

Criminology's new frontier in China: opportunities, possibilities and challenges

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Criminological study on China and in China is not new. The development of Chinese criminology since the beginning of the 20th century has been well noted in the scholarly literature (e.g., [4, 11, 29]). This special issue is an attempt to showcase scholarships that explore the new frontier in criminological research in China. The contributors of this special issue are mostly Chinese diaspora - a group of U.S. trained criminologists, who took their training to practice by collecting first-hand data on the ground in China or analyzing existing data with a fresh eye for comparative insights.

Recent scholarships on Chinese criminology

Jou et al. [13] see the development of criminology in modern China in three distinctive periods: the first five decades (1900s–1949) of the 20th century mark the onset and early development of social sciences (including criminology) in China as a fledging field of knowledge. The following four decades (1949–1989) witness criminology as part of law school curricula with strong ideological tilt and limited possibility for independent inquiry. The post-Tiananmen period welcomes the establishment of the Chinese Society of Criminology (in 1992), research centers and criminology and criminal justice programs in an increasing number of universities, and a substantial

¹An alternative categorization puts the development of Chinese criminology into three stages with different time periods: before 1949, between 1949 and 1978, and after 1978 (see [14]).

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number of new publications including those that are deemed empirical.¹ Criminology with Chinese characteristics, according to Jou et al. [13], entails the followings: (1) it is unidirectional in its relationship with the state; (2) it is a subfield of law; and (3) it is dynamic, combining both its local roots and local–global interactions. The authors predict that Chinese criminology’s unidirectional relationship with the state will remain; however, it will continue to absorb social research and empirical methodology into its inquiries.

Multiple special issues with focuses on Chinese criminology (or as a part of Asian Criminology) have been commissioned by various journals in recent years. These include, for example, Broadhurst and Liu’s [3] supplemental issue titled *Crime, Law and Criminology in China* with the *Australian and New Zealand Journal of Criminology*; Lee and Laidler’s [15] *Doing Criminology from the Periphery: Crime and Punishment in Asia* with the journal of *Theoretical Criminology*; Zhang et al.’s [34] *Crime and Criminal Justice Research in China: The Current Knowledge Base and Prospects for Future Research*; and Martin and Manning’s [22] *Policing the Southern Chinese Seaboard*, the latter two both with the journal of *Crime, Law and Social Change*. A good collection of Chinese crime and criminal justice themed monographs (e.g., [1, 7, 10, 21, 23, 26–28, 35]) and edited books (e.g., [5, 8, 12, 16, 19, 20, 24]) have been published, in addition to the substantial growth in both the number and the quality of articles published by international journals based in the region such as the *Asian Journal of Criminology* and the *Australian and New Zealand Journal of Criminology*.

Altogether, these journal and book publications not only offer a broad array of coverages on updated scholarships, they also share at least three commonalities: (1) genuine and enthusiastic interest in contributing to the development of Chinese criminology; (2) empirically-oriented, be it qualitative or quantitative; and (3) Anglo-American trained criminologists are taking the leadership role in promoting empirical research in China. Through these works we see a reality full of both promises and challenges. In spite of the fact that criminology in China (and in Asia) remains a “marginal academic discipline” and that “data available for researchers are very limited” [18: 5], scholars continue to argue that China is “undoubtedly the most interesting and globally significant area of research for the contemporary social scientist” [6: 169], and that “the nation is likely to attract more researchers who are interested in the study of China’s crime and criminal justice” [34: 130]. Realizing such a keen interest in studying criminology in contemporary China requires a realistic assessment of the current statuses of both criminological theories and the methodologies used, to which we now turn for a brief summary.

Doing Chinese criminology: theoretical and methodological concerns

Cao et al. [5] see doing criminology in China as utilitarian, serving for the purpose of social control. There has been very little indigenous theoretical development in Chinese criminology. The lack of theoretical interest and depth in criminological knowledge is

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due in part to the long tradition of politicized discipline development where Marx's political economic theory and Mao's theory of contradiction were the standard-bearers of the orthodoxy explanation of crime [30]. The limited theoretical development (and perhaps sociological imagination) in Chinese criminology field is well acknowledged by scholars from outside China. For example, Messner [25: 117] uses a comparative exercise (applying both Situational Action Theory and Institutional Anomie Theory) to argue that the "established criminological theories born and nurtured in the West might need to be *transformed* to be applicable to the context of East Asian societies." (*emphasis added*) Braithwaite [2: 183] comments that Asia's most important contribution to global criminology is "in opening its eyes to completely new ways of seeing, as opposed to adjusting, testing, or revising western theories in light of eastern experience." These arguments made by two of the most prominent criminologists in the world are certainly noble, desirable, and applicable to the case of Chinese criminology. However, transforming, discovering and creating new ways of theorizing are not an easy feat given the shortage of criminologists and criminological training in majority of the non-western countries including those located in Asia. Cao et al.'s [5] *The Routledge Handbook of Chinese Criminology* provides a comprehensive resource for the students of Chinese criminology; however, the majority of the selections in the edited volume remain introductory and descriptive, reflecting more of the review and understanding of existing literature than serving as a demonstration of designs and outcomes based on original empirical research.

