

URBAN JUVENILE CRIME IN CHINA

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Abstract

This thesis examines urban juvenile crime in China. Using primary and secondary sources, the thesis discusses the impact of China's political, legal and social changes on juvenile crime. It criticizes the position in the current literature that juvenile crime in China only became a serious problem after the death of former Chinese communist leader Mao Zedong in 1976 and the adoption of an open-door economic policy in 1978. Instead, the thesis argues that urban juvenile crime in China has always been a serious social problem and that it has been affected by political, legal, and social changes that have occurred over the past four decades.

Some scholars from Western countries maintain that although the rate of juvenile crime in China is higher than before, it is still one of the lowest in the world. They argue that this is because China adopts an informal approach to crime control. It is argued in this thesis, however, that the crime control model in urban China has been formal and its effectiveness has been achieved through the involvement of urban "communities" and other "informal" social institutions controlled directly by the central government.

In explaining the causes of Chinese juvenile crime, many Western crime theories are very useful. They are also consistent with most of Chinese crime theories. It is argued that, like their counterparts in many other countries,

Chinese juveniles are engaged in criminal activity because of weakened social control institutions, negative social association and influences, certain social inequality, and the decay of social ecological environments.

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Dedication

To my mother who has never been to school

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Chapter I

Introduction

Using primary and secondary sources, this thesis examines urban juvenile crime in the People's Republic of China. Since the Chinese Communist Party took power in 1949, it has taken many rigid measures to control the behavior of urban residents, particularly the young. However, urban juvenile crime has been increasing. According to official Chinese sources, between 1950-1976, in major urban centers, such as Beijing, Shanghai and Canton, juvenile crime made up 20-40 percent of the total reported crimes. During this period the main types of juvenile offences were petty thefts and physical assaults. This low profile of juvenile crime changed after the Chinese communist government adopted an open-door economic policy in 1978. Since then, there has been a steady increase in juvenile crime in the above three cities. Juveniles are responsible for 70-80 percent of the total crimes. Property crime involving violence and high monetary value has been increasing. As well, sexual assaults and rapes, which were rarely reported before 1976, are not uncommon during this period (Zhong, 1980; Wei, 1981; You, 1982; Xu, 1986;, Zhu, 1987; Liang, 1988).

Over the past years the Chinese communist government has introduced several policies to reduce urban juvenile crime, however, it seems that there has been little success

(Chang, 1981; Chang, 1983; Chang, 1989; Chiang, 1990).¹ The failure to solve the problem of urban juvenile crime poses a question that has been studied in the West for almost a century. Is urban juvenile crime in China following the predicted Western trend, i.e., is it seen as an inevitable concomitant of urbanization? In this thesis it is hypothesized that the phenomenon of urban juvenile crime in China can be examined by employing certain Western theories of theories, such as the social control perspective, the social ecological perspective, the learning perspective and the economic perspective. However, it also will be maintained that many Western scholars have employed their theoretical interpretations of crime control in China in an invalid manner. Before we apply these perspectives to China, it is necessary to briefly review how Western theorists have analyzed urban crime in their own societies.

Western Theoretical Perspectives

In much Western criminological literature the impact of urbanization on crime is described in negative terms, because of fragmenting of traditional social controls (i.e., the community and family); multi-ethnic and racial migration and immigration; class and ethnic conflicts; economic competition and social inequality; increased materialism and

¹Also see "Deadline for crooks to confess," *South China Morning Post*, October 7, 1991, p.9.

individualism; high population density and mobility; and, impersonality and alienation (Shaw and McKay, 1969; Merton, 1979; Flowers, 1990). These factors are emphasized by different theoretical perspectives.

One perspective assumes that an increase in urban crime is related to the weakened function of community-level social units in preventing deviancy and delinquency. In his analysis of the behavior of communities, social control theorist Donald Black (1976) maintained that generally, a rural or small town community is more effective in behavior control than an urban community because the residents in the former share similar values, beliefs, lifestyles and professions. These similarities are more likely to promote close social associations and a stronger collective sense among the residents. Deviant behavior control is therefore more easily achieved, through strong community response such as personal humiliation and condemnation. An urban community, in contrast, tends to be diverse and complex in the status and ethnic composition of the residents (i.e., different values, beliefs, lifestyles and professions) who, as well, are socially highly mobile. These differences hinder the establishment of a commonly shared value system among the residents and decrease their routine collective involvement in the community affairs. Deviant behavior control, therefore, is less effective, and instead, social control is dependent more on formal control mechanisms such as the police and criminal laws.

Another theoretical perspective examines crime from a specific social context dynamic, i.e. the negative impact of urban social ecological and physical environments on the behavior of individuals. This perspective consists of three major approaches. The first approach focuses on different types of crime areas in urban social ecological environments. Theorists, such as Bernard Lander (1954), and Clifford Shaw and Henry McKay (1969) maintained, that urbanization, migration, immigration and industrial development have divided a city into ecologically distinct areas with its respective residents having different status levels. These differences create different crime patterns in the city. Areas with diverse cultures, high population density and mobility, located near industrial and commercial zones, experience the highest crime rates. These theorists regarded social disorganization or lack of community control in these areas as responsible for generating high crime rates. Social disorganization was explained as the result of high population movements and impersonality in these areas.

The second theoretical approach is referred to as "the routine activities approach"; crime and crime opportunity are related to and affected by social or routine activities. Theorists, such as Lawrence Cohen and Marcus Felson (1979), asserted that people undertake social activity in regular space, time and patterns. They argued that like common social activity, most criminal activity also occurs in regular space, time and patterns. Crime occurs when certain

objects become crime targets (things that are valuable, accessible and visible) usually in the absence of capable social guardians.

The third theoretical approach examines the impact of physical environments of urban areas on criminal behavior, crime opportunity and criminal motivation. Theorists, such as Ray Jeffrey (1971) and Paul Brantingham and Patricia Brantingham (1984), maintained that many, if not most, criminal behaviors are behaviors of opportunity, created or provided by surrounding physical environments. For instance, border blocks between residential areas are more crime prone than interior blocks within residential areas; commercial areas and major streets with more traffic are more likely to be plagued by crimes than areas with little commercial activity and traffic. These theorists thus argued that the higher frequency of crime in these areas is determined by their surrounding physical environments, that is, there is a high degree of anonymity and lack of public responsibility. Since these theorists believe that crime can be affected by physical environments, they argued that crime as well as criminal opportunity can be reduced through proper urban planning. The effectiveness of crime prevention in urban planning depends on whether planning can enhance the sense of residents' shared responsibility for common space or serve as supervision over potential criminal activities. If urban planning lacks these functions, crime opportunity and

targets will increase and the frequency of crime will be higher.

While the above perspectives link crime to the weakened function of urban communities and to the negative impact of urban social ecological environments, many other Western theorists seek the causes of crime in immediate social control institutions such as the family and school. A more detailed analysis of the function of the family and delinquency is central to Travis Hirschi's social control theory. In his theory Hirschi (1979) associated delinquency primarily with the quality of the parent-child attachment. He argued that the quality of the parent-child attachment is closely associated with the frequency of children's delinquency. Delinquency is more likely to occur when the parent-child attachment is weak. Weak attachments result mainly from less parental affection, supervision and parent-child communication.

Other theorists attribute delinquency to the fundamental changes in the urban family structure, such as increases in broken families, nuclear families and female employment. Karen Wilkinson (1980), in her study of a sample of delinquent and non-delinquent adolescents, found that delinquency was closely associated with broken families. Children from broken families were more likely to be delinquent than those from intact families. According to Wilkinson, the higher delinquency rate among these children resulted from the negative psychological impact of the

family break-up. Yet some other theorists, such as Joseph Rogers and Larry Mays (1987), argued that the increase in nuclear families and maternal employment might be another contributing factor for delinquency. Parents now are working and devote less time to the care of children. Children are involved in delinquency because of inadequate parental supervision.

Besides the family, the school is also considered as an important social control institution for children. Several theories associate delinquency with the failure of schools in the socialization of children. Travis Hirschi (1979), from his social control perspective, maintained that the school or school activity serves as a strong force that can prevent delinquency. The frequency of children's delinquency depends on how they positively adjust to school activity or the quality of their attachment to conventional activity. If this attachment is weak (i.e., students lose interest in school or drop out of school), the frequency of delinquency is high.

Other theorists, such as Albert Cohen (1955) and Ray Rist (1975), examined children's delinquency from the labeling perspective. They argued that the tracking system adopted in schools contributes to children's delinquency. They criticized the educational system for routinely dividing school children into different achievement groups, tracking some of them for college career and others for blue-collar or lower-status jobs. They argued that the

labeling effect that this tracking system creates alienates children with poor school grades from school and thus increases the frequency of their involvement in delinquency.

Richard Cloward and Lloyd Ohlin (1960), however, argued that children's delinquency is also associated with their failure to meet the values that the educational system promotes. Cloward and Ohlin viewed schools primarily as middle-class institutions in which students are evaluated by middle-class standards. Students from lower social classes find it hard to meet these standards. Thus a high incidence of school failures happen among these children. In response, these children are likely to create an alternative culture (subculture), alienate themselves from school and then drift into delinquency.

While delinquency is related to the failure of immediate social control institutions in the socialization of young people, it is generally agreed in the study of crime that one's close association groups are particularly important elements of delinquency formation. This relationship has been examined from the learning perspective, represented mainly by the theory of differential association (Sutherland, 1979) and social learning theory (Burgess and Akers, 1966). Theorists of this perspective argued that like other human behaviors, criminal behavior is also a learned behavior. They maintained that the way criminal behavior is learned is no different than the way other behaviors are learned, through association and imitation. The main sources

of behavior learning are close association groups, such as the family, neighborhoods and friends. The major argument of the learning perspective, therefore, is that criminal behavior is learned from negative association groups and through imitation of negative behavior models. The more contact with these learning sources, the higher the frequency of crime.

In addition to the above theoretical perspectives, some theorists attribute crime to economic inequality in society. In his strain theory Robert Merton (1979) linked crime to the values that the economic system promotes. He argued that the emphasis on individual competition and the pursuit of material wealth in capitalist societies is one important factor in the genesis of crime. Since material wealth has become the manifestation of one's social status, almost everyone expects to obtain it. In reality, however, not everyone can achieve this goal. For some people, especially those from lower socioeconomic classes, law violations appear to be the only route to this goal.

Richard Cloward and Lloyd Ohlin (1960) agreed with Merton's argument that legitimate and illegitimate means of achieving social goals are distributed disproportionately in society. They suggested that the likelihood of people's involvement in criminal activity, in certain aspect, is determined by different levels of exposure to legitimate and illegitimate avenues to social success. Social class and social groups are important variables. Those who lack

legitimate means have more access to illegitimate means, which are always part of their social life and culture. This is particularly true among lower-class people and poor neighborhoods. This explains the tendency towards higher delinquency and crime rates among lower socioeconomic people.

The most radical critics of the capitalist system are Marxist theorists. Unlike other economic theorists, Marxist theorists seek the causes of crime in the context of the political system. Marxist theorists such as Richard Quinney (1970), William Chambliss and Robert Seidman (1971) and David Greenberg (1977) portrayed crime as a natural and inevitable product of capitalism or social conflict. According to these theorists, the legislature and the criminal justice system in capitalist society serve mainly the interests of capitalists or those who can influence legislation, and criminalize the powerless or lower socioeconomic classes who violate the interests of the capitalists. The different crime rates among different classes are explained as the result of this social inequality created by the capitalist system.

In addition to the above theoretical perspectives, there are many other theories that also offer explanations of crime. However, it is maintained that the perspectives reviewed above are more applicable in explaining Chinese urban juvenile crime. Specific hypotheses about urban juvenile crime in China, based on these perspectives, will

be briefly discussed in the following section and in great detail in subsequent chapters.

Applications to China

Before we apply these Western theories to China, it is necessary to briefly describe the urban context in China. In most Western literature on urban China, there is a commonly accepted view that stable order prevails primarily because of the role of urban communities in preventing crime. Advocates of this view maintain that urban communities in China are more effective than those in most Western societies because the Chinese communist government has institutionalized an informal approach to handling deviant behavior, such as juvenile crime. Most deviants are reformed in or by the community (Brady, 1977; Rojek, 1989; Troyer, 1989b; Mok, 1990).

This thesis will hold a different view; no informal community based behavior control model has prevailed in urban China. Instead, behavior control has been dependent primarily on a formal approach. It will be argued that this discrepancy in explanations of the behavior control model in urban China occurs because most Western scholars overestimate the "informal" role of the community in China and underestimate the direct involvement of the communist government and the criminal justice system in their operation of the community. In effect, the urban community

in China is quite different than in the West. The community in the latter is established mainly on the basis of income and cultural values, and the involvement of residents in community activity, including crime prevention, is voluntary (Troyer, 1989). The urban community in China, however, is established not on a voluntary, cultural or economic basis, but rather according to official policies, which dictate not only the norms for community social activities, but also the structural forms these activities must take (Chiang, 1986).

Although it is asserted that Western scholars have misunderstood the nature of the behavior control model in urban China, most Western theories still apply to China. Black's social control and Shaw and McKay's social disorganization theories are especially important, because they focus on the effectiveness of the community in deviant control in terms of the involvement of its residents. The urban community in China is more effective than that in the West not because of its informal way of treating deviants, but because of the entire involvement of its residents, as dictated by the Chinese communist government's policies. This officially required involvement makes it possible to identify and deter deviants in the community.

Although it is argued that the urban community in China plays a more effective role in behavior control than in the West, crime, particularly juvenile crime, still occurs. It will be maintained that, as in most Western societies, urban juvenile crime in China is also closely associated with the

dysfunctions of the basic social control institutions (i.e., the family, community and school), social influences, economic factors and social ecological and physical environments.

