

Local Police Mediation in China – The Past, Present, and Future

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Abstract: China's local police have been focusing on applying mediation as the main means to resolve disputes between citizens. Detailed studies in the following area are lacking: how did traditional mediation succeed in finding a place in the modern Chinese police law enforcement system? What should be done to improve the contemporary Chinese police mediation in light of political and social environments? Through research into the histories of the mediation and the police force, this article argues that mediation in China is deeply rooted in Chinese culture. Mediation had been enacted as a main public security policy at the very emerging of modern police in China. In contemporary China, a diversified dispute resolution mechanism including police mediation has been established to tackle disputes for social governance. Meanwhile, Fengqiao Model in the new era is significantly influencing dispute resolution principles. Police mediation features the people-centered approach, justice, and integration of laws and morals. To tackle the challenges, ideology of officers, institutionalization of mediation, capacity building and digital transformation are the key fields to be enhanced.

Keywords: Chinese Police; Grassroots Governance; Dispute Mediation; Harmonious Society; Fengqiao Model in the New Era

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1.Introduction

The revolving forms of law enforcement of the Chinese police closely relate to the political and social environments. Along with the development of modern policing, relevant topics such as community policing and restorative justice have been linked to policing in China. However, for the most prominent revolution of police's role in social governance of dispute resolution approach, only a handful of academic works are spotted, which are mainly from the perspective of anthropology. During the revolution, grassroots policing as an important social governance means to stabilize social security is undergoing a significant shift, where mediation has been considered the essential tool to handle cases.

However, divergent views about using mediation as social governance means exist within academia decades ago. Some hold that the traditional system of mediation departs from the concept of "right" which underlies the contemporary rule of law.^[1] Police should protect citizens' lawful rights, not to mediate the disputes. Therefore, the consolidation of Chinese traditional mediation with modern policing mode should be justified in the academic context. What's more, due to the shift of policing policy, the Chinese police undergo a major test of capacities to achieve the anticipations from both the top and the people. Whether the Chinese police can overcome the shortcomings such as the shortage of manpower and professionalism to fulfil their responsibilities also remains questionable.

In the authors' opinion, assessment of the Chinese police mediation model should be carried out from historical and

developmental perspectives. The authors argue that after its origination about one and half centuries ago, the functions of the Chinese police have evolved in an immense manner. In the new era of China, the Chinese police firmly adhere to the People-centered approach which aims to resolve the disputes by proactively sourcing the dispute potentials and solving them at the first place, which best exemplifies the integration of the rule of law and the rule of virtue.

2.How did Chinese police mediation originate? From mediation to police mediation

Mediation has deep roots in China. People in ancient China had realized that mediation functioned better than litigation in many ways such as the efficiency and thoroughness of conflict resolutions. Professor Zeng Xianyi from Renmin University of China had conducted deep research on traditional Chinese mediation system. According to him, historical literature shows that mediation emerged during the period of Emperor Shun, a legendary leader of ancient China living between 2294 BC and 2184 BC. In ancient Chinese dynasties, mediation had been implemented to settle disputes. For example, in Zhou Dynasty (1046 BC - 256 BC), for litigations ensued by brawls, the disputants would firstly be mediated for settlement. Even though mediation has a long history in ancient China, its rules hadn't been "codified" until Yuan Dynasty (1271 - 1368), which still remains controversial. However, "instead of referring to mediation as a 'system' of regulations, perhaps it is more appropriate to think of mediation as a set of socially accepted customary laws. These customary laws had gained not only popular acceptance but support from the state."^[2]

