



COVER SHEET

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Introduction: Crime, Law and Criminology in China

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Over the past two and half decades, China has experienced a profound social transition from a state socialist command economy to a market economy. These fundamental changes have altered every aspect of Chinese society. The economic reform has achieved remarkable success. From 1990 to 2002, China's GDP increased by an average of 9% per annum, making it the sixth largest economy in the world by 2002, with a GDP of \$US1.23 trillion (China Statistical Bureau, 1990–2002). The accelerated economic development has transformed China into one of the world's leading economies. It has become the fastest growing economy in the world and the fifth largest exporting nation, and an engine of growth for the entire Pacific Rim. The opening up of 'Red' China to the world has led to enormous and fundamental changes in the social and economic life of all Chinese people, especially in urban areas and coastal regions.

Social Change, Crime and the Law

China's transformation has also given rise to serious social problems that have required major innovation in the roles of state, provincial and local agencies, including those tasked with policing and social control functions. The sheer magnitude of the changes in economic, governmental and social practices and values has engendered new opportunities and motives to engage in criminal and antisocial activities, while at the same time rendering many traditional methods of public security and crime suppression ineffective. The drive to modernise the policing and regulatory agencies, fraught as it is with the contradictions and dynamism of a transitional economy, is therefore crucial: crime and social disorder have become one of China's most significant social problems.

The problem of crime has attracted increasing scholarly attention and numerous responses from government. Traditional explanations for the causes of crime in China have included factors such as feudalist and counterrevolutionary remnants,

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'residual' influence of the Cultural Revolution, westernisation or western influences, and lack of appropriate laws. Recent research has also pointed to factors such as increased individualism, growing inequality in income, and the weakening of informal social control. The official response has relied on periodic 'hard strikes', legal reforms and comprehensive management strategies to curtail crimes. Official and scholarly accounts generally concur about the factors that influence crime and social disorder:

China is currently in an exceptional historical period, a critical time in which its economy is changing track and society is being transformed, a time of increased reform and opening up. Some Chinese people have been influenced by a wave of the worship of money and extreme individualism. They have antisocial motives, and they rush hastily into danger. Some follow the path of crime. Certain areas of China have been permeated by the influence of criminal society from beyond the borders. In certain areas of China, underworld and evil forces run rampant, people become local tyrants, and criminal activity is common. This has severely disrupted economic construction, social development, and the peaceful lives of the people in certain areas. (Fan & Wang, 2002).¹

In the area of legal development, substantial progress has been made. The importance of dealing with crime under the rule of law is recognised by the Communist Party of China (CPC). In 2001, as a litmus test for the reform process, the Party Central Committee convened a historic National Working Conference on the Work of Maintaining Public Order. This stressed that public order was not just a serious social issue but also a major political issue, and that providing real safety for citizens' lives and property was a crucial responsibility of the CPC and the government. These developments have occurred in the context of an expanding market economy (further stimulated by World Trade Organization [WTO] membership) and of a widely accepted need to develop a comprehensive 'rule of law' framework.

Developments in public and criminal law have been rapid, with both the 1979 Criminal Law fully revised in 1997 and the Criminal Procedural Law revised in 1996. Other significant progress includes the adoption by the National People's Congress (NPC) of the International Covenant on Economic, Social and Cultural Rights in October 1997, ratified in March, 2001, and the International Covenant on Civil and Political Rights, ratified in October, 1998, acceded to in August, 2003. The central government has also promulgated in 2003 administrative procedural laws (Law of the People's Republic of China on State Compensation, the Administrative Punishment Law of the People's Republic of China, and the Procedures for Handling Administrative Review Cases) in an effort to standardise and supervise the way laws are applied. Administrative punishment or detention is a widely criticised feature of the Chinese criminal justice system and provides police with the authority to punish public security offences or 'minor' violations that are not serious enough to be defined in the law as crimes. Administrative punishments are not subject to the usual criminal proceedings and have been linked to police corruption and abuse of human rights. Administrative actions or conduct can now be challenged in court and declared invalid. Significant improvements have been made, as more attention is paid to the protection of the accused and to procedural

fairness. The official media have explained the significance of the enactment of the procedural laws:

