



## On Detention, ‘Dirty Work’, and Extra-legal Policing in China

A paramilitary guard stands inside the Beijing No.1 Detention Center in Beijing. PC: EPA/Diego Azubel.

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*Detention is just one of the ways in which the Chinese police force and legal system maximise discretion and evade accountability, all in the name of upholding social order. Detention takes many forms and is often linked to extra-legal methods of intimidation and harassment of the people who become victims of its operations. In criminology, such practices are termed ‘dirty work’, and the paradox in today’s China is that ‘dirt’ and ‘harmony’ are forming an unholy alliance in the name of ‘stability maintenance’.*

Much has been written and said about the legal randomness of Chinese detention. In recent years the horrifying establishment of ethnic/religious ‘reeducation’ camps in China’s Xinjiang Uyghur Autonomous Region has received global attention (see Byler’s essay in the present issue)—resurfacing terrifying historical memories and reigniting a debate surrounding the cruelty and vagaries of the extra-legal sector of Chinese detention and policing.

The Chinese prison system, formerly known as the *laogai* (劳改) or ‘reform through labour’ system, has even been compared to the Stalinist Gulag. In contrast to the administrative

detention sector where the courts are not involved at all, a conviction in court will lead to incarceration in prisons—places that follow another set of rules than those of the many so-called ‘detention centres’. I have often heard former inmates of the present ‘compulsory drug rehabilitation centres’ (强制戒毒所, see Zoccatelli’s essay in the present issue) say that they wish they were in prison instead of those centres for administrative detention, part of what until recently was described as the *laojiao* (劳教) or ‘reeducation through labour’ system. They say so because the prison system at least could give them some legal rights and regulations to hold on to, while administrative detention is entirely at the discretion and whims of the prison officers, and completely indifferent to any type of legal procedures and controls.

Even if the *laojiao* was formally ‘abolished’ in 2013, a very similar random regime of administrative detention exists. For instance, the drug rehabilitation centres represent little more than just a change of names for the inmates concerned. And not only drug users ended up in the *laojiao* system—other categories of inmates have been sent there as well, including political prisoners. The randomness, intimidation, and violence of this type of incarceration, and the ways in which the inmates are written and talked about in the Chinese media have been exposed in a recent book by Vincent Cheng (2019), which shows a system that has little interest in ‘reform’ or ‘rehabilitation’, and is much more focussed on random violence, humiliation, control, and punishment.

## Random Violence and Draconian Managerialism

The tales of randomness and violence are manifold. According to Cheng’s book, there is a draconian system of managerialism in place

throughout the sector. In the drug-related administrative detention system, it is common practice for inmates to be required to give three names of other drug users before they can themselves be released from detention. And this does not end with the release of the prisoner: in one instance narrated by Cheng (2019, 36), a former detainee, a 40-year-old woman, was picked up on the street, brought to the local police station, and threatened with arrest if she did not give the police three new names they could arrest. She did, and they let her go. The work of the police obviously becomes easier if they can just go after people named by current inmates or former detainees—who they can always re-detain at will. Evidence of offence is not necessary in this system, and inmates report having a sort of ‘gentleman’s squealing agreement’, or a list of names that they can use to get released without risking retaliation. In light of this, as a kind of weapon of the weak, they readily swapped names to give to the police to re-arrest. The inmates interviewed by Cheng tell stories about shaming procedures, public humiliation, and the hypocrisy of ‘heroic police officers’ going after dangerous drug dealers while, in fact, it was instead simply users who were getting arrested and incarcerated.

The stain of a drug incarceration becomes a permanent black spot for former inmates throughout their lives. Anyone listed as a ‘drug user’ (吸毒人员) in the police files is not allowed to drive a car or apply for a driver’s license, and formerly detained drug-users have to face their past incarceration in many debilitating and humiliating ways, such as being picked up for random compulsory drug tests years after their release. To make things worse, the emergence of China’s ‘social credit system’ (社会信用体系) seems to be designed to continue this stigmatisation in more organised ways in the future (Loubere and Brehm 2019). Shaming, humiliation, and stigmatisation were reported by all former inmates in the administrative detention system even into their post-discharge lives. The experience of ‘once a detainee, always a detainee’ stuck to

their identities and seemed never to go away, as they were permanently regarded as part of the long-standing ‘targeted population’ (重点人口) of the security system.

