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Dear Members,

Welcome to the May issue of ACCCJUS Newsletter. Our usual 'Good news' from members and (Greater) China publications compilation sections are reserved for the early November edition (which will also have any relevant AGM business prior to the Atlanta ASC meeting). In this issue we present two new sections:

- 'Getting to know you' Q & A time with members Shanhe Jiang, Hong Lu and Ivan Sun
- 'Books of interest' reviewed

Remember that previous issues of the Newsletter can be downloaded from the official ACCCJUS website <http://acccj.org/> !!

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'Getting to know you'

In a recently published piece of research using a self-completion survey methodology, one of our ACCCJUS colleagues and board member, Mengyan Dai, has looked at the motivations of Chinese students who have chosen to come to the United States to earn doctorates in Criminology/Criminal Justice, their decisions to remain or go back home, and then their involvement in scholarly research on Criminology/Criminal Justice issues back home (see J. I. Ross and M Dai (2012) *The Dissemination of Criminological and Criminal Justice Knowledge and Practice: A Profile of People's Republic of China Scholars Who Earn Doctorates in the United States* *Asian Journal of Criminology* 7:225–238 : DOI 10.1007). Seen in a wider framework, this kind of work sits nicely with the recognition of the importance of life stories (biography) in thinking about the criminological enterprise. The famous American poet T.S. Eliot once noted that 'Home is where one starts from' (*The Four Quartets*) – a reaffirmation of who we are is very much a reflection of home, and the place and environment in which we grew up. Yet, as has been pointed out, criminology as a discipline, has never embraced the idea of research that is based on the study of the individual. There is a suspicion of what the 'individual', or more accurately, 'the personal' has to offer (see Goodey, J 2000 *Biographical lessons for*

criminology, *Theoretical Criminology* 4 (4): 473-498). From 'the individual' criminologist we can recover social processes, networks, social change and so on, for people are located in a social and cultural environment which constructs and shapes not only what we see but also how we see it. Biography is testimony to the centrality of the social in people's lives which is reflected in the suggestion that people act towards things on the basis of the meanings the things have for them. In this way, individual life stories act as a kind of 'social biography'. Such life histories, properly conducted, reveal and demystify criminology at large, by showing how it could be seen actually as a pragmatic, grounded and contingent process very different from the impersonal, abstract and highly formal business of scholarly reasoning (excellent examples of revealing examinations of this type include John Laub's *Criminology in the Making: An Oral History*, Boston: Northeastern University Press, 1983; and the British edited collection by Simon Holdaway and Paul Rock *Thinking about Criminology*, London: UCL Press, 1998; also Charles Hou's 'My life as a criminologist' in Winterdyk, J and L. Cao (Eds) *Lessons from Comparative/ International Criminology* Willowdale, Canada: De Sitter Publications). From such an approach one gets a glimpse of the private life of 'theory', and of how there may often be only a slight existential gap between the seemingly impersonal domain of research and the personal domain of the criminologist-researcher. As academics, we all write within academic traditions and indeed political/economic circumstances that to some extent form the objects about which we write. Of course our scholarly research is not merely an unedited outpouring of subjective statements. It has its academic controls, professional demands and publicly acceptable forms that give it shape, discipline and anonymity, that distance it from the person who conducts it, but it is also perhaps more intimate than many may have supposed. Criminologists, like everyone else, are products of their time, relics of their engagements. Our idea for a Q&A with colleagues section in the Newsletter is on a much lighter plane, but draws on the above sentiments. Put simply, it is good to get to know you...

Getting to know a little about you through six quick questions....

As academics we work within very often formal forms (conference papers, research articles, books and so on); and this creates a distance from the personal. The idea behind this new section of the Newsletter is allow ACCCJUS Board and former Board members to reflect on influences on them, hopefully giving some insights for others, often younger criminologists, into aspects of former times and how lives lived interact with the academic realm. In this issue three of our distinguished ACCCJ colleagues tell us a little about themselves in their own words....read on...

First up - Shanhe

1. *Thinking about your career in criminology/criminal justice, what and who have been the greatest influences on you? (it perhaps may be an inspirational schoolteacher, university teacher or supervisor who helped shape your interest in criminology or your later ideas and research)*

Dr. Eric Lambert has the greatest influences on me during my career in criminology/criminal justice. During my transition from sociology to criminology/criminal justice, he encouraged me to organize a seven-nation survey with him and conduct other types of research. He and I, along with several other colleagues, have coauthored more than 15 papers. Our collaboration helps me to develop my research interests and skills. He always respects his research partners and does his best for our collaborative research projects no matter he is principal investigator or not. I have learned a lot from him and enjoyed the collaboration with him. I have my highest respect to him.

2. *Thinking back, what was your biggest challenge during graduate studies in criminology/criminal justice? How did you overcome this challenge?*

My dissertation was in organizations rather than criminology/criminal justice. Thus, my biggest challenge in my career in criminology/criminal justice was from my transition from sociology to criminology. The key to overcome the challenge is to trust yourself and make right choices. The first choice I made was to choose corrections as my first research area in criminology/criminal justice. The choice was based on two reasons. First, there was a lack of research in corrections. Second, I had a colleague who loved research in corrections. Using our strengths, we published several articles in corrections. One of the articles is the 8th most cited article in *The Prison Journal*. When I met Dr. Eric Lambert in 2004, he helped me to extend my research interests to comparative views of crime, crime control and punishment. The expansion was based on these two reasons: first, there was a lack of research in the field; and second, I believe I found a good research partner. When I chose other research areas after 2004, I also based on the same reasons as above. My belief is that the nature of research is innovation. Exploring new areas and developing relevant research skills are the key elements for advancing knowledge in criminology and criminal justice.