Due to the impact of traditional ideas about legal systems that have been the practice in our country over a long period of time, the idea that a tendency toward 'paying greater attention to the execution of the law than to the procedures to execute the law' ha[s] long existed for public security laws. [Problems such as] a weak sense of the rule of law in accordance with given procedures and a lag in the construction of legal systems that govern how the law is executed — have long existed in the public security law system. This has prevented public security institutions from executing the law at a higher level, and hampered improvement of the level of the public security law system. The national government has put forward increasingly higher requirements on the ways in which administrative departments execute laws, and [has] expressly required administrative institutions at all levels to align their execution of the law with laws and regulations. (*Beijing Renmin Ribao*, September 9, 2003, p. 4)

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.

Developing Criminological Knowledge

Despite the government's efforts, crime problems have not receded. As the following Ministry of Public Security assessment for 2001 notes:

It is undeniably true that the public order situation remained extremely serious. ... There was a considerable increase in four categories of crimes against property: theft, robbery, grab-and-run, and swindling. ... Serious crimes such as bombing, murder, robbery, kidnapping, poisoning, and the abduction and sale of women and children were still quite rampant, and criminal gangs of an underground nature ran wild, particularly in certain areas. Certain hooligan forces such as rural tyrants, urban tyrants, and street tyrants did harm to others. The incidence of breaking and entering for theft, strong-arm robbery, and carjacking, and other multiple-crime cases remained high. Criminal activity in the economic sphere was also very prominent (Fan & Wang, 2002).

The unrelenting impact of crime, especially economic crimes, is inadequately understood and there are significant gaps in the sources relied on to evaluate the effectiveness of interventions for reducing the impact of crime and corruption. Within China, there is an urgent need for better knowledge about the causes and impact of crime and the need for both practitioners and scholars to engage in fundamental and critical research on issues of public policy relating to crime and its administration. China offers an important comparative context for the advancement of criminological theory and practice. To develop a vibrant criminological research program it is essential to have access to reliable data sources, but at the moment this presents many difficulties for indigenous criminologists. Credible knowledge and sound policy needs to be based on evidence-based research, which has yet to be developed in China.

Criminology, a discipline whose role is to serve the security of the masses and the state, has an uneven history in China. The earliest studies can be traced back

to the 1920s,² shortly after the revolution that ended the Imperial dynasty, when Western ideas came into vogue and Chinese scholars began to study crime — a notable social problem of the republican era. From 1958 through to 1979 in the period of political campaigns and the Cultural Revolution, however, support for academic research on crime and the teaching of criminology (along with other social sciences) virtually disappeared from the academy. A 1979 report on the problem of juvenile delinquency was endorsed by the Chinese Communist Party Central Committee (Zhou & Cong, 2001); the Chinese Society of Juvenile Delinquency Study was established in 1982 and first published *The Yearbook of Chinese Juvenile Delinquency Research* in 1987. Later, the founding in 1992 of the Chinese Society of Criminology signified the official reemergence of criminology as a distinctive field of sociology and law. Consequently several notable journals, such as *Issues on Juvenile Crimes and Delinquency*, and over 200 texts have been published (Zhou & Cong, 2001; Wang, 2003; Cao, 2004; see also K.C. Wong, 2002, pp. 285–6).³ The role of critical criminological research, and especially evidence-based research methods, nevertheless remains unfamiliar to many Chinese scholars of crime. There is a dearth of detailed statistical analysis of crime victimisation, crime trends, and evaluations of anticrime policies, as well as qualitative studies of criminal behaviour and the role of policing agencies. Despite Deng Xiaoping's often-quoted 'black cat, white cat' pragmatism,⁴ the application of modern methods of social science research as applied to a whole range of criminal justice issues is in its infancy.