2.1 Mediation based on philosophies and traditions

The popular acceptance of citizens and support from the state are deeply rooted in Chinese cultures. Two of the most influential Chinese philosophies are Confucianism and Taoism, both of which had affected people's thinking in the long run and guided their behaviors. "Harmony" is the core value of both above philosophies, which relates closely to mediation. Harmonious thoughts guide people to avoid disputes and make peace with others. The most famous saying relating to harmony Confucius said in the Analects is "No effect of formal ceremony is of greater value than harmony."^[3] While stressing on the importance of harmony as the ultimate goal of "li (ceremonies)", Confucius also stated that "A true prince harmonizes with diverse kinds but does not identify with them", which is broader ideology to embrace the diversities with calmness instead of confrontation or even hatred which leads to disputes, brawls and even severe criminal offenses. About the litigation as solution to cases, Confucius also gave his opinion: "In hearing cases in court I am not better than anyone else. What we need is to put an end to having court cases." Confucius used to be a justice official and, at the peak of his political career, had been promoted to the top national official in Lu Kingdom where he further improved his Confucianism philosophy thoughts by the judicial experiences and in turn exerted the thoughts into his national governance. His guidance on dispute resolution is clear and accordant to the core value of harmony — litigation should be the least means to handle cases. In conclusion, the Confucian view of dispute resolution values not the rights of individuals but the functioning of the social order and the maintenance of the group.

The scope of Confucianism is mainly about the humanist teachings and ideals, whilst Taoism ascends to a higher level. As the mentor of Confucius, Lao Tsz upheld the same harmonious ideology yet covering the whole universal including the nature, nations, societies and human beings. On the level of the universal, Lao Tsz advocated that "Human abides by earth. Earth abides by heaven. Heaven abides by way. Way abides by occurrence appearing of itself."^[4] "Occurrence appearing of itself" stands for the normal operating status of the universal, which is harmony. In Tao Te Ching Lao Tsz mentioned 8 times "not quarrel/contend", aiming to prevent people from disputes so as to maintain harmony and keep orders of the society.

Besides the philosophies, we should also mention the social factors of the origin of mediation in ancient China. China had been in feudal society for more than 2,000 years. During this long period people lived and worked closely. The living and working conditions and the rural circumstances made people form an acquaintance society which comprises individual communities. People living in the communities will try to avoid conflicts to maintain the community orders, and will adopt more amicable methods to solve disputes in case they take place and get upgraded to court suits to cause the disputants to lose face in front of other community members. This social status still exists in the contemporary society in a great manner, which is a combination of acquaintance society and civil society, and hence influences the methodology of dispute resolution in the

new era of China.

2.2 A natural connection: the origin of Chinese modern police and mediation

In ancient China, there wasn't an exclusive police system. The police function was combined with judicial function. Theories of modern police became known to China during the late Qing Dynasty. In his book "Treatises of Japan", Huang Zunxian, a Chinese scholar-official who once served as the Imperial Chinese Embassy's Counsellor to Japan, introduced the Meiji Restoration – the Japanese political system revolution with adoption of western constitutionalism. As a part of western constitutionalism, Japanese policing institution was also illustrated in the book. Huang's work was fascinated by the Guangxu Emperor, partially because of which Guangxu Emperor amended some rules in China. As part of Guangxu Emperor's Hundred Days' Reform, Huang Zunxian was sent to Hunan Province to form Hunan Security Department (referred as "Baowei Ju" hereinafter) to replace the old-fashioned and outdated Baojia system to maintain social orders and public security. Eventually Baowei Ju was founded in 1898 in Changsha City. However, Empress Dowager Cixi soon seized power in a military coup. With the Guangxu Emperor detained, Huang's career as an official came to an end, so did Baowei Ju – the first Chinese police organization.

Even though the existence of Baowei Ju is short, the significance of its formation is historical to the evolutions of Chinese police. While researching, the authors of this article discovered that a rule of mediation had been written into the Charter of Baowei ju (hereinafter "the Charter"). The Charter is the core and the utmost important statute for the foundation and operation of Baowei Ju. Its article 24 says (literally translated): "For the cases that the local people sued to the Sub-bureaus due to brawls and proactive or disturbing acts, the Commissioners are authorized to mediate. For the cases that the Commissioners fail to mediate, transfer them to Bureaus."^[5] Theoretically this article implies the similar content to Article 9 of China's contemporary Public Security Administrative Punishment Law. By comparison we can tell that almost all the legal requirements of these two articles can match each other. Bear in mind that the Charter was enacted 128 years before. Therefore Article 24 of the Charter can be deemed as the origin of China's police mediation.

