centres (2011), 'Gong'an bu jianguanju shouci tongguo meiti quanmian xitong gongbu jinnian lai quanguo gong'an jianguan gongzuo fazhan quanmiao' (The Bureau of Management of Prisons and Detention Centres of the Ministry of Public Security for the first time presented through the media a full description of the development in the work of the National MPS Bureau of Management of Prisons and Detention Centres during the last few years), 16 August, <http://www.mps.gov.cn/n16/n1252/n1777/n2497/2897196.html>. Accessed 20 September 2012.
- Nesossi, Elisa (2008), 'Reforming criminal justice in the People's Republic of China? the black hole of pre-trial detention', *Journal of Comparative Law*, 3(2): 305–15.
- Nesossi, Elisa (2012), *China's Pre-trial Justice: criminal justice, human rights and legal reforms in contemporary China*. London: Wildy, Simmonds and Hill Publishing.
- Pieke, Frank (2012), 'The Communist Party and social management in China', *China Information*, 26(2): 149–65.
- Song, Jianqiang (2011), "'Shehui guanli chuangxin" dui xingshi fazhi de jiben yiyun' (The basic implications of 'social management innovation' on the criminal law system), in Gao, Mingxuan (ed.), *Shehui guanli chuangxin yu xingfa biange* (Social management innovation and reforms of the criminal law). Beijing: Zhongguo renmin gong'an daxue chubanshe, pp. 26–33.
- State Council Information Office (2009), 'Guojia renquan xingdong jihua (2009–2010 nian)' (National human rights action plan 2009–2010), 13 April, [http://www.gov.cn/jrzq/2009-04/13/content\\_1283983.htm](http://www.gov.cn/jrzq/2009-04/13/content_1283983.htm). Accessed 20 March 2010.
- State Council Information Office (2012), 'Guojia renquan xingdong jihua (2012–2015 nian)' (National human rights action plan 2012–2015), 11 June, <http://news.sina.com.cn/c/2012-06-11/152524573325.shtml>. Accessed 28 July 2012.
- Trevaskes, Susan (2012), *The Death Penalty in Contemporary China*. New York: Palgrave Macmillan.
- Wang, Anguo (2006), 'Qianlun dui gong'an jiguan renmin jingcha de zhifa jiandu' (Simple discussion on the legal supervision over public security people's police), *Tiedao jingguang gaodeng zhuangke xuexiao gong'an guanli xi* (Journal of the Railway Police College), 16(4): 63–4.
- Wang, Shengjun (2011), 'Laoji shiming yifa lüzhi nuli zai jiaqiang he chuangxin shehui guanli zhong de youxin zuoyong' (Keep firmly in mind the new accomplishment in the mission of strengthening and innovating social management), 6 February, [www.court.org.cn](http://www.court.org.cn). Accessed 20 September 2012.
- Wu, Yuqi and Chu, Anhuai (2010), 'Jiancha jiguan tuijin shehui guanli chuangxin de diaocha yu sikao – yi falü jiandu de shijiao' (Investigation and reflection on the promotion of social management innovation by the procuratorial authorities, considering in particular legal supervision), *Dangdai faxue* (Contemporary Legal Science), 6: 140–45.
- Xiang, Zexuan (2011), *Falü jiandu: linian, jizhi yu gaige* (Legal Supervision: ideology, mechanisms and reforms). Beijing: Zhongguo jiancha chubanshe.
- Xue, Weihong (2007), *Jiya zhidu chuanxin redian wenti – yanjiu yu falü shiyong* (New Fundamental Issues on the System of Detention – Analysis and legal application). Beijing: Renmin fayuan chubanshe.

- Yan, Shaofeng and Wang, Junqi (eds.) (2011), *Jiaqiang he chuangxin shehui guanli – dangyuan ganbu xuexi duben* (Strengthening and Innovating Social Management – Reader for Party Officials). Beijing: Renmin ribao chubanshe.
- Yu, Nayang (2010), 'Gong'an jianguan changsuo dafang kaifang – San ji yi shang (han) juliusuo shourongsuo quanbu kaifang' (Great openness of detention centres by the public security – 'pre-arrest detention centre' and 'shelter and education centres' at the third level or above are completely open), *Fazhi ribao* (Legal Daily), 18 May, <http://epaper.legaldaily.com.cn/fzrb/PDF/20100518/05.pdf>. Accessed 24 September 2012.
- Zhao, Chunguang (2010), 'Gong'an jianguan bumen ruhe zai shehui guanli zhong fahui geng da zuoyong' (How can the Bureau of Management of Prisons and Detention Centres of the Ministry of Public Security play a greater role in social management innovation?), *Fazhi ribao* (Legal Daily), 10 October, [http://www.legaldaily.com.cn/bm/content/2010-10/10/content\\_2311412.htm?node=20730](http://www.legaldaily.com.cn/bm/content/2010-10/10/content_2311412.htm?node=20730). Accessed 24 September 2012.
- Zhao, Xinqiang and Li, Yingmin (2011), *Jiceng jiancha jiguan canyu shehui guanli chuangxin de sikao yu tansuo* (Reflections and examination of grassroots' procuratorate participation in social management innovation), *Zhongguo jianchaguan* (China Procuratorate), 5: 10–13.