Official rectitude about access to data on the prevalence and severity of crime and the problems of crime remains an important barrier to more informed research and dialogue among criminal justice personnel, intellectuals and the masses about the control of crime (and corruption) in China. The inherent difficulty of undertaking useful criminological research without the cooperation and assistance of the agencies involved is well known to western criminologists. For example, the reluctance to report the number of judicial executions in China — which arises from official concerns about the legitimacy and fairness of criticism of China's human rights record — has unfortunately also set the tone for limits on all research based on official access to sources of data on crime. Changes in official attitudes or culture will be crucial if evidence-based research is to provide the information necessary for effective policy development in China. It is also crucial that it reaches the public domain and helps to form the basis of local and self-help responses to crime and corruption. The problem is that officials, especially in law enforcement agencies, see crime statistics as reflecting the 'dark side' of society. This not only causes them to restrict access to data, it also causes problems with the validity of the data that is published. Many public security officials believe that the publication or release of local crime statistics and the incessant reporting of crime by the media would be detrimental to society, both by unnecessarily raising the fear of crime among the citizenry and by exposing the (in)capability of law enforcement.

A major problem with the validity of the official crime data is the reporting and recording of administrative punishment statistics and data interpretation by the police, who often consider crime statistics a measure of police performance (for a detailed discussion see Yang, 1994). The basic problem with such approaches is that

official announcements about trends in crime or successes against crime have become less credible and the masses have grown cynical about the effectiveness of public security organs and their periodic pronouncements about the crime problem. However, widespread use of the tightly controlled media to tout particular success continues and the reader need only cursorily scan Party, provincial and city newspapers or their Internet versions (e.g., the CPC Central Committee's *People's Daily*, *Shenyang Liaoning Ribao*, *Chengdu Sichuan Ribao*, *Beijing Fazhi Ribao* and *Harbin Heilongjiang Ribao*) for frequent references to convictions and arrests relating to the latest public security campaign.⁵

Law enforcement activity measured by 'figures' or quantities is often referred to but is seldom contextualised, as in the following example of the success of antismuggling activities under the rubric 'joining forces in the smuggling crack-down, taking concerted action and tackling the problem in a comprehensive way':

According to statistics, between 1998 and 2002, customs offices nationwide managed to crack 55,755 smuggling cases valued at 43.037 billion yuan; public security organs managed to crack over 14,000 smuggling cases valued at approximately 2 billion yuan; industry and commerce departments managed to crack 26,914 smuggling cases valued at 6.02 billion yuan; and the tobacco system managed to crack over 220,000 tobacco smuggling cases. Procuratorates at all levels prosecuted 7,030 people suspected of committing smuggling crimes. Courts at all levels handled 3,324 smuggling cases of various kinds and passed judgments on 4,690 smuggling criminals according to law. Since 1999, the yearly total value of the smuggling cases solved by law enforcement agencies like customs offices, public security organs, frontier guards, as well as industry and commerce departments, among others, has noticeably declined (*People's Daily*, 2003).

While this quotation may give some sense of the probable scale of the crimes in question, the interpretation that a decline in the value of illegal cases constitutes a measure of law enforcement success is less probative. The misuse or beautification of 'statistics' by law enforcement agencies is neither new nor confined to China, but the absence of independent means of verification poses problems for the development of criminology. China, like most nations, regards indices of crime and punishment as both social facts and measures of general civility. Low crime rates (validated until recently by large-scale government crime victim surveys), for example in Hong Kong, are widely touted as evidence that the city is very safe for tourists, visitors and businesses, and is a source of civic pride. Under such circumstances it is not surprising (and hardly unique to China) that crime statistics and their interpretation are regarded as objects for intense state control and not as contested and incomplete measures of the crime phenomena that are often the focus of criminological concern. The elevation of the importance of accurate and meaningful measures of crime should also be seen in the context of the state's general need to 'correct untruthful statistics' (*Beijing Jingji Ribao*, ??).

