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# Evolution of Restorative Justice Practices for Juvenile Offenders in the People's Republic of China

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## 26.1 Introduction

Restorative justice (RJ) has developed and grown rapidly in recent decades with the emergence of principles, standards, and new intervention practices for criminal justice and school initiatives (Braithwaite and Mugford 1994; Bazemore 2001; Bazemore and Umbreit 2001; Bazemore and Schiff 2005; Johnstone 2002; Maxwell 2007; Morris and Maxwell 2001; Newell 2007; Van Ness 2003; Vides Saade 2008; Walgrave 2002; Wong 2008; Zehr 1990; 2002). Over the past 20 years, various restorative practices have been developed to help offenders, particularly juvenile offenders, take responsibility for their crimes and make appropriate reparation for what they have done to their victims and communities (Harris 2008; Johnstone and Van Ness 2007; Lo, Maxwell and Wong 2006; Marshall 1995; Maxwell and Morris 1993; McCold and Wachtel 2002; Van Wormer 2008). Though many countries are pursuing RJ practices as new initiatives for dealing with youth offenders, little documentation exists on the use of RJ in the People's Republic of China

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(PRC). This article begins by describing the current juvenile justice system. It then highlights how RJ was conceived and its role in juvenile justice intervention. The article also analyzes the evolution of restorative practices by referring to journal articles from an academic PRC database and examines the factors conducive to the emergence of restorative practices in the PRC. Finally, the trends in RJ development are discussed.

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## 26.2 Changing Juvenile Justice in the PRC

Article 17 of the PRC's Criminal Law establishes 14 as the minimum age of criminal responsibility and 18 as the age of full legal accountability. A juvenile under 14 bears no criminal responsibility. Juveniles between 14 and 16 are liable only when they have committed 8 types of serious crimes, including homicide, aggravated assault, robbery, rape, arson, drug trafficking, bombing, or poisoning. A person over 16 bears full criminal responsibility but is exempt from the death penalty if under 18. Essentially, anybody 16 or older who commits a crime bears full criminal responsibility.

The PRC's principle of "Education, Reform, and Rescue" has been a guiding principle in the treatment of deviant juveniles and youth offenders. Education is generally recognized as the primary means of delinquency prevention, while punishments such as "reform and rescue" are regarded as a complement to education. The

