

Crime and Social Control in a Changing China

*JIANHONG LIU
LENING ZHANG
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*Crime and Social Control
in a Changing China*

大變革時期中國社會的
犯罪與社會控制

EDITED BY JIANHONG LIU,
LENING ZHANG, AND STEVEN F. MESSNER

主編：劉建宏
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司帝文·麥司納

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To our parents, our wives, and our children

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Acknowledgments

This book is a collective effort to bring up-to-date research on Chinese crime and social control to a Western audience. The editors have had to do an unusual amount of editing, especially of the papers coming from authors in China. Chinese conventions of scholarship differ in certain respects from those in the West. In particular, conventions for referencing and footnoting are quite different. We have tried to make all chapters conform to standard, U.S. journal format. This has required repeated contacts with our colleagues in China for additional information. We are very grateful to them for honoring our somewhat chauvinistic requests, and we appreciate their patience.

The help of others should also be acknowledged. Professor Paul Friday reviewed the paper by Guoan Ma and offered important input for revisions. John Liu performed a great amount of secretarial work and research assistance. Our editor at Greenwood, Suzanne Staszak-Silva, offered much appreciated encouragement for the project. Finally, the editors' families deserve special thanks. Jianhong Liu is grateful to his parents, Jinshan Liu and Xianfang Yang; to his wife, Li Wang; and to his children John Liu and Vivian Liu. Lening Zhang expresses thanks to his parents; to his wife, Aiming; and to his daughter, Shangshang, for their invaluable support. Steven F. Messner similarly expresses his gratitude to his parents, Vye and Fred; to his wife, Jill; and to his daughter, Alison. Without the care and support of our families, the arduous task of completing this volume would have been an unbearable burden.

Introduction: Impact of Market Transition—Changing Crime and Social Control in China

Jianhong Liu, Lening Zhang, and Steven F. Messner

Interest in the comparative study of crime and justice has grown steadily in recent decades. The theme of the 1995 annual meeting of the American Society of Criminology was “Crime and Justice: National and International.” The selection of this theme indicates a common awareness that criminology is an international enterprise. In her presidential address to the annual meeting, Freda Adler identified the benefits derived from comparative study. She observed that we can learn valuable lessons about social control from developments in other countries. As a practical matter, it is particularly important to learn “from each other’s experiences in order that costly mistakes are not repeated and that useful practices are replicated” (Adler 1996, p. 4). Moreover, in academe, “globalization affords us the opportunity to do cross-cultural testing and development of criminological theory” (Adler 1996, p. 5).

Although some scholars are engaged in international efforts to initiate joint projects, “most of the contacts have been between Western industrialized countries” (Farrington 2000, p. 3). As many Westerners have observed, Chinese society represents a distinct and unique social and cultural system that differs significantly from Western societies. Since the late 1970s and early 1980s, China has opened its “door” and implemented economic reform. This economic reform has brought about immense changes in all aspects of Chinese society. Especially since 1992, the socioeconomic transition has accelerated dramatically. As the economic system has been transformed by the introduction of market dynamics, many other social institutions have also experienced profound changes, including legal institutions and other institutions responsible for social control. The modernization and economic development stimulated by market reforms have created unprecedented

growth and a significant rise in the standard of living of the Chinese people. However, at the same time, levels of crime have risen sharply. Official statistics indicate that the total crime rate has tripled since the reform started (see chapters 1 and 9 in this volume). Crimes never seen before in China are spreading. China thus provides a fascinating opportunity to study crime and social control in a comparative context.

Various aspects of social change in China have become the subjects of research in the West. However, work on the impact of the recent social transformation on crime, social control, and the Chinese criminal justice system has been rather sparse for several reasons. First, the language barrier obviously limits the pool of scholars who can work with original materials. Second, political considerations have impeded access to information on crime and criminal justice. Third, many Western criminologists have an insufficient understanding of Chinese society and culture to be able to interpret fully the crime situation in China.

To overcome these limitations, we have organized a group of authors actively engaged in research on crime and social control in China. A few of the authors are U.S. natives who have developed scholarly expertise on China. However, many of the authors are originally from China, have lived and grown up in China, earned their doctorates in the United States, and now are professors at American colleges and universities. Further, our authors include a group of leading Chinese criminologists who are in a unique position to bring the current perspectives and contributions of Chinese criminology to the awareness of a Western audience.