As we have seen, the role of criminological research, and especially evidence-based research methods, remains unfamiliar to many Chinese scholars of crime. The application of modern methods of social science research as applied to a whole range of crime and criminal justice issues is in its infancy. Yet Chinese scholars have begun debating many important topics, including the long-term effectiveness

of the periodic 'hard strike' (*yanda*) crime campaigns, which have been a mainstay since 1983; the rise of local and foreign crime syndicates; the value of comprehensive crime prevention strategies in urban environments; the crime reduction role of certain penal regimes for young offenders; and the effectiveness of the widespread use of capital punishment in deterring crime. It is likely that the debate over the curtailment of the death penalty will gather pace and assume greater significance in the reform process (see Zhao, 2004). However, the debates on these topics are often fuelled more by ideological nuances than by criminological evidence about practice and outcomes.

Given the importance of crime control to market formation and the legitimacy of the state, the development of evidence-based research is essential. In this special issue of the *Australia and New Zealand Journal of Criminology*, we have included papers by scholars who address some of the important theoretical and empirical questions on crime, social transition, and the changing role of policing in China. Limitations of space and time did not permit a wider and more general coverage of crime and its control in China and regrettably many issues, such as the widespread abuse of patent and trademark law (Zhao & Huang, 2004), money-laundering countermeasures, drug and human trafficking, prostitution, the suppression of sects, the role of the courts and correctional programs, were unable to be addressed here. One of the most important but least understood developments is the increasing role of organised or syndicate crime and its cross-border dimensions.

China and the Internationalisation of Crime

China's 'opening up' policy and its rapid development as a market economy has allowed foreign criminal groups to establish relationships with local groups and to invest directly or indirectly in licit or illicit business. This infiltration of foreign syndicates has helped to develop, through leadership and effective communications, the vast size and reach that serious criminal groups have in many cities and towns across China. The most insidious aspects have been the criminal investment in factories (both licit and illicit), including state-owned enterprises, through the corruption of public servants and CPC officials at high levels. When all this is combined with the traditional activities of loose-knit rural gangs who bully village heads, openly resist local police, and make money from 'entertainment', extortion and protection at village, district and county market fairs, the scale of organised criminal activity is seen to be considerable (Zheng, 2003). However, these criminal groups and syndicates have not yet gained overwhelming financial strength or territorial cohesiveness. In response, crime prevention efforts as well as legal reforms such as amendments to the criminal law have been put in place to enable law enforcement officers to respond with greater vigour (Zhang, 2003). The amendments target criminal leaders, foreign syndicates and state officials who harbour or connive at criminal syndicates and related offences.⁶

As a consequence of the opening up of China, western law enforcement agencies have also been concerned with the potential expansion of the role of Chinese criminal networks, for example in drug and human smuggling, while the Chinese authorities have been equally concerned about the inroads foreign criminal syndicates have made and the increasing sophistication of organised crime in

many parts of China. As a consequence, Chinese law enforcement agencies have belatedly embarked on rapidly developing effective partnerships with overseas policing agencies and have made efforts to enhance mutual legal assistance. As a signatory to the 2000 *United Nations Convention Against Transnational Organised Crime*, China is committed to greater international cooperation in policing and fully recognises that such cooperation is essential if problems of cyber-crime and serious cross-border crime are to be tackled (Zhao, 2004). China's law enforcement agencies are thus as vulnerable as other countries in their attempts to combat these crimes (which include the smuggling of weapons, people, drugs, protected species and antiquities). Thus engagement with foreign law enforcement via joint operations and shared intelligence is now an essential element in the modernisation of policing. Law enforcement cooperation between China and its trading partners will help ease the risk of criminals exploiting the gaps in international law enforcement.

Research Questions

The contributors in this special issue address three important and interrelated topics. First is a review of the major macro-level social sources of crime that are yet to be explicitly and systematically addressed in China. Second is the examination of the prevalence and character of newly emerging and conventional crimes in China and the role of criminality in capitalising on opportunities for illegal wealth in China's massive market economy. Third is the assessment of the changing responses to crime by police and other regulatory agencies. From 'hard strike' to changes in policing operations and administration, China has made progress in its response to crime problems, but research and evaluation are yet to have a noticeable impact on policy.