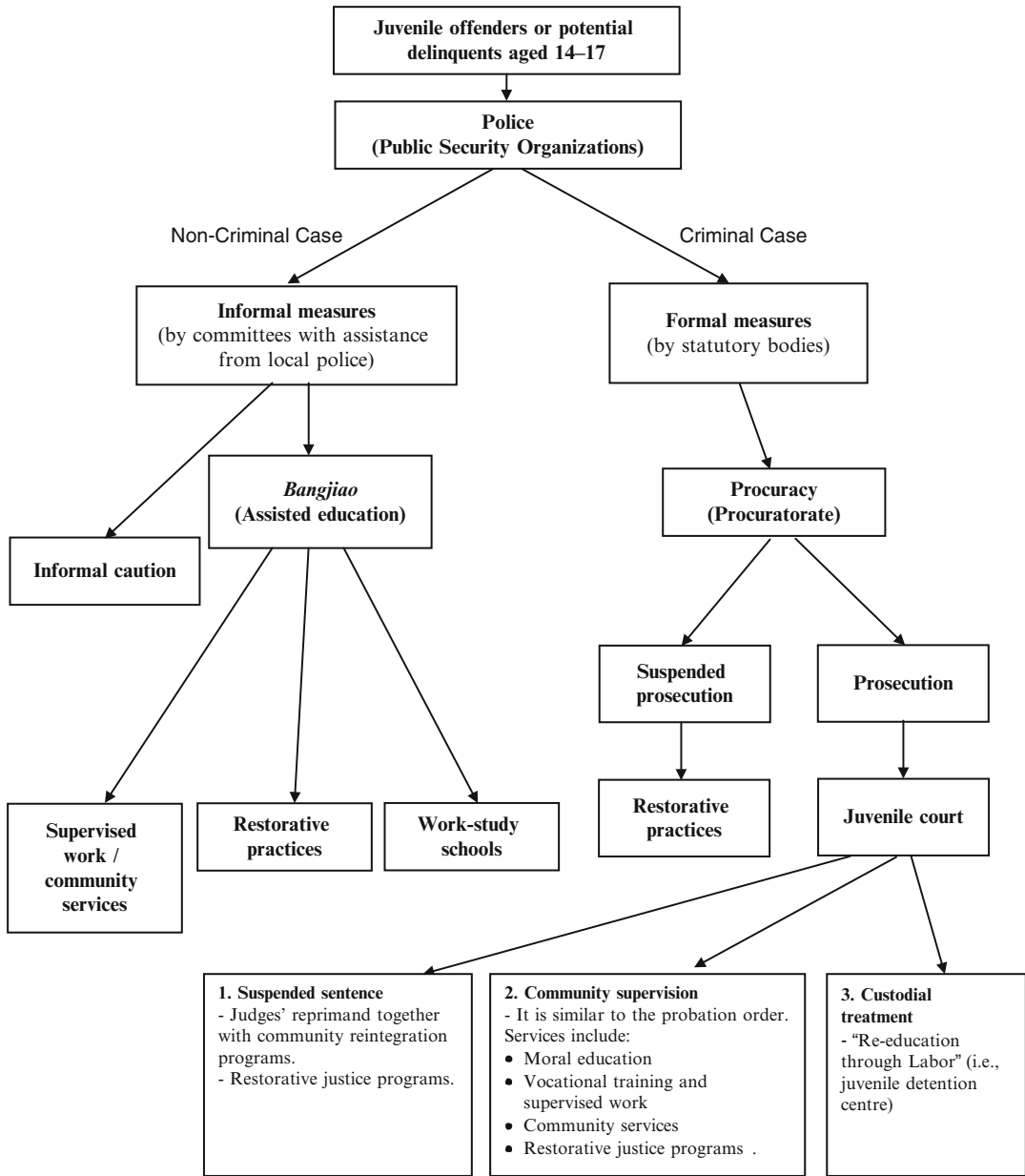
concept of “double protection” is highly valued: this practice protects social order while also emphasizing the protection of juveniles. The PRC’s Criminal Code lays down two important legal principles—leniency and the inapplicability of the death penalty to juvenile offenders. The PRC’s criminal justice system endeavors to uphold juvenile delinquents’ accountability for what they have done while giving them a chance to be rehabilitated and reintegrated into society (Zhao 2001).

Over the past few decades, English-language studies on the PRC’s juvenile justice and delinquency law reform have been rather limited. Hindered by tight state control of information sharing, the PRC’s scholars and governmental officials seldom presented papers at international conferences before the 2000s. With the PRC’s increased political openness, scholars can access useful information more easily. English-language literature discussing the PRC’s legal, criminological, and juvenile justice matters have become more common since the early 1990s (Biddulph 1993; Clark 1989; Curran and Cook 1993; He 1991; Kuan and Brosseau 1992; Jolley 1994; Leng and Chiu 1985; Macbean 1995; Ogden 1992; Rojek 1989; Tanner 1999; Troyer 1989; Wong 1999). A review of this literature suggests that the Chinese communist leaders relied heavily on the police and neighborhood public security organs and did not trust their formal judicial system between the 1950s and 1970s. After the founding of the PRC in 1949, the Communist Party of China (CPC) adhered to Marxist-Leninist doctrine; the police and local security committees worked hand in hand to control residents’ freedom and combat crime. Both public security organs are generally seen as important instruments of the state that served the ruling class by controlling and oppressing antagonistic classes in the early 1960s.

Wong (2004) argues that, until the 1979 reforms, the legal profession and courts were inactive. Until the PRC committed itself to economic reform in the early 1980s, policy makers, by default, had to uphold an unshakeable conviction that the socialist state is a perfect society. While admittedly only a transitional phase

in the construction of communism, the preliminary stage of socialism is, by definition, already free of the characteristics that inevitably generate criminal behavior under capitalism. In such a condition, laws are generally geared to the construction of a collective and responsible society; the technicalities of criminal procedures and related enforcement rules are not clearly defined. In the late 1970s, a more sophisticated modern Chinese legal system came into being along with the economic reform. At the same time, a number of laws and legal resolutions related to the protection of juveniles were promulgated by the National People’s Congress and its standing committee beginning in 1979. They include the Marriage Law, Labor Law, Law of Compulsory Education, Criminal Law, and Criminal Procedure Law. These laws set up principles and measures guaranteeing the rights and interests of juveniles with respect to the litigation process and the social and education protection of juveniles. In particular, the Juvenile Protection Law 1991 (JPL) and the Preventing Juvenile Delinquency Law 1999 (PJDL) strongly relate to juvenile protection and delinquency prevention (see Standing Committee of the National People’s Congress 1991; 1999).