In view of the family related juvenile crime in urban China, the social control theory can well explain this relationship. It will be argued that urban juvenile crime in China is closely associated with the quality of the family attachment. As in the West, children from families that have frequent family disputes, dishonesty, less parent-child communication and mutual respect are far more likely to feel less attached to their families and, therefore, are more likely to be delinquent than those from harmonious families (Su, 1983; Lu, 1988). Furthermore, urban juvenile crime in China has been affected by the weakened role of the family in preventing deviant behavior of children. The weakened family role results from urban family structural changes, such as increases in broken families, families with stepparents, and single-child families (due to the family planning policy). Children from the first two categories of families are more likely to engage in crime than those from complete families because of the negative psychological impact of family breakup or intense family relationships (Lu, 1988). As well, there has been an increase in crimes committed by children from the last category of families, i.e., single-child families. These children are involved in

crime mainly because of parental indulgence (Su, 1983; Lu, 1988).

It also will be maintained that the rise in urban juvenile crime in post-1977 China is closely associated with the failure of the Chinese educational system in the socialization of children. This relationship can be explained from the social control and labeling perspectives. According to these perspectives, the most important factors that determine the occurrence of delinquency are how well school children feel attached to school activity and how their future success is defined by the stratified school system. The occurrence of urban juvenile crime in China is also determined by these two factors. First, children, who perform poorly in school work or withdraw from school, feel the least attached to school and, therefore, are more likely to become juvenile offenders (Zhao, 1986; Kang, 1988b). Second, the highly stratified nature of China's urban schools contributes to the higher frequency of crime among children with poor school performance through a harsh labeling process (Luo, 1987). Their involvement in crime can be explained as the result of negative self-images and the adoption of related deviant lifestyles.

The frequency of juvenile offences in China is related not only to poor school performance but also to lower socioeconomic classes. The crime rate among children from the working class families is far higher than the crime rate among children from families of higher social status (Mo et

al., 1986). This differential distribution of crime rates can be best understood in terms of differential opportunity theory. As in the West, for the majority of people, education is the primary means of obtaining higher social status in China. However, insufficient resources and poor living conditions have restricted the opportunity of children from the working class families for upward academic and social mobility (Su, 1983).

The differential distribution of crime rates among children from different socioeconomic classes in China is further associated with their different access to economic wealth. This association can be examined by employing both the strain and differential opportunity theories. One common theme of these theories is that the differential distribution of crime rates among children from different socioeconomic classes occurs because of their differential access to economic achievements.

In China, access to economic opportunities has been affected by economic policies. Before 1977, China, under the control of the radical communist leader Mao Zedong, adopted an economic policy that emphasized the minimizing of economic inequality in society (Binco, 1985; Prybyla, 1985).² The minimizing of income and lifestyles disparities among the Chinese people resulting from this equalitarian economic policy might have reduced the frequency of juvenile

²Individual economy is encouraged. *Beijing Review*, 26(7), 1983, pp.7-8.

crime related to relative economic deprivation, as suggested by the strain and differential opportunity theories. However, the economic gap in China has greatly widened since 1978 when the communist government, headed by reform oriented leader Deng Xiaoping, introduced economic reforms which encouraged individuals to pursue private wealth. As in the West, opportunity to obtain economic wealth has been limited to a small number of people. Among these people many obtained wealth through political connections and illegal means. The majority of people, especially youth, are dissatisfied with the widening economic inequality (Zhang, 1988; Chiang, 1989a). It will be maintained that dissatisfaction with this resulting social inequality is connected to different crime rates among children of different income groups in China. This conclusion can help explain why children from the least economically benefitted families are more likely to be delinquent than those from the more wealthy families (Mo et al., 1986).

Another important theme about the change in urban juvenile crime in China since 1977 is that the increased contact with Western countries brought by the 1978 economic reform has exposed Chinese youth to more Western economic and cultural values (Jiang, 1982a; Burns, 1985; Kristof, 1990). It will be argued that the different rates of urban juvenile crime during the pre-1977 and post-1977 periods can be viewed as the result of different levels of exposure of Chinese youth to certain Western economic and moral values.

This explanation can be developed from the learning perspective. The low juvenile crime rate during the pre-1977 period can be viewed as the result of the extreme communist ideological policies regarding a highly restrictive political and social environment. Young people were only exposed to Maoist communist values, i.e. collective orientation and loyalty to communism. Since 1978, in contrast, Western oriented economic reforms have increased the awareness of Chinese youth to both "negative" capitalist values and anti-traditional Chinese cultural values, particularly materialism, individualism and liberal sexual norms (Chen, 1988; Kang, 1988b; and Zhou, 1989). Because the Chinese communist government has not changed its policy in criminal justice legislation, the Chinese youth who associate with these "nonconventional" or "negative" values (from the Chinese communist and traditional Chinese perspectives), are more likely to be viewed officially as engaging in delinquent or criminal behavior. In effect, it will be maintained that the increase in related offences in post-1977 China, such as selling pornographic products and having more than one sleeping partner (Xie, 1986; Luo, 1987; Kang, 1988b), can be seen as the result of being influenced by the Western values and the unchanged policy in criminal justice legislation.

Post-1977 economic reforms in China have resulted also in major changes in urban areas, such as the increased geographic mobility of residents, the growth of private

businesses activities and the fundamental structuring of urban physical and social environments (Zhang, 1983; Xiao and Qi, 1986; Chen, 1987; Fang, 1987; Cheng, 1990b). All these changes have affected urban youth crime in terms of patterns and opportunity consistent with the Western social ecological perspective.

In post-1977 urban China, there has been a rapid increase in the population movements due to the Chinese government official policy changes regarding both the geographic mobility of its citizens and market oriented economic activities (Zhou, 1988; Zhuang and Zheng, 1991). First, the increased geographic mobility of people has complicated the social composition of urban communities. As well, market oriented economic activities (i.e., increased individualism) have led to a decline in the collective involvement in social control activities (Zhang, 1989). It will be argued that because of these fundamental changes in urban social ecological environments, the function of the urban community in post-1977 China in preventing crime has been weakened, and urban areas have experienced more youth crime than the pre-1977 period.

Further, the increased geographic mobility of residents also has resulted in greater anonymity of residents in urban China. Consequently, crime opportunity has increased and crime patterns have changed. The highest crime areas in cities are concentrated in high-rise apartments and commercial areas (Guo and Dong, 1988; Ji and Yu, 1987; Zhou,

1988). The formation of these crime areas or patterns in urban China can be best analyzed from the routine activities theoretical perspective. It will be demonstrated that urban crime in China appears to have developed Western patterns; burglaries happen more frequently during working periods, in the high-rise apartments, and less frequently in traditional and crowded single level houses (Ji and Yu, 1987; Guo and Dong, 1988; Li, 1988; Zhou, 1988).

Again, these recent crime patterns in China can be further analyzed from the environmental design perspective; the frequency of crime is closely associated with the level of anonymity, the sense of shared responsibility and deterrence in particular urban areas. Urban areas that have high population movements, therefore have greater anonymity, and less involvement of the residents in community affairs, i.e., less sense of shared responsibility, ultimately experience the highest crime rates (Ji and Yu, 1987; Guo and Dong, 1988; Lu, 1988).

Throughout the rest of this thesis, it will be demonstrated that urban juvenile crime in China is following the general trend of crime that most Western societies have experienced. The causes of urban juvenile crime will be explained as similar to those in most West societies. Therefore, most Western theoretical perspectives are extremely useful in understanding the changing profile of this type of crime in China.

Organization of the Thesis

In addition to the introductory chapter, this thesis is composed of five chapters. Chapter II will describe the methodology including data sources and their reliability. Chapter III will discuss pre-1977 juvenile crime. Very little crime data are available for this period, thus hindering a detailed discussion of urban juvenile crime. A principal theme in this chapter, therefore, consists of discussions of relevant political, legal, social and economic factors and their relationships to the low rate of juvenile crime reflected in official crime statistics. Chapter IV will examine various factors that have contributed to a sharp increase in post-1977 juvenile crime rates and to changes in the patterns of criminal activity. Chapter V will evaluate how Western and Chinese theorists view behavior control and crime, and demonstrates their differences and similarities. Chapter VI will summarize the discussions of previous chapters and delineates the main factors that have led to two different pictures of urban juvenile crime since 1949.

Chapter II

Methodology

Unlike Western countries such as Canada and the United States, where crime data typically are compiled in specific official reports and journals, crime data in China are difficult to obtain because almost all social science studies published in China do not contain subject and author indexes. Information must be tediously compiled from many diverse books, journals, and newspapers. For instance, to obtain Beijing's past four decades of crime data would be a prodigious task. Some of these data that finally were found did not appear in official crime reports, but rather in studies done by researchers who had access to first-hand information collected by the Chinese criminal justice system. These data sometimes were located in non-crime related publications published in cities other than Beijing. It appears likely that much information remains hidden among piles of unindexed materials; however, due to the time restrictions, it would be impossible to uncover and utilize every piece of such information.

The data employed in this thesis were obtained from four sources. The first source is Chinese official crime reports and crime studies. The second source comes from various Chinese official publications on different aspects of urban social problems and issues. The third source is studies done by Chinese researchers and published outside

mainland China. The last source is research done by Western scholars on Chinese criminal justice, social control and other political and social issues. Their research has offered some insight from a Western perspective and also has given the author an opportunity to assess their views.

Reliability of Official Crime Data

The reliability of official crime data is a concern. Some studies indicate that the information provided by official crime data is questionable and unreliable. Based on self-report studies and victimization studies, the criticism is that official sources of crime data do not reflect the reality of crime in society because a large number of crimes are not reported (Senna and Siegel, 1978).

Other studies show that official priorities and policies in developing and implementing criminal justice also affect the reliability of crime data. The argument is that the criminal justice system is always subject to political priority, policy and sometimes prejudice. This may result in an unfair measure of the reality of crime (Inciardi, 1978; Roesch and Corrado, 1981).

Further, criminal justice legislation and the discretion of law enforcers also influence the reliability of crime data. It is argued that less criminal law results in less criminal behavior by definition and that the discretion granted to law enforcers may add a human element to

mechanical and rigid criminal laws and determine the amount of crime going into official crime data (Clinard and Abbott, 1973).

Additionally, the level of law enforcement deployed in different areas of a city or in different areas of a country is another factor that can affect the reliability of official crime data. Since in almost every country the level of law enforcement is not evenly distributed, a high or increased level of enforcement can determine the rise and decline of crime or change criminal activity in certain areas (Sherman, 1989; Galliher, 1989).

The same cautions can be applied to official Chinese crime data. The reliability of some crime data are affected by the political priorities of the Chinese communist government. This is especially true when the government encounters political crises. Typical cases are the massive brutal suppression of anti-communist or counter-revolutionary activities in the early years of communist control, the power struggle among the communists themselves during the years 1966-1976 and the 1989 political crisis around the Tiananmen Massacre (Bachman, 1989).¹ All these

¹For more information on the suppression of counter-revolutionaries, see Chapter III. For other information see, Supreme Court Calls for a Speedy Trial of Counter-revolutionary Rebel Elements and the Imposition of Severe Punishments on Criminal Elements. *Fazhi Ribao* (Legal System Gazette), June 21, 1989; Western leaders condemn executions in Shanghai. *South China Morning Post*, June 22, 1989; Counter-revolutionary Riot Quelled. *Beijing Review*, 32(24-25), 1989; p.9. Beijing Sentences More Riot Offenders. *Beijing Review*, 34(5), 1991, pp.9-10..

political events shifted the emphasis in the work of the criminal justice system and affected the reality of crime, particularly juvenile crime.²

Criminal justice legislation and the discretion of law enforcers also affect the reliability of official Chinese crime data and the reality of crime. Less criminal justice legislation and the broader discretion of law enforcement agencies (i.e., to use non-criminal laws to punish and institutionalize less serious criminal offenders) resulted in fewer juvenile crimes in pre-1977 communist China; while an increase in criminal justice legislation and a decline in the discretion of law enforcers in the post-1977 years have caused an increase in juvenile crime.³

The level of law enforcement affects official Chinese crime data as it does in other countries. Law enforcement is distributed unevenly in different parts of China and in different areas of a city. For instance, the urban population represents less than 30 percent of the whole population, however, major population centers, such as Beijing, Shanghai and Canton, were reported to have experienced delinquency more than ten times as much as rural areas (Yang, 1988).⁴ Since the police in China concentrate

²*ibid.*

³See more discussion on the effect of criminal legislation on the reality of crime in the next two chapters.

⁴*The People's Republic of China Year Book 1988*, 510; *The 1990 Census. Beijing Review*, 33(46), 1990, pp.21-23.

most of their resources in urban areas,⁵ it is possible that the higher level of law enforcement in urban China might have resulted in more criminal behavior being brought to official attention and being more vulnerable to official sanction.

Juvenile Age

The age of criminal responsibility is another concern in this thesis. The differences in the age of criminal responsibility in different countries can affect the number of reported juvenile crimes. This issue has been discussed in both Western and Chinese literature (Wells and Weston, 1978; Xu, 1987; Flowers, 1990). *The Criminal Law in China* defines a person between 14 and 18 (inclusive) as a juvenile, however, official crime reports and studies rarely make a clear distinction between juvenile and adult crimes.⁶ Despite the different views on the age of criminal responsibility, most crime reports and studies in China categorize crimes committed by young people aged 13-25 as juvenile crime. Because the discussion in this thesis depends on many data provided by these studies, the age

⁵Rural Crime Rate Remains Low. *Beijing Review*, 35(1), 1992, p.8.

⁶See *The Criminal Law and the Criminal Procedure Law of the People's Republic of China*. Beijing: Foreign Languages Press, 1984; *Zhongguo Qingshaonian Fanzui Nianjian* (Yearbook of Chinese Juvenile Delinquency 1987, hereinafter cited as YCJD). Beijing: Chunqiu Press, 1988.

range of Chinese "juvenile offenders" actually is beyond that of most Western juvenile offenders.