The article 'Social Transition and Crime in China: An Economic Motivation Thesis' by Jianhong Liu is an attempt to extend theoretical perspectives about crime during the transition from state socialism to a market economy by proposing economic motivation as the engine of the changing crime patterns. Unlike existing perspectives about crime during periods of social change, Liu argues that dramatically stimulated economic motivation alongside the introduction of market institutions is a primary social source for motivating crimes in China. Existing functional perspectives generally predict the increase of property crimes in societies undergoing rapid modernisation, while the economic motivation thesis predicts a particular pattern of crime: economically motivated crimes will increase at a greater rate than crimes that are not economically motivated or less so, because structural changes arising from modernisation induce 'institutional incompatibility' and 'institutional disorganisation' in the transition from a command to a market economy.

Four articles address questions about the prevalence and character of crimes in China, and offer analyses about the factors that influence offending. Børge Bakken's article 'Moral Panics, Crime Rates and Harsh Punishment in China' describes crime trends in China and analyses the underlying social processes in the production of statistical measures of crime. Bakken reassesses the alarm over crime, especially juvenile crime, in the context of socialist idealism about the eventual eradication of crime, and he makes a convincing case for a reassessment of the

overreliance on deterrence and harsh punishment, especially capital punishment. Regardless of whether 'justice in the public square' or 'justice in the theatre' have been advocated, Chinese public security authorities have continued the theme of stern and severe sanctions captured by the idiom 'kill the chicken to scare the monkey'. Like other jurisdictions, China has endured an increase and subsequent decline in the proportion of young males in its population, which is associated with the rise and fall in crime rates (given the acute gender imbalance now evident, such demographic shifts remain relevant). Bakken argues that China's crime control policies have been predicated on a literal interpretation of these shifts in crime statistics without an understanding of how changes in the age structure and the side effects of unaccountable regulatory activity in command economies may influence the production of crime.

The article 'Risk and Protective Factors Related to Offending: Results from a Chinese Cohort Study' by Terrance Taylor, Paul Friday, Xin Ren, Elmar Weitekamp and Hans-Jürgen Kerner describes the results of their follow-up of a cohort study of delinquency in Wuhan, China. The project was originally inspired by the late Marvin Wolfgang, who provided the stimulus for this replication study in China and whose seminal 1972 study *Delinquency in a Birth Cohort* was a significant contribution to our understanding of the role of 'chronic offenders' in the prevalence of crime and the pathways to delinquent careers. The paper examines how the accumulation of risk and protective factors in various domains differentiates offenders from nonoffenders in the Chinese context. The authors extend the risk assessment approach to a nonwestern context, and report significant findings in support of the relevance of context in influencing what factors may increase risk or provide protection against delinquency.

While the Wuhan study focuses on Chinese juvenile offenders, Zhigang Wei, Ross Homel, Jeremy Pritchard and Jian Xu's article 'Patterns of Juvenile Offending in Shanghai and Brisbane' takes a direct comparative approach. It analyses a sample of juveniles from Shanghai and Brisbane and explores the differences and similarities between their respective delinquency participation rates, the relationship between age and delinquent behaviour, and the characteristics of offending. The results shows that Shanghai juveniles have significantly lower rates of delinquency and start at an older age but that the nature of the offences committed by both groups are similar. The authors conclude by discussing the likely cultural reasons for these differences and suggest, among other things, that the youth of Shanghai are subject to greater restrictions than their Brisbane counterparts.

Another crucial question is the nature of changes in the legal system and in the role of the government. China's approach has evolved from a more informal to a more formal model of social control. These changes reflect the changing social reality. We selected papers that reflect the change in approaches to punishment and laws regarding juvenile protection and delinquency prevention, and to policing. The paper 'Juvenile Protection and Delinquency Prevention Policies in China' by Dennis Wong introduces two recent laws regarding the protection of juveniles and prevention of delinquency (the Juvenile Protection Law 1991 and the Preventing Juvenile Delinquency Law 1999). He places these legal reforms in their broader social context and in contrast to the traditional emphasis on restorative-style

mediation based on Confucian philosophy and indigenous Chinese justice practices. He analyses the changing models of social control as applied to 'unhealthy' juveniles and stresses that a significant change in China has been the transition from a traditional informal model relying on family, school and neighbourhoods to a more formal model governed by legal procedures and structured interventions. He argues that a probable outcome of these developments may be an increase in custodial interventions given the abrupt decline in mediation-style approaches following the introduction of specific laws for juvenile offenders, although educational assistance will continue to be a key element.