From the methodological perspective, scholars have already explored various limitations in the collection of empirical data. For example, He's [9] book chapter titled "The Politics of Numbers: Crime Statistics in China" offers a succinct review of the use, misuse and usefulness of crime statistics, placing Chinese official crime statistics in the historical context of development of statistics and the value of social scientific research. Both He [9] and other researchers (e.g., [34]) have cited and given credit to the scholarly efforts to collect primary criminological data through individual surveys in China, in spite of their limitations of relying on small convenience samples. A few consensuses are worth mentioning. For example, Broadhurst and Liu [3: 3] argue that "the future effectiveness of crime control requires criminology as a science to provide a better understanding of crime problems and to marshal evidence-based research essential for policymaking." Also, Zhang's [32: 176–177] in-depth discussion on crime data and criminological research highlights "a pressing need to conduct more serious, rigorous data collection on crime in China." How to successfully realize the goals of conducting evidence-based research for policy purposes and how to increase the overall rigor of criminological research are questions remained to be answered fully. Broadhurst and Liu [3: 4] argue that "changes in official attitudes or culture" are crucial if evidence-based research is to provide the information necessary for effective policy development in China. Zhang [32] identifies that the development of Chinese criminological enterprise largely relies on "partnerships and collaborations." Xu et al.'s [31] introduction of an ethnographical study (involving migrants and motorcycle taxi driving) offers a realistic case study of the practical and political constraints of doing criminological research in China, which are pointed out by Broadhurst and Liu [3] and Zhang [32]. No doubt, criminologists confront at least two difficulties when conducting research in China: "conservative political environment" and "negotiated access (via *guanxi*)" to collect data [31]. In addition, these characteristics may compromise the

implementation of research ethics protocols and require longer process to cultivate trust and relationship with government officials and research partners from China (see also [17, 33]).

Works included in this special issue offer some fine examples of original empirical research that are guided by theory and aided with successful implementation of rigorous research design and sophisticated statistical analysis. Two of the selections for this special issue use investigator initiated, original self-report juvenile delinquency data. Zhang et al.'s study is based on personal interview data of incarcerated youth in a southern province, exploring the impact of childhood sexual abuse and psychological stress on delinquency. Liu and Liu's work brings into focus a comparison of delinquency between school-attending second generation migrant youth and their native urban counterparts in one of the largest cities in China. He's work analyzes rare survey data of criminal justice officials from China, exploring the impact of various forms of Bourdieusian capital on subjective measurements of criminal trial outcomes. Zhuo and Cao use a national survey data to study the intended and actual use of civil dispute resolution in China. The research note contributed by Wang and Zhao offers an interesting (and timely) comparison of police innovations in the context of crime control in both China and the U.S. The authors cover a broad array of police practices, and compare and contrast their effectiveness and applicability.

Contributions of scholarship from the current special issue

There is a large body of literature on child sexual abuse (CSA) in Western societies, but empirical research on CSA among juvenile prisoners is scarce. The limited research on CSA in China has mostly used school-based samples. Zhang et al.'s study, the first article included in this special issue, examines a unique but overlooked group – male offenders incarcerated in a juvenile reformatory from a southern province in China. Two primary objectives are: (1) to assess the prevalence of CSA among male juvenile prisoners, and (2) to explore the impact of CSA, psychological distress, and peer association on juvenile delinquency (i.e., drug offense and violent offense) net of the demographic factors.

The findings show that approximately one in five juvenile offenders have reported having experienced CSA. The reported mental health problem among the CSA victims is found to be more severe than the non-victims in the sample. More importantly, CSA exerts a significant effect on drug-related offense, while psychological distress is a significant predictor of violent offenses. In addition, it is found that both peer's illegal drug use and attitudes toward drugs are significantly associated with drug offenses, and peer's drug use and attitudes toward violence have significant effects on violent offending.