The book is organized into four sections. Part I, "Social Transition and Crime in China," addresses patterns of crime in China under conditions of social change. As noted earlier, crime rates have risen steadily over recent decades. Facing these "crime waves," the government has responded with several "severe strikes," but the general trend has been persistent. Among the greatest changes in crime are the large increases in "economic crimes" and corruption, which are most often related by researchers to the economic transition. One of the most striking developments is the recurrence of illicit drug-related crimes. The drug problem was virtually eliminated in the early 1950s, but it is becoming a more and more severe problem today. These patterns of Chinese crime reflect features of changing Chinese society. The chapters in part I of the book are designed to describe these patterns and relate them to the special features of Chinese social change, cultural characteristics, and the concerns of the Chinese.

The first chapter in part I is "Modernization and Crime Trends in China's Reform Era," by Jianhong Liu and Steven F. Messner. They apply modernization theory to interpret trends in various kinds of crime in China over the period between 1978 and 1998. The chapter begins with a detailed description of patterns of crime in China, paying particular attention to the historical events that are likely to have affected both criminal offending and the recording of crime in the official statistics. They then perform time series analyses on Chinese crime data to determine

whether the recent economic reforms have had similar or different effects on selected types of property and violent offenses.

Chapter 2, by Lening Zhang, is "White-Collar Crime: Bribery and Corruption in China." This chapter describes the reality of white-collar crime at both the individual and the organizational levels, especially among governmental officials and governments as organizations in China. Characteristics of bribery and corruption in China are analyzed in comparison to their counterparts in the West. Several sources of bribery and corruption are explored, including cultural, political, economic, social, and ideological sources. China's strategy to control bribery and corruption is also analyzed.

Chapter 3, "Narcotics Control in China: A Growing Challenge," analyzes the trend of growing drug trafficking and drug use in recent years. Based upon firsthand and secondary sources, this study systematically examines narcotics crimes and related problems in China. Peter Liu and Yingyi Situ first review the historical context and the current extent of narcotics crimes. Next, the causes of rapid increases in drug offenses are discussed, and the Chinese government's efforts against drug crimes are evaluated. Finally, these issues are placed in comparative perspective.

Part II of the book, "Chinese Perspectives and the Social Sources of Crime," addresses the question of the social correlates of changing patterns of crime. Facing the new challenges from rising crime waves, criminology as a new discipline has emerged and developed in China. Chinese scholars have been actively studying the sources of crime in the new era. This part first introduces perspectives and developments in Chinese criminology, and then analyzes whether various structural and cultural changes in China can be linked to increases in crime and delinquency.

Chinese social structure has experienced great change as the economy shifts from state socialism to a market economy. As the development of the private sector in the economy becomes more and more important, the changing nature of the economy has altered the social organization and welfare of the majority. Economic reforms create opportunities for many to get rich, especially in the growing private sector, while others, such as laid-off workers, are left out of the economic prosperity. Social inequality is developing on a scale never before seen. The emergence of a labor market created by economic transition, coupled with the leftover labor force created by rural reform, has led to unprecedented population migration from rural areas to cities. The structural change and new inequality are likely to promote anomie; according to classical sociological theory, crime and deviance are therefore expected to rise. Chapters in this section describe how these changes in social structure occurred, and explore how they are linked to rising levels of crime and delinquency.

The chapter "Criminology in China: Perspectives and Development," by the Chinese criminologists Lu Zhou and Mei Cong, introduces the audience to Chinese criminology. The chapter briefly describes the development of criminology, its theory, and its research since the 1920s, especially since the late 1970s. Al-

though the chapter is relatively short, it offers an insider's view of criminology in China.

Chapter 5, "Population Migration and Crime in Beijing, China," addresses a new source of crime in urban areas: rural workers migrating into cities. Official data show that migrants are responsible for a large proportion of offenses. According to the statistics of some cities, more than half of the crimes are committed by the migrants from the rural areas. The population migration has played a prominent role in the rising crime waves during the social and economic transition in China. Guoan Ma's chapter offers rich data on this subject. It explores the relationship between population migration and crime by focusing on a large city, Beijing.