Cities Examined

Beijing, Shanghai and Canton have been selected as the major urban areas for this thesis. There are several reasons for their selection. First, more crime data on these cities are available. This is partly because these cities are experiencing similar crime problems and because most of China's research resources and information are concentrated among these cities. For example, Beijing alone has over 70 universities and colleges, while Shanghai and Canton have 51 and 25, respectively.⁷

These cities also share many contextual and other common factors:

Beijing, the capital, is the largest city in North China with a population of more than ten million. It is China's political, cultural and economic center. This unique status exposes its residents to a variety of multi-cultural experiences. The city receives over one million overseas tourists per year and over one million transients per day.

Shanghai, the largest city in China, is the most industrialized and commercial city. It has a permanent

⁷See *Canton Statistical Yearbook 1988*, p.462; *The People's Republic of China Year Book 1988*, p.594; *Shanghai Statistical Yearbook 1989*, p.387; *Research on Juvenile Delinquency. Beijing Review*, 26(12), 1983, p.17.

resident population of more than thirteen million. Situated in central East China as the largest exporting port, its residents are the most influenced by Western ideas and values. It receives nearly one million overseas tourists per year and 1.5-2 million transients per day.

Canton is the largest and most commercialized city in South China with a population of more than seven million. It is near the British colony of Hong Kong, and therefore is susceptible to capitalist and Western influences. It receives about 1.85 million overseas tourists per year and 1.15 million transients per day (Chen, 1985; Cheng, 1988; Wang, 1988; Zhou, 1988).⁸

Finally, the author's personal and professional experiences also affected the choice of these cities. The author worked and travelled in all three cities when he served and taught in the Chinese national police forces between 1982 and 1987. Beijing is the city where he was raised, educated, and first employed. Shanghai is his second hometown and most frequented city over the past 30 years. Canton is a city to which he made numerous visits in a professional police capacity. These personal and

⁸More information on these three cities can be found in *The People's Republic of China 1987*, pp.374, 620; *People's Republic of China Year Book 1988*, pp.106, 510, 593, 613; *People's Daily* (overseas edition), November 7, 1990, p.4. "Transients" here refer to people who arrive in and depart a city and to those who stay there for less than three months. For reference, Zhang Qingwu. (1989). Reflections on Transient Populations in Urban Areas. *Zhongguo Renkou Kexue* (Population Studies in China), No.3, pp.50-55.

professional experiences have provided a "participant observer" perspective on juvenile crime in these cities.

A Summary

The reliability of official crime data must be kept in mind. This thesis regards official Chinese crime reports and publications only as references for its analytical discussion, not as definitive statements of fact. A discussion solely dependent on these data would lead to a misunderstanding of the reality of juvenile crime without considering political, legal, economic and social factors. However, this does not mean that all official Chinese crime data are subject to official manipulation. For instance, reports that juveniles have become the major force of criminal activity in post-1977 China are not likely the products of manipulation since they are consistent with crime data in most countries. Other crime data on politically sensitive issues are indeed questionable. However, these data may indirectly assist us in understanding the reality of other types of crimes. One example would be to assess different working orientations of the criminal justice system during different periods of time. This will help us understand why there were abnormal fluctuations in different types of crimes during these periods. The main purpose of this thesis is not to study

officially reported juvenile crime rather to study certain factors that contributed to this type of crime.

Chapter III

Pre-1977 Juvenile Crime

Introduction

Scholars of the pre-1977 period of criminal activity in communist China are confronted with the same severe limitation - scanty research. Information on juvenile crime is even harder to obtain since the available data are seldom separated from adult categories. Due to these data limitations, this chapter will examine how political, legal, economic and social factors might have affected urban juvenile crime as reflected in official crime reports and studies. Before evaluating these relationships, it is necessary to look at the general crime situation during this period.

Most official Chinese crime studies describe the general crime situation in pre-1977 communist China in three stages (Table 3.1). These studies argue that crime was not a serious social problem during the first stage (1950-1956), except in 1950. They describe the higher crime rate in 1950 as the result of the political and social instability due to the initial establishment of communist power. In the following approximately five years the social order appeared stable and crime rates dropped. This was attributed to: a series of campaigns against criminal activities and social evils; the improved social stability and economic recovery;

cultural and educational developments; the improved quality of administration of criminal justice; and the establishment of basic urban social control institutions at all levels of society. Juvenile crime during these years made up 10-25 percent of the total reported crimes (Ma et al., 1986; Wei et al., 1986; Kang, 1988a).

The second stage (1957-1965) saw fluctuations in crime numbers and rates (Table 3.1). The fluctuations of crime numbers and crime rates during this stage were explained as the result of the fluctuations in official economic policy and a series of natural disasters. Juveniles were responsible for about 30 percent of the total crimes (Ma et al., 1986; Kang, 1988a).

During the third stage (1966-1976) China was involved in the ten-year political and social turmoil known as the Cultural Revolution (Kashine, 1968; Rodzinski, 1988). No official crime information was published since all crime collection activities and research ceased to operate. Basing estimates on data from some provinces and cities, recent studies show that during these ten years the average annual crime rate was 56 per 100,000 population (Table 3.1). More importantly, the crime age profile was reversed. It was the first time that juveniles dominated Chinese crime statistics. The average proportion of juvenile crime to adult crime increased by over 100 percent, from 10-25 percent during the first stage to over 50 percent at this stage. The sharp increases were explained as a result of the

collapse of the criminal justice system (Guo and Ma, 1988a; Zhang, 1988).¹

Table 3.1 Criminal Offences between 1950-1976

Year	Number	Rate Per 100,000	Ratio of Juvenile Offenders (%)
1950	510,000	92	10-25
1952	240,000	42	
1955	230,000	37	
1956	180,000	23	
1959	200,000	29.8	30
1960	290,000	32	
1961	410,000	62	
1964	250,000	35	
1965	240,000	33	
1966-1976	N/A	56	50

Source: Ma Jie et al. (1986). *Zhongguo Qingshaonian Fanzui Gaikuang* (An Introduction to Juvenile Delinquency in China). Beijing: Yanshan Press; Wei Zhimin. (1986). *Zhi'an Xingzheng Guanlixue Zonglun* (The Administration of Public Security). Beijing: The University of Public Security Press; Guo Xiang and Ma Jingmiao. (1988a). High Peak Periods of Adolescent Crime in Our Country. In *YCJD*, pp.254-284; Kang Shuhua. (1988a). The Phenomenon and Trend of Juvenile Crime. *Zixiu Daxue* (University for Private Study), No.3, 19-24; Zhang Jing. (1988). Rapid Social Changes, Social Integrity and Crime. *Shehuixue Yanjiu* (Studies in Sociology), No.3, 74-81.

The above descriptions and brief explanations of the general crime situation during the pre-1977 years were mostly found in official Chinese studies of crime and recognized by some scholars from Western countries (Leng and Chiu, 1985; Fenwick, 1987). A more complete and valid

¹These studies have offered no information on specific types of juvenile crime that occurred during the first stage. The main types of juvenile crime during the second and third stages were petty thefts and physical assaults.

explanation of pre-1977 juvenile crime rates in China during this period must consider the following factors:

1. The communist government devoted most of its energy to top priorities such as the suppression of anti-communist activities and communist internal power struggles. These priorities affected the orientation of the criminal justice system and thus caused a high proportion of politically related offences and a low proportion of common criminal offences, particularly juvenile offences in official statistics.

2. Limited criminal and juvenile legislation; the incomplete development of the criminal justice system, particularly juvenile justice; political interference in judicial work; and the frequent use of noncriminal laws to dispose of less serious common criminal offences resulted in a misrepresentation of crime in general and juvenile crime in particular.

3. The level of professionalism in the criminal justice system affected the way law was enforced and how offenders were processed. The low level of professionalism and the lack of qualified personnel led to manipulation of many criminal offences, thus failing to provide a representative distribution of crime statistics.

4. Several large-scale relocations of young urban residents and rural immigrants between the 1950s and

the 1970s reduced substantially the potential threat of criminal activities to urban social order by youth.

5. Strong restrictions on the mobility of residents restrained social interaction, thus limiting opportunity for the occurrence of criminal activity.

Each of the above factors will be now discussed in more detail beginning with the impact of the communist party's ideological priorities on the reporting of juvenile crime.

Official Priorities

Many studies show that most of common crimes are committed by young people (Empey, 1982; Friday and Steward, 1977; Empey, 1982; Kalish, 1988; Synder, 1991). Pre-1977 China was no exception. The abnormally low rates of juvenile crime during this period were affected by the political priorities of the communist government.

First, juvenile crime did not receive widespread attention from the Chinese communist government during the its early years in power. This was a period comparable to to period of political executions occurred in the earliest days of the Soviet Union (Cohen, 1982). The Chinese communist policy focus was on the political opposition, particularly the remaining nationalist supporters who were still rampant and hindered the communist regime's efforts to establish a stable political and social order (Wang, 1980a; Zou, 1984;

Wei et al., 1986).² The top priority for the government, therefore, was to eliminate these anti-communist political activities.

This ideological priority was reflected clearly in the brutal suppression of all anti-communist political activities during those years. For example, in 1950, the Chinese communist government suppressed more than 800 anti-communist armed riots and rebellions. In early 1950s, across the country more than one million people were charged with counter-revolutionary crime and executed (Walker, 1956; Dome, 1973; Wei et al., 1986; Lepp, 1990).³

Second, restoration of the national economy was another priority task of the Chinese communist government. Major urban centers such as Beijing, Shanghai and Canton were plagued by a series of economic problems including rapid inflation, high unemployment rates and huge numbers of vagrants left over from half a century of internal and external wars. Eighty percent of the total population continued to face chronic poverty, with the threat of famine ever present (Meisner, 1977; Yuan, 1986; Rodzinski, 1988). The communist government admitted that these problems seriously endangered the stability of their power and

²Respect and Retrospect, China's Socialist Legal System. *Beijing Review*, 22(2), 1979, pp.25-30.

³"Counter-revolutionary crimes" have been categorized as common criminal offences in communist China since the 1950s. See the text of "The Act for Punishment of Counter-revolution" in J. A. Cohen (1968) *Criminal Process in the People's Republic of China 1949-1963: An Introduction*. Cambridge, Massachusetts: Harvard University Press.

disturbed the urban social order (Wei et al., 1986).

Immediate solutions to those problems, therefore, became crucial to the survival of the new government.

Third, in 1954 when the communist government basically consolidated their political power, they began to implement reform of the criminal justice system. Many scholars and justice professionals attacked the communist government's monopoly of political and social spheres and its frequent interference in the work of the criminal justice system. The communist authorities at first seemed to take a tolerant attitude toward these criticisms. Their attitude soon changed when they realized that the legitimacy of their political power was being challenged. In 1957, the communist party launched several political campaigns aimed at eliminating and controlling anti-communist activities and ideologies. During these campaigns thousands of criminal justice professionals and scholars were labelled as political offenders and purged from their posts (Wang, 1980a; Ch'en, 1981; Xian, 1987).

Fourth, between 1959 and 1962, China suffered from the failure of communist economic policies as well as from natural disasters, which threw millions of people out of employment and caused millions of famine-related deaths, particularly in rural areas. Millions of rural people poured into big cities in hopes of survival. The increasing number of rural people became a heavy burden to Shanghai, Beijing and Canton and threatened to social order. The government

then adopted several policies to move these people from cities. The police were the major force to carry out these policies (Hsiao, 1985; Wei et al., 1986; Chan, 1987; Wang, 1988).

Finally, from 1966 to 1976, China was involved in the Cultural Revolution. The power struggles among the communists themselves in those years put aside all other items on the official agenda. The criminal justice system was forced to cease operation for the benefit of the Revolution, even though the urban social order was reportedly in great chaos (Chang, 1985; Bai, 1987; Chen, 1988).

The above-mentioned political priorities seriously affected the general phenomenon of the pre-1977 common criminal activities, particularly juvenile crime, described in Chinese studies. The consolidation of the political stability of the communist regime and the emphasis on the suppression of anti-communist activities or politically related criminal offences in the first few years influenced in various distorting ways the recording of official crime statistics. In addition, the failures of economic policies, natural disasters, and constant power struggles among the communists themselves in the following years further monopolized communist attention, thus leaving common crime far down on the list of priorities.

Legislation and Criminal Justice

Research in other countries indicates that changes in crime numbers and rates are associated with criminal justice legislation and changes in the criminal justice system (Thompson, 1975; Galliher, 1989; Hatch, 1991). Urban juvenile crime number and rates in pre-1977 communist China were also influenced by criminal justice legislation and changes in the criminal justice system. The paucity of criminal justice legislation, the Chinese Communist Party's interference in criminal justice and the use of administrative laws to deal with less serious criminal offences were all important factors that contributed to the reporting of low juvenile crime rates.

Although at the onset of the communist government a new criminal justice structure immediately replaced the former nationalist government's Western oriented system, the new system did not function as planned, especially in the areas of criminal prosecution and criminal procedures. Instead, the political and social order in urban areas was maintained mainly by the military and the newly established police forces (Meisner, 1977; Harding, 1981; Zou, 1984; Fang, 1987; Tian, 1988; Zhang, 1988).

As well, there was no criminal law defining concrete criminal behavior. A major law directing the administration of criminal justice was *The Act for Punishment of Counter-*

revolution (1951).⁴ This law clearly delineated the goals and priorities of the communist authorities in law enforcement and affected the distribution of crime statistics. Under this law, a range of behaviors, from the act of intending to overthrow the communist government to robbing and destroying public property and killing and injuring public employees, were all denounced as counter-revolutionary crimes.