The JPL defines the duties, responsibilities, and authority parents or guardians of a juvenile have in relation to juvenile welfare, right of education, and other legal rights. This law insists on the Criminal Law’s guiding principle of using education as the primary means and punishment as the auxiliary means of handling juveniles who commit crimes (Qin and Huang 2010). The PJDL stipulates that a juvenile who needs stricter control may be detained and rehabilitated in a juvenile detention center (commonly referred to as “Re-education through Labor”) pursuant to the Criminal Law and the JPL. Scholars (Zhao 2001; Wong 2005) have asserted that the PJDL can be seen as a special law formulated to tackle the “unhealthy behavior” (i.e., minor delinquency) and “serious unhealthy behavior” (i.e., serious delinquency) of juveniles who are not yet convicted offenders.



**Fig. 26.1** Juvenile Justice and Restorative Justice (RJ) in China

### 26.3 Restorative Justice Practices and Their Link to Juvenile Justice in the PRC

As shown in Fig. 26.1, juvenile delinquency control occurs with the help of both informal and formal measures. There are at least two types of

informal measures, including informal cautioning and *bangjiao* (assisted education). In informal cautioning, the neighborhood district’s public security organization cautions a juvenile who has committed a minor delinquency, who is then referred back to his or her school, parents, or guardians for follow-up. In *bangjiao*, noncriminal

cases of delinquency that do not need continuous attention may be referred to the units under the administration of the Education Bureau or the local neighborhood committees for follow-up. *Bangjiao* may be arranged by members of the local population acting either separately or along with local groups such as neighborhood committee members, neighborhood police, teachers, and private company bosses. Adolescents and their parents are usually reprimanded by the authorities, with some asked to compensate their victims; they are then closely guarded and supervised by a group of “respectable” community elders or adult volunteers. Juveniles may also be referred for study at residential work-study schools, which are similar to boarding schools or delinquent homes (Lui 1991; Wong 1999; 2001).

For formal measures, the police, the People’s Procuracy, and the courts are the state organs responsible for investigation, prosecution, and all trial proceedings. The roles and social functions performed by the police and courts likely need no further explanation. The People’s Procuracy is a state organization with the statutory power to oversee the administration of justice in its role as the investigative and supervisory branch of the judicial system. In criminal affairs, it is responsible not only for prosecutions but also for supervising the legality of the entire criminal process, from the police investigation and preliminary hearing, through the ruling of the court, down to the execution of the sentence. The People’s Procuracy possesses the discretionary power to divert juvenile offenders away from prosecution by applying a measure called “suspended prosecution.” This discretionary power not to prosecute juvenile offenders has constituted the favorable conditions from which RJ has emerged over the past few years (Wong 2005; Wong and Mok 2011).

As shown in Fig. 26.1, there are three main options for dealing with convicted juvenile offenders—suspended sentence, community supervision, and custodial treatment. In a suspended sentence, juveniles do not receive formal sentencing but are given a chance to join community reintegration programs. They are normally

reprimanded by a judge and sent back to their own neighborhood to receive care from community supervision teams. RJ programs may be used in conjunction with this sentencing option. Community supervision is normally used along with neighborhood *bangjiao* or community correction programs. *Bangjiao*, run by neighborhood committees together with local police, is not new. However, community correction is rather novel and unique to the PRC. Chinese community correction teams employ “justice social workers” to supervise and provide counseling services to juvenile offenders during the supervision period. Community correction is applied not just to juveniles but can be used as a community-based treatment for any offender given a suspended sentence or for ex-inmates on parole after serving a minimum portion of their sentence as prescribed by a judge. It is thus a kind of probation or after-care service order. Interestingly, before community correction programs formally emerged, *bangjiao* was the most common form of community-based treatment program for delinquents (Wong and Mok 2011). For custodial treatment, “Re-education through labor” is the formal correctional program tailor-made to incarcerate and rehabilitate juvenile offenders in contemporary China. Convicted juvenile offenders are sent to an institution for between 1 and 3 years by a juvenile court. The institution uses both work and education as methods of reform though it places more emphasis on (political and moral) education and mandatory labor than do similar institutions in Hong Kong and the UK (Wong 2001).