The article 'Govern Police by Law (*Yifa Zhijing*)' by Kam C. Wong reports on the reforms and changes in policing in China. Given the dramatic social changes, there is an increasing need to protect the legal rights of those in contact with police, to ensure procedural fairness, and to prevent police corruption and abuse of their power. Giving effect to transparency and accountability in all areas of governance, especially the actions of policing agencies, remains a considerable challenge and China's persistently low ranking in comparative studies of bribery and corruption reflects the difficulties encountered in practice (e.g., see Transparency International Perception of Corruption Index, available at <http://www.transparency.de>). These changes represent a significant move by the government to rely on laws to govern police, and to build a police force that is more professional, systematic, standardised and rule-bound. The article reviews the history of the development of police laws, examines present problems, and discusses the future of the police law reform process begun by the new Law on People's Police of the PRC 1995, which replaced the slender Police Act 1957. This new basic law of police has revolutionised, institutionalised and modernised policing in China. The paper also focuses on how current challenges to police legitimacy in China have been addressed. These measures have included wider use of the media via supervision of 'public opinion', the reinvigoration of the NPC's supervisory functions, and the enhanced role of the procuratorial office in providing oversight of policing. As Kam Wong observes, the CPC has always seen law as 'an instrumentality of the political state, not an independent moral force', a view that he argues is consistent with the traditional Chinese worldview.

Finally, the article by Wing Hong Chui and Loraine Gelsthorpe, 'In the Eyes of Hong Kong Chinese Female Drug Offenders', offers detailed insights from 10 in-depth interviews with female offenders about the subtle and not-so-subtle effects of probation programs experienced by female drug offenders in Hong Kong (since 1997 a Special Administrative Region of China). For the authors, these women's involvement in drugs appears to be influenced by structural inequalities, emotional needs, and abusive or neglectful relationships. Gender inequality in conservative family-centred Hong Kong provides few avenues for advancement for lower-class women, and consequently drug use and associated minor trafficking may support the material lifestyle required in a society oriented to money and success. The rehabilitation ideal, often abandoned elsewhere, remains an organising principle of community corrections in Hong Kong. To 'advise, assist and befriend' is the lodestar of probation practices that would be regarded as intensive in many other jurisdictions. This rubric is deployed in the context of disciplinary welfare and is

seldom realised because of high caseloads and the moralistic undertone of the principal intervention, counselling. Clear implications of gender differences are observed in the misfit of probation practices geared towards the male majority, but the authors argue that a more gender-nuanced approach may still hold promise for such women.

Social transition and its impact on crime, law and government responses have become an increasingly important area of research in criminology. We hope the publication of this special issue of the *Australian and New Zealand Journal of Criminology* adds impetus to the development of sound research on the problems of crime in China, and with this a broader interest in the role of comparative research in academia and among policymakers. Although much remains to be done to place criminological research in China on a credible footing, these papers are offered as one of the many small steps that will be necessary to achieve a worthy and credible 'scientific' criminology in greater China.