During this initial historical period, the excessive number of criminal offenders charged with political crimes indicated the goals and priorities of law enforcement. For instance, more than 90 percent of criminal offenders investigated were charged with overthrowing and sabotaging the communist government (Kang, 1988a).

Judicial process and institutions were another sphere that remained undeveloped. Even though the courts established since 1949 were supposed to accept criminal cases, this practice was not strictly observed. Many apparent criminal offences brought to the courts or officially sanctioned were essential political, while fewer common criminal offences were heard. Indiscriminate arrests, arbitrary detentions and dispositions were common police abuses in the early years of communist control (Tay, 1971; Vogel, 1971; Chen, 1972; Cohen, 1982). Even the communist government admitted that a major solution to common crime

⁴See the text of the Act in J. A. Cohen (1968).

problems was through means other than the criminal justice system (Wei et al., 1986).

Some five years after the inception of communist rule, when their political opposition had been suppressed and their political power had been consolidated, the communist authorities began to implement reform in criminal justice legislation. In September, 1954, the first *Constitution* and the organic laws of people's courts and procuratorates were promulgated.⁵ The enactment of these laws suggested an attempt to establish a stable legal order. *The Constitution* guaranteed equality before the law and provided protection against arbitrary police detention, stipulating that no citizen could be arrested without the approval of the People's Courts and the People's Procuratorates (Article 89-90). The organic laws of the procuratorates and courts formed a basic three-pronged legal system for China: the People's Police, the People's Courts and the People's Procuratorates. Each of these components would be organized as a multi-layered amalgamation of local, regional and national offices. According to the organic laws of the procuratorates and courts, the police were to make arrests; the People's Courts were to hear cases; and the People's Procuratorates were to prepare investigations and to watch for any wrong-doing by the police, judges or other government officials.

⁵See the text of these laws in J. A. Cohen (1968) and in *A Collection of Laws and Regulations of the People's Republic of China*. Beijing: Legal Press, 1981.

With the implementation of these criminal justice laws, some police discretion was curbed. However, the police still enjoyed great discretionary power to evade criminal procedures in coping with less serious common criminal offences, since there were no laws that could define criminal behavior in more detail. Because of the absence of detailed criminal law, the police had to use their discretionary power and to follow official policies and directives to deal with offences not covered by existing laws.

The People's Procuratorates remained merely a symbol of fair justice (Spitz, 1872; Lubman, 1983; Chiu, 1985). Although the procuratorates did become involved in a number of cases by rejecting warrants and police reports, this was limited to a small number of minor importance rather than to regular supervision of the police work (Brady, 1982).

Also, the courts were notoriously inconsistent in applying provisions of laws in making judicial decisions. This was because the courts had to follow the communist view that law and criminal justice work should be consistent with the policies of the ruling party. Thus, the administration of criminal process was still subject to the Communist Party's interference (Tay, 1969; Chen, 1988).

In 1957, two other important laws were put into effect: *The Security Administrative Punishment Act (SAPA)* and *The*

Decision on Re-education through Labour.⁶ These two laws were applicable to criminal behavior that did not merit criminal prosecution. The SAPA was an administrative law, enforced by the police only. Under this law the police were empowered to arrest, detain and investigate suspects. They could issue warnings, impose modest fines, and detain people up to 10 days (Article 3). The law offered few concrete principles and guidelines that could help law enforcers determine whether a particular behavior should be subject to criminal prosecution. The only instruction given was that the criminal behavior be minor and that it not have serious social consequences. As Article 2 of this law stipulated:

An act that disrupts public order, interferes with public safety, infringes citizens' rights of the person, or damages public or private property violates security administration if the circumstances of the case are minor, if the act does not warrant criminal sanctions, and if it is punishable according to this Act.

Since this stipulation was open to broad interpretation, the police were left with enormous discretion.⁷

The SAPA was applied to adult and juveniles over the age of 13. The only difference was that juvenile offenders

⁶See the text of "SAPA" in J. A. Cohen (1968) and "The Decision on Re-education Through Labour," in *A Collection of Laws and Regulations of the People's Republic of China*. Beijing: Law Press, 1981.

⁷*ibid*. This is not the only article in this law with such broad interpretation. Most of the articles concerning sanctions contained such terminology.

could receive more lenient punishments than adult offenders.

Article 26 of the Law stated very clearly:

No punishment shall be given for acts that violate security administration by persons who have not reached the age 13; acts that violated security administration by persons who have reached the age of 18 shall be punished lightly. However, the heads of their families or their guardians should be ordered to discipline them strictly.

This Article seems to indicate a positive attempt to handle juvenile offences differentially. However, this law did not specify what lenient punishments should be given to juvenile offenders. Furthermore, many kinds of behavior prohibited by this law that would be considered criminal in most Western legal codes were not reflected in the pre-1977 official crime statistics; for example:

1. engaging in gang fighting (Article 5);
2. engaging in prostitution (Article 5);
3. acting indecently with women (article 10); and
4. stealing and swindling small amounts of public and private property (Article 11)

The Decision on Re-education-through Labour, was also an administrative law. It was applied mainly to those who repeatedly violated SAPA and showed little repentance (Article 1). This law granted the local police departments and local civil affairs departments a wide range of discretion, since they had absolute power to determine whether an offender should be sent to the re-education labor camp or not, without the involvement of the other two

components of the criminal justice system. As Article 3 of this law stated:

If one must be re-educated through labor, the application for re-education through labor must be made by a civil affairs or a public security (police) department; by the organ, organization, enterprise, school, or other such unit in which he is located; or by the head of his family or his guardian. The application shall be submitted to the people's council of the province, autonomous region, or city under the central authority, or to an organ that has been authorized by them, for approval (Article 3).

Even worse, the camps were administered and supervised by local civil affairs departments and local police departments without interference from the courts and the procuratorates (Article 5). Police decisions to send offenders to the camps were considered administrative rather than criminal sanctions (Article 2). It is possible that through the use of such administrative sanctions, the police and civil affairs departments could dispose of less serious offenders without criminal prosecution. Thus, it is reasonable to assume that only the most serious cases ever reached the other two components of the criminal justice system.

From 1966 to 1976 when the Cultural Revolution was in progress, there were no legislation concerning adult and juvenile justice. The entire criminal justice system collapsed in the first two to three years of the Revolution. Urban social disorder became widespread. Many studies

described random killing and the destruction of public property by different factions of high school and university students in Canton, Shanghai, Beijing and other cities. The police simply gave up attempts to restore order (Oksenberg, 1972; Chang, 1985; Joffe, 1985; Bai, 1987).

With the police losing control of the urban social order, the local administrative governments could not function either. Due to the nation-wide social chaos, the military was called in to maintain urban social order. In the late 1960s, the police gradually replaced the military. The People's Courts and the People's Procuratorates, however, were not fully operational until the end of the Revolution. Police power became stronger than ever. Although the laws enacted in the fifties were not officially abolished, they were no longer applicable in the administration of criminal justice. The police assumed all judicial powers. There were many reports of public trials of common criminal offenders where judgments were rendered and sanctions imposed either by the police or by other extrajudicial organizations (Lubman, 1979; Tay and Kamenka, 1986; Bai, 1987; Lepp, 1990).⁸

During the pre-1977 years two issues stand out. The absence of laws defining detailed criminal behavior kept the criminal rates at a low level. Further, the frequent use of administrative laws to handle less serious common criminal

⁸See "Criminal Cases in Mainland China: A Collection of Special Materials," *Zhongbao Yuekan* (Zhongbao Monthly), 14 (7), 1979, pp. 47-53.

offences further misrepresented crime statistics since these offences were not defined as criminal. If the above factors were taken into consideration, the pre-1977 juvenile crime problem very likely were far more serious than characterized in the official statistics and estimates.

Professionalism of Criminal Justice

A further area that might have affected the low rates of juvenile crime was the low level of professionalism of the criminal justice system. The level of professionalism of the criminal justice system can affect the way criminal law is enforced and how offenders are processed (Clinard and Abbott, 1973).

Shortly after the communists took control of China, they were confronted with a severe shortage of ideologically appropriate criminal justice professionals. The training of personnel for a communist criminal justice system required a systematic development of professional programs. The communist government therefore had to retain some police and other justice professionals left over from the defeated nationalist government who were more in the Western legal tradition (Chen, 1980; Li, 1980; Ch'en, 1981; Ward, 1986). However, these personnel were insufficient to maintain urban political and social order because of the widespread social instability following the massive destruction of long and bloody civil wars. The judiciary, in particular, was

extremely short of qualified personnel. As well, there were less than 3000 full-time and part-time lawyers in a country of approximately 500 million people in the early 1950s.⁹

The communist government began to recruit new prospects from the demobilized soldiers and political activists to staff the criminal justice system. Problems inevitably occurred, since almost all of the new recruits were inexperienced with law enforcement and were placed in their positions with little or no professional training. Although several professional schools of criminal justice were created, they could only provide short-term training for a small number of senior officials selected from the communist party. Even in the training stage, they were mainly indoctrinated with the communist ideology about the law and criminal justice and were required to place the interests of the communist party over those of the system in the administration of justice (Li, 1971; Brady, 1982; Wei et al., 1986).

Due to the lack of professionally trained personnel, the radical suppression of anti-communist activities and the constant interference by the communist party in the criminal justice system in the early 1950s, many Chinese criminal justice scholars and professionals began to call for professionalization of the criminal justice system. Their outcry became stronger in the mid-1950s when the communist government began to undertake a general reform of the

⁹Legal Advisory Office. *Beijing Review*, 23(28), 1980, p.25.

criminal justice system. Two important reforms were the separation of the criminal justice system from the influence of the communist party and the adoption of certain Western legal principles in criminal process (Gelatt and Snyder, 1980; Ward, 1986). Reformers insisted that: criminal justice procedures and professional standards should be placed above all political and ideological interests; the rights of the accused should be protected; and the criminal justice system should be administered according to constitutional principles (Chen, 1988).

The proposed reforms were a clear threat to the authority of the communist government and, consequently, were rejected. According to Chinese communist ideology, the Western oriented criminal justice system was an instrument of an exploiting class, and therefore must be restructured and controlled by the working class led by the Communist Party. While professionalism was considered to be important to the development of a revolutionary criminal justice system, more important was the loyalty to the communist party and socialism (Wei et al., 1986; Yu et al., 1986; Chen, 1988; Li, 1989; Xu, 1989a). Criminal justice scholars and professionals from the pre-communist period as well as those trained in the West, were attacked for their failure to integrate communist political-legal philosophies into the criminal justice system. Their demands for Western traditions of criminal justice procedures and an upgrading of "non-ideological" or professional standards were

considered "to bind the hands and feet of the masses". Their views on protecting the rights of the accused also were criticized for undermining socialist justice and for violating the public interest. As a result, thousands of the reformers and professionals were transferred, dismissed or even sent to political re-education labor projects (Brady, 1977; He, 1982; Lu, 1987; Xian, 1987).

In the last decade of this period (1966-1976), professionalism in the criminal justice system was further eroded by the power struggles within the communist party and government. This conflict led to the collapse of the criminal justice system. All the major national officials of the criminal justice system were purged. Almost all judges in Beijing, Shanghai and other cities were removed from office for failing to follow radical Maoist revolutionary principles. The normal work of law enforcement departments was disrupted. The police were ordered to place the Revolution over other work. Professional schools of criminal justice were closed. There were no new professionally trained personnel. New recruits were directly from the ranks of the military and from cadres of political activists during the Revolution (Herman, 1982; Conner, 1986; Ward, 1986; Wei et al., 1986; Tian, 1987).¹⁰

The professionalism of the criminal justice system from 1949 to 1976 was thwarted by the Chinese communist

¹⁰Training Personnel in Political Science and Law. *Beijing Review*, 22(23), 1979, pp.6-7.

government's political interests and policies. However, this does not mean that the communist government opposed any form of professionalism; but rather an attempt was made to impose their ideological definition. This attempt occurred when China became politically stable in the mid-1950s, but it failed to achieve its goal as a result of the challenges by many reformers who held Western views of criminal justice. The communist government had hoped to increase the quality of criminal justice personnel while ensuring that they remained subservient to the Communist Party and government. In other words, they needed professionals who should be politically reliable yet technically qualified. From a Western perspective these two expectations are contradictory. This contradiction explains why the efforts of advocates for the independence of the criminal justice system failed at each confrontation with the communists during this period. The several sets of these confrontations resulted in the diminishment of traditional professionalism in the criminal justice system. Although there are no data indicating how professionalism affected the operation of the pre-1977 criminal justice system, it is possible that the low level of professionalism influenced the manner in which offences were defined and processed, especially in law enforcement.

Urban Population Relocations

High population movements are considered as an important variable in the study of urban crime. High population movements hinder the establishment of stable urban communities and thus weaken the effectiveness of crime control (Shaw and McKay, 1969; Black, 1976). In evaluating the pre-1977 juvenile crime problem, one cannot overlook the effects of several population relocations implemented by the communist government. China might be the first society that saw a reverse migration trend, that is, urban to rural migration. This period was a period in which unemployed urban youth threatened social order; rural migrants sought job opportunities in the already overcrowded urban areas, and urban high school graduates experienced the frustrations of chronic unemployment. These urban youth were the common target of the communist government's population relocation policy (Tien, 1967; Vogel, 1969). This drastic policy was likely a factor in the generation of Chinese official juvenile crime statistics, i.e., with fewer youth in urban areas, there was less potential threat.

In the immediate post civil war period, major urban centers had massive numbers of unemployed urban people and vagabonds. In 1949, Beijing had 270,000 unemployed people, about 16 percent of the city's population (Yuan, 1986).¹¹

¹¹Youth Employment in China. *Chinese Youth Bulletin*, 5(10), 1985, pp.18-20.