This legal phenomenon indicates that, first, Huang introduced Japan's police system as the reference to establish Baowei Ju. The Charter was basically a Chinese version of Japanese police institution. Second, during Meiji Restoration, Japan reformed police system referring to western countries. Third, in mid-19th century, the western judicial system had put police mediation at an important position to handle cases. However, there were also discrepancies of attitudes towards using mediation in the western world. In Britain and the US the Anglo-Saxon countries, police officers were more encouraged to undertake the "informal" work such mediation and assistance than the rest of western world.^[6]

From the late Qing Dynasty till the liberation in 1949, it was one of the most politically unstable periods in China's history. Chinese Police functioned mainly to patrol to promote public security as well as to support the military to stabilize political orders. They had two core duties: tackling severe crimes, and fighting enemies. Under such circumstances mediation didn't have a stage to play on. Hence, even though the Kuomintang-led Nanjing Nationalist Government issued "The Guideline of All-level Police Organizational Staffing", in which mediation had been identified as the duty of police, it is believed that police mediation had not taken effect properly to resolve disputes. Firstly, mediation had been listed as the last police duty, which means it was not the prioritized method but the last resort to settle police cases. Secondly, according to Judge Ma Xiwu,^[7] during the ruling of Guomintang, mediation had been manipulated by powerful figures. Felonies including murders could be mediated. Through mediation, the rich crime perpetrators were able to be exempted from punishments by spending money.^[8]

The origin of modern police in China indicates that from the right beginning the Chinese police had been closely connected with mediation. Even though this status varied afterwards due to fragile political circumstances, it had laid a firm ground for the modern police to utilize mediation as a main dispute resolution means.

3. Why is police mediation important for China's contemporary rule of law system? From functions to features

With the reference of the mediation definition of the United Nations,^[9] police mediation can be described as, in order to

develop mutually accepted agreements so as to restore social orders in a harmonious and efficient manner, a process for police officers to resolve disputes arising from either cases or civil matters with the consent of parties concerned.

According to Chinese laws, police mediation includes public security mediation, traffic accident indemnity mediation and civil dispute mediation,^[10] which are subject to different police sectors. Police stations are responsible for the public security mediation and civil dispute mediation. Traffic police and legal affair offices in public security bureaus handle the other two types of mediation. Among all police mediation cases the public security mediation takes up the major part. The fundamental guideline to handle public security mediation is that, if the offender compensates the victim financially to meet his/her satisfaction, then police can decide not to further pursue the matter. Statistics show that in some police stations nearly half of the public security cases have been handled by mediation.^[11]

3.1 The main functions

Police mediation is a part of ADR (Alternative Dispute Resolution) which in US and the rest of western world is often linked to 1976 Pound Conference. ADR was introduced into China at the end of 20th Century. Within last decades, ADR has been integrated with Chinese characteristics, through the grand mediation, to the diversified dispute resolution mechanism.^[12] According to Professor Ploeg, ADR (in the USA) consists of mediation, arbitration, mediation—arbitration, mini-trial, neutral evaluation, and summary jury trial.^[13] ADR has evolved in US in recent years, with its new forms coming into use, but mediation remains the primary resolution method in this mechanism, with its main function to bring about a more harmonious relationship between the parties.^[14]

There are remarkable differences between police mediations in US and China. From the perspective of sociology, at the end of last century, the American police tended to decide on the strategies of mediation for disputes by considering various factors, such as race, social classes, household status, age, intimacy, organization and legitimacy of the disputants.^[15] For a marked contrast, their Chinese counterparts would firmly follow the guideline of “the people-centered approach”.

Chinese police mediation, along with medical dispute mediation, environmental dispute mediation, intellectual property dispute mediation, and other mediations which are mediated by the administrative organs, form a new structure of administrative mediation. (The diagram of whole structure of the Chinese diversified dispute resolution mechanism with a focus of police mediation attached as Chart 1) With the grassroots governance duties, the organizational strength, and the governmental authority, the administrative mediation has the unique advantages. Police mediation is the major part of administrative mediation. Police mediation can be broken down into three parts. Besides the public security mediation which are normally conducted at police stations, abiding by the laws, the local Chinese police have two more forms of mediation to conduct. One is the traffic indemnity dispute resolution; the other is the civil mediation (during police law enforcement activities).