RJ practices can be linked to informal measures under *bangjiao* arrangements and formal measures under suspended prosecutions and suspended sentences. As a formal measure, restorative practices are used in connection with “suspended prosecutions” when the procuracy decides not to formally prosecute the juvenile. Wong and Mok (2011) have described some of the PRC’s current RJ practices. They have found that provincial and district procuracies in many parts of China have been actively experimenting with RJ for juvenile offender cases since 2004.

In recent years, 10 provinces and cities (including Beijing, Shanghai, Jianzu, Shangdong, Hunan, and Guangdong) have begun pioneer RJ projects within their juvenile justice systems (Dong 2012). For instance, some district procuracies in Chongqing, Liaoning, and Suzhou are running pilot programs for delinquents who have received suspended prosecutions, and district procuracies in Nanjian, Xuzhou, and Hebei have implemented restorative projects together with community supervision for juvenile offenders (Yao 2007). The feedback and evaluations have been very encouraging. For example, the Procuratorate of Dadukou in Chongqing, the Procuratorate of Suzhou Industrial Park, and the People's Court of Gulou in Nanjing used restorative practices for 20 juveniles in 2004, 107 juveniles in 2007, and 66 juveniles in 2009; the juvenile offenders all showed progress in correcting their delinquent acts after the restorative programs (People's Procuratorate of Jiangsu 2008; Xin Hua Net 2007, Zhou 2010). Furthermore, RJ practices are also commonly applied to offenders who have received a suspended sentence issued by a judge. As more judges become aware of the potential benefits of RJ for juvenile offenders (Shen and Zou 2010), more juveniles guilty of less serious offences (such as assaults, property crimes, and traffic offences) are being given a suspended sentence with the condition that they make reparation to the victims or the community. RJ appears to be not an independent sentence option but an additional condition of a suspended sentence.

It is worth noting that RJ is not equivalent to the services run by the PRC's People's Mediation Committees. The Chinese preference for mediation is deeply rooted in Confucian philosophy, which sees social conflict as disruptive of the natural order of life (Wong 1999; 2005). The PRC's People Mediation Committees are responsible for handling a wide variety of disputes and minor offences as well as for granting divorces. However, they seldom deal with criminal cases even though their enabling ordinance does not clearly forbid them from doing so. Until the People's Mediation Committee

Organizational Regulation was issued by the State Council in 1989, no criminal cases, even minor ones, were dealt with by the People's Mediation Committee; thus, Chinese scholars did not link People's Mediation cases with RJ cases, since the former dealt only with civil cases (Q.T. Li 2010).

Before the recognition given to Western RJ approaches such as the family group conferencing model by some English-speaking countries in the 1990s, criminal reconciliation or mediation had long been used as an informal measure for dealing with community conflicts and disputes in the PRC. For juvenile and youth criminal cases, district authorities in some Chinese provinces have tried to integrate values and models based on reconciliation justice into the criminal justice systems; however, no standardized practice has yet been developed. Judicial and legal personnel involved in community committees, public security organizations, procuracies, judiciaries, and prisons have only recently started to try the Western RJ approach to helping juvenile offenders. For example, a local committee in Shandong province, a public security organization in Shanghai, some procuracies in Hunan and Yuennan provinces, a court in Beijing and Xuzhou, and a prison in Foshan have started to investigate and run pilot RJ programs for juvenile offenders (Xiao 2011; Yao 2007; Ye 2010; Zhao 2010).

Among the RJ practices so far adopted, criminal reconciliation (*xingshi hejie*) seems to be the Chinese RJ practice that shares values and a practice model with the Western RJ approach. Criminal reconciliation is designed for offenders who have committed minor criminal acts but who have shown some degree of remorse during the investigation and prosecution processes (Leng 2011; Li 2011; Song et al. 2009). Criminal acts such as common assault, theft, deception, and traffic offences are commonly handled through the reconciliation method (Song 2010). Some procuracies, like the ones in Zhejiang province and Taiyuen city, have already developed legal documentation to guide criminal reconciliation practices (R.S. Li 2010). Although criminal