This particular social problem remained acute, despite the communist government's claim that their socialist economic system would provide equal opportunities and work for all citizens. Yet, given limited land for cultivation, millions of rural residents swelled the urban labor market. Although urban industrial and economic development had utilized a large number of new workers, there remained constant increase in the number of rural migrants who sought opportunities in major urban areas (Deng, 1986; Zhang et al., 1990).

This rapid increase in the urban population could be threat to the urban social order if there was insufficient employment. Therefore, in the mid-1950s, the government resorted both to relocating young urban people to the rural and uncultivated areas and to returning rural migrants to their homes (Zhang, 1989; Zhang et al., 1990).

To date, the final number of the relocated population in the mid-1950s is unknown. The communist government has never admitted that the forced migration ever happened. Recent official statistics on population, however, apparently revealed relevant information on urban population movements during the years when the population relocation policy was being implemented. For example, in 1955, 978,727 and 420,286 "moved out" of Shanghai and Beijing, respectively.¹² Compared to the population of Shanghai (6.3 million) and Beijing (3.9 million) during this period, more

¹²*China Population Statistics Yearbook 1988.*

than 10 percent of the population "moved out" of the cities. No explanation was offered of these massive population movements. One thing might be considered as significant from a crime control perspective. Among those who left urban areas in these years most were young workers, demobilized soldiers and rural migrants (Hu, 1960; Emerson, 1971).

Urban unemployment was further aggravated by another large group of job seekers - high school graduates. Thus, the authorities began to turn their attention to relocating those school children who could not or were not going to continue their education and could not find jobs in urban areas. Approximately 8 million high school graduates were "encouraged" to migrate from overcrowded urban areas to rural areas and less densely settled regions and to "support" the construction of economically backward regions (Emerson, 1971; Wen, 1981).

With the urban unemployment problem still not solved, several natural disasters and successive economic policy failures occurred between 1959 and 1962. Food shortages became drastic, causing widespread famine. The number of famine-related deaths reached 10 millions, especially in rural areas. This was a period in which there were more deaths than births (Chan, 1987; Wang, 1988; Zhang, 1989; Zhang et al., 1990). Urban areas experienced even more serious unemployment due to an influx of illegal rural migrants. As well, there were reports of widespread social unrest, massive looting of public food supplies, rampant

food-related theft, and other crimes (Hsiao, 1985; Wei et al., 1986; Chan, 1987; Wang, 1988).¹³

Facing such a crisis, the communist government once again expelled large numbers of people from urban areas. Illegal migrants and urban residents with peasant backgrounds were the first to be expelled (Chan, 1987; Kojima, 1987; Li, 1990; Ma, 1990; Cheng, 1991). During those three years between 20 and 30 million urban residents were relocated in rural and remote areas. Those in Shanghai, Beijing and Canton were the major victims of this expulsion (Wen, 1981; Zhang and Chen, 1981; Cai, 1990; Song, 1990).

The use of population relocation to reduce urban youth problems reached its peak during the Cultural Revolution. Urban areas experienced massive unrest and lawlessness due to the total destruction of the criminal justice system. Post-secondary education was totally disrupted. The resulting political and social chaos was disastrous for the Chinese economy. Urban high school graduates had little chance for further education and employment (Bernstein, 1977; Engelborghs-Bertels, 1985; Whyte, 1985; Tsai, 1986).

In the late 1960s, the communist government launched the largest population relocation in Chinese history. Its ideological justification was "student re-education". With a few exceptions such as the physically disqualified or the only child in the family, almost every high school student

¹³The sharp increases of criminal offences in these years (see, Table 3.1) reflected the deteriorating social order.

was required to leave urban areas for re-education in rural areas (Wen, 1981; Zhang and Chen, 1981; Zhang, 1989). During the Cultural Revolution, Shanghai alone sent off more than one million high school graduates. Across the country between 20 and 30 million high school, college and university students were sent out of cities to rural and remote areas for re-education (Xu, 1984; Lin and Xie, 1988; Yang, 1988; Kim, 1990; Zhang et al., 1990).

The practice of population relocation during the pre-1977 period indicated that, contrary to what Chinese crime reports and crime studies have claimed, urban youth were a serious social problem. How many young people were involved in criminal activity is incalculable, yet at the very least, they were apparently viewed as constantly threatening the urban social order. The continual and often massive population relocations could be considered important, though implicit, crime control policy. The relocations relieved the urban population pressure; removed a considerable number of potential criminal offenders; reduced the amount of general social deviancy and the opportunities for crime; and lessened the burden on urban crime control agencies.

Restrictions on the Mobility of Residents

The low rate of juvenile crime during the pre-1977 period might also be affected by the government's policy of restricting the geographic mobility of the population.

Almost from the very beginning of the communist government a national administrative control system extending to the lowest level of urban areas was created, including security defense committees and residents' committees at the local block level. This social control system was further strengthened by the government's policy of rationing urban residents' daily necessities such as food and clothing. The effects of these tight control measures have been studied by some Western China scholars (Lewis, 1971; White III, 1977; Kim, 1990), yet they provide little insight about their impact on urban crime patterns.

Once the communist government came into existence in 1949, urban areas, for the first time, became the center of the Chinese Communist Party policy activities. The new government encountered crime-ridden urban areas. Prostitution, drug addicts, gangs, secret societies, robbery, thievery and vagrancy were common in Shanghai, Canton, Beijing and other big cities. While the communist regime were suppressing political opposition, they began to mobilize urban residents to help law enforcement agencies to control and prevent these common crimes (Cell, 1980; Brady, 1982).

This practice was first implemented in Shanghai. Through the cooperation of the citizens, this practice apparently was quite successful (Cell, 1979; Wang, 1980b; Sima, 1989). The communist government expanded beyond the local level to establish a nation-wide urban control system.

Urban security defense committees and residents' committees were established by two laws: *The Provisional Act for the Organization of Security Defense Committees* (1952) and *The Act for the Organization of City Residents' Committees* (1954).¹⁴ With their implementation, all urban areas were required to establish these institutions. By 1955 all urban areas had established these institutions (Jiang, 1984). These institutions served as local level mechanisms of government administration and were active in maintaining urban social order by registering new arrivals, reporting on suspected persons and activities, and hunting out "trouble-makers", including political and criminal offenders. The members of these institutions consisted of political activists, retired workers, non-working women and volunteers. Although they were supposed to be elected by their own neighborhoods, in practice they were approved by the local government and local police (Walker, 1956; Salaff, 1971; Wang, 1980b; Zou, 1984; Sima, 1989).

Security defense committees and residents' committees played an important role in physically restricting the mobility of urban residents and controlling local criminal and ideologically defined anti-social activities. But there were still certain social problems these institutions could not easily control. One major problem was to check and monitor transients and temporary residents in urban areas (Ding, 1987; Duan, 1990; Jing, 1990; Kim, 1990). In 1957,

¹⁴See the text of the two Acts in J. A. Cohen (1968).

the communist government adopted another control method to restrict the geographic mobility of residents. China's parliament, the National People's Congress, enacted a law, *The Household Registration Regulations*.¹⁵ This law stipulated that each household must have a register. The registration divided the entire population into urban residents and rural residents, and was legally required for all urban residents. The registers were to contain the names of family members, family backgrounds and occupations. Those who sojourned in an urban area where they were not registered, for three days or more, had to be registered as temporary residents at the residents' committee and the neighborhood police station. They had to explain when they came, where from and how long they intended to stay. Further, valid household registration was necessary for any urban resident who wished to obtain a regular job, housing, admission to school and marriage. Despite the Chinese government's explanation that the purpose of this law was to stem disruptive migration to urban areas, it is obvious that the law was successful in monitoring population movements within urban areas and preventing urban crime.

While the household registration system was being implemented, another local economic control measure was applied to urban residents. Food staples, basic clothing and other daily necessities were rationed at the municipal

¹⁵See the text of "The Household Registration Regulations," in *The People's Republic of China State Council Bulletin*, No.2, 1958.

level. Ration coupons were issued upon presentation of household registers (Chiang, 1986; Kim, 1990). Although the ration was first introduced to deal with the shortage of daily necessities, it facilitated the control of the population mobility since without a valid register one could not travel and reside freely in other cities and ration coupons issued from one city could not be circulated in another city. This rationing policy could also help deter criminals from operating in other cities. Despite such a rigid control structure, some crime did occur, particularly illegal dealing in ration coupons. Black markets increased, especially in Shanghai. Prostitutes accepted ration coupons and other daily necessities in exchange for services (White III, 1977).

The establishment of security defense committees, residents' committees, the household registration system and the rationing of urban residents' daily necessities during the pre-1977 years revealed at least two crime control dimensions. First, the adoption of these measures suggests that a number of deviant and/or criminal activities reached a certain level that resulted in a government reaction. Second, these measures could restrain opportunity for criminal activities, especially at the initiation stage and, consequently fewer crimes were drawn into the formal justice system.

Summary

The key question about urban juvenile crime during the pre-1977 period was the low level of officially reported juvenile crime. It has been hypothesized in this chapter that several factors might have influenced the low level of officially reported juvenile crime. The most influential factor was politics. There were always other political and ideological priorities for the communist government to meet before juvenile crime became a policy focus. Second, the absence of formal and professional criminal and juvenile justice systems resulted in uncontrollable discretion and disparity of the law enforcer, which left room for manipulation of crime statistics. One example was to reclassify less serious criminal offences as administrative offences. Third, the communist government's relocation of urban young people also affected the occurrence and reporting of crime. It appears that the communist government admitted implicitly that juvenile crime was a threat or burden to the urban social order. By moving young people out of crime-prone areas, they hoped to reduce the potential for the occurrence of deviant and criminal activities. Finally, the establishment of urban security defense committees, residents' committees and the household registration system implied that certain social problems, including crime problems, constantly occurred. All these factors suggest

that urban juvenile crime was always a social serious problem, however official data appear.

Due to the existence of few statistics on urban juvenile crime in China during the pre-1977 period, this chapter has evaluated critical political, legal, economic and social factors that might have affected the reality of officially reported juvenile crime. Since the death of Mao Zedong in 1976 and with the introduction of economic reform in 1978, China has experienced many changes in politics, the criminal justice system, economic policies and other social affairs. Urban juvenile crime also has been affected by these changes, which will be discussed in the next chapter.

Chapter IV

Post-1977 Juvenile Crime

Introduction

The end of the Cultural Revolution or the lawless period in 1976 is a watershed in Chinese criminal justice history. Since 1977 China has experienced a period where "rule by law" characterizes the criminal and juvenile justice systems. During the post-1977 period the reform oriented communist government identified with communist leader Deng Xiaoping placed fewer restrictions on the gathering and reporting of common crime data. However, crime researchers are still confronted with few data. Although national crime data are published regularly, the crime categories are general and the data are not aggregated by city or region. Beijing, Shanghai and Canton do publish limited local crime data, but not regularly. More crime data for these cities are revealed in crime studies done by Chinese researchers. These data are still not sufficiently reliable to make any definitive conclusions about juvenile crime in these three cities, yet they can facilitate an understanding of certain trends during this period.

The available data statistics indicate that much more juvenile crime was reported for the post-1977 period than before 1977 (Tables 4.1 and 4.2). The rising trend in urban juvenile crime has reached alarming proportions. This trend

appears to be far more consistent with juvenile crime trends evident in the Western literature (Wolf, 1971; Empey, 1982).

Table 4.1 Crimes Reported During the Post-1977 Period

Year	Criminal Cases	Crime Rate Per 100,000	Ratio of Juvenile Offenders (%)
1981	890,000	89	64
1982	748,476	74	59
1983	610,478	60	60.2
1984	514,369	50	63.3
1985	542,005	52	71.4
1986	547,115	52	72.4
1987	570,000	52	74.3
1988	N/A	N/A	75.6

Sources: Zhang, Zhiye. (1984). Handling Crime Strictly According to Law. *Beijing Review*, 27(17), pp.19-21; Ma Jie and et al. (1986). *Zhongguo Qingshaonian Fanzui Gaikuang* (An Introduction to Juvenile Delinquency in China). Beijing: Yanshan Press; YCJD, pp.48-51; Chang Yaru. (1989). The State of Public Security and Social Order in the People's Republic of China. *Police Studies*, 12(1), 6-9; Guo Xiang. (1989). The Phenomenon and Characteristics of Current Juvenile Crime in Our Country. *Renmin Gongan Bao* (People's Public Security Gazette), October 13. The crime rates between 1983-1987 went down due to a series of national anti-crime campaigns. More detailed discussions about these campaigns can be found in: Why the Crime Rate Is Declining. *Beijing Review*, 26(12), 1983, pp.15-18; Crime Rate Drops after September. *Beijing Review*, 26(50), 1983, p.12; Shao-chuan Leng. (1982). Crime and Punishment in Post-Mao China. *China Law Reporter*, 2, 5-33; Crime Rate Nears Lowest Level Ever. *Beijing Review*, 27(30), 1984, pp.9-10; Stephen B. Davis. (1987). The Death Penalty and Legal Reform in the PRC. *Journal of Chinese Law*, 1, 303-334; Anti-crime Drive Brings Results. *Beijing Review*, 31(16), 1988, pp.11-12.

Table 4.2 Ratio of Juvenile Crime to Adult Crime in Beijing, Shanghai and Canton

City	Year	Ratio (%)
Beijing	1977	78.8
	1978	79.8
	1981	79.9
	1983	63
	1984	70
	1985	73
Shanghai	pre-1976	34.5
	1979	70.4
	1984	51.4
	1985	58
Canton	1977	67.4
	1978	77.2
	1979	73

Sources: Ibid; Jiang Zhenchang. (1982a). An Assessment of Juvenile Problems in Mainland China. *Feiqing Yuebao* (Studies of Chinese Communist Affairs Monthly), 25(5), 77-84; Jiang Zhenchang. (1982b). Juvenile Crime Problems in Mainland China. *Feiqing Yuebao* (Studies of Chinese Communist Affairs Monthly), 25(6), 39-47; Guo Xiang and Ma Jingmiao. (1988a). High Peak Periods of Adolescent Crime in Our Country. In *YCJD*, pp.254-284; Luo Yaobei. (1988). A Preliminary Investigation of Juvenile Crime. In *YCJD*, pp.249-253; Wei Jiuming. (1988a). Juvenile Delinquency and Crime in Our Country. In *YCJD*, pp.81-89; Yang Xinghua. (1988). New Issues and Characteristics of Shanghai Juvenile Crime. In *YCJD*, pp.124-125.