Chapter 6, "Inequality and Crime in China," by Liqun Cao and Yisheng Dai, analyzes the relationship between inequality and crime in the social transition. It argues that it is not economic growth per se that causes the acceleration in crime, nor is it simply the weakening of state control over migration. Instead, the widening inequality in income is largely responsible for soaring levels of crime.

Part III, "Social Control and Crime Prevention in a Changing Chinese Society," addresses the impact of social transition on the changes in the grassroots level of social control. China has long been a communitarian society, and it has traditionally relied on informal social control in grassroots-level social organizations. The traditional grassroots-based programs of "helping and educating" (*bangjiao*) and informal arbitration (*tiaojie*) have been very effective. The persistently low crime rates throughout most of the twentieth century can be reasonably attributed to the effectiveness of this control. Economic reform has greatly changed the workings of grassroots social organizations. The communitarian nature of the society has been profoundly altered. These changes have greatly affected the social control mechanism in China. The society and government have responded to the changes and developed new programs. A national program of comprehensive strategy for crime control has been developed and implemented. The chapters in part III explain the impact of changes in the nature of communitarianism on crime prevention strategies in recent China.

Chapter 7, "Chinese Social Control: From Shaming and Reintegration to Getting Rich Is Glorious," by Dean Rojek, analyzes the philosophical and cultural foundations of Chinese social control and the recent movement away from the communitarian tradition. It explains how far-reaching social changes have affected social control. The chapter further describes new measures of crime control that have been instituted in response to the social changes.

Chapter 8, "Community Integration and the Effectiveness of Social Control," by Hong Lu and Terance D. Miethe, examines the relationship between community integration and the effectiveness of social control in the city of Shanghai. It starts with a discussion of Western theory and research on community integration and social control. Issues of changing community integration and formal and informal responses to crimes in China are then discussed. After analyzing data on community integration and social control in two Shanghai neighborhoods, the

chapter concludes with a discussion of the theoretical and policy implications of the findings.

The chapter by Shuliang Feng, vice president of the Chinese Society of Criminology, offers a Chinese perspective on crime control in China. "Crime and Crime Control in a Changing China" describes crime problems and discusses the strategies and measures adopted by the Chinese government. The general strategy for the control and prevention of crime is called the "comprehensive and systematic strategy." The basic principle of this strategy is the integration of punishment and prevention, with an emphasis on the latter. Prevention focuses on the grassroots levels of both the cities and countryside "to nip crime in the bud." The comprehensive strategy requires joint efforts of various social sectors under the unified leadership of the Chinese Communist Party and the government through political, economic, administrative, legal, cultural, and educational means. The ultimate goal of crime prevention is to guard social stability in order to ensure the development of economic reform. The chapter describes how these strategies developed through three stages in the past 20 years since the early 1980s.

Finally, part IV, "Social Transition and the Changing Criminal Justice System," addresses the changes in Chinese law and criminal justice. The Chinese justice system has been transformed fundamentally, sometimes unintentionally and sometimes as a result of systematic legal reform. The revised 1997 criminal law and criminal procedural law illustrate the influence of both social change and legal reform. The court procedure is much more formalized. In addition, the Chinese police have moved toward greater "professionalism." A juvenile justice system has been created, and children's rights have been codified in the law. Part IV explains these changes within the context of more general social transition.

Chapter 10, "Mixing Inquisitorial and Adversarial Models: Changes in Criminal Procedure in a Changing China," focuses on trials. China's criminal trial procedure in the past was characterized as a judge-dominated inquisitorial system. The 1996 criminal procedure law has improved the system to meet the needs of modernization. Based upon secondary data analysis and field study, this article uncovers some of the important adversarial elements that have been introduced into the Chinese criminal trial. First, the judges' responsibilities in court are now substantially reduced. Second, both procurator and defense counsel are designated as advocates, and therefore become much more active. Third, the rights of defendants and victims are extended. However, the legal reforms under the revised criminal procedure law have been limited. Important legal principles such as separation of powers and equality before the law have not been addressed well. As a result, the new criminal procedure is a mixture of the adversarial system and the inquisitorial system long associated with the socialist context.