3. *If you were compelled to identify a key book in the criminology/criminal justice field which you would recommend all students (and fellow academics!) to read – what would it be? Why?*

I would recommend students to build up a solid foundation in both theory and methodology. World is changing, so are we. In our career, we need to continually improve ourselves in order to fit ourselves to the changing world. When we have a good foundation in theory and methodology, we are able to advance ourselves. Today, interdisciplinary collaboration is the key for innovation in a research field since it brings different perspectives from different disciplines. Without a good understanding of methodology, it would be very difficult for scholars from different disciplines to collaborate.

4. *What would be your practical advice to potential graduate students entering the field?*

My answers to the previously questions are partially applied to this question. To be more specific, students should

- a. build up a solid foundation in theory and methodology;
- b. choose a research area in which you are really interested and you have a potential to make contribution;
- c. work hard if you are not genius;
- d. be ready and able to work with scholars from different disciplines.

5. *What do you think are the key challenges facing the discipline of criminology/criminal justice now and in the near future?*

One key challenge is that criminology/criminal justice needs both theoretical and practical orientations. Without theoretical development, the discipline is hard to survive. At the same time, if the discipline cannot help a society solve problems it faces, it is difficult to get funding from a government and attract students to the field. Thus, the discipline needs a balance of these two needs.

Another key challenge is that criminology and criminal justice needs globalization. To date, theories in criminology and criminal justice are primarily from the West especially the U.S. It is questionable whether these theories are applicable to non-Western societies.

Another challenge is interdisciplinary collaboration. Crime has different causes. Research on etiology of crime is still limited. For example, we still lack research from biological perspective, geographical perspective, and cross-cultural perspective.

6. *How do you like to spend your leisure time ? (reading novels/ movies/ theatre/ listening to or playing music ?)*

I love chatting with friends. It is relaxing and sometimes leads to a critical thinking. I like to play poker. This activity allows me to make friends from different areas of research and different occupations. My playing partners include businessmen, medical doctors, engineers, and professors in mathematics, medicine, chemistry, biology, physics, and others. Thus, besides enjoying the play, I often can learn new knowledge from players. I also like to watch Chinese soap operas. It is relaxing. It is also a channel to understand China.

Second up.. Hong

1. *Thinking about your career in criminology, what and who have been the greatest influences on you ? (it perhaps may be an inspirational schoolteacher, university teacher or supervisor who helped shape your interest in criminology or your later ideas and research)*

For me, getting in a career in criminology is more of an accident than a plan. However, I have always been grateful for the three individuals who have influenced me the most: Harold Pepinsky of Indiana University, Bloomington, whose intelligence and keen interests in politics, crime and law inspired me to see the value of social science research. More so, his respect for knowledge, truth, and his TAs (I was one of them) has had profound impact on how I mentor my students. Marjorie Zatz of Arizona State University not only affected my career directions (I still remember the long talks I had with her about why continuing with my Ph.D. education during the dark days of writing the dissertation), but also instilled her passion in research and professional ethics (She epitomizes the term “workaholic”) in me. John Braithwaite of Australian National University, one of the most accomplished criminologists of our times, had a great influence on me, not because of his groundbreaking theory on reintegrative shaming (which I am a big fan of), but because of his humility and encouragement. I have been trying to conduct my professional life following their footsteps.

2. *Thinking back, what was your biggest challenge during graduate studies in criminology? How did you overcome this challenge?*

My biggest challenge during graduate studies in criminology was language (besides the culture and lack of role models in the field). It took years for me to build the confidence and ability to communicate in the English language (both oral and written).

How did I overcome this challenge? I am still a work in progress. I still remember typing the books word-for-word on an old Mac during my first year of coming to the U.S. (1990). I found it to be very

effective in getting acquainted with the criminological terms, authors, and professional writing styles (e.g., sentence structures, punctuations). Also, I used the Writing Centers a lot. When it is not enough to meet my writing needs, I would go to the library to ask anyone to correct my sentences. I also tried to surround myself only with the English environment (e.g., I used to watch CNN with closed captioning several hours a day to learn English – For me, news is the best way and movies is the worst way to learn English). Over the years, I have learned to be patient with writing by focusing on one sentence at a time, and have developed a thick skin when being criticized of my poor writings. I am still a work-in-progress, but at least I now have the confidence to finally say that language is only a tool to communicate with others; if what I have is not the best tool, there are other ways to get the job done.

3. *If you were compelled to identify a key book in the criminology field which you would recommend all students (and fellow academics !) to read – what would it be ? Why ?*

John Braithwaite's 1989 book on "Crime, Shame and Reintegration" by Cambridge.

First of all, it is an interesting read.

Second, it provides a summary of all major criminological theories and synthesizes them into a coherent framework that helps predict criminal behavior.

Third, the theory emphasizes the social and individual context that could be applicable to both developed and developing countries. And most important, it does not depict punishment and rehabilitation as a dichotomy that cannot coexist.

To simply put it, the theory just makes sense.

4. *What would be your practical advice to potential graduate students entering the field?*

Three golden rules: reaching out, reaching out, and reaching out.

At first I would say: show up, show up and show up early. However, many Chinese students are hard workers. So it should not be a problem. Reaching out is.