Two features stand out in the post-1977 urban juvenile crime picture: property crimes have amounted to more than 80 percent of all juvenile crimes. Sex crimes (rapes and sexual assaults) are next most frequent of juvenile crimes, accounting for approximately 10 percent. About 40 percent of sex offenders are juveniles (Zhou, 1979; Zhong, 1980; Wei, 1988b; Zhu, 1987; Yang, 1988; Guo, 1989). A comparison of available crime data and information for the pre-1977 and post-1977 periods seems to indicate a fundamental change in

the proportion of total reported crimes committed by juveniles. It is hypothesized that several factors appear to have caused the high reported proportions and rates of juvenile crime in the post-1977 era:

1. The shift in the working orientation of the criminal justice system from suppressing politically related crimes to common crimes, increased criminal justice legislation and increased professionalism have resulted in more deviant behavior being processed and being criminalized by formal criminal justice agencies.

2. Increases in market oriented activities have stimulated individual desires for material wealth and have widened economic inequality. High crime rates among children from the least economically benefitted families might be related to increased frustration of relative economic deprivation.

3. More exposure to Western social and moral values brought by economic reform has exerted a devastating effect on the young generation, particularly liberal sexual values. Because the government has not abandoned its traditional governing policy in criminal justice legislation, increased identification with these anti-socialist and anti-traditional Chinese social values by Chinese youth might explain why related behaviors are more likely to be viewed as deviant or criminalized.

4. Urban family structural changes, such as increases in women employment, nuclear families, one-

child families and the broken families, have greatly weakened the functions of the family in controlling the young people's deviant behavior.

5. The stratified and competitive educational system has blocked a great majority of young people from pursuing and achieving their ambitions. Increased juvenile crime results from the effect of labeling and alienation created by the educational system and from an unequal distribution of educational opportunity.

6. Social ecological changes, most importantly, impersonal social relationships among urban residents, high population mobility and structural changes in urban residential patterns, have weakened the urban social control mechanisms which existed during the pre-1977 period and thus increased the opportunity for crime.

Increased Legislation and Criminal Justice System Reform

As noted in the previous chapter, the emphasis on the suppression of political crimes, minimal criminal justice legislation and the use of administrative measures to handle less serious common crimes were posited as the primary factors for the lower proportion of reported juvenile crime during the pre-1977 period. Since 1977, the the communist government undertook a reform of the criminal justice system and introduced many criminal justice laws. The reform sought

to repair the damage to key social control institutions occurred during the pre-1977 period as a result of radical Maoist policies such as the "Cultural Revolution".¹ Another policy thrust involved the commitment to major economic reform. To achieve these reforms, the post-1977 communist government sought social stability and a formal criminal justice system that would facilitate it (Lubman, 1979; Qiu, 1979; Chiu, 1980; Leng, 1982; Wei, 1985; Dicks, 1989).

Among the many laws enacted during the post-1977 period, the most important are *The Criminal Law* (1980) and *The Criminal Procedure Law* (1980).² These two laws are the most significant because they are the first criminal laws enacted after 30 years of communist control. They specify, in some detail, criminal behavior and criminal procedures for criminal justice personnel to follow. Although these criminal codes are not as lengthy and as specific as similar legislation in Canada and the United States,³ their enactment represents a major departure from past communist

¹Prospect and Retrospect, China's Socialist Legal System. *Beijing Review*, 22(2), 1979, pp.25-30.

²See *The Criminal Law and The Criminal Procedure Law of the People's Republic of China*. Beijing: The Foreign Languages Press, 1984.

³In form the Chinese criminal code is similar to those of Continental law countries, such as France, Germany and Japan. However, the courts in China enjoy much more discretion than those in the latter. See, Gerhard O. W. Mueller. (1960). *The French Penal Code*; Neville Ross. (1966). *The German Draft Penal Code E 1962*; B. J. George, Jr. (1964). *A Preparatory Draft for the Revised Penal Code of Japan*. New Jersey: Fred B. Rothman & Co.

practice and procedure. In addition to this legislation, the criminal justice system was restored. The People's Procuratorates and the People's Courts that ceased to operate during the Cultural Revolution began functioning again after 1977. All these changes have played a fundamental role in reporting juvenile crime during the post-1977 period.

First, the enactment of the criminal laws makes it possible for the criminal justice system to follow more specific rules, to make more prosecutions, and to impose more criminal sanctions. As a result, more deviant behaviors are likely to be criminalized because of the new laws. The rising juvenile crime rate over the past decade can be seen, to some degree, as reflecting these legal changes. Second, the priority of the criminal justice system has shifted from suppressing essentially politically related crimes such as criticizing government policies to traditionally defined crimes such as theft and assault. This shift has inevitably affected the processing and reporting of juvenile crime during the post-1977 period, since it is likely that juveniles commit more common crimes than political crimes. Western research also indicates that juveniles commit property crime and personal crime disproportionately to adults (Wolf, 1971; Empey, 1982). Third, the restoration of the criminal justice system, especially the People's Procuratorates and the People's Courts, has increased the involvement of the formal control agencies in handling and

sanctioning criminal behavior. This increase in involvement was reflected in the rise in the number of prosecutions and sanctions imposed over the past ten years.⁴ Finally, more juvenile crime has been recorded with the re-establishment of the national crime statistics system. This system has provided more detailed records of criminal offences than those provided by fragmented sources in the past.⁵

Although there have been many changes in criminal justice, there are still many kinds of behavior that have not been criminalized. As noted in the previous chapter, a considerable number of behaviors were categorized into administrative offences under *The Security Administrative Punishment Act (SAPA)* during the pre-1977 years. The *SAPA* was in effect in 1957 and revised in 1986.⁶ Instead of minimizing administrative sanctions, the revised *SAPA* seems to have expanded its purview. The following behaviors are sanctioned under the *SAPA*:

1. sexually harassing and insulting women (Article 19);
2. engaging in group fighting (Article 19);
3. beating others and causing slight injury (Article 22);
3. illegally restricting the freedom of a person or illegally breaking into a private residence (Article 22);

⁴YCJD, pp.48-51.

⁵YCJD, p.1031.

⁶See the text of the revised *SAPA* in *The People's Republic of China Year Book 1987*, pp.160-163.

4. stealing, robbing and swindling small amounts of public or private property (Article 23);
5. intentionally damaging small amounts of public or private property (Article 23); and
6. stealing and using the motor vehicle of a person (Article 24).

As in the pre-1977 years, these generally recognized criminal offences are categorized as administrative offences when they do not warrant criminal prosecution but are punishable for breach of security administration (Article 2). These administrative offences are excluded from Chinese official crime statistics.

The *SAPA* may be manipulated by the police under certain situations. For example, "small amounts" in offences against property (Articles 23-24) is an ambiguous definition and may create some leeway. According to the *SAPA*, "small amounts" refer to the monetary value of the property involving an offence, however, the final judgement is made by the police (Article 34). The police can handle property offences differentially by using this leeway. Some offences involving property of enormous monetary value were disposed of as administrative offences by the police when the offenders had politically powerful relatives and connections or where bribery was involved (Xu, 1986).

Further, as in the pre-1977 years, the local police and civil affairs departments are still the major agencies that can determine whether an offender should be administratively sanctioned or criminally prosecuted (Articles 4-5).

Additionally, the earlier noted law, *The Decision on Re-education through Labor*, passed in 1957, remains in effect. A supplementary chapter has been added to it.⁷ Under this law, the local police and civil affairs departments can determine whether or not an offender should be sent to a re-education camp up to four years, with little interference from the other two components of the criminal justice system. All these measures or sanctions are still regarded as administrative (Article 3).

Taking all this into consideration, it is reasonable to assume that many offences in China have not been criminalized. This point is strongly supported by recent official statistics on criminal and administrative cases (Table 4.3).

Table 4.3 Criminal and Administrative Offences 1985-1987

Year	Criminal Cases	Administrative Cases
1985	542,005	1,025,440
1986	547,115	1,112,068
1987	570,000	1,120,000

Sources: *YCJD*; Chang Yaru. (1989). *The State of Public Security and Social Order in the People's Republic of China. Police Studies*, 12(1), 6-9.

⁷See the text of the supplementary chapter of the law in *A Collection of Laws and Regulations of the People's Republic of China 1979-1984*. Beijing: Law Press, 1986.

These statistics clearly indicate that the numbers of cases administratively handled are far higher than those criminally sanctioned. It appears that China is still one of the lowest crime rate countries, even though the large numbers of administrative offences are included in criminal offences. However, as indicated earlier, most of China's rural areas (where 80 percent of the whole population inhabit) have few or no police forces. It is possible that many, if not most, offences are not reported or underreported. Such a phenomenon has been reported in one official publication.⁸

Increased Professionalism

The increase in juvenile crime in the post-1977 years is also the result of the increased professionalism of the criminal justice system. New police recruits are no longer former military personnel and political activists. They must be graduates of professional police training institutions or graduates of ordinary colleges and universities with some relevant training. Given this basic education requirement for recruitment, many police training institutions have been established in China. Over the past ten years, every province and provincial-level municipality such as Beijing or Shanghai has established its own police training

⁸Rural Crime Rates Remain Low. Beijing Review, 35(1), 1992, p.2.

institutions (2-year system). There are three university-level police institutions (4-year system) to train senior police officers, two in Beijing and one in northeastern China. All police candidates must be senior high school graduates and must successfully pass competitive national academic entrance examinations as well as physical fitness tests before they are accepted in these police training institutions (Gelatt and Snyder, 1980; Tian 1987; Zhu, 1991).⁹

There also has been reform in police training. Police candidates are required to take extensive courses which cover not only specific criminal laws and criminal procedure laws but also emphasize police jurisdiction (Yu et al., 1986; Tao, 1991). With the increasing number of professionally trained personnel working in the police departments, police abuses that were common during the pre-1977 period, especially the Cultural Revolution, have been curbed. The frequent reports of police abuses, the criticisms of police abuses and the criminal sanctions imposed upon the policemen involved in official Chinese publications (Zhang, 1986; Chang, 1989; Li, 1989)¹⁰ are at least an indication that the post-1977 Chinese police do not enjoy power as much as the pre-1977 police.

⁹Reforming the Public Security Forces. *China News Analysis*, No.1318, September 15, 1986, pp.1-9; Social Order and Politics. *China News Analysis*, No.1345, October 15, 1987, pp.1-9.

¹⁰*The People's Republic of China Year Book 1986*, 178-180; *The People's Republic of China Year Book 1988*, 171-172

New recruits to the People's Procuratorates and the People's Courts are mainly graduates of legal or judicial training institutions (Conner, 1986; Wang, 1989). Before 1966, China had six comprehensive universities with law faculties and four separate law schools to offer limited legal training (Butler, 1980; Zhang, 1983a). Since 1977, the number of legal training institutions has increased greatly. By 1985, China had five separate law schools, 36 law faculties at universities, 28 judiciary schools, and 27 institutes and schools training lawyers and legal administrators (Lubman, 1983; Zhou, 1991).¹¹

The increase in the number of professionals in the courts and procuratorates has increased the involvement of these two components of the criminal justice system in handling criminal cases and restricted police abuses and manipulation (Zhang, 1982).¹²

The level of professionalism has been further improved since a bar system was established with the enactment of *Provisional Regulations on Lawyers*.¹³ This enables the criminal justice system to move toward professional activities. As mentioned in the previous chapter, in the

¹¹See *The People's Republic of China Year Book 1986*, pp.186-187; *Law Yearbook of China 1987*, Beijing, p.897.

¹²The People's Republic of China 1987, p.165; *The People's Republic of China Year Book 1988*, pp.172-174.

¹³See the text of "The Provisional Regulations on Lawyers of the People's Republic of China" in *China Law Reporter*, 1(4), 1981, pp. 217-221.

1950s, there were less than 3,000 full-time and part-time lawyers across the country. Their existence was short-lived, and they ceased to operate from the late 1950s until 1977 (Zhang, 1983b).¹⁴ Since 1980, there has been an increase in the numbers of lawyers as well as law firms. In Beijing there were only two law firms and 56 lawyers in 1980; by mid-1982, there were law firms in almost all districts of the city with a total of 303 lawyers. In Shanghai there were over 400 full-time lawyers, more than 2,000 part-time lawyers and 50 law firms by October, 1990. In the whole country there were 639 law firms and 3689 lawyers by 1980. By 1985, China had a total of 28,000 full-time and part-time lawyers and 2,880 law firms. By October 1990, the number of full-time and part-time lawyers had increased to 50,000 (Kong and Wang, 1987).¹⁵

Since there is less communist government interference in criminal justice during the post-1977 period, the increased number of lawyers has improved the formal processing of criminal cases. Over the past few years lawyers handled more and more criminal cases. One official report indicates that lawyers' involvement in handling

¹⁴Legal Advisory Office. *Beijing Review*, 23(28), 1980, p.25.