Statistics show that during 2005-2009, the number of annual average public security administration cases in China is 2.47 million, much more than the other administrative mediation cases, such as the cases handled by the industrial and commercial administration organs, which is only 0.7 million. What's more, the annual police mediation cases keep increasing during those years from 1.22 million to 3.72 million.^[16] In recent years, the annual number of disputes resolved by the public security authorities nationwide climbed up to some six million. Some Chinese scholars have studied this topic in the regional levels, and even some in the level of individual police stations. Their collected data shows that in 2022, at a police station in the urban area of Shanxi Province, the number of its annual public security administration cases is 2022, of which 75 percent are dispute-related.^[17] As per the requirements of national policies, mediation should be used as the primary resolution method to settle disputes, which means the above cases should have all been processed by the case officers with mediation. With a force of 17 formal officers and 32 auxiliary police personnel at above police station, considering some of them are responsible for other duties such as criminal case investigations and household origin administration, the workload is heavy.

3.2 A case study

Before we further examine the features of police mediation in China, the way how police treated mediation as a dispute resolution means back in 2014 will be exemplified hereinafter. During a brawl, Xiao Li broke a young man's nose,^[18] which caused him to end up being retained at a local police station in Beijing. According to laws in China, an act during a brawl to

incur a broken nose shall be deemed violating the public security administration. As the perpetrator, Xiao Li will be detained for no less than 5 days. Consequently Xiao Li's workplace will be notified. His workplace will further employ disciplinary punishments on him up to unemployment, and his career will be severely impacted. Being aware of the consequences above, Xiao Li became completely sober and seriously worried. He eagerly talked to the police to express his willingness to mediate with the victim. He even made several phone calls to his social connections who he thought might be able to contact the police station to offer any help with regard to his case. At first the case officer showed indifferent to Xiao Li's appeal of mediation, but after the phone calls being dropped, the case officer changed his attitude and started to mediate between two parties, which had lasted for hours. Eventually the young man demanded an 8,000 RMB financial compensation to reconcile. After Xiao Li paid the cash, they were both called upon to sign a reconciliation agreement, which brought the case to a close. Such cases embrace good effects for both the perpetrators and the victims. For the victims, police mediation can bring them magnificent financial compensation and save them cost of time. In the circumstances of adhering otherwise, the victims have to follow up the legal procedures, such as the paper work, the testimony, and the court hearings. In the perspective of the workplaces and families of the perpetrators, police mediation maintains the chances of perpetrators to keep creating social values. Therefore, both the rule of law and the rule of virtue take effects, and harmony are brought about to the society. This can somehow explain why Chinese laws only deem the acts incurred minor injuries as potential crimes,^[19] which differs from some countries such as Germany who deems all acts of beating and purposely injuring others as crimes.

The story of Xiao Li indicates how a party of dispute eagerly desires to reconcile, as well as how the case officers' being reluctant to solve the cases with mediation may ruin disputants' careers. If Xiao Li's case had taken place nowadays, the mediation should have been smoother, and Xiao Li should have worried much less. On the official website of Chinese police, abundant model cases have been introduced, which basically focus on how the public security organs proactively resolve citizens' disputes with precautions approaches and hence enhance peaceful and harmonious relationship between citizens. In order to resolve disputes more thoroughly and efficiently, Chinese public security organs have launched series of campaigns to nationwide apply Fengqiao Model in the new era (hereinafter as an abbreviation of "Fengqiao Model").^[20] To date, the national public security authorities have named 1413 "Fengqiao-style police stations".

3.3 The main features

The most important feature of Chinese police mediation is to firmly follow the traditional modern Chinese political route—people-centered approach. Fengqiao Model has been combined with the diversified dispute resolution mechanism, and become a comprehensive practical tool box to solve the conflicts and disputes from the sources, which requires a full-scale involvement of relevant parties including governmental organs, courts, the designated organizations such as people's mediation commissions and industrial mediation commissions, and most importantly the local citizens. Fengqiao Model has shifted the paradigm of local governance from social management to social governance.^[21] Take the courts as example, the Supreme People's Court have launched the nationwide campaign of litigation source governance, which has been proposed to become a judicial policy, and it's an upgraded version of the judicial policy of prioritizing mediation. The campaign calls on judges to walk out of the courts and into the fields to meet with the parties and promote the resolution of disputes like Judge Ma Xiwu, which is the application of people-centered approach.