It is crucial for you to reach out to your professors, fellow classmates, and professors in other criminology programs that may have the same research interests. This is because you will find support, understanding, and the right information and guidance to avoid mistakes. Make yourself visible and stand out for professors and classmates by asking questions, seeking advice and offering help to others. You could also call or email professor in a different program by sharing research ideas, asking if you could be of any help on a research project, etc. Going to professional conferences such as the ASC is a great way of meeting people and building your professional network. I have had several experiences with students who sent me their thesis/dissertation/paper for suggestions. In each of these cases, I was more than happy to help. So I encourage potential students to do the same.

5. *What do you think are the key challenges facing the discipline of criminology now and in the near future ?*

The key challenges facing the discipline of criminology are data (e.g., data access and data quality). It is not uncommon for social science research to generate mixed or contradictory findings on the same subject issues (e.g., the death penalty and deterrence). For comparative scholars, issues of data access and data quality are even more problematic. While there has been a significant improvement in data availability and databases regarding crime and the legal system in China, China has yet to compile and publish comprehensive national data on crime and the criminal justice system as detailed as its Western counterparts (e.g., the UCR and NCVS). In addition, I'd like to see better documentation of various legal decisions (e.g. an arrest, prosecuting, and sentencing) so as to allow social scientists to understand how decisions are made in each of these critical stages of the criminal justice process.

One related issue is resource. While it is applauded that the Chinese government took the initiative to offer grants to various scholarly activities, it is imperative to train and upgrade legal professionals' knowledge and skills in processing criminal cases. In this regard, all of us in the field of criminology share some responsibilities to raise awareness to the policy makers and legal practitioners how important it is to preserve data and make them accessible for social science research, and when possible, to take part in the training and reform efforts.

6. *How do you like to spend your leisure time ? (reading novels/ movies/ theatre/ listening to or playing music ?*

Painting. Cooking. Gardening. Traveling. AND watching my favorite Korean dramas!

Finally for this issue...Ivan

1. *Thinking about your career in criminology, what and who have been the greatest influences on you ? (it perhaps may be an inspirational schoolteacher, university teacher or supervisor who helped shape your interest in criminology or your later ideas and research)*

It was the 1992 spring semester when I first came into contact with the field of criminology. I was pursuing my MBA at George Washington University in Washington DC, and was in need of 6 more credits to complete my degree. I wanted to learn about criminology, so I took a juvenile justice course offered by sociology Professor Bill Chambliss. Although I had many years of field experience as a law enforcement officer in Taiwan, my knowledge about theories of criminal behavior and justice was quite limited. The course was an eye-opening experience to me. I was amazed by Chambliss' critical thinking about justice and how social conflicts were settled through many imperfect ways. By the end of that semester, my intention to further study criminology was greatly reinforced.

Two years later, I started my doctoral study in criminal Justice at Albany. I was fortunately trained in various subjects by an excellent group of Albany faculty, including Robert Worden's theories of police behavior, David Bayley's comparative research, Terrence Thornberry's criminological theories,

Vincent O'Leary's community corrections, Alan Lizotte and David McDowall's research methods and statistics, Alissa Worden's sentencing and adjudication, and David Duffee and Hans Toch's planned change. My teaching and research have been deeply influenced by and substantially benefitted from their knowledge, guidance, and mentorship.

2. *Thinking back, what was your biggest challenge during graduate studies in criminology? How did you overcome this challenge?*

The biggest challenge was the uncertainty of my future career. I started my doctoral study in 1994 and was hoping to finish my study and go back to Taiwan in three years. Apparently, I was overly sanguine. In 1997, I was given two options: either returning to Taiwan to assume my previous position or resigning from government service. Even though I have never regretted my choice, the decision to leave the agency and job that I had worked and liked so much for 13 years was a difficult one. Fortunately, I had very strong family support, especially my parents' generous financial assistance, which enabled my family to stay on course and myself to successfully complete my degree after quitting my job.

3. *If you were compelled to identify a key book in the criminology field which you would recommend all students (and fellow academics !) to read – what would it be ? Why ?*

I would recommend Donald Black's *The Behavior of Law*. This is one of the first books that I read for my graduate course nearly twenty years ago. Although Black's theory has stirred substantial debates and received no more than modest empirical support, it remains highly relevant today to criminological and criminal justice research. I like its parsimony, generality, and implications for changes and feel that it should be a must-read for all students.

4. *What would be your practical advice to potential graduate students entering the field ?*

The first several years of your professional career is critical important. You need to work diligently to establish your reputation as a serious educator and researcher. Depending on the type of institution for which you work, maintaining a good balance between teaching and research could be a challenge. I would encourage newcomers to pursue any research areas that are of interest to you, but it would be wise to keep at least some of your research projects within the mainstream U.S. criminology. Working with senior scholars on research is strongly recommended. Doing research and writing papers should be a routine instilled early into your daily activity. Both quality and quantity of your research papers are equally important for untenured faculty in my opinion.

As you know, your professional life also involves teaching and service. I always advise junior professors to integrate research interests into teaching material, treat students like people not numbers, link lectures to real world situations, and use technology and online course management systems. Showing your passion and enthusiasm about teaching, displaying your concerns about students' needs, and keeping a sense of humor would earn the hearts and minds of your students.

For new faculty members, be an ebullient community member by actively participating in professional and social activities is essential. Keeping a decent relationship with members of your unit would carry you a long way.

5. *What do you think are the key challenges facing the discipline of criminology now and in the near future ?*

The need to be recognized as an independent discipline and the ability of making impact on policy making remains two primary challenges to the field of criminology. While criminology has been identified as “an emerging field” by the National Research Council, the development of criminology as an independent discipline still faces such challenges as the dominance of other disciplines (e.g., sociology) and the integration of relevant fields of knowledge.