Endnotes

- 1 Furthermore, 'The gradual conversion of the economic system and the acceleration of the pace of economic restructuring, and in particular the various economic and financial risks and social pressures that will follow China's formal accession to the WTO, will all inevitably have a major impact on China's efforts regarding social and public order. The many kinds of deep-rooted contradictions and problems in society will also be exposed further, with the possibility that various kinds of negative factors which incite crime may proliferate' (Fan & Wang, 2002).
- 2 Liu Lensheng translated Lombroso's work into Chinese in 1922. The first Chinese textbook by Li Jianhua was published in 1932 and according to Cao (2003, p. 4) continues to be cited by Chinese scholars.
- 3 Several key national journals have now been established such as the bi-monthly *Issues on Juvenile Crimes and Delinquency* based at the South-East Political and Legal University in Shanghai and published by the Ministry of Justice and the Shanghai Education Commission. This publication states it is 'the only public journal in the mainland China with a focus on studying and reporting juvenile delinquency, juvenile justice, and protection of youth' (Retrieved September 24, 2004, from <http://www.east-law.com/huazhengqikan/qingshaonian.htm>). The journal of the Chinese Society of Police, *Public Security Research* (in English 'Policing Studies'), has been published by the Ministry of Public Security (Institute of Public Security) since 1988 as a quarterly, bi-monthly from 1990, and monthly since 2001 and deems itself 'an international public journal'. It complements the *Journal of People's Public Security*, an internal publication of the Ministry of Public Security launched in 1952. Every university or college has its own journal and the most relevant of these is *The Journal of People's Public Security University*. Journals affiliated to the various political and legal universities also publish works on crime and criminal justice and nearly every province has its own public security college and their own journals. There are also the various law journals publishing works on crime and delinquency, for example *China Law (Zhongguo Faxue)*, *Law Studies (Faxue Yanjiu)*, *Contemporary Law (Xiandai Faxue)*, *Forum on Politics and Law (Zhengfa Luntan)*; and several journals covering the social sciences or youth issues also publish works on crime and criminal justice, for example *China Social Sciences* and *Youth Studies*.
- 4 Former President Deng Xiaoping's metaphor comes from his now famous speech 'How to rebuild agriculture' given on July 7, 1962 at the 7th plenary of the 3rd National Congress of Communist Youth's League, in which he advocated the 'contracted responsibility system' for the reform of agriculture. Shortly afterwards he was denounced by Mao and vilified during the Cultural Revolution. In the reform era, however, the 'contracted responsibility system'

became the backbone of agricultural reform in China. 'White cat' should be literally translated as 'yellow cat'.

- 5 A typical example arising from efforts to 'strike hard' against syndicate crime and the protection or 'umbrella' they often buy from local officials is reported in *Beijing Fazhi Ribao* (August 26, 2003, p. 2): 'On 25 August 2003, in its initial trial, Qitaihe Court sentenced Zhang Fengxiang (1728 7685 4382) to 20 years imprisonment for leading a criminal syndicate like organisation, bribery and organising prostitution. The court sentenced Li Xiuhe (2621 4423 3109) and 12 others to prison terms of from one year six months to 10 years. The court also punished Shen Zhicheng (3088 1807 2052), the deputy secretary of the Municipal Committee and concurrent secretary of the Political Science and Law Committee of Qitaihe City for protecting triad gangsters. From December 1999 to May 2002, Zhang, age 39 (6855 0337), the chairman of Jin Yuan Club and a member of the Municipal People's Congress of Qitaihe, opened casinos, nightclubs, pornography saunas, and other illegal entertainment places. He offered bribes, organising Russian women to engage in prostitution and pornographic dancing, and illegally possessed revolvers, hunting rifles and submachine guns. He employed several dozen 'guards' and falsely reported registered capital and illegally attracted public deposits'.
- 6 The criminal organisation laws of PR China differ from that of other jurisdictions. Article 294 of the Criminal Law of the People's Republic of China states in part, 'Whoever organizes, leads, or actively participates in an organization with characteristics of a criminal syndicate, which carries out lawless and criminal activities in an organized manner through violence, threat, or other means, with the aim of playing the tyrant in a locality, committing all sorts of crimes, bullying and harming the masses, and doing what has seriously undermined [the] economic and social order is to be sentenced to not less than three years but not more than ten years of fixed-term imprisonment. Other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights'. A significant amendment to Article 294 states, 'mere participation in criminal syndicates constitutes the crime of criminal syndicate and deserves imprisonment below three years, labour in detention, surveillance or deprivation of political rights'. Article 26 already provides that a 'ringleader' 'who organizes or leads a criminal group shall be punished on the basis of all the crimes that the criminal group has committed'.

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