The major contributions of Zhang et al.'s study are twofold. First, it examines a unique but often overlooked population - male juvenile offenders, and fills a major gap in the literature on CSA in China. Second, it examines how CSA is associated with illegal drug use and violent offending among juvenile offenders. Although all models are statistically significant, the variance explained measures derived from Ordinary Least Squared (OLS) regression analysis vary from 5.4 to 13.5 %. The low variance explained measures from the current study are acceptable for an exploratory study.

However, future research would surely benefit from heeding suggestions from both Messner [25] and Braithwaite [2] by exploring other indigenous explanatory variables.

The social impact of rural-to-urban migration in China has grasped domestic and international attention over the past decades. A growing body of literature has shown that rural-to-urban migrants in China are subject to social stigma and additional psychological stress. The migrant workers' children are made known to be engaging in higher level of delinquency and deviant behavior in large Chinese cities. However, this understanding is supported by little empirical evidence as few studies have focused on studying the delinquent behaviors of rural migrant children compared to their urban counterparts. Our second article in the special issue by Liu and Liu explores this comparison using a high school student survey ($N=1,490$) conducted in Guangzhou, Guangdong Province. Informed by self-control, informal social control, strain, and differential association theories, their study examines contributing factors to the prevalence and variety of self-report delinquency among migrant and non-migrant students. Two main research questions are formulated: (1) whether the delinquency level of rural migrant children is different from that of their native urban peers, and (2) how comparable are the two groups on key individual and social characteristics and the effect of these factors on delinquent behavioral outcomes.

Liu and Liu's findings suggest that the rural migrant students are exposed to more risks but are not more delinquency-prone than their urban counterparts. The results also provide support to different socialization processes for the two groups, i.e., strong moral beliefs and good academic performance play key roles in the prevention of delinquency for rural migrant students while their urban counterparts are affected by school attachment and negative social activities. Peer delinquency is the strongest predictor of delinquency for both groups.

He's work, the third article included in the special issue, relies on a rare first hand survey data from Chinese criminal justice practitioners (i.e., judges, procurators and lawyers) to study the impact of various forms of Bourdieusian capital on criminal trial outcomes. The Chinese criminal justice field is treated as a site of struggle for power and control in He's study. Because the judges, the procurators and the police are state employees representing the best interest of the Party-state, they form what is often called the 'iron triangle' in the Chinese criminal justice system. The criminal defendants and their legal defense lawyers are forced to enter an unfair contest with the all-powerful state machinery sanctioned by a deficient legal structure. Using Bourdieu's sociology of juridical practice, He's work looks into the structured ways professional groups differentiate and relate to each other. For example, political party affiliation, perceptions of power, status, and obstacles may be used as distinguishing attributes that set the 'iron triangle' apart from the 'defense attorneys'. Altogether, He argues that "the dictates of the Chinese criminal justice system, the intricacies of the Chinese criminal trial process, the clashes between State power and individual rights, and the evolving norms of conduct among legal professionals make a Bourdieusian analysis not only necessary but exciting."

Understanding the roles and impact of criminal defense lawyers within the unique Chinese socio-political context is a key focus of He's article. In particular, He's work offers a Bourdieusian interpretation of an array of theoretical factors for two distinctive trial outcomes: acquittal and lighter sentences. Empirical data presented in He's study reaffirm the prevailing existence of the (man-made) dilemmas facing Chinese criminal

defense attorneys today: low levels of legal representations in both violent and property crime cases and in cases involving migrant workers; lawyers not being able to represent clients at investigative stage; lawyers not being able to meet with their clients within the first 48 h; courts do not approve lawyers' requests to allow witnesses to testify, to allow the collection of new evidences, and to reappraise existing evidences. In spite of the unflattering current status of legal representation in Chinese criminal trials, He's article finds evidence to conclude that the utility and power of accumulated legal practices (as capital) may produce "generative habitus" in favor of future criminal due process reforms in China.

In our next article, Zhuo and Cao analyze the data from China General Social Survey to examine the intended and actual use of civil dispute resolution. In particular, the authors explore factors that are associated with the following four choices adopted to solve civil disputes: (1) no action/toleration; (2) informal mediation through acquaintances; (3) semiformal mediation through government agencies or work units, or (4) legal action through the court. Several major findings have been revealed from this study. First, there is a great discrepancy in the actual and intended modes of civil dispute resolution. For example, the legal approach is significantly more popular in a hypothetical situation but is much less utilized in an actual dispute.

