

# **A critical review of recent literature on crime and criminal justice in China: research findings, challenges, and prospects (Introduction)**

**Lening Zhang · Steven F. Messner · Jianhong Liu**

Published online: 3 July 2008  
© Springer Science + Business Media B.V. 2008

## **Background**

Criminological research was virtually non-existent in China from the time that the Communists took power in 1949 up until the nation initiated the economic reform and “open door” policy in the 1980s. This neglect was due in part to the Communist ideology that crimes, especially street-level crimes, are not compatible with a socialist society. In addition, levels of these types of crime were by all accounts very low. Political directives warned the Chinese people to stay clear of any criminal involvement. As a result, China enjoyed very low crime rates and was characterized by some as a virtually “crime-free” society [2, 5]. Criminological enterprise was not very prevalent.

However, since China implemented its economic reform and open door policy, the level of criminal behavior has been increasing. Official statistics reported a 340% increase of total crime and a tenfold increase in serious crime from 1979 to 1990 [1, 5]. In 1978, the crime rate was 55.91 per 100,000; it reached 355.5 per 100,000 in 2005 [4]. The increases in crime combined with the ascendance of China as an economic superpower have attracted many scholars to the field of crime and criminal justice. China provides a great opportunity for Chinese and Western researchers to advance knowledge and understanding of crime and criminal justice in a different social and cultural setting where there had been virtually no criminological research for a long time. Consequently, studies on China’s crime and criminal justice have

---

L. Zhang (✉)  
Department of Behavioral Sciences, Saint Francis University, Loretto, PA 15940, USA  
e-mail: lzhang@francis.edu

S. F. Messner  
Department of Sociology, University at Albany, SUNY, 1400 Washington Ave.,  
Albany, NY 12222, USA

J. Liu  
Faculty of Social Sciences and Humanities (FSH), University of Macau, Av. Padre Tomas Pereira,  
Taipa, Macau, China

been accumulating since the 1980s, and especially since the 1990s. These studies have covered most major areas of crime and criminal justice.

It is thus a propitious time to review the accumulated research on China's crime and criminal justice system, summarize the major findings, analyze the limitations and challenges, and project the direction of future research. Recently, prominent criminologists have issued impassioned calls for greater emphasis on cross-cultural research to advance our knowledge and understanding of crime and criminal justice [e.g., 3, 6]. This special issue is a response to this call. It takes stock of the criminological research on China—a nation with about a fourth of the world's population.

### **The special issue**

The special issue includes eight review papers. Each paper covers a primary area of crime and criminal justice in China that has been the subject of relatively systematic inquiry since the 1990s. The areas include: (1) data sources in crime and criminal justice; (2) juvenile delinquency and justice; (3) white-collar crime and official corruption; (4) transnational crimes (human smuggling and drug trafficking); (5) criminal victimization; (6) policing China; (7) courts and punishment; and (8) corrections and rehabilitation.

The time period under investigation is 1990 to present. The essays mostly cover peer-reviewed journal articles and books in English, although a few scholarly papers in Chinese are also included. Each paper summarizes the major findings in the literature, analyzes the limitations of the reviewed studies and research challenges, and projects the direction of future research. Most authors in the special issue have considerable expertise and have published extensively in the research areas under review, which makes them particularly well suited to take stock of the literature. Readers are likely to find that China under the economic reform indeed provides a fascinating social context to conduct criminological research. Such research is developing and making contributions to the field of crime and criminal justice, enhancing our understanding of criminal behaviors and social control in a unique social and political context.

The first paper by Jianhong Liu discusses a variety of data sources for crime research in China. These include official statistics, criminal victimization surveys, and self-report surveys. The official crime statistics have been published in the Law Yearbooks since 1978 for selected categories of offending. They are collected from the police, procuratorate, and courts. There are two major criminal victimization surveys that are available for public use. One is the 1994 Beijing survey, which was conducted as part of the International Crime Victim Study sponsored by the United Nations Interregional Crime and Justice Research Institute (UNICRI). Another is the 2004 Tianjin survey that was funded by the National Science Foundation and conducted in collaboration between Tianjin Academy and several U.S. researchers (the results of these surveys are discussed in the paper by Zhuo et al.). Self-report surveys as a crime data source are very limited in China. Liu's paper discusses a few studies that collected data from self-report surveys, such as the Tianjin prison survey. Most surveys of this type have been based on small, convenience samples. The paper provides an analysis and assessment of the data sources in terms of their nature, scope, and utility.

The second paper by Lening Zhang reviews 34 publications in juvenile delinquency and justice since 1990. The review reveals that past studies have assessed the nature and scope of China's juvenile delinquency; individual, group, and institutional factors in delinquency involvement; and the development of China's juvenile justice. The level of delinquency in China is rising although the rate is still lower than those in developed countries. Studies have applied Western theories to investigate the roles of individual characteristics such as emotional states, group factors such as association with delinquent peers, and institutional contributors such as family and schools in delinquency involvement. These studies have found similarities (e.g., peer influence) and differences (e.g., parenting impact) between China and Western countries. In response to the rising delinquency, China has begun developing a juvenile justice system since 1984. A few studies have reviewed and analyzed this development in terms of traditional Chinese philosophy in comparison with Western juvenile justice systems. There are nine publications on juvenile delinquency and justice in Hong Kong, which are reviewed in an independent section because of the different social and political system in Hong Kong. The author draws several conclusions concerning the limitations and challenges of current studies and identifies prospects for future research on China's juvenile delinquency and justice.