Nowadays Fengqiao Model applies to all social governance fields, but it was originated by the public security organs due to political reasons in 1960s. Even though the political circumstances in China had been altering in the following decades, Fengqiao Model never quitted China's developmental processes. In the new era, mediation-centered Fengqiao Model has been endowed with more comprehensive missions. For the Police, by settling conflicts and disputes with police mediation, their primary mission is to prevent severe criminal cases and the serious public security cases such as mass riot incidents. To reach this end, a harmonious police-citizen relationship is the most fundamental support. Before the severe cases occur, normally there are minor cases or disputes taking place, which are preventable if police intervene timely based on the sources of information and. A close bond with the trustworthy police will bring citizens to share their first-hand valuable information regarding the minor cases and disputes, and the citizens will also be apt to accept police officers as mediators for their potential disputes with others. Community policing seems workable for this goal, however, the collapse of community

policing in some western cities such as Chicago indicates its shortcomings.^[22] The unfit institution and the unfit rule will be weeded out and eliminated if not develop and preserve the fit institution and the fit rule. In the new era of China, Police promoted community policing to the model of “one village/grid one policeman”. The employment of this model is putting police stations as the core and base of overall police bureaucracy, and the grassroots policing stays at the top of the police duty list.

With the model of “one village/grid one policeman”, the style of police mediation has transformed from passive to proactive. Historically, police officers worked as mediators only as the first responders to the 110 emergency calls. Nowadays they should also act like Judge Ma Xiwu to build the connections with local residents and stay sensitive to any signs of conflicts or disputes, then intervene in the early stages to prevent them from deteriorating. It's very similar to the Chicago Alternative Policing Strategy which encompasses local community meetings, block-by-block doorstep visits and widespread involvement of residents in neighborhood crime-prevention projects. Yet with police mediation as an important part of Fengqiao Model, the most significant difference for Chinese police is with the superior support from the top of the nation, hence the causes of collapse in Chicago such as leadership turnover, policy preferences and environmental changes should not be concerns.

The second prominent feature of police mediation is the way to bring local citizens the justice. From the perspective of sociological jurisprudence, justice is “a regime of an adjustment of relations and ordering of conduct as will make the goods of existence, the means of satisfying human claims to have things and do things, go round as far as possible with the least friction and waste.”^[23] In this regard, for any disputes breaking out between citizens who have claims to satisfy, the police's functions to proactively approach can better obtain the source information of disputes. Plus, to apply Fengqiao Model, police officers are mandatory to handle dispute cases with the prioritized means of mediation. The disputants such as Xiao Li in above case won't have to request or even beg the case officers to mediate. What's more, from the grand mediation to the diversified dispute resolution mechanism, the most outstanding attribute of this transformation is the close coordination and integration of different dispute methods. As Police is the most accessible public resource for citizens to resort to when their rights are (or they think are) infringed, it is the most efficient collaboration for police to involve the other dispute resolution agents during mediation.

To illustrate how police teamwork with other mediation partners, consider the case one of the authors of this article witnessed in a traffic accident indemnity dispute in Zhejiang Province. It concerned the indemnity for the death of a man run over by a concrete mixer truck. After the incident investigation, police tried to mediate for the two parties (family members of the decedent and the concrete company), but failed. The other day, dozens of family members blocked the gate of the company as well as the road in front of it, waving banners and chanting slogans. A mass incident hereby took place. Both public security police and traffic police responded to the scene. A mediation on the scene was carried out but with little progress. The discrepancies between the family members and the company remained too wide to ignore. The confrontation lasted for hours and the tension of situation escalated. Both the police and the mass became more and more impatient. In order to restore the company operational orders and the public traffic orders, it was likely the police would take actions to disperse the crowd. If so, the family members could hold ground and clash with police. Casualties and arrests would be possible. Imagin the photos and video clips being uploaded onto social media such as WeChat and Weibo, it will further cause negative influences to the image of local government.