Second, major socio-demographic characteristics, such as age, gender, education and SES, are found to be related to interpersonal dispute and preferred modes of conflict resolution. The authors find that farmers are less willing and less likely to go to the courts while they prefer to use semiformal mediation. State employees are more likely to use semiformal mediation to handle the interpersonal disputes. Third, dissatisfaction with legal justice is associated with an intended avoidance of courts. Dissatisfaction with legal justice is also linked to an unwillingness to use semiformal mediation. Lastly, in light of the unique features of Chinese society's social network and trust, Zhuo and Cao's study innovatively explore how social trust is associated with civil dispute resolution. In-group trust, measured by the trust in nearby neighbors, relatives, colleagues, and schoolmates, is significantly related to the likelihood of seeking mediation from friends rather than tolerating a dispute among the respondents who had experienced a dispute. People within the *guanxi* network usually share the social and cultural experience of the disputants. Higher in-group trust may lead people to utilize this resource to deal with disputes and conflicts in daily life.

A unique research note on policing practices by Wang and Zhao anchors the special issue. Their study takes a comparative approach to examine the contemporary police change in controlling crime in the U.S. and in China. It starts with a review of the community policing as well as five innovative crime control strategies (i.e., problem-oriented policing (POP), zero tolerance policing, hot spots policing, intelligence-led policing, and predictive policing) developed and adopted by the American police. Then it reviews the Chinese-style community policing. By comparing the U.S. and China, the authors conclude that: (1) The infrastructure of community policing in China is more established than their American counterparts because community policing in China is more grass-root anchored than the U.S.; (2) POP is better developed and implemented in the U.S. than in China; (3) Hot spots policing, predictive policing, and zero tolerance policing that have been adopted by American police would not have significant utility in the Chinese setting; and (4) The adaptation of intelligent-led policing is very limited, and its utility is relatively unknown in both countries.

Conclusion

The collection of articles included in this special issue broke the mode of heavy reliance on using Chinese official statistics for conducting criminological studies. The authors tackled some of the most-timely issues facing criminologists and social scientists with a focus on China, i.e., the impact of childhood sexual assault and psychological stress on juvenile delinquency, the myth of high delinquency among the migrant youth, legal representation and trial outcomes in the lowest level courts in China, and critical issues at two ends of social control continuum, i.e., from the preferred mechanisms of dispute resolutions (in an ancient land caught in-between the tradition of informal mediation and an increasing legal conscience of relying on courts to solve problems) to key policing strategies adopted for crime control.

As a result of the collection of the intrepid work by the contributors of this special issue, we have gained additional appreciation of both the applicability and limitation of western-based criminological theories in China. We have learned that even in a challenging foreign context, rigorous research designs are possible, and sensitive (such as taboo question of child sexual abuse) questions and difficult study subjects (such as migrant youth and criminal justice officials) are approachable if careful planning and proper execution are followed through. In all cases, the successful implementations of the research projects have relied heavily on local expertise and genuine cooperation between research partners. There is little doubt that criminological research will continue to grow in China in the coming decades, given the rising rate of crime and the increasing inequality and social conflict among different social classes in Chinese society. A few intriguing future questions may be asked, for example, why Chinese criminology remains a fledgling discipline after nearly a century of introduction? What boundaries should/could Chinese criminology trespass to break free from being a “state-based enterprise” [13]? In any case, real progress will not be made unless more participation of Chinese criminological studies is encouraged, more methodological trainings are popularized, and more importantly, better development of indigenous theories and evidence-based research are realized.

References

1. Bakken, B. (2006). *Crime, punishment, and policing in China*. Cambridge: Cambridge University Press.
2. Braithwaite, J. (2015). Rethinking criminology through radical diversity in Asian reconciliation. *Asian Journal of Criminology*, 10(3), 183–191.
3. Broadhurst, R., & Liu, J. (2004). Introduction: crime, law and criminology in China. *The Australian and New Zealand Journal of Criminology*, 37(supplement), 1–12.
4. Cao, L. (2004). The state of criminology in China. *The Criminologist*, 29(4), 3–5.
5. Cao, L., Sun, I., & Heberton, B. (Eds.). (2013). *The Routledge handbook of Chinese criminology*. New York: Routledge.
6. Curran, D. (2013). Criminological research in China: Challenges, rewards, and the need for sensitivity. In L. Cao, I. Sun, & B. Heberton (Eds.), *The Routledge handbook of Chinese criminology* (pp. 160–170). New York: Routledge.
7. Diamant, N. (2010). *Engaging the law in China: State, society and possibilities*. Palo Alto: Stanford University Press.
8. Friday, P. C., & Ren, X. (Eds.). (2006). *Delinquency and juvenile justice systems in the non-Western world*. Monsey: Criminal Justice Press.