The connection between scientific research and public policy has been constantly questioned. Criminologists must pay great attention to vital social phenomena and problems, design and implement sound methods to test various options of addressing these concerns, and work closely with policy makers and practitioners to ensure that they are well-informed about empirical evidence during the policy making process.

6. *How do you like to spend your leisure time ? (reading novels/ movies/ theatre/ listening to or playing music ?)*

Attending my two sons’ sports events has been my main leisure time activity over the past several years. We used to travel around the country for my elder son’s skating competitions. Now skating has retired from my family and soccer has picked up. My younger son plays for school and club soccer teams and it’s a year-around sport that requires substantial parent involvement. Whenever possible, I enjoy reading my favorite magazine *The Economist*, listening to music, swimming, walking, and cooking. I also love travelling domestically and internationally and hope to become a frequent traveler after retirement.

More colleagues are lined up, so watch this space for further Q &As

Books of interest

This section includes leading reviews of books which are of interest to members of ACCJUS. In this edition, we include reviews of books which, in their own way, seek to provide an empirical outlook on the criminal process in contemporary China.

POLICING SERIOUS CRIME IN CHINA: FROM ‘STRIKE HARD’ TO ‘KILL FEWER’. SUSAN TREVASKES (London and New York: Routledge, 2010)

Geoff Pearson’s review in *British Journal of Criminology*

Since the economic reforms introduced by Deng Xiao Ping, the People’s Republic of China has been transformed. As recently as the mid 1980s, Beijing was a quiet and restful city; the only sound that you heard along its main thoroughfares was the tinkle of bicycle bells. Today, it is an endless motorized gridlock, the

shops displaying the global brands— Gucci, Armani, Prada, Burberry—that you would find in London, New York or Sydney. This urban transformation is very real, but, as a recent study entitled *Capitalism with Chinese Characteristics* (Huang 2008) points out, the size of the private sector in China is relatively small, and the changes have been led by the state and driven by raw political power, involving massive amounts of cronyism and corruption. In her book, *Policing Serious Crime in China*, Susan Trevaskes makes a similar point that the criminal justice systems in post-Mao China remains highly politicized, dominated by Yanda or ‘Strike Hard’ campaigns intended to bring ‘severe and swift’ punishment to criminals. The first Strike Hard campaign was launched in 1983, directly as a result of an intervention by Deng in the affairs of the Ministry of Public Security. Since then, until early in the new century, a relentless series of yanda campaigns have been announced, some in the form of generic ‘struggles’, others directed against a range of specialized targets such as murder, robbery, rape, gang crime, prostitution, gambling, drug trafficking, crime committed by itinerant workers, in the western province of Xingiang against separatists, terrorists and fundamentalists, or to ensure public order prior to major sporting events or festivals. An apparently huge crime wave has accompanied China’s economic ‘liberalization’ and campaign justice, designed to strike ‘hard blows’ against criminals, can command vast resources. In April 2001 in Chengdu city, Sichuan province, ‘Operation Hurricane B’ was launched at 10 pm one evening, mobilizing more than 50,000 police and 100,000 government and party personnel, so that, by midnight, it was reported that 2,100 suspects had been arrested. Many of these were brought to a public ‘arrest rally’ the following morning, attended by over 10,000 people. Other theatrical devices are the ‘sentencing rallies’, again attended by huge crowds where the criminals are paraded, often wearing placards stating their name and offence. These degradation ceremonies, which bear many characteristics of Maoist principles of ‘mass struggle’, show how severe and swift punishment has an expressive role to educate the masses. The severity of punishment is guaranteed by measures of flexibility during yanda campaigns, whereby maximum sentences are increased and thresholds for punishment reduced. So that, whereas, in Guangdong, the threshold for prosecution for theft was 2,000 yuan, below which an offence was dealt with by administrative measures, during one Strike Hard campaign, this threshold was reduced to 1,000 yuan. Swiftness of punishment is achieved by simplifying and fast-tracking procedures, conforming to the principles of ‘the two basics’: the basic facts of the case and the basic evidence that ascertains guilt. In one case, two men were charged with murdering 12 people and injuring 89 others during robbery attacks. The entire trial took 52 minutes, including 45 minutes to read the indictment listing dozens of victims, and resulted in the death sentence. Strike Hard campaigns place a heavy reliance on the death penalty and, in a threemonth period in 2001, at least 1,781 executions had been reported in the Chinese press, and Trevaskes reckons that ‘the real figure was undoubtedly much higher’.

Trevaskes’s tone is generally dispassionate, neutral and non-judgmental, but she does allow herself to describe an ‘even more worrying trend’ when it comes to the pressure placed on defence lawyers to comply with the spirit and principles of ‘severe and swift’ punishment. In a directive from the Ministry of Justice, they were urged to support the application of the ‘two basics’ and not to ‘deliberately complicate issues’. Trevaskes notes that, when Strike Hard campaigns were initiated in the 1980s, there was a shortage of trained and educated justice professionals, and she attributes the continuing weakness of professionalization to the ideological context and to shortages of funding for training. What she does not allow into the argument is the relative immaturity of the professional classes in China in terms of age. Until quite recently, when one met professionals in China—whether academics, psychiatrists or social scientists—one rarely encountered anyone over 35 years of age. There were some old-timers around, to be sure, but, as a result of the Cultural Revolution, there was an entire missing generation, and this placed a decisive and material, demographic block against professionalization in criminal justice or anywhere else for that matter. Another aspect of campaign justice worth noting is that the police were issued with targets and quotas, with financial penalties for failing to meet these, and sometimes substantial pay bonuses for exceeding quotas. As a consequence, with resources focused on specialized targets, routine police work is neglected and crime rates fluctuate wildly. I can illustrate this by way of an anecdote. A few years ago, I was standing outside a hotel in Wuhan city centre waiting for a taxi. It was the rush-hour and a large crowd had gathered to gawk at the aftermath of a minor traffic incident in which a motor car had nudged a motor cyclist, who was hurling abuse at the motorist. The car-driver made the mistake of getting out of his car, whereupon the motor-cyclist hit him hard and full in the face, sending the motorist reeling, with blood spurting everywhere. On the edge of