But the turning point emerged when a retired village chief whom was called to the scene by the company, showed up. He talked to the family members for several minutes, and almost immediately they agreed to leave yet claiming that it was due to the respect to him. A serious escalation of mass incident was thus put out, which had avoided severe consequences. Several days later, local traffic police invited the retired secretary to participate the mediation for both parties, and the case was successfully settled.

With all necessary endeavors exerted, police mediation could best satisfy the disputants' claims, whether the assailants to make peace or the victims to recover rights, so as to bring justice to the related citizens. For the other citizens, after the conflict has been thoroughly resolved through mediation, the social harmony is restored and the risk of serious criminal cases or mass incidents have been minimized, by which other citizens' interests and public order could not be potentially

endangered.

Last but not the least prominent feature of police mediation, is the integration of laws and morals, in other words, the integration of the rule of law and the rule of virtue. Policing as the enforcement of laws and the application of one of state forces, has normally been deemed as a hard side, such as to arrest assailants on the streets. This is also the impression of laws to most of people. Yet in mediation police show a soft side. In the case of Xiao Li, while the case officer persuaded the victim to reconcile, he was employing both laws and morals. The laws set the boundaries of punishment and compensation, while the morals express the spirit and the highest good of humanity. Bentham called for the proper ways to handle cases, as there are certainly cases where punishment is needless, for which instructions and informing the understanding should be preferred.

^[24] In China the criminal policy of tempering justice with mercy is a good example of Bentham's theory, which is also the application of integration of the rule of law and the rule of virtue in the criminal policy field. Furthermore, the primary duty of police officers during mediation is not to enforce the law, but to exert the power of morals. Instead of keeping peace, they try to make peace by serving several police needs: defusing tense situations or preventing them from worsening, reducing police workload by decreasing repeat calls for service, and reducing the incidence of violent crimes.^[25]

4.Improvements: thinking about the future

Now that we have discussed the functions and features of China's contemporary police mediation, and we have also illustrated how ancient China treated mediation as the primary method to resolve disputes to maintain social harmony, we must realize that there are also challenges or even deficiencies of police mediation in contemporary China. For example, a large part of grassroots officers still consider their primary duties as to fight crimes and prefer to handle cases in a hard way instead of with mediation. Besides, the lack of professional mediation skills of police officers constantly result in poor field performances. What's more, with the social environment transforming, new challenges such as online mediation problems keep emerging adding up yet-to-conquer challenges in police mediation. Considering the importance of police mediation for social governance, how to improve it within the framework of Fengqiao Model and under the guideline of people-centered approach? We should at least consider four aspects, namely ideology, institutionalization, law enforcement capacity building, and digital transformation.

First, about the ideology. We have argued that the foundation of police mediation is the harmonious police-citizen relationship, but the complexity and hardship of realization should not be ignored. Two perspectives should be discussed herein, the local police and the local citizens. As one of the major law enforcement agencies, no matter in western or Chinese ideologies, the prioritized missions of police is crime prevention and crime fighting. But the balance between prevention and fighting is hard to keep. For example, in 2012 the UK former Home Secretary once declared to the Conservative Party Conference that they needed police forces that are single-minded about fighting crime.^[26] Likewise, in China's modern history, there were four designated operations (respectively in the years of 1983, 1996, 2000 and 2010), during which the crime fighting was the priority to stabilize the society.

There are challenges for both individual police officers and citizens. The biggest challenge for some of police officers deem crime fighting as their primary mission. For some citizens police are not welcome to their homes and daily lives as the showing up of police means troubles. Meanwhile, the violent assaults against police officers have never stopped, which is the main cause of the enactment of the crime of assaulting police in the Criminal Law in 2020. This argument can also be illustrated by policies in some areas with more complicated political and public security background, such as Xinjiang, Tibet and Hongkong, where the judicial policies should differ from other Chinese regions according to respective social circumstances.