**Table 26.1** Themes appearing in the publications

	Frequently, <i>n</i> (%)	Occasionally, <i>n</i> (%)	Never, <i>n</i> (%)	Total, <i>n</i> (%)
1.1 Discussing how RJ can be used to help victims	32 (12.7%)	106 (42.1%)	114 (45.2%)	252 (100%)
1.2 Discussing how RJ can be integrated into the current criminal justice system	85 (33.7%)	45 (17.9%)	122 (48.4%)	252 (100%)
1.3 Discussing how RJ can be integrated into the juvenile justice system	38 (15.1%)	19 (7.5%)	195 (77.4%)	252 (100%)
1.4 Discussing whether RJ can be integrated with Chinese philosophies and politics	58 (23.0%)	76 (30.2%)	118 (46.8%)	252 (100%)
1.5 Discussing the emergence of RJ in the West	39 (15.5%)	157 (62.3%)	56 (22.2%)	252 (100%)

reconciliation shares basic principles with RJ, it is not equivalent to the Western practice. The former approach emphasizes repairing the harm done and restoring relationships, whereas the latter focuses on seeking material compensation for victims (Chen 2009; Zhao 2008). A substantial number of PRC scholars have devoted much time and effort to identifying the similarities and differences between RJ and the PRC's criminal reconciliation (Di and Cha 2007; Li 2009; Zhao and Zhang 2012). More than 24 provinces, self-administrative regions, and municipalities have either pioneered or established a criminal reconciliation approach since 2003 (Su and Ma 2009), though only a portion of minor criminal cases are being handled this way. For example, the official statistics from the local procuracies of Beijing City show that only 667 (14.5%) of their 4,607 minor criminal cases were handled through criminal reconciliation in 2003 (Xiao 2011) and that 194 cases were handled through criminal reconciliation at Changde City in Hunan province in 2010 (Tan 2011). Overall, criminal reconciliation is not yet regarded as the primary means of handling juvenile criminal cases. Nevertheless, as stated in the 2010 PRC Yearbook, the Supreme People's Procuratorate has indicated that such a model will definitely be developed in the near future (Cao 2010).

## 26.4 Evolution of Restorative Justice in the PRC

In order to understand whether RJ is growing rapidly in the PRC, a literature review of Chinese academic journal articles published over the past 5 years was conducted. The review searched all scholarly print journals using the keywords *huifuxing sifa* ("restorative justice") in the China Academic Journals Full-text Database for the period between January 1, 2006 and December 31, 2010. It was found that 261 Chinese academic journal articles contained the keywords; however, 9 cannot be accessed from the Internet database. Thus, only 252 articles were printed for further content analysis. These were obtained from 164 different academic journals, including the renowned *Legal System and Society*, *Legal Forum*, *Youth Studies*, and *Law and Social Development in the PRC*.

Table 26.1 presents statistics on the themes appearing in the articles. The research team classified the concepts relating to the themes according to three levels—"frequently," "occasionally," and "never." For the concept of "victimology," 12.7% talked about how RJ can be used to help victims frequently, 42.1% talked about this occasionally, and 45.2% did not talk about it at all (see item 1.1). Concerning how RJ can be integrated into the current criminal justice system, 33.7% talked about it frequently, 17.9%

**Table 26.2** Distribution of key themes in the publications

Key themes appearing in the publications	<i>n</i>	%
Theme 1: RJ and Victimology	32	12.7%
Theme 2: RJ and Criminal Justice (excluding juvenile justice) in the PRC	85	33.7%
Theme 3: RJ and Juvenile Justice in the PRC	38	15.1%
Theme 4: RJ and Chinese Philosophy and Politics	58	23.0%
Theme 5: Development of RJ in the West	39	15.5%
Total	252	100%

**Table 26.3** Quoting other scholars' scientific research findings, by key themes

Major themes	Never quoted scientific research findings, <i>n</i> (%)	Quoted scientific research findings, <i>n</i> (%)
Theme 1: RJ and Victimology	26 (12.1%)	6 (16.2%)
Theme 2: RJ and Criminal Justice (excluding juvenile justice) in the PRC	72 (33.5%)	13 (35.1%)
Theme 3: RJ and Juvenile Justice in the PRC	26 (12.1%)	12 (32.4%)
Theme 4: RJ and Chinese Philosophy and Politics	56 (26.0%)	2 (5.4%)
Theme 5: Development of RJ in the West	35 (16.3%)	4 (10.8%)
Total	215 (100%)	37 (100%)

occasionally, and 48.4% did not talk about it at all (see item 1.2). Concerning how RJ can be integrated into the juvenile justice system, 15.1% talked about it frequently, 7.5% occasionally, and 77.4% did not talk about it at all (see item 1.3). Concerning whether RJ can be integrated with Chinese philosophies and politics, 23.0% talked about it frequently, 30.2% occasionally, and 46.8% did not talk about it at all (see item 1.4). Finally, concerning the emergence of RJ in the West, 15.5% talked about it frequently, 62.3% occasionally, and 22.2% did not talk about it at all (see item 1.5).