the crowd, a police officer watched this disinterestedly, then mounted his motor-bike and poodled off. One can only assume that violent assault in the street was not on the police menu du jour. Local improvisations of Strike Hard campaigns could sometimes result in quite bizarre outcomes. For example, in the small township of Baozi in Gansu province, the deputy mayor announced a campaign against 'bad seeds' as part of its contribution to a national campaign, requiring residents to nominate five neighbours who exhibited any of the designated 'bad seed' behaviours, which included not only theft and tax evasion, but such things as fornicating, being drunk, men with long hair and women wearing improper or glittery clothing. Many people refused to comply and were given often cruel and arbitrary punishments. One man had to sell the family cow to pay his fine, another his coffin. Someone else was tied to a tree for several hours, while another was forced to stand in a corner for 16 hours, which reduces criminal justice to the sadism of the nursery school. While Trevaskes narrates this in her customary neutral style, the online service Chinanews.com described it as 'a throwback to the cultural revolution'. Later chapters outline the 2005–07 campaign named 'the People's war on Drugs' and the national specialized struggle against organized crime syndicates in 2006. Where drugs are concerned, China's appetite for various intoxicants has a long history and the idea that China was enslaved into addiction by imperialist trade has been largely overstated (Dikotter et al. 2004). Even so, since the new open policy embraced in the 1980s, China has developed a serious domestic problem, with both heroin and those stimulant drugs well embedded on the Pacific rim, as well as emerging as a major theatre for drug trafficking. The epicentre of the drugs trade is Yunnan province, which shares a border with Burma and Laos, and it is estimated that 40 per cent of the heroin that traditionally was trafficked from the Golden Triangle through Bangkok to Europe is now diverted through China. Heroin is also increasingly trafficked from the Golden Crescent region of Afghanistan and Pakistan into China, and the old Silk Road that leads out of China is now nicknamed the 'Heroin Road'. In 2004, the Supreme People's Court had announced a policy to reduce the use of the death penalty 'to balance leniency and severity' and to 'kill fewer, kill cautiously', but, in regions such as Yunnan, with a serious drugs economy, this advice was ignored and they continued to 'strike hard' against drug traffickers. Huge amounts of drugs were seized and tens of thousands of offenders were arrested, with the result that, in spite of the war on drugs being an apparently unwinnable war across the globe, the campaign in China from 2005 had a substantial effect on the availability, price and purity in a number of Chinese cities. The chapter on organized crime is somewhat disappointing. Organized crime involving Chinese players, at home or abroad, has evolved away from rigid 'Triad' formations towards much more elusive, looser networks of entrepreneurial groups and individuals that can respond flexibly to changing market conditions (Zhang and Chin 2003). Part of the difficulty is that, in the thin air of codified law in China, the authorities have struggled to find an adequate legal definition of organized crime networks. It was as recently as 2004 that the Ministry of Public Security commissioned two criminologists to assemble a case study literature to be used in police training. In these circumstances, there would not appear to be a great deal to say, which is a pity because we know from other sources that organized crime and corruption among officials—involving non-payments of wages, illegal land-grabs and exploitation—are endemic in China, sparking widespread social unrest, labour protests and distrust of the legal system (Lee 2007; Huang 2008). In a concluding chapter to this interesting and insightful book, Susan Trevaskes sums up the likely prospects of campaign justice. In the new century, there has been a proliferation of criminology and law journals in China, in which a more mature and self-confident professional voice can be heard with growing criticism of Strike Hard justice from a number of angles, including criticisms from police and court officials. The use of the death penalty has emerged as a particular bone of contention. By the 1979 Criminal Law, the Supreme People's Court had been given the ultimate responsibility for death penalty decisions. However, in 1983, coinciding with the onset of Strike Hard campaigns, a legislative directive delegated this responsibility to the provincial courts as a way of expediting 'severe and swift' punishment. In 2007, described by Trevaskes as 'a momentous years in the contemporary history of criminal justice in China', this responsibility was handed back to the Supreme People's Court, whereupon the Chief Justice Xiao Yang issued a series of announcements aimed to limit the use of the death penalty and to limit the application of 'Strike Hard' policy to an extremely small minority of offenders whose crimes were extremely serious. There remained tensions between the Supreme People's Court and the Politico-legal Affairs Committee and, when Xiao Yang retired in 2008, he was replaced by Wang Shengjun, one of the right-hand men in the Politburo, a political bureaucrat with no legal training. Wang took little time to drop a 'rhetorical bombshell', using

language reminiscent of the Maoist years to stress the need to maintain severity ‘in order to satisfy the expectations of the masses’. Trevaskes accepts the political limitations of criticism by professionals: ‘After all, it is not the courts or police that own Strike Hard policy—it is the party.’ ‘The landscape of serious crime and severe punishment in China,’ she concludes, ‘is surely set to stay richly textured with politics for at least the foreseeable future’.