Therefore, to better exert social governance functions, through the mediation in everyday disputes encountered in the field, police should convert their roles from peacekeepers to peacemakers. "By enabling citizens and victims to solve their own problems, the police can earn the respect of communities they deserve." For Chinese police mediators, the utmost essential ideology is to firmly stick to the people-centered approach. Theoretically speaking, it is both political and practical requirement.

Second, the status quo of institutionalization of police mediation is scarce. In the level of laws, some regulations have been enacted in several laws such as Public Security Administration Punishments Law, Road Traffic Safety Law, Criminal Law and People's Police Law. The articles relating to police mediation in difference laws are somehow inexplicit and the scope of mediation remains ambiguous, which has caused confusion for law enforcement.

Some Chinese scholars call for the institutional improvements. Firstly, generally considering mediation legislation, the only specialized Chinese law of mediation is the People's Mediation Law which was enacted in 2010. The overall status quo of institutionalization is scarce. Secondly, the state's policies of the rule of law and the people-centered approach need a sound and self-contained legal system. Thirdly, with China signing Singapore Convention on Mediation,^[27] the Chinese domestic legislation is mandatory to be in accordance with the international conventions. Fourthly, the People's Mediation Law also has shortcomings. Therefore, some scholars argue that it is necessary for China to enact the Unified Mediation Law, in which administrative mediation (with the major part of police mediation) is included.^[28] Other scholars, however, based on the existing effective law of People's Mediation Law, advocate for the legislation of other specific mediation laws such as Commercial Mediation Law.^[29]

Third, at the beginning of 21st century, American scholars had realized that although mediation had been utilized during law enforcement activities, few police officers had received formal mediation training or instruction, and hence embellishing the mediation skills of police mediators was on demand.^[30] For China, however, it is the lack of grassroots police strength that mostly hampers the mediation effects. Although police stations are becoming core and base of overall police bureaucracy, it is manifest that the reform process will take time to take effect, not to mention the personnel movement between different sectors always stays as the hardest thorn to any reforms. Hence in order to effectively implement Fengqiao Model, Chen Wenqing, the Secretary of the Central Political and Legal Affairs Commission, called for the improvement of police deployment, and the strengthening of grassroots police force in the community/town level.

Besides adding numbers, the most efficient and effective way for the present to enhance capacity building of police mediation, is the functional integration of police internal partners. Pound had illustrated the noncooperation among all levels of administrative and judicial organs, and stressed on the importance of cooperation.^[31] In light of that, He Rong, the Minister of Justice of China, requested to build the capacities of resolution of public security disputes and traffic accident indemnity mediation. She also emphasized on enhancing the collaboration of people's mediation with police mediation, including the colocation of people's mediation office at police stations and the establishment of people's committee of traffic dispute mediation.^[32]

Another way to enhance police's capacity building to prevent and resolve disputes, as Cooper argued,^[33] is the training programs. There is no doubt that mediation is a specialized domain like negotiation and requires professional knowledge, skills and experiences. Local police officers are not professional mediators. Besides dispute mediation, there are a lot more duties to perform. Police mediation has not yet been a subject in either college education or the formal on-job training programs. What's more, in many police stations, it is the auxiliary police personnel who are in charge of most of the mediation work. Even though there are some short-term mediation training programs in place for the local police officers, apparently, it is far from enough. The current police mediation knowledge and skills are basically from the officers' daily experiences.

Fourth, with the transformation from traditional society to digital society, the rule of law in China embraces the requirements of digital governance. With the diversified dispute resolution mechanism, police are mandated primarily to locate potential sources of conflicts and disputes, which relies heavily upon information. The doorstep visits and the "one village/grid one policeman" policy can help collect reliable information and build the harmonious police-citizen relationship, but considering the complexity of information and the heavy workload of police, to promote efficiency is essential, and the digital policing would definitely function well in this regard. With the breakthrough of algorithm and Artificial Intelligence, in particular the policing reform during the three-year COVID pandemic,^[34] digital information collection and analysis have made significant progresses; therefore, the police capacity of digital governance has been greatly enhanced. Some scholars argue that in some police mediation cases the digital governance lost its digital characteristic and remained operated by human agencies. From

the practical perspective, it should be understood that China has vast territory with some areas still under development, and legibility depends not just on the state's ability to collect information, but to integrate it well.^[35]

In the recent Two Sessions of China, the three most important reports issued respectively by the State Council, the Supreme People's Court, and the Supreme People's Procuratorate all vowed to enhance the applications of Fengqiao Model as well as the prevention and resolution of conflicts and disputes. This is a strong signal of the national policy regarding social governing with the integration of laws and morals, which involves all governmental organs including public security agencies. Police mediation in China has a long way to go, but we see it as a bright way to go.