When the police go after alleged drug users from the list of names provided by current inmates, they often resort to public shaming. In one case retold by Cheng, when the police could not find the alleged culprit at his address in a public housing complex, they started banging on the neighbours’ doors, warning them all that a dangerous drug addict was living in their midst, giving details about the suspect, and asking people to look for him and report him to the police as soon as he showed up. ‘Suspect’ is not a legal term and has little meaning in this example because the police were bent on ‘getting their man’ without warrants or following any sort of legal procedure. The arrests were just based on the ‘list’ provided from the poor guy’s inmate ‘brothers-in-drugs’. According to the testimonies of former inmates collected by Cheng, the police also does not care much about whether or not the person is still using drugs or not. For them the number of incarcerations is the priority: they have quotas to fill in order to improve their performance records, increase their bonuses, and boost their chances of promotion.

The regular police, as well as the ‘urban management’ officers (城管) and the auxiliary police (协警), always have quotas to fulfil, and they do so regardless of any actual evidence of wrongdoing. They often pick the easiest-to-catch, a practice that became widespread in the former policing excesses of the various ‘Strike Hard’ campaigns (严打运动). While the ‘strike hard’ approach has gone out of fashion due to its link to fallen security tsar Zhou Yongkang, there is now a new emphasis on a similar type of campaign policing through the so-called ‘Sweep Out Black Evil’ (扫黑除恶) campaigns, which are aimed at organised crime in particular. The system of administrative detention is very useful in this regard, as the police are granted absolute discretion and zero accountability for their actions. The campaigns

always have somewhat fuzzy definitions of targets, and the legal procedures become even more relaxed while the campaign is in progress.

## Dirty Work

Even if the system of reeducation through labour has officially been abolished, administrative detention still thrives in today’s China. As so often in debates about the Chinese legal system, criminological research can be more useful than legalistic discussions surrounding the matter. Things are still not what they seem to be in China when it comes to the letter of the law and the real existing practice of policing.

In general, administrative detention seems to have become increasingly more popular as a way of policing under Xi Jinping. Contrary to the promise of legalising the sector, the practice of what criminology has termed ‘dirty work’ seems to have escalated as part and parcel of the policing system in the new ‘securitisation’ order under Xi. Everett Hughes first evoked the term ‘dirty work’ to refer to tasks and occupations deemed disgusting and degrading, which led to the stigmatisation of those who came to be seen as ‘dirty workers’ (Hughes 1964). Still, such people were doing important work for the authorities. For instance, the medieval executioner in Western societies was typically such a ‘dirty worker’, necessary for the authorities, shunned by the public. The system of dirty work was politicised and institutionalised by the Nazi regime in Germany, where in 1933 Hitler established a so-called ‘Help-police’ (*Hilfspolizei* or *Hipo*) to intimidate minority groups and Jews. The *Hilfspolizei* was often recruited among jobless workers who supported the Nazi party (Littlejohn 1990, 37).

In today’s China, dirty work seems to be more directly linked to practices of the security forces and is in particular concerned with activities kept out of the public view. Dirty work in this respect is increasingly left to lower

levels of the security system, seemingly saving the regular police and the official state system from direct involvement. The system has taken on many forms, but intimidation and violence of an extra-legal nature characterises the way in which dirty work takes place in today's China.

The examples are manifold. One recent case concerns parents of missing children whose only 'offence' was organising trips with campaign buses to find their missing children and petitioning to the authorities for help (Zhao 2018). Different methods of intimidation were used against these parents. They were regularly placed under surveillance and detained by low-level security forces to prevent them from using their constitutional rights to petition authorities. Apparently, the local police were much more engaged in controlling the parents than looking for the missing children. Kidnappers often operate as organised groups, and by the time their crime is reported they have already fled far away, out of the jurisdiction of the local police. This leaves the victims of the crime as the only pressing 'security' concern for the local state.