White-collar crime and official corruption in particular have been a serious concern in China and have attracted wide attention during the course of the nation's economic reform. The third paper by Olivia Yu is based on a review of the literature on corruption in China. This literature is mainly theoretical, and it relies on materials from the media because of the difficulty of collecting primary information and data on the issue in China. The review reveals that much research has attempted to use Western concepts and theories such as anomie theory to study China's white-collar crime with very limited data. Highly publicized cases or stories on official corruption are often cited to illustrate concepts and theories. At the same time, a few studies have attempted to investigate the historical and institutional roots of corruption. These include the official-centered social culture and one-party control system in which corruption is surging in the developmental context of a market economy. Such an investigation helps us understand the widespread corruption in China that has aroused extensive public concern. The author suggests that more empirical studies are needed to advance our knowledge and understanding of the flourishing white-collar crime in China.

As China implemented an "open door" policy in the early 1980s, transnational criminal activities such as human smuggling and drug trafficking have also been surging. The fourth paper by Sheldon Zhang and Ko-lin Chin reviews the literature on these criminal activities. The authors first identify several main patterns in recent studies of Chinese transnational criminal activities such as a focus on human smuggling. Subsequently, they devote a large part of the paper to the review and analysis of studies on human smuggling, drug trafficking, and the interconnection between transnational crime and official corruption. Most of the reviewed studies are illustrative and descriptive and are based on secondary data or media materials. The authors explain the efforts to conceptualize Chinese transnational criminal activities and develop theories, such as the structural deficiency perspective. They conclude that research on Chinese transnational criminal activities has remained rather limited, and empirical studies with primary data are much needed.

As criminal activities are rising in China since 1980s, there have been increasing concerns about safety and security among Chinese. The fifth paper, by Yue Angela Zhuo, Steven Messner, and Lening Zhang, reviews studies of Chinese experiences with criminal victimization. The authors concentrate their review and analysis on two major studies—the 1994 Beijing survey and the 2004 Tianjin survey. The Beijing survey interviewed a sample of 2,000 respondents from the city of Beijing. The findings indicate that reported crime incidents from the survey respondents are much higher than official crime statistics. At the same time, criminal victimization rates estimated from the survey are appreciably lower than those discovered in developed countries. Because the survey is part of the International Crime Victim Surveys, the measures of potential independent variables are fairly limited. The more recent Tianjin survey collected data from approximately 2,500 households in the city of Tianjin using a multi-stage cluster sampling. This design allows for analyses of both individual-level and neighborhood-level determinants of victimization. Publications generated from the survey demonstrate the applicability of major Western theories such as routine activities theory and social disorganization theory to China with certain adjustment to the Chinese context. At the same time, a few new variables such as semi-public control as indicated by the work and operation of neighborhood committees are identified as reflecting the unique Chinese context. The authors conclude by enumerating several limitations of the studies conducted to date, including the cross-sectional nature of the research designs. They also suggest promising areas for future research, such as conducting qualitative studies to generate new concepts and theories that reflect the Chinese context.

The sixth paper, entitled “Policing in the People’s Republic of China: A Review of Recent Literature,” by Mengyan Dai, reviews and analyzes the literature on the Chinese police. The paper addresses several issues, including Chinese police organizations, policing philosophy, police functions and behaviors, and problems and concerns in China’s policing. The review and analysis indicate that studies since 1990 have addressed to some degree these major issues in policing. They show that Chinese policing is moving to Western-style law enforcement in response to the rising levels of crime. However, these developments reflect unique features of the socio-cultural setting, such as Chinese-style community policing and campaign-style policing, which are rooted in the nation’s long tradition in “popular justice” or mass-line based criminal justice. Because of very limited data sources and strict political control in studies of Chinese policing, most studies reviewed in the paper are preliminary, illustrative, and descriptive. The author provides an assessment of the research limitations and challenges in this particular field of inquiry.

Courts and criminal adjudication are also a major component of the Chinese criminal justice system. The seventh paper by Hong Lu and Bridget Kelly reviews studies addressing these topics. The authors organize their review and analysis along with the dimensions of legal reform in courts and sentencing, determinants in court sentencing and punishment, and China’s capital punishment. Since the 1980s, China has begun reestablishing its criminal justice system through legal reform along with the nation’s movement to a market economy. Such reestablishment and reform have drawn attention from the academic community. Studies have addressed a variety of issues in legal reform such as judicial independence and protection of individual rights. They have also investigated legal and extra-legal factors such as prior criminal

history and judges' exercises of discretionary power in sentencing and punishment. China is one of the few nations that have retained capital punishment. Limited research has surveyed a number of unique features of China's capital punishment such as confessions, legal representation, and a 2-year suspension of execution after sentencing. The authors discuss and assess the studies on these issues. A major challenge, as the authors point out, is again the access to relevant data.