Table 26.2 summarizes the distribution of the key themes. The most commonly mentioned theme was "RJ and Criminal Justice in the PRC," which accounted for 33.7%. The second most common theme was "RJ and Chinese Philosophy and Politics," which accounted for 23.0%. In decreasing order, 15.5% focused on "Development of RJ in the West," 15.1% on "RJ and Juvenile Justice in the PRC," and 12.7% on "RJ and Victimology."

The study also examined whether scientific research findings, real-world examples of RJ,

and international references were quoted. Of 252 articles, 85.3% never quoted any scientific findings to support their arguments (see Table 26.3), 92.9% never quoted any real-world examples of RJ as illustration (see Table 26.4), and 85.3% failed to cite five or more international references (see Table 26.5). However, the concept of "building a harmonious society" pronounced by Hu Jintao, President of the PRC, was frequently quoted. Of the 252 articles, 31.3% quoted this concept to support arguments in favor of using RJ in China (see Table 26.6).

The above results clearly suggest that most RJ journal authors in the PRC do not link their arguments to the most recent development of RJ practices around the world and that few are fully aware of the evolution and current practices of RJ in other PRC provinces and districts. The content analysis revealed that only 37 journal papers quoted scientific research findings as evidence in support of their arguments (see Table 26.3); only 18 journal papers cited real-world examples of RJ in either the PRC or in other countries (see Table 26.4), and only 37 papers quoted 5 or more international references (see Table 26.5).

**Table 26.4** Quoting real-world examples of restorative practices, by key themes

Major themes	Never quoted, <i>n</i> (%)	Quoted, <i>n</i> (%)
Theme 1: RJ and Victimology	29 (12.4%)	3 (16.7%)
Theme 2: RJ and Criminal Justice (excluding juvenile justice) in the PRC	77 (32.9%)	8 (44.4%)
Theme 3: RJ and Juvenile Justice in the PRC	35 (15.0%)	3 (16.7%)
Theme 4: RJ and Chinese Philosophy and Politics	54 (23.1%)	4 (22.2%)
Theme 5: Development of RJ in the West	39 (16.7%)	0 (0.0%)
Total	234 (100%)	18 (100%)

**Table 26.5** Quoting international references, by key themes

Major themes	Never quoted, <i>n</i> (%)	Quoted 1–4, <i>n</i> (%)	Quoted 5 or more, <i>n</i> (%)
Theme 1: RJ and Victimology	6 (6.3%)	24 (20.0%)	2 (5.4%)
Theme 2: RJ and Criminal Justice (excluding juvenile justice) in the PRC	41 (43.2%)	34 (28.3%)	10 (27.0%)
Theme 3: RJ and Juvenile Justice in the PRC	19 (20.0%)	13 (10.8%)	6 (16.2%)
Theme 4: RJ and Chinese Philosophy and Politics	21 (22.1%)	30 (25.0%)	7 (18.9%)
Theme 5: Development of RJ in the West	8 (8.4%)	19 (15.8%)	12 (32.4%)
Total	95 (100%)	120 (100%)	37 (100%)

**Table 26.6** Quoting the concept of “building a harmonious society” pronounced by Hu Jintao, by key themes

Key themes appearing in the publications	Never quoted the concept of “building a harmonious society,” <i>n</i> (%)	Quoted the concept of “building a harmonious society,” <i>n</i> (%)
Theme 1: RJ and Victimology	26 (15.0%)	6 (7.6%)
Theme 2: RJ and Criminal Justice (excluding juvenile justice) in the PRC	53 (30.6%)	32 (40.5%)
Theme 3: RJ and Juvenile Justice in the PRC	29 (16.8%)	9 (11.4%)
Theme 4: RJ and Chinese Philosophy and Politics	36 (20.8%)	22 (27.8%)
Theme 5: Development of RJ in the West	29 (16.8%)	10 (12.7%)
Total	173 (100%)	79 (100%)

Moreover, the journals’ key themes focused on how RJ can be integrated into the criminal justice system and the relationships between RJ and Chinese philosophy and PRC politics. Interestingly, in introducing or discussing the concepts of RJ and its current uses, most authors seemed to rely on just a few Chinese sources (Di 2005; Wang 2005; 2006; Wu 2002). As most papers were not based on original ideas, with

some just repeating the arguments of others without conducting a thorough literature review or scientific study, few papers reached an acceptable international academic standard.