¹⁵Need for More Lawyers. *Beijing Review*, 23(49), 1980, p.3; More Legal Advisory Offices in Beijing. *Beijing Review*, 24(7), 1981, p.4.; The Role of Lawyers. *Beijing Review*, 25(7), 1982, p.9.; Lawyers in Beijing. *Beijing Review*, 25(23), 1982, p.15; *The People's Republic of China Year Book 1986*, pp.186-187; *People's Daily* (Overseas Edition), October 9 and 12, 1990.

criminal cases has gradually become dominant in judicial work. By the end of 1981, there were only about 15,000 criminal cases in China in which lawyers were involved, i.e., less than 2 percent of the total criminal cases. In the late 1980s, between 200,000 and 300,000 cases were dealt with by lawyers, approximately 50 percent of the total criminal cases.¹⁶ The increased involvement of lawyers in the criminal proceeding has also reduced the manipulation of criminal cases. As the same report states:

The involvement of defense lawyers in handling criminal cases has contributed to the judiciary's overall understanding of case circumstances and reduced the possibility of injustice and connivance...As well, this has also reduced the number of appeals.

It appears that the increased professionalism among the criminal justice personnel is likely a factor affecting the reporting of juvenile crime during the post-1977 period. Even though there is a claim that the Chinese criminal justice system has to bend to interference by the Chinese Communist Party in handling cases (Cai, 1982; Zhang, 1982; Gan, 1983; Xu, 1986; Cheung, 1988b; Dicks, 1989; Lepp, 1990), however this claim seemed to have focused on a small number of cases which involved mainly politically or ideologically defined criminal offences or children of high-ranking officials. Most common offences appear to be handled professionally, with little political interference.

¹⁶ *People's Daily* (Overseas Edition), October 9, 1990. The 1981 ratio of lawyers to criminal cases is calculated on the number of reported criminal cases in that year.

Economic Inequality

The phenomenon that crime is seen as the result of economic inequality or relative deprivation in capitalist societies (Runciman, 1966, Merton, 1979; Stack, 1984) is also occurring post-1977 China. Economic reform has given rise to more competitive economic opportunities and to a widening economic gap between income groups in China. Unlike the past, the pursuit of private wealth has been encouraged and widely publicized during the reform period (Wang, 1984; Dai, 1988; Li, 1988b).¹⁷ Yet, it has become apparent that there are different opportunities for different people. Some of the "successful" entrepreneurs used political power, illegal means and their connections in the government, to engage in financial speculation for personal profits, bribery, embezzlement and smuggling, while most people struggled to improve their lives. Dissatisfaction and a sense of economic related deprivation appear to have occurred (Ong, 1982; Burns, 1985; Eberstadt, 1986; Luo, 1987; Chiang, 1989a; Cheng, 1990a).

While the living standard has not gone down, the gap between income groups has widened. Certain Chinese scholars indicated that, although in the 1950s the living standard was very low, most people generally were satisfied with their lives because of their common financial situation. It

¹⁷Individual economy is encouraged. *Beijing Review*, 26(7), 1983, pp.7-8.

is the widening economic disparities in the 1980s that appeared to have created the dissatisfaction and frustration among much of the public, though the living standard generally improved (Kang, 1988b; Luo, 1988; Zhang, 1988).

The impact of this economic inequality has affected juvenile crime. Some recent research supports this assertion. Children from less economically privileged families make up a higher percentage of juvenile offenders. A study done in Canton in the 1980s revealed that juvenile delinquent and criminal behavior was closely associated with the financial situation of their families. Based on a sample of 163 juvenile offenders in several work-study schools in the city, the study showed that the rate of juvenile offences increased with a decline in family income. The offenders from the lowest income families made up more than 40 percent of the surveyed group; while those from the highest income families only accounted for 3.1 percent (Mo et al., 1986).¹⁸ A similar distribution of crime rates was also found in Shanghai Juvenile Reformatory in the 1980s (Su, 1983).

¹⁸"Work-study schools" are special schools for juveniles (aged 12-18) who have committed minor offences, such as petty theft and hooliganism (a Chinese version referring to disturbing social order and harassing females) and who have repeatedly violated school discipline. Students in these "schools" are re-educated through academic and workshop programs and allowed to visit their parents once a month. See, Kong Xiaoning. (1986). A Special School. *Chinese Youth*, 6(8), 9-11; Zhu Entao. (1987). Crime prevention and crime control in China: the role played by public security organs. *International Criminal Police Review*, September-October, 4-8.

These figures suggest two issues: economic deprivation was likely to be related to crime; and, the lowest delinquency rate among the children from highest income families might be the result of the influence of politically powerful or rich parents on the reporting and processing of their children's delinquency. This point can find sufficient evidence in recent publications which described how parents used their political positions to provide unlawful help to family members to avoid criminal prosecutions and punishments (Jiang, 1982a; Luo, 1987; Li, 1989).

Further, economic reform has brought in free market activities. Economic reform has not only stimulated economic development, but also increased the difficulty of urban social control. Since free market economy is focused on private profits, it stimulates the desire for material wealth. This desire as well can be the motivation for juveniles to commit property crimes. In addition, since a free market economy is relatively recent, there are insufficient laws and regulations to control business activities (Kang, 1988b; Lu, 1988; Luo, 1988) and, consequently, opportunities to commit crime have increased.

Due to inefficient legal and administrative control measures, free markets have become havens for trading in stolen goods. Before 1977, stolen goods traded in free markets made up less than one percent of the total. Since 1977 stolen goods have accounted for about 18 percent of the goods traded in free markets (Zhang, 1988). Since stolen

goods can be more easily traded in free markets, there has been an increase in property offences such as theft, burglary and robbery which involve many young offenders (Zhang, 1988).

With the emergence of a widening economic gap resulting from free market activities, it is not surprising to see changes in the Chinese crime profile. Property crime has dominated, amounting for over 80 percent of juvenile crimes in Beijing, Shanghai and Canton. As well, the main types of juvenile offences have shifted from more petty theft and physical assault during the pre-1977 years to more lucrative property crime and more violence against the person for property during the post-1977 years (Jiang, 1982b; Luo, 1987; Liang, 1988; Wang, 1988a; Yang, 1988).

In property crime, public property has become the major target and public ownership remains dominant. Compared to other property crimes, crime against public property makes up more than 40 percent.¹⁹ Such crime is also difficult to control and detect; managers of state businesses, factories and enterprises are reluctant to report the loss of property for fear of being held responsible. Employees are even less reluctant because there is no direct personal loss (Kang, 1988b; Zhou, 1988).²⁰ Therefore, the lower level of cooperation and support from citizens has complicated the

¹⁹*The People's Republic of China Year Book 1987*, p.161.

²⁰Public Property Suffers Robbery. *Beijing Review*, 31(49), 1988, p.12.

work of law enforcement agencies in preventing public property crime, thus encouraging more such crime to occur.

Social and Moral Values

It is generally agreed that the behavior of a person is subject to the influence of moral values and social groups he/she often has contact with. The younger the person, the more susceptible he/she is to the influence. That is to say, a person is likely to be involved in crime when he/she is often influenced by negative moral values and social associations (Sutherland, 1979). The increase in urban juvenile crime in post-1977 China can also be seen as the result of this relationship. During this period, young Chinese are exposed to anti-communist and anti-traditional Chinese social values, particularly liberal sex norms and materialism brought in by the 1978 open-door economic policy. Since the post-1977 communist government has no intention of abandoning its governing principle in criminal justice legislation (An, 1985), it means that the more association of Chinese youth with these anti-socialist or anti-traditional Chinese moral values, the more likely their behaviors are viewed as deviant or criminal.

The post-1978 "open door" to Western trade, technology transfer, investment and tourism has not only gradually destroyed the self-contained economic system that the pre-1977 Maoist communist government created, but also brought

in Western social and moral values. The collective orientation central to this ideology - absolute submission to the interests of the Communist Party - has not been generally accepted by young Chinese (Gold, 1982; Jiang, 1982a; Wang, 1982; An, 1985; Liu, 1988). Instead, certain negative Western social and moral values, from the Chinese communist perspective, have become popular. Most importantly, many young people are very materialistic. Their ideas and attitudes toward life and the future tend to be selfish, hedonistic and centered around money.

This apparent fundamental shift in values away from collective non-materialism is reflected in a mid-1980s survey, which revealed a state of social and moral crisis among a sample of urban juveniles. This study involved interviews with 1,000 urban juveniles: 500 offenders and 500 non-offenders. The findings were astonishing; 60.4 percent of offenders and 24.1 percent of non-offenders were pessimistic about their present and future. When those two groups were asked more specific questions, their responses were even more cynical; 69 percent of offenders and 59.8 percent of non-offenders thought that human beings are selfish and hedonistic. In addition, 36.2 percent of offenders held that stolen money was just as good as earned money, while 46.6 percent of offenders and 17 percent of non-offenders maintained that eating and drinking were the two most important things in life (Gao, 1986).

Young Chinese are also challenging the thousand-year-old traditional Chinese moral values and customs toward sexual behavior. The strict traditional control of premarital sexual behavior has been violated by the younger generation. One factor that the Chinese authorities and criminologists always blame for this "moral crisis" is the influence of the products of "Western spiritual pollution", such as pornographic movies, magazines and video shows. These products are smuggled into China and widely circulated, especially in Canton, Shanghai and Beijing (Jiang, 1982a; An, 1983b; Burns, 1985; Heng, 1986; Chiang, Gargan, 1988; Zhu, 1988; 1990; Kristof, 1990; Ma, 1991).

These products appear to have exerted a tremendous impact on Chinese juveniles living in a conservative society that was closed from the outside world for so long, and where: talking about sex in public and premarital sexual behavior have been centuries-old taboos; affection between males and females, even between husband and wife in public, has been discouraged; and literary readings describing love and sex and artistic renderings of naked human bodies have always been banned publicly. Further, tradition dictated that children were rarely given sex education, either at school or at home (Jiang, 1982a; Jin, 1984; She, 1988; Zhang, 1988).²¹

²¹Also see, Foreign Eyes on Chinese Young People. *Chinese Youth*, 7(4), 1987, pp.8-13; No kissing rule bites. *South China Morning Post*, October 18, 1991, p.12; Beijing U. is no place for young love. *Province*, October 18, 1991, p.A33.

The impact on curious youth when confronted with a considerable amount of these Western pornographic and sexual values is likely to be dramatic. One report showed that almost 40 percent of all university students had premarital sex (Elliott and Gries, 1988).²² One survey published in 1989 showed that 87 percent of young women (aged 22-29) had pre-marital sex (Zhou, 1989). This is a serious issue in post-1977 China, compared to pre-1977 China where few such behaviors were reported.

The government response to this "moral crisis" over the past ten years includes publications that have preached repeatedly to the younger generation that pre-marital sex is not only contrary to traditional Chinese social and moral values, but also affects their school work, and physical and mental health. Young people are warned to protect their bodies like jade and not carelessly lose their virtue (Meng, 1987; Yang, 1990). Yet, it appears that few young people believe this moral propaganda or suffer the predicted detrimental effects from their "immoral behavior".

Beyond this "moral crisis", the critical concern of both the Chinese government and of criminologists is the impact that smuggled pornography has on juvenile sex crimes. One scholar argues, that:

²²Undergraduate students in China are included in the juvenile age range (13-25). Besides academic requirements, universities have a strict age enrollment requirement. Only those who are under 25 and single are allowed to enter universities. See, Alison E.W. Conner (1986). Legal Education In China: A Look At NanDa. *Singapore Law Review* 7, 181-201.

.....[U]nder current conditions, books, pictures, movies and video tapes full of sex penetrate into China from other countries. To young people who are suddenly exposed to this concentrated barrage without immunity, sex "freedom" and "liberation" hold the greatest attraction, and they begin to imitate it as "civilized behavior." That is one reason why sex crimes are on the rise (Xu, 1986:96-97).

Some studies even have maintained that some of the most common Western customs like kissing and hugging led to sex crimes, particularly in the first two or three years of economic reform. Juvenile sex offences are second in the frequency to property crimes (Chen, 1988; Kang, 1988b; Shi, 1988; Wang, 1988b; Xu, 1988; Zhang, 1988). In the mid-1980s, in one district of Shanghai 50 percent of the sex offenders arrested committed crimes because of the influence of pornography; and some of them raped and sexually assaulted females immediately after they viewed pornography. In Canton, 88 percent of juvenile sex offenders committed offences because of the influence of pornography. In the Beijing Juvenile Reformatory, 57 percent of 1,200 male offenders population were charged with sex crimes (Xie, 1986; Luo, 1987; Kang, 1988b).²³

It appears that the values of the current Chinese younger generation clash with the Communist Government's

²³In China sex offences may involve gang rape, rape, attempted rape, prostitution, sexual harassment, exhibitionism, voyeurism, homosexuality, sodomy and other loose sexual behaviors. There are clearly defined sanctions for the first four types of offences in *The Chinese Criminal Law* and *The Security Administrative Punishment Act (SAPA)*. For the remaining offences, there are no concrete legal rules to follow. These offences are usually sanctioned as "offences of hooliganism" categorized in the laws.

long-term efforts to change and shape the mind of young citizens in accord with economic goals. The post-1977 communist government is in a dilemma: how to adopt capitalist ways to stimulate the national economy while finding effective policies to stem the penetration of Western "negative" social and moral values into Chinese society. Several campaigns have been launched against Western influences. There has been some progress in juvenile justice legislation, including juvenile protection regulations, provisional legal documents and policies against pornographic literature (Chiang, 1990).²⁴ The most severe punishment for dealing in pornographic products is the death penalty.²⁵ In the recent past there were some reports of execution of such dealers (Lin, 1984; Burns, 1985; Heng, 1986; Kristof, 1990; Kristof, 1991; Chiang, 1991). Whether these new control measures will be successful in restricting access of Chinese youth to pornography and Western values remains a major problem.

²⁴See, Struggle Against Ideological Contamination. *Chinese Youth Bulletin* 3(12), 1983, p.3; State Council Stipulations on Banning Pornographic Articles in *The People's Republic of China Year Book 1986*, pp.177-178; Shanghai Regulations Concerning Protection of Juveniles. *Criminal Justice Review*, 14(2), 1989, pp.177-191; .