The last paper by Bin Liang and Cornice Wilson reviews studies dealing with China's efforts in corrections and rehabilitation. For the review, the authors group the studies into three clusters: studies of China's correctional system, prison inmates, and recidivism. They also have a separate section that reviews studies on Hong Kong's and Taiwan's correction and rehabilitation because these jurisdictions have different social and political systems. The studies reviewed in the paper highlight distinctive features of China's correctional system, such as reform-through-labor camps and reeducation-through-labor camps. The authors also analyze the assumptions underlying the system. A number of studies have tried to profile inmates' demographic characteristics and their punishment statuses using limited data. For recidivism, a few studies have noted that China has a much lower rate of re-offending compared to those in developed countries such as the United States. On the basis of their review and analysis of these studies, the authors conclude that future research needs to explore the most recent changes in the Chinese criminal justice system and gain more access to information to conduct empirical studies.

## General findings

Although the eight papers in the special issue have addressed different areas, several general findings can be summarized from the analyses. These analyses reveal that criminal activities are rising significantly in China as an unanticipated consequence of the nation's economic reform and open door policy. In response to the rising criminal activities, China is formalizing and strengthening its criminal justice system, although the nation is still striving to retain its tradition of informal control such as social control performed by neighborhood committees. The nation's social control effort represents a unique mix of Chinese tradition and movement toward a more formalized and Westernized legal system.

The mismatch between the development of a market economy and the one-party political control provides an institutional setting where criminal activities such as white-collar crime flourish or are facilitated. Also, many legal issues and concerns (e.g., judicial independence) derive from this mismatch. Most studies that have been reviewed touch upon this unique institutional imbalance in one way or another.

Chinese criminal activities are receiving international attention and crime control is becoming an international enterprise because of emerging globalization. The reviews in this special issue reveal many similarities between the criminal patterns and criminal justice processes in contemporary China and those that have been observed in other developing countries. Many Western theories are applicable to the Chinese context as documented in the studies reviewed, although their application may need to be adjusted and accommodated to the Chinese context. At the same time, various papers call attention to rather unique phenomena in China, such as

widespread criminal activities in bicycle theft and the unique local *Guanxi* (personal network)-based transnational crime. A common theme in the papers in the special issue is that much research on China's crime situation and criminal justice is still preliminary, although a few very recent studies represent significant efforts to bring the research into the mainstream of criminology. The overarching objective of most studies that have been reviewed in this volume has been to assess the applicability of Western concepts and theories to the Chinese context. This is of course a valuable step in the development of cross-cultural research that allows us to determine generalizability. However, an equally important task is to develop new concepts and theories that capture the distinctive features of Chinese society.

Unfortunately, crime data sources are still very limited in China. Many prior studies have had to rely on official publications, small numbers of personal interviews, individual field observations, and other materials that may be biased in unknown ways or that may not reflect the situation in the nation more generally. Efforts to collect primary data through surveys have often been based on small convenience samples that are potentially problematic. No panel studies on criminological phenomena have been conducted in mainland China. As a result, the evidence about crime and social control in China remains rather shaky, although there are a few exceptions that are noted in the review essays.

These limitations and challenges also provide opportunities for future research. As China continues to emerge as an economic superpower and opens up to the world to an ever greater extent, the nation is likely to attract more researchers who are interested in the study of China's crime and criminal justice. We are hopeful that this special issue will serve as a resource for such researchers as they seek to build upon prior work and to develop new initiatives for studying criminological phenomena in Chinese society.

## References

1. Curran, D. J. (1998). Economic reform, the floating population, and crime. *Journal of Contemporary Criminal Justice*, 14(3), 262–280.
2. Fairbank, J. K. (1987). *The great Chinese Revolution: 1800–1985*. New York: Harper and Row.
3. LaFree, G. (2007). Expanding criminology's domain: The American Society of Criminology 2006 Presidential Address. *Criminology*, 45(1), 1–31.
4. Liu, J. (2008). Re-conceptualizing crime patterns during modernization. In E. W. Plywaczewski (Ed.), *Current problems of the penal Law and criminology*. Bialystok, Poland: Temida 2 (in press).
5. Rojek, D. G. (1996). Changing directions of Chinese social control. In C. B. Fields, & R. H. Moore Jr. (Eds.), *Comparative criminal justice: Traditional and nontraditional systems of law and control* (pp. 234–249). Prospect Heights, IL: Waveland.
6. Sampson, R. J. (2006). Collective efficacy theory: Lessons learned and directions for future inquiry. In F. T. Cullen, J. P. Wright, & K. R. Blevins (Eds.), *Taking stock: The status of criminological theory. Advances in criminological theory* (vol. 15, pp. 149–167). New Brunswick, NJ: Transaction.