To be fair, though, most of the articles have been valuable in raising the awareness of RJ within the PRC’s academic, social work, and legal fields. Some of the articles were exceptionally well written and included sophisticated



reviews of the PRC's criminal justice practices and discussions of the compatibility of RJ with traditional Chinese philosophies, including Confucianism. Some of the papers pointed out the incompatibility of values between the existing punitive social control model and Western RJ practices. Others pointed out the relationship between the immaturity of the current legal system and the integration of RJ into different levels of the criminal justice process.

Some of the articles dealt effectively with the relationship between RJ and juvenile justice as well. These articles observed that the use of RJ to treat juvenile offender cases is in line with the PRC's current use of the integrated management approach to tackle juvenile delinquency: RJ administers justice through the participation of juvenile offenders, victims, and other concerned stakeholders and emphasizes the repair of the harm done to those affected by crimes and the simultaneous restoration of social relationships and social order. Thus, RJ seems to conform to the national juvenile crime prevention principle of "joint participation and integrated management" and can also help reduce the cost of formal justice programs.

Unfortunately, most of the articles are academically superficial, as the authors fail to reflect in depth on the sociopolitical conditions behind RJ's success overseas. Many authors fail to acknowledge that RJ's overseas success has been dependent on a fair, open, and democratic sociopolitical system. They fail to point out that local PRC police and committees are under the leadership of the municipal government and that the administrative staff may thus be politically biased. The surveyed authors rarely criticize the corrupt sociopolitical culture of the PRC.

Moreover, debates about how real justice could be achieved in the PRC were seldom encountered. China's mediation processes are particularly susceptible to the influence of personal power and persuasion. Outcomes thus often favor those with close ties to the Communist Party or who hold a powerful position in the administration (Wong 2001). However, some proponents of RJ in the PRC think that RJ fits well into the conflict-resolution system com-

monly adopted by local authorities. They assert that RJ could help local authorities save money and resources, since formal measures for resolving conflicts are rather expensive. Their arguments miss the key fact that injustices may occur if attention is not paid to power imbalances among conflicting parties. As the PRC's justice system is not based on the presumption of innocence, the police or procuracy may urge an offender to confess in order to solve the case as quickly as possible. Decisions may be influenced by personal or political considerations rather than the nature of the offence and the offender's situation. It is a pity that so few RJ proponents in the PRC understand that RJ is essentially about empowerment, public participation, reintegration, and restoration.

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## 26.5 Factors Conducive to the Development of Restorative Justice in the PRC

Most of the publications reviewed were in favor of RJ. As Table 26.7 shows, 54.4% were strongly in favor of the development of RJ in the PRC, 41.6% moderately in favor, and only 4% not in favor. The papers did not just advocate the future use of RJ but also documented current RJ practices in the PRC. Undeniably, RJ has flourished over the past 5 years in the PRC. Certain factors may have been especially conducive to this rapid development.

First, RJ shares the traditional Chinese aim of being "against the crime" while wanting to "protect the person" and advocates lenient treatment of juvenile offenders in order to maximize their future potential. It encourages public participation, by which conflicts can be settled through negotiation and communication between the offender and the victim. Apology and financial compensation are used to remedy the harm done by the offender, and more constructive means (such as community service) replace the traditional punishments that deprive offenders of their freedom. Accordingly, RJ is in line with the guiding principles of Chinese juvenile justice, which focuses on "education, reform, and rescue," the

**Table 26.7** In favor of the development of RJ in the PRC

	<i>n</i>	%
7.1 Strongly in favor of RJ implementation in China	137	54.4%
7.2 Moderately in favor of RJ implementation in China, with reservations	105	41.6%
7.3 Not in favor of RJ implementation in China	10	4.0%
Total	252	100%

formula endorsed by the Communist Central Party of China. Restorative practices are also in line with the principle of “double protection,” in which the protection of both community safety and delinquents is respected (Qin and Huang 2010; Shen and Zou 2010).