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Xu Jianhua’s review in *Asian Journal of Criminology* ...

The past three decades have witnessed great transformations in all aspects of Chinese society. As the most populous nation and the second largest economy in the world, China’s experience of crime and the government’s way of handling crime provide unprecedented opportunities for social scientists in general and criminologists in particular to accumulate knowledge and develop theories. The increasing crime rates caused by the rapid process of industrialization, urbanization, and modernization in China provide fascinating opportunities for criminological research. However, existing criminology literature, both within Chinese academia and in the English world, is still underdeveloped. Susan Trevaskes’ book *Policing Serious Crime in China: From ‘Strike Hard’ to ‘Kill Fewer’* is an important and timely contribution to the field.

In this book, Trevaskes skillfully examines the politics, practice, procedures, and public perceptions of yanda anti-crime campaigns in the first 25 years of the post-1978 reform period. Trevaskes develops the concept of campaign policing and justice in China in order to describe the Chinese criminal justice practice to punish criminals “harshly and swiftly” in response to an increasing crime rate since the start of its economic reform in the 1980s.

According to Trevaskes’ analysis, the anti-crime campaigns take two forms depending on the scale. One is a nationwide strike hard (yanda) campaign, which can last up to three years and target a variety of crimes; the other is “specialized struggle” (zhuanxiang douzheng), which uses “strike hard” policy to target a specific category of crime and lasts for a relatively short period of time, usually three to six months. Campaign justice becomes the most typical response by the Chinese Party-state to deal with crime. Since 1983, there has been no single year without a yanda campaign or “specialized struggle” in China. During campaigns, three agencies of criminal justice—the police, the procuratorate, and the court—make a concentrated effort over a specified time period to attack targeted crimes “severely and swiftly”. Due process is often neglected, while abuse of human rights and confession by torture become common practice. As the author rightfully points out, the rationale for campaign justice is order-stability, not human rights (p.1).

The author particularly focuses on the political culture that shapes the rise and fall of the campaign justice. She convincingly argues that the culture of campaign justice is based on the Maoist ideology of political struggle (p.2). Facing the outbreaks of serious crimes in the early 1980s, the Party-state resorts to its familiar way of handling social problems: campaigns (p.75). The author argues that campaigns become vehicles through which the yanda policy made by the central government is disseminated and realized at the local level. While yanda’s parentage is the mass movement of the 1950s, the son of yanda is “specialized struggle”. However, campaign justice started to wane in the first years of twenty-first century. The effectiveness of the 2001–2003 national yanda campaigns, for instance, came under serious questioning. Many local and even

national top police officials publicly criticized the abuse of human rights and the ineffectiveness of controlling of crime through these campaigns. Some scholars even argued that yanda actually contributes to increasing, rather than decreasing, crime rates (p.79). In 2003, the Party-state's rhetoric started to emphasize that yanda should be "regularized" in everyday police practice. The author argues that the subtle shift in terminology from an emphasis on yanda as a discrete "political struggle" to one of "regularization" marks a turning-point of campaign justice's fall.

Indeed, as the author argues, Chinese criminal justice proves to be pretty harsh. Although the actual number sentenced to the death penalty still remains a state secret, the general estimation is that more people are executed for crime in China each year than in the rest of world combined. In recent years, Chinese authority's response to crime is under reform and has become less punitive. In 2007, the Supreme People's Court reclaimed its review rights on all death penalty cases from Higher People's Court, which incurred a sharp reduction of death penalty, a one-half and even two-thirds decline as some Chinese legal scholars have estimated. The author has rightfully summarized this trend as "from 'strike hard' to 'kill fewer'." However, I am not as optimistic as the author regarding her speculation that the future of campaign justice will "most probably disappear in the decade ahead" (p.178). If we agree with the author's judgment that "strike hard" is fundamentally political, and political deployment is much more important than fighting crime, then under the current Party-state's top priority of "maintaining social stability", the anticrime campaigns could still be utilized by the government to remind people that social order is still in their control. The high profile anti-organized crime campaign in Chongqing since 2009 is a good example in that regard. The optimistic judgment on the end of campaign justice might be related to the author's over-reliance on secondhand data from newspapers and the Party-state's official discourse (e.g., Xiao Yang's words (p.176) and official crime statistics on the stabilization of the crime situation). In addition, to some extent, chapters 5 and 6 are not well integrated with the whole book. While the book's theme is "policing serious crime", these two chapters are more about the situation of drugs and organized crimes rather than how the Party-state polices and manages them. As the author herself points out, "the following two chapters put the spotlight on crime rather than on crime control" (p.164). Despite this admission, these chapters remain only loosely tied to the central thesis of the book. The author raises other issues that are also difficult to agree with. Trevaskes argues that 2003 marked the turning-point from the "strike hard" to "kill fewer" campaigns, as the Party-state started to emphasize "regularization" of yanda in everyday police practice. However, 2007 might indicate a much clearer turning-point, as the Supreme People's Court's reclaiming of review power on the death penalty caused a dramatic decline in those sentenced to the death penalty, killing fewer. Moreover, I hesitate to agree with the author's observation that "police statistics in the early 1980s were much more accurate than they are today" (p.3). Nevertheless, this book is an important contribution to Chinese criminology. It will also be of interest to readers in China studies, sociology, and political science in general.