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- [12] The diversified dispute resolution mechanism is a system of dispute resolution and social governance, which is constituted by various dispute resolution methods (including litigation and non-litigation, all methods are coordinated to operate closely) with different functions and forms. See Fan Yu, *Diversified dispute resolution mechanism and the harmonious society's construction*, Beijing: Economic Science Press, 2011, 35.
- [13] Christine D. Ver Ploeg, *ADR*, *Hebei Law Science*, no. 1, 1998: 58-59.
- [14] Lon L. Fuller, Mediation—its forms and functions, *Southern California Law Review* 44(2), 1971: 305-339.
- [15] Donald Black, *The Manners and Customs of the Police*, New York: Academic Press, Inc., 1988, 186-188.
- [16] Zhu Jingwen (ed.), *Renmin university of China report on China law development 2011: law-enforcement towards pluralism*, Beijing: China Renmin University Press, 2011: 303-376.
- [17] Guan Xiaojing, On the resolution of conflicts and disputes at police stations: status quo investigation, thinking about problems and mechanism improvement, *Journal of People's Public Security University of China*, no. 2, 2023: 149-156.
- [18] Xiao Li is a fictionalized name. The story was shared by a schoolfellow of one of the authors of this article.
- [19] According to Article 29 of Provisions on the Public Security Organ's Handling of Cases Involving the Crime of Injury, the acts shall not be deemed as crimes if they are 'of obviously light circumstances and little danger'. Thus, those acts

shall be degraded and subjected to public administration punishments.

- [20] The term refers to a mode of policing practice innovated by the local justice apparatus in the town Fengqiao in Zhejiang province during the early 1960s. A slogan thereof is “contradictions should not be escalated to higher level authorities, but solved locally.” In 1963, this slogan became a celebrated catchphrase after then-Chairman Mao’s endorsement of it. In 2013, President Xi Jinping’s further endorsement promoted Fengqiao Model into Fengqiao Model in the new era. The most profound feature of Fengqiao Model in the new era is the integration of self-governance, the rule of law and the rule of virtue. See Dai Yuqi, Adhere to and develop well Fengqiao Model in the new era and build a peaceful China in higher level, *GuangMing Daily*, 15 November 2023, https://news.gmw.cn/2023-11/15/content_36965946.htm, accessed 28 January 2025.
- [21] Lingxiao Zhou, Mediation and grassroots policing in China: Conflict resolution or social control? *China Information* 37(2), 2023: 165-184.
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- [23] Roscoe Pound, *Social control through law*, New Haven: Yale University Press, 1942, 64-65.
- [24] Jeremy Bentham, *An introduction to the principles of morals and legislation*, Oxford: Clarendon Press, 1907, 177.
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- [31] Roscoe Pound, *Social control through law*, New Haven: Yale University Press, 1942, 127-134.
- [32] He Rong, Adhere to and develop Fengqiao Model in the new era and promote the mediation to develop with high quality, *Democracy and Legal System Magazine Weekly*, no. 7, 2024: 22-27.
- [33] *Supra* note 58.
- [34] COVID-19 had brought about profound changes in the legal landscapes around the world, reenergizing decades-long research and debates about the globalization of law and business. See Ji Li and Carrie Menkel-Meadow, Dispute process choices among Chinese companies in the United States: Some preliminary data and analyses, *Harvard Negotiation Law Review* 27(2), 2022: 295-336.
- [35] Huirong Chen and Sheena Chestnut Greitens, Information capacity and social order: The local politics of information integration in China, *Governance* 35(2), 2022: 497-523.