Chapter 11, "New Directions of Chinese Policing in the Reform Era," by Yisheng Dai, describes the changes in police practices. Dai analyzes the changing role and function of the police since the start of the reform era. The chapter reviews the modifications in government household registration policy and the resulting

challenges to policing. It illustrates the processes of professionalization of the police force and police legal reform, and it explains the newly developed policing strategies and security work.

Chapter 12, by Allan Jiao, analyzes the traditions and changes of police culture. The “Party Line,” the “Mass Line,” and the “Prevention Line” are examined as traditions of police culture in China. These traditions are rooted in China’s cultural, political, and social systems. The social and economic transition in China is changing and modifying these traditions. Jiao speculates about the future impact of China’s transition on those traditions of police culture.

Professor Guoling Zhao’s chapter, “The Recent Development of Juvenile Justice in China,” offers much needed information on the newly developed Chinese juvenile justice system. China opened its first juvenile court in 1984. Since then, the juvenile justice policies have developed into a full-fledged system. The chapter reviews the history of juvenile justice and juvenile protection in China. In 1991, China adopted the Law of the People’s Republic of China on the Protection of Minors, and in 1999, the Law of the People’s Republic of China on the Prevention of Juvenile Delinquency, the first of its kind in the world. This chapter describes the development and nature of these laws in detail. It illustrates the operation of the juvenile justice system within the distinctive context of China’s social, cultural, and political systems.

The book is intended to serve as a valuable text for scholars and students in multiple academic disciplines, including sociology, criminology, law and legal studies, and political science. The book should also be of interest to nonacademics who are interested in Chinese society. As has been widely observed, the world is becoming an ever more closely connected, global system. We hope that the book will open a “window” for both scholars and the general public to learn about contemporary China, a nation with approximately one-fourth of the world’s population.

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PART I

Social Transition and Crime in China

CHAPTER 1

Modernization and Crime Trends in China's Reform Era

Jianhong Liu and Steven F. Messner

Economic reform in China, especially the dramatic transition to a market economy in the 1990's, brought about profound social change and unprecedented economic growth in the last two decades. From 1990 to 1998, China's real GDP increased an average of 11.9 percent annually. China's 1998 GDP was \$964 billion, making China the seventh largest economy in the world. The industrial sector grew at an average rate of 18.8 percent during 1990–1997, and Chinese exports expanded by 16.3 percent annually during that time span. With \$352 billion in exports in 1997, China was the world's third largest exporter, surpassing Japan and following only the United States and Germany.

During this period of modernization and economic development in China, official statistics and scholarly studies reported increased levels of crime. In 1978, the total crime rate was 55.91 per 100,000 population; in 1998, it reached 163.19 per 100,000 people (*China Law Yearbooks*). Some Chinese scholars propose that modernization inevitably causes crime to increase (Xiao, 1988). Studies have generally agreed on an observed association between modernization, social transition, and rising crime in China. They speculate on and suggest specific links and mechanisms accounting for this general association. These include increased inequality (see chapter 6 in this volume), changing cultural beliefs and norms (especially the introduction of Western values into China; see chapter 7 in this volume), disruption of traditional social control mechanisms (see chapter 9 in this volume), decreased social integration (see chapter 8 in this volume), massive migration of the rural population into urban areas (see chapter 5 in this volume), and an altered age

structure of the population (Deng and Cordilia, 1999; Rojek, 1996; Curran, 1998).

In the West, a fairly extensive body of literature has emerged assessing the effects of modernization on crime. This research has been guided largely by “modernization theory,” which draws heavily upon a Durkheimian heritage. The results of empirical analyses testing modernization theory have been mixed at best (see LaFree, 1999; LaFree and Kick, 1986; Neapolitan, 1997; and Neuman and Berger, 1988 for reviews of the literature). However, this research is limited in three important respects. First, the versions of modernization theory tested in quantitative analyses are somewhat oversimplified, especially with respect to the implications of the theory for violent versus property crimes. Second, the research is based, with few exceptions, on cross-sectional designs. Modernization theory refers intrinsically to processes of change, and thus longitudinal designs are best suited for assessing its claims. Third, Western criminologists have largely neglected China, and Chinese scholars have yet to apply formal statistical techniques to assess the consequences of economic reform for levels of crime.