The irony is, of course, that petitioning is allowed according to every Chinese citizen's alleged constitutional rights, but that the practice is seen as a major problem of 'disharmony' among local authorities and the police. Some of the petitioning parents have been detained, while others received threats and warnings. Some were even beaten up by local thugs, while others were sent on 'forced vacations' to areas far away from the capital during 'sensitive periods' like big national holidays or Party or state events. Beside the stick, the carrot can also be used in the form of payments or bribes to silence the parents and make them refrain from further petitioning.

The experiences reported by the parents of missing children are routine, and this type of detention and bullying takes entrepreneurial forms through the creation of illegal detention centres run by private security companies. The so-called 'black jails' (黑监狱), established by local governments to take care of petitioners

in Beijing, are examples of such dirty work institutions. The black jails are typically operated by extra-legal personnel who are not directly associated with the regular police. Petitioners are often roughed up and abused by thugs and kept incommunicado for days, weeks, or months, deprived of sleep, food, and medical care in these makeshift structures in the capital. They are finally forcibly repatriated to their hometowns where they often meet more intimidation and punishment. The thugs typically work for provincial or local administrations that see petitioners as a threat to their careers since 'stability maintenance' is a top priority on the list of their internal career evaluations. As recently as in 2011–12, local Beijing newspapers reported attempts to crack down on the unregistered security firms that employed unlicensed guards to engage in illegal incarceration. One black jail in Changping district, on the outskirts of Beijing, was even closed down and some guards who had beaten a man to death were arrested.

While there were also some other attempts to actually close down unlicensed black jails and convict local security thugs during the late Hu Jintao years, since then little or nothing has been done to stop this system of dirty work (Yu 2011). On the contrary, these practices seem to have increased under the Xi regime. Thugs hired and paid for by local governments continue to intimidate petitioners both in Beijing and in provincial capitals all over China (Ong 2019). Again, this seems to be a pattern that sees local thugs doing the dirty work for local authorities in ways that the regular police force does not want to be associated with. This system has become an important way of securing 'stability maintenance' (维稳) and China's propaganda goal of upholding a 'harmonious society' (和谐社会).

Various types of legal and extra-legal practices and procedures of a shady character are escalating in the new security state under Xi Jinping. 'Dirty work' has today become an integrated part of the security strategy, not an aberration, and so-called 'illegal' detention seems to be illegal in name only. The practice of

‘dirty work’ has also recently been used against demonstrators in Hong Kong. Recruited among the local triads, such ‘dirty workers’ have a history of roughing up demonstrators in Hong Kong, but it was only during the attacks at the Yuen Long MTR station in July 2019 they managed to make international headlines (see Chan’s op-ed in the present issue). The angry public reaction against this type of ‘dirty work’ caught the Chinese government by surprise. They did not foresee such a backlash, since ‘dirty work’ has been a regular part of extra-legal policing in China for years. The method is even called ‘masses fighting masses’ (群众斗群众) in the old dictionary of the Party.

called stability maintenance, and detention and other extra-legal practices are at the very core of this agenda. ■

## Open Secrets

In conclusion, the randomness and violence of the administrative detention sector are matched by the routine of ‘dirty work’ in the securitisation/stability maintenance process. Detention was always an opaque affair in China, where there are no legal procedures, nor any form of accountability linked to the system. It is simply part and parcel of the general ‘dirty work’ of the security forces, which constitutes one of the Party’s many open secrets. The oppressive character of the system is obvious and stretches from daily life experiences of both petty and serious intimidation, illegal disappearances or ‘residential surveillance’ (监视居住) in which suspects are held incommunicado in a secret facility on political grounds, to outright extra-legal incarceration in ethnic labour-camp prisons. The system’s victims are many, and their voices are important to listen to. With China fast emerging as a global behemoth and surveillance state, its opaque detention and security systems serve as a barometer of what we might next expect from the Xi Jinping regime. China is now a place where ‘harmony’ and ‘dirt’ are paradoxically wed to each other through the practices of so-