9. He, N. (2013). The politics of numbers: Crime statistics in China. In L. Cao, I. Sun, & B. Heberton (Eds.), *The Routledge handbook of Chinese criminology* (pp. 147–159). New York: Routledge.
10. He, N. (2014). *Chinese criminal trials: A comprehensive empirical inquiry*. New York: Springer.
11. Heberton, B., & Jou, S. (2010). Criminology in and of China: discipline and power. *Journal of Contemporary Criminal Justice*, 26(1), 7–19.
12. Johnson, D. T., & Zimring, F. E. (2009). *The next frontier: National development, political change, and the death penalty in Asia*. New York: Oxford University Press.
13. Jou, S., Heberton, B., & Cao, L. (2013). The development of criminology in modern China: A state based enterprise. In L. Cao, I. Sun, & B. Heberton (Eds.), *The Routledge handbook of Chinese criminology* (pp. 16–26). New York: Routledge.
14. Kang, S. (1998). *Fanzui xue: Lishi, xianzhuang, weilai (Criminology: History, current status and future)*. Beijing: Qunzhong Chubanshe (Qunzhong Publishing).
15. Lee, M., & Laidler, K. J. (2013). Doing criminology from the periphery: crime and punishment in Asia. *Theoretical Criminology*, 17(2), 141–157.
16. Liang, B., & Lu, H. (Eds.). (2015). *The death penalty in China: Policy, practice and reform*. New York: Columbia University Press.
17. Liang, B., & Lu, H. (2006). Conducting fieldwork in China: Observations on collecting primary data regarding crime, law and criminal justice system. *Journal of Contemporary Criminal Justice*, 22(2), 157–172.
18. Liu, J. (2009). Asian criminology: challenges, opportunities and directions. *Asian Journal of Criminology*, 4(1), 1–9.
19. Liu, J., Heberton, B., & Barbelet, E. (Eds.). (2012). *Handbook of Asian criminology*. New York: Springer.
20. Liu, J., Zhang, L., & Messner, S. (Eds.). (2001). *Crime and social control in a changing China*. Westport: Greenwood Publishing.
21. Lo, S. (2009). *The Politics of cross-border crime in greater China: Case studies of mainland China, Hong Kong, and Macao*. Armonk: M.E. Sharpe.
22. Martin, J., & Manning, P. (2014). Policing the southern Chinese seaboard. *Crime, Law and Social Change*, 61(4), 369–375.
23. McConville, M. (2011). *Criminal justice in China: An empirical inquiry*. Cheltenham: Edward Elgar Publishing.
24. McConville, M., & Pils, E. (Eds.). (2013). *Comparative perspectives on criminal justice in China*. Cheltenham: Edward Elgar Publishing.
25. Messner, S. (2015). When West meets East: generalizing theory and expanding the conceptual toolkit of criminology. *Asian Journal of Criminology*, 10(2), 117–130.
26. Muhlhahn, K. (2009). *Criminal justice in China: A history*. Cambridge: Harvard University Press.
27. Trevaskes, S. (2007). *Courts and criminal justice in contemporary China*. Lanham: Lexington Books.
28. Trevaskes, S. (2010). *Policing serious crime in China: From 'strike hard' to 'kill fewer'*. Oxon: Routledge.
29. Wong, K. C. (2008a). The study of criminology in China, part I: historical development. *China Report*, 44(3), 213–231.
30. Wong, K. C. (2008b). The study of criminology in China, part II: contemporary developments. *China Report*, 44(4), 323–346.
31. Xu, J., Laidler, K. J., & Lee, M. (2013). Doing criminological ethnography in China: opportunities and challenges. *Theoretical Criminology*, 17(2), 271–279.
32. Zhang, L. (2013). Crime data and criminological research in contemporary China. In L. Cao, I. Sun, & B. Heberton (Eds.), *The Routledge handbook of Chinese criminology* (pp. 171–1180). New York: Routledge.
33. Zhang, L., Messner, S., & Liu, J. (2007). Criminological research in contemporary China: challenges and lessons learned from a large-scale criminal victimization survey. *International Journal of Offender Therapy and Comparative Criminology*, 51(1), 110–121.
34. Zhang, L., Messner, S., & Liu, J. (2008). A critical review of recent literature on crime and criminal justice in China: research findings, challenges, and prospects. *Crime, Law and Social Change*, 50(3), 125–130.
35. Zhong, L. Y. (2009). *Communities, crime and social capital in contemporary China*. Devon: Willan Publishing.