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Criminal Justice in China: An Empirical Inquiry. Mike McConville (with Satnam Choongh, Pinky Choy, Dick Wan, Eric Chui, Wing Hong, Ian Dobinson and Carol Jones). Cheltenham, UK, and Northampton, MA: Edward Elgar, 2011

Stanley Lubman review in *The China Quarterly*

This book is an extensive survey and appraisal of Chinese criminal justice by Mike McConville, dean of the faculty of law of the Chinese University of Hong Kong, and five colleagues. It should interest not only specialists in Chinese law but any reader seeking insights into China's political culture. It is distinguished by the depth of its empirical approach, displayed notably by extracts from interviews. Its publication is timely, coinciding with publication of a draft revision of the Criminal Procedure Law (CPL, last revised in 1996) that is being considered at the China's National People's Congress. The book's analysis of the current criminal process could assist observers of Chinese law reform to appraise practice after any new law becomes effective. This book presents a survey of basic- and intermediate-level courts by a team of researchers who

from 2001 to 2006 observed the criminal process at work and interviewed key actors in the daily operation of the courts, with some additional follow-up in 2007–09. They studied every stage in the formal criminal process at 13 courts throughout China where they had “unmediated access” to case files of at least 50 of the most recently decided cases (a total of 1144), and observed trials and interviewed judges, procurators and defence lawyers. (They did not interview police, nor did they include extra-judicial administrative punishments under the Security Administration Punishment Law, although that is summarized in an Appendix based on the work of Sarah Biddulph). The researchers’ objective was to examine “the working practices and philosophies” by examining the conduct of the political-legal personnel involved in each stage of the formal criminal process. The introduction, after providing background on the 1979 and 1996 CPL, describes how the research was conducted. Twelve chapters then follow which analyse the stages of criminal prosecutions from origination of cases through trial, as they were observed and key participants interviewed; each chapter ends with a pithy summary of the main characteristics of each stage. Western institutions and practice are sometimes mentioned, but the principal focus is on the extent to which practice is consistent with, or deviates from, the CPL. A unique dimension is added to the authors’ analysis by quotations from some of their interviews. Limitations of space prevent extensive quotation here, and some brief examples will have to suffice: Although prosecutors may return a case to the police for supplementary investigation, one prosecutor said “The prosecutor will be penalized 100 RMB if the case is returned for supplementary investigation. If the prosecution is not the same as the final judgment of the court, we have scores deducted that are connected with bonus and evaluation” (p. 131).

Although the 1996 CPL was supposed to insulate judges from case preparation, a judge in one of many interviews said “I will question the defendant to learn about his attitude to admitting his guilt.” (p. 149). The position of the courts, another judge: “The judiciary is not independent. There is too much influence from various quarters” (p. 404). The researchers’ assessments are similarly instructive: Some examples: Commencement of the formal construction of the case by the police: “police focus on evidence that ‘incriminates the suspect’ rather than producing a balanced dossier” (p. 72). Prosecutorial decisions on initiating a prosecution: they are made within a “bureaucratic and extremely hierarchical environment so that individual decisions may have heavy political and socio-cultural overtones which are determinative.” Illustratively, a procurator told an interviewer that when a case is assigned to him “by a leader ... we may relax the evidence requirement but it will be treated carefully” (p. 113).

Prosecutors seek to avoid acquittals because they must maintain a specified low rate of acquittals or else evaluation of their performance will be negatively influenced. Trials: “The verdict of those cases which are prosecuted is never in doubt” and lawyers “are no match” against “the dossier prepared by police and prosecution” (p. 376). The authors find that the state actors in the criminal process share “core values.” Judges and prosecutors are “different parts of the same entity,” dedicated to preserving public order and social stability, which has been re-emphasized in recent years. Judges are “particularly susceptible to external domination because they have low self-esteem and see themselves as small cogs in a big machine” (p. 401). The authors conclude that the “permissive character of the legal process enables state actors to construct criminal cases using legal provisions” (p. 433, italics in the original). The system is one of “cooperation without restraint” (p. 435) while the Party “continues to control the legal process” (p. 441).

These conclusions are not surprising, but this is not a criticism. The authors performed a difficult task by assembling a source-book of data and nuances that anyone seriously interested in Chinese law, China’s legal culture and the political context of legal institutions will find insightful and convincing. They conclude that changing legal rules by themselves would not be sufficient to improve rights and the reliability of the system. For this result to be within reach, the Party-state must have the political will that it refuses to assert at this time. If and when the current CPL law is revised, Party-state policy – more than anything else – will shape law in practice. This unexceptionable conclusion is buttressed by the empirical data gathered by the authors, which will provide a useful guide to assessing practice under any successor to the 1996 CPL.

Chen Jianfu review in *Asian Journal of Criminology*

In October 2011, China formally declared to the world that a socialist legal system with Chinese characteristics had been established (see State Council White Paper, Socialist Legal System with Chinese Characteristics, issued by the Information Office of the State Council on 27 October 2011, available http://news.xinhuanet.com/2011-10/27/c_111127507.htm (last accessed 27/10/11)). While it is, and will be for a long time, subject to debate what these 'Chinese characteristics' are in this socialist legal system, it is difficult to reject the claim that a legal system has indeed been established in China in terms of law-making and institutional building. In fact, progress and development in law-making and institutional building in post-Mao China have been remarkable, and certainly compatible with China's phenomenal economic growth. However, having laws is one thing, having them properly implemented and enforced is another. Law makes sense and acquires its life only when it performs its intended social functions through processes of implementation and enforcement. Put simply, having a legal system does not necessarily mean having a Rule of Law, however the latter might be interpreted. It is through the operation and functioning of law in society that justice, fairness, and human rights protection are achieved or abused. The concentration of efforts on lawmaking during the early period of post-Mao 'legal construction' is understandable; without law there is little that can be said about justice and fairness. However, now that a massive quantity of laws have been enacted rapidly and efficiently, the issue of implementation of law can no longer be ignored. As many Chinese scholars and practitioners have asserted, 'a just law does not guarantee the justice of law' and a refusal to obey the law creates a worse situation than one where there is no law to go by (see, e.g., Zhao Sanying, 'On Rule of Law in a Market Economy', *Economic Daily* (Jingji Ribao), May 2, 1994, at 5.)