In this chapter, we apply modernization theory to interpret trends in various kinds of crime in China over the period between 1978 and 1998. We begin with a detailed description of patterns of crime in China, paying particular attention to the historical events that are likely to have affected both criminal offending and the recording of crime in the official statistics. We then perform time series analyses on Chinese crime data to determine whether the recent economic reforms have had similar or different effects on selected types of property and violent offenses.

THEORETICAL BACKGROUND

As noted above, modernization theory has its origins in Durkheimian sociology. Durkheim studied French society during the industrial revolution. He observed that industrialization ushered in profound changes in France. In particular, the rapid pace of social change at the time undermined the norms associated with traditional society. He referred to this breakdown in the normative order as “anomie” and suggested that widespread anomie is likely to lead to increases in crime and deviance (Durkheim, 1933; 1950). Given his emphasis on the weakening of social norms in general, Durkheim’s argument is generally understood to imply that rapid social transition and the concomitant anomie are likely to be associated with increased levels of all types of crime.

Various scholars have drawn upon Durkheim’s insights in the study of crime, but the person usually credited with developing the most elaborate criminological variant of modernization theory is Louise Shelley (1981). Shelley’s thesis posits that as nations modernize, social structures are fundamentally altered, and levels and patterns of criminal activity change. The precise nature of these changes depends on the stage of development and the offense under consideration. At early

stages of urban and industrial growth, traditional social structures are undermined in the growing cities. The concomitant social disorganization, anomie, and weak control promote increases in property crimes. At the same time the newly arrived migrants from the countryside bring with them the traditions of violence associated with rural life, which leads to increases in violent crime. At later stages of development, patterns of crime change. Property crimes continue to rise, becoming the most prominent type of criminal activity. In contrast, the growth in criminal violence subsides as rural migrants become adjusted to urban life. The nature of violent crime is also changed. Increasingly, when criminal violence occurs, it does so in the context of the commission of property crimes. Shelley's thesis thus posits changes in levels of crime and the preponderance of different kinds of offenses at varying stages of the modernization process.

In the empirical literature, most researchers have interpreted the modernization thesis as implying positive effects of indicators of economic development on measures of crime in general. The results of this research have yielded findings largely contrary to this prediction (Neuman and Berger, 1988; Hartnagel, 1982; Krohn, 1976, 1978; Krohn and Wellford, 1977; McDonald, 1976; Wellford, 1974; Avison and Loring, 1986; Braithwaite and Braithwaite, 1980; Conklin and Simpson, 1985; Groves et al., 1985; Hansmann and Quigley, 1982; Messner, 1980, 1982, 1985; LaFree and Kick, 1986). Research findings are especially inconsistent with the notion that the process of economic development causes both violent and property crimes to increase. Instead, studies based on cross-national data have commonly reported that modernization and development are associated with increases in property crime (mostly measured by theft) and decreases in violent crime (mostly measured by homicide—for an opposing view, see Bennett, 1991; and Ortega et al., 1992). To account for this pattern, Kick and LaFree (1985) proposed an "opportunity" explanation to serve as an alternative to the conventional modernization thesis. They maintained that development is negatively related to homicide opportunities because it enhances urbanization, which decreases interpersonal ties and contacts among intimates and acquaintances, thereby reducing interpersonal violence. At the same time, development increases opportunities for theft by providing a vast supply of readily available commodities in environments generally characterized by ineffective surveillance (Kick and LaFree, 1985; LaFree and Kick, 1986).

In sum, the conventional wisdom is that the accumulated body of evidence on economic development and crime has not been particularly kind to the modernization thesis. However, the research testing this thesis is flawed in several respects. With regard to the analysis of violent crimes, researchers have generally ignored Shelley's arguments about the importance of stages of development. Violent crime is expected to increase at early stages of development, then stabilize (and possibly decrease) at later stages. The simple prediction of positive effects of modernization on all types of crime fails to accommodate the richness of the modernization thesis.