Second, despite the recent shift in Chinese juvenile justice from an informal “societal” to a formal “juridical” approach (Wong 2001), the Chinese preference for mediation and interpersonal harmony seems to be deeply rooted in Confucian philosophy, which sees social conflict as disruptive of the natural order. In parallel with the recent development of RJ around the world, the continued use of *bangjiao* programs, suspended prosecution, and suspended sentences to treat juvenile delinquents is definitely conducive to the evolution of restorative practices. These practices are rooted in both Confucian philosophy and the indigenous Chinese justice practices that emphasize the harmony among human relationships (Wong 2004; Wong and Mok 2011).

Third, the restorative model of delinquency control is also compatible with the mass line ideology, which welcomes the involvement of indigenous community leaders. The PRC’s ruling Chinese Communist Party believes the mass line ideology to be non-refutable, and it underlies all kinds of social security practices (Zhong 2009). Criminal justice organizations such as the police, courts, and procuracies, all following orthodox Marxism, believe that social control is fruitless without mass involvement. Therefore, substantial emphasis is placed on mass grassroots participation. Crime, delinquency, and social conflicts are matters to be tackled by government officials acting together with indigenous community leaders for the ultimate purpose of building a utopia.

Fourth, RJ focuses on the repair of harm done to the victim and the community. It thus fits in well with the recent “building a harmonious society” slogan pronounced by the President of the PRC. To build this harmonious society, Communist Party members, government officials, scholars, and neighborhood committee members have to work hand in hand to promote this concept throughout the whole nation, including finding ways to subsume administrative and criminal justice practices under the slogan. The restorative model of delinquency control therefore fits perfectly into the mass line ideology, showing support for both the president’s political slogan and the goal of maintaining social stability.

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## 26.6 Restorative Justice: The Way Ahead

The number of news items and journal articles relating to PRC RJ found in the China Core Newspapers Full-text Database and the China Academic Journals Full-text Database increased gradually from 122 pieces in 2006 to 204 pieces in 2010. Obviously, an increasing number of researchers, practitioners, and reporters have recently been writing articles exploring and discussing RJ. These have facilitated the rapid evolution and development of RJ in the PRC. The ideas and practices of RJ are likely to continue to develop in both the academic and professional sectors. The conclusions listed below can be drawn from recent RJ developments.

First, a national legal framework and standardized set of regulations for the proper use of restorative practices should be developed to foster the

wider application of RJ. According to the China Yearbook Full-text Database, the term “restorative justice” had never appeared in any of the central government’s yearbooks but appeared 47 times in the yearbooks of regional governments. For lack of a central legal framework, district authorities employ their own models of restorative practices while handling criminal cases, with practices varying across cities and provinces. Restorative practices are sometimes misused in some areas. For example, we have seen people treat RJ as a way to buy a shortened sentence. If RJ is not firmly linked to the current criminal justice system, many potentially effective RJ practices might remain the objects of academic debate or experimentation, outside the mainstream criminal justice system.

Second, in addition to a clear and legal restorative practice foundation, local communities’ practical experience and wisdom concerning the promotion of RJ are equally important. The active involvement of all the stakeholders involved in the conflicts or crimes at issue is a critical factor in the success of RJ programs. Increasing numbers of regional and district PRC governments have recently started to develop a variety of community correction programs in neighborhoods, schools, universities, and companies. These programs aim to create a social support network for rehabilitating and reintegrating juvenile offenders into the community at the aftercare stage (Sang 2010; Zhao 2011). An increasing number of procuracies are becoming involved in developing RJ practices for juvenile offenders (Zhao and Zhang 2012). These procuracies are working closely with local community leaders, who are active in community supervision. With the increasing number of successful community supervision cases, the ideas of RJ will likely be further promoted in different areas throughout the PRC (Zhao 2010).

## 26.7 Concluding Remarks

The above examination of the evolution of RJ and its practices in the PRC provides readers with precious insights into how RJ and related practices

are conceived and whether Western RJ models should be incorporated into the current criminal justice system without altering them.

This chapter has examined the current juvenile justice system, the emerging restorative practices, and related issues in the PRC. Obviously, the PRC’s RJ movement is only at the initial stage. RJ practices should be carefully developed and implemented on a trial basis and then reviewed as they evolve. Thus, while RJ has developed rapidly over the past decades, scholars and PRC policy makers must devote more energy to formulating a just and fair mechanism that can allow RJ to flourish and be healthily integrated into both the formal and informal social control systems for the benefit of juvenile offenders and the broader community.

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