To lawyers at least, implementation and enforcement of law means much more than the achievement of substantive justice. Procedural justice is equally, if not more, important in assessing the Rule of Law in any given society. This is especially the case in the area of criminal justice. How we go about assessing implementation and enforcement of law is no easy task, and assessing it in a comprehensive way is even harder, considering the vast size, huge population, and the disparity in social and economic development in the various regions in China. Scholars and practitioners have taken various approaches to understanding and assessing the actual operation of law in China, but most of them would agree that, to be convincing, empirical data and evidence should be provided to back up any claims or assertions about the law in action. This is, however, precisely where the major difficulty in the study of Chinese law lies—the lack of comprehensive empirical data to back up theoretical analyses. In the case of China, the problem seemed to be exacerbated when China practically banned all social empirical studies undertaken by foreign researchers. The significance of a major empirical study of Chinese law and its major contribution to the understanding of law in action in China is therefore obvious in the context outlined above. The present work under review is one of the few such works that have emerged in the last few years when scholars, both in China and abroad, began to seriously and critically examine the reality of law (and Rule of Law) in China.

The book focuses on the Chinese criminal processes—a most critical area in terms of the operation of a Rule of Law—and represents one of the most comprehensive and in-depth empirical studies on the reality of criminal justice in contemporary China. It meticulously documents and observes and critically analyses every stage of the criminal processes, from pre-trial to the trial process, from police power to the constraints on defence lawyers, and from discretionary powers of the prosecutors to the conduct of judges. The group of researchers for this project collected data and evidence, and conducted interviews, and provided first-hand observations. Existing empirical studies and data, both on China and in relation to other countries, were also examined to provide a comparative context for the present study. It is a book rich in data and evidence and deep in analyses—a remarkable and admirable contribution to the important ongoing debate on the reality of Rule of Law in general and criminal justice in particular in China.

While the book is a result of a major project that had taken many years to complete, its aim is moderate and not at all ambitious. The authors describe their moderate ambition as to provide a rich description of China's criminal process in action. In reality, the project does much more than simple description or mapping of criminal justice. Its tangible outcomes include establishing empirical and factual accounts of the criminal processes under the 1996 Criminal Procedure Law, enabling targeting of aid and assistance and introducing a more rigorous empirical research tradition into China (p.19). I have little doubt that the authors have achieved

what they set out to do, though the last objective, introducing an empirical research tradition into China, will depend on how widely the book will be available and read in China. There is little doubt that most readers will find the book very valuable and rich in empirical data and evidence as well as in-depth analyses. Others, however, may question the validity of the various conclusions on account of the limited samples in the empirical research. One can easily say that 1,144 cases represent no more than a tip of an iceberg in the Chinese criminal justice system, and interviews of less than 300 personnel (including judges, prosecutors, and lawyers) (p.23) cannot adequately canvass the vastly different views among Chinese practitioners. What one must keep in mind is that, first, no sample will ever be large enough in a vast country like China, and, secondly, the size of the sample is more than sufficient for a meaningful empirical study which assesses one area of law and does not intend to generalize its conclusions regarding the whole legal system or the whole enterprise of establishing a Rule of Law in China. Most importantly, it is the accumulated knowledge and scholarship upon which we can have a better and clearer understanding of Chinese law, and this present work is a very significant contribution to the body of scholarship, field knowledge, and critical evaluation of the actual operation of the Chinese criminal processes. A caution needs to be made. I have always believed that Chinese law and legal development can only be meaningfully assessed if they are evaluated horizontally (comparing compatible countries at a compatible stage of development) and vertically (assessing them in their historical and cultural backgrounds). Essentially, the present book presents the operation of the Chinese criminal justice 'as it is' (how it works today under the current legal system). Though some empirical data drawing from studies in the UK, US, and other countries are introduced (and sometimes compared), the book is not a comparative study and nor, indeed, does it attempt to provide a developmental perspective (i.e. how much progress has been made since 1979). This then runs a risk that the data and evidence are open to interpretation and, in the worst scenario, open to misuse or selective use for various purposes. Despite its shortcomings in the lack of a comparative and development perspective, the study is highly timely. Since its major reform in 1996, the Chinese Criminal Procedure Law is currently under review for another major reform geared to addressing the various difficulties in practice as well as incorporating new policies on crime control. The empirical data and evidence contained in the book should be most valuable to policy and law makers as well as to advisers in China in their efforts to improve the law and, hence, improve its practice. Most importantly, if the distinction between a 'due process' and a 'crime control' principle in criminal law and criminal procedure law is properly understood by Chinese lawmakers, we can then expect some significant improvement of the law and practice in China. If this is achieved, this book would have accomplished far more than the moderate objectives the authors have sought to achieve. In conclusion, I have little doubt that the book will be warmly received not only by students, practitioners, and academics specializing in Chinese law, especially in criminal justice and sociology of law, but also by those interested in comparative law and general China studies.

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