²⁵NPC Enacts Laws on Drugs, Pornography. *Beijing Review*, 34(2), 1991, p.7.

Family Changes

The family, as the very basic social control institution, plays an influential role in the formation of juvenile crime. The weak parent-child attachment, the criminal behavior of parents, parental indulgence, and increases of broken families and nuclear families are regarded as factors for the increasing juvenile crime in the West (Nye, 1958; Hirschi, 1979; Wilkinson, 1980). The increase in urban juvenile crime in post-1977 China is also related to these factors.

Although equal gender status has been the law since 1950, traditional values remain influential. The husband, for example, traditionally expects his wife to be both submissive and a devoted mother. Yet, the wife, if influenced by official doctrine, demands more rights both at home and in society (Deng and Liu, 1983; Li, 1988; Tsai, 1988; Ma, 1990; Dominelli, 1991).²⁶ The increased demands from women, to a great extent, are the result of an increase in female employment. In Beijing and Shanghai, in the 1980s, more than 90 percent of women were employed, and their contribution to the family income was about 42 percent (Shen, 1986; Yuan, 1986; Li, 1988; Tsui, 1989).²⁷ Although

²⁶Women Claiming Their Legal Rights. *Beijing Review*, 28(10), 1985, pp.9-10.

²⁷Occupation of the Employed Population. *Beijing Review*, 27(20), 1984, pp.24-25; *The People's Republic of China Year Book 1988*, p.516.

these figures might indicate sex income discrimination in China, the increased economic independence has greatly improved the status of women both within and outside the family. Since the traditional values remain relatively strong among men, the increased social status of women has led to more family disputes, more divorces, more broken families and more single-parent families (Jiang, 1983; Yang, 1983; Lei, 1988). For example, between 1979 and 1987, the divorce rate in urban areas doubled and nearly 70 percent of divorces were initiated by women under 35 (Lei, 1988; Platt, 1988; Tsui, 1989). With these changes, family education has become a major concern in juvenile crime prevention and crime control.

One concern is with single-parent family education, which focuses on two kinds of problems: neglect and overprotection. Some single parents, due to their mental and financial burdens, neglect the education of their children. Other single parents tend to overprotect their children and attend more to their material life in an attempt to compensate for the parental loss due to the family breakup. Family breakup, whatever its causes, likely has a psychological impact on children and influences the long-term formation of their character (Su, 1983; Lu, 1988). Another concern is with some step-parent families. Tension often occurs between children and step-parents. In some cases tension is obvious; in most other cases tension is not evident within the family, but exists as a strong

undercurrent which affects the behavior of children. Living in such a family setting, children may be irritable and depressed. Running away has become a common phenomenon for children from these families. They roam the streets, seeking "concern" and "sympathy", many of them drifting into delinquency and crime because of associating with delinquents or criminals (Su, 1983; Lu, 1988). A further concern is with the influence of bad family models. Children from families with deviant or criminal members are likely to be involved in delinquency and crime because of negative family influences. Compared to their peers, children from families of this type are more likely to drift into delinquency earlier and are also more resistant to rehabilitation (Su, 1983; Mo et al., 1986; Zhao and Lin, 1986; Lu, 1988).

These family education problems are important factors for recent increases in juvenile crime. In Beijing a survey of 765 families showed that about 30 percent of juvenile offenders came from families with members having delinquent or criminal histories (Kang, 1988b). In Shanghai about 35 percent of offenders in the City Juvenile Reformatory had family members with delinquent or criminal records (Su, 1983; Zhao and Lin, 1986). In Canton about 47 percent of juvenile delinquents and offenders were from single-parent and step-parent families and 25 percent came from families with criminal and delinquent members (Mo et al., 1986).

The increase in the number of nuclear families is also related to the increase in juvenile crime. Nuclear family has become the dominant family structure in urban areas, making up 64-70 percent (Five-City Family Survey Group, 1985).²⁸ There are several factors that have caused the increase in nuclear families.

First, the increase in nuclear families is the result of less dependence of the elderly on their adult children. Unlike in traditional China, where the economic dependence of the parents on the adult children was the only source of economic support for the elderly, such a phenomenon has been gradually diminishing in urban areas (Davis, 1989; Wang, 1989). In recent years about 50 percent of urban people aged 60 to 80 worked part-time or full-time and lived on retired pensions (Tsui, 1989).

Second, the increase in nuclear families is the result of the weakening of the traditional values of adult children sacrificing for the elderly parents and kin. The current generation of young people appear more likely to seek independence. Ninety percent of young people in Beijing and sixty-six percent in Canton hoped to set up independent families. As well, these young people tended to seek a better life only for themselves, even asking their elderly parents to sacrifice financially for them. The result of

²⁸Chinese Family Getting Smaller. *Beijing Review*, 31(33), 1988, pp.12-13.

this change in attitude was a growing gap between the two generations (Tsai, 1988; Tsui, 1989).

Finally, the increase in nuclear families is the result of housing shortages and housing allocation policy. In urban areas housing is allocated to applicants mainly on a parent-child basis (Xiao and Qi, 1986; Zeng, 1987). Grandparents usually are not taken into consideration in housing allocation. In other words, married men or women can apply for housing only for their spouses and their children. Many extended families have to dissolve because of housing shortage and this policy, even though the members of such families hope to keep the extended family structure. A survey in the 1980s showed that 32 percent of extended families broke up due to limited living space (Yuan, 1987).

Family control has also been weakened by the absence of grandparents and an increase in double-income households. Parents spend less time with their children, and more and more school children are left without proper supervision. Some children have, in effect, become "orphans". It is quite common to see urban children with keys around their necks hanging out on the street after school with little supervision. They are more likely to be prey of crime (Ma et al., 1986; Zhao, 1986; Luo, 1988; Huang, 1989).

The one-child policy officially promulgated in the 1970s has also affected not only the fundamental family structure but also juvenile crime. In Shanghai 87 percent of children born in 1982 were the only child in their families

(Ma and Cha, 1984). In the late 1980s, more than 90 percent of grade one students and 70 percent of the students in Beijing were the only child in their families (Davin, 1990). The increase in the number of one-child families has brought about a new type of family relationship in urban areas. The traditional idea regarding offspring as insurance for old age still lingers in the minds of many Chinese people, both young and old. One survey shows that about 70 percent of urban residents espouse this idea.²⁹ Today's parents expect to depend on their children not for economic benefit but rather for care when they lose the ability to work and live (Ting and Chen, 1986). Since there is no welfare system for the urban elderly except pensions, many parents are seen as tending to overprotect their children. They try every means to grant their children anything they might desire. Moreover, parents' overprotection has not improved the parent-child attachment. Instead, these children tend to be lazy and selfish and are reluctant to follow the traditional ideas of obeying and respecting the elderly. Even more disturbing is the explanation that it is this type of child who increasingly resorts to delinquency and crime when his or her desires cannot be satisfied at home (Su, 1983; Chen, 1985; Mao, 1987; Xue, 1988; Jiang, 1989).³⁰

²⁹*People's Daily* (Overseas Edition), November 18, 1986.

³⁰Parents' Education and Young Criminals. *Beijing Review*, 30(40), 1987, p.30.

Two important factors are rarely mentioned in the studies of weakened Chinese family control: the public ownership of property and equality between family members. In traditional China, the close family attachment or relationship was based on property or economic inheritance and on hierarchical control (Yang, 1972; Ma and Cha, 1984; Shen, 1984; Cai, 1986; Yu et al., 1990; Dominelli, 1991). Age was the most important factor that determined the status of a family member; the young must be absolutely obedient to the old and contribute their earnings to the head of the family for redistribution (Levy, 1967; Lewis, 1972; Taplin, 1983; He, 1984; Tsai, 1988). The legislated abolition of private ownership and the legalization of equal status between family members by the communist government have eroded the hierarchical and economic foundation of the traditional family and caused a decline of the old in power and prestige. Therefore, the present young generation inevitably has walked away from traditional family attachments, and traditional family relationships have begun to alter fundamentally.

It appears that the communist government in both the pre-1977 and post-1977 periods noticed that these structural changes in the family would weaken family control of the young and be detrimental to the social order. The communist *Marriage Law*,³¹ passed in 1950 and revised in 1980, stresses

³¹See the text of *The Marriage Law of the People's Republic of China* in *Beijing Review*, 24(11), 1981, pp.24-27.

the responsibility of children for the care of their parents when they lose the ability to work and support themselves, whether they have a pension or not (Article 15). The law even stresses the responsibility of grandchildren for taking care of their grandparents if their own parents die (Article 22). Adult children can be sentenced up to 5 years imprisonment, according to Article 182 of China's criminal law, if they deny such responsibility.³²

In recent years Chinese scholars have proposed that the state take over some of the responsibility of working parents for supervising their children (Ma et al., 1986; Zhao and Lin, 1986). The economic situation, however, has prevented this proposal from becoming a reality. The present efforts of the government are directed to encouraging cities to set up parents' schools which offer special programs to young parents and teach them how to properly treat and educate this unique young generation. In Beijing between 1980 and 1987, 3,542 parents' schools were opened and about 900,000 parents entered these programs. By June 1989, 110,000 such schools had been set up in major urban centers (Huang, 1989).³³

Despite such legally coercive persuasive efforts, family relationships do not appear to have improved, nor

³²See *The Criminal Law and Criminal Procedure Law of the People's Republic of China*. Beijing: Foreign Languages Press, 1984.

³³The Chinese Family in Transition. *China News Analysis*, No.1381, March 15, 1989, pp.1-9.

have family attachments been strengthened. There are continued reports on this selfish and lazy generation.

Educational Changes

The post-1977 educational reform also affects juvenile crime. Like young people everywhere, young Chinese also have optimistic expectations. Their expectations are not only to enjoy a comfortable material life but also to achieve a better social status. At the present time, for most of young Chinese, post-secondary education is the primary pathway to achieving these expectations (Orleans, 1985; Fu, 1990). Post-1977 educational reform has enabled a very limited number of young people to realize their expectations, but for the majority, their expectations have been greatly restricted by the highly stratified and competitive educational system. The increase in juvenile crime in post-1977 China can be explained as being related to the frustration of young people with their blocked opportunity for social success. This relationship has also been found in the West (Cloward and Ohlin, 1960; Merton, 1979).

Educational reform emphasizes individual competitive academic performance over political performance. Stratifying entrance examinations have been introduced for almost all urban elementary, secondary and post-secondary schools. They are used to sort out students with the greatest potential. According to the authorities, this tracking practice is

aimed at training a certain number of highly qualified people to fulfill the demands of China's modernization within the strictness of limited resources (Rosen, 1984; Wang, 1985; Chen, 1987; Thogersen, 1987). Although the new educational system emphasizes academic performance as the most important criterion for school enrollment, in reality it is a system characterized by both privilege and stratification.

The educational system is a privileged system because background and status play a vital role. Students from privileged family backgrounds dominate good schools and universities. In one of the best high schools in Beijing, some 80 percent of students were children of senior communist party, government and army officials or children of professionals and intellectuals. A similar proportion was found at one of the best higher learning institutions, Beijing University (Hooper, 1985).

In an economically poor country like China a privileged background and status can provide students with better educational opportunities and study environments. Children from families of officials have more access to such privileges as private tutoring and have connections with university authorities. Students from families of professionals and intellectuals can benefit from the tutelage of their academic parents, although they cannot enjoy the privileges of officials' children (Gold, 1982; Thogerson, 1987; Zhou, 1989). Further, a privileged

background can guarantee the future careers and social status of students. Such students constitute 80 percent of students studying abroad and have been assigned the best jobs after graduation. They are also more likely to be promoted to important positions of government departments. Thus, they are likely to "inherit" the status of their parents (Engelborghs-Bertels, 1985; Whyte, 1985; Zhou, 1989; Wong, 1990; Wong, 1991b).

The post-1977 educational system is also a stratified system. Urban children are labelled from the day they enter elementary schools, even kindergartens. Almost all urban schools are categorized into key schools and ordinary schools. Within each school, students are divided into fast classes and slow classes. The key schools and fast classes admit only students with good academic performance; students with poor academic performance are left in ordinary schools and slow classes (Bastid, 1984; Engelborghs-Bertels, 1985; Chen, 1987; Thogersen, 1987; Davin, 1990; Morey and Zhou, 1990).

The very low enrollment rate of university and colleges also encourages this stratification. In the late 1970s, less than 1 percent of the whole population had post-secondary education; 3-4 percent of senior high school graduates had the opportunity to pursue higher education (Gold, 1982; Jiang, 1982; Ma and Cha, 1984). By 1985, the enrollment rate increased due to some school expansion, but still only 5 percent of senior high school graduates could enrol in

universities and colleges (Yu, 1982; Chiang, 1985; Cheng, 1986; Chen, 1987; Fan, 1989b).

Not surprisingly, this stratification has blocked the route of most students to better employment and social status. Even worse is that the present official allocation of educational resources discriminates against students. Key schools and fast classes have become the favorites. They are equipped with the most qualified teachers and the best facilities, while ordinary schools and slow classes, which handle the majority of students, are out of favour, receiving the left-overs (Wang, 1981; Thogersen, 1987).

This man-made division of "good" and "bad" students has already had a serious labelling effect. Those labelled as students of ordinary schools and slow classes feel isolated and slighted by schoolmates, friends and even families, traumatizing them and causing them to feel inferior. These students are also the most likely to be involved in delinquency and crime. A 1980s investigation of 27 high schools in Shanghai found that approximately 25 percent of slow class students were involved in deviant behavior (Wei, 1988a). In Canton slow class students were, reportedly, far more deviant than fast class students (Unger, 1982).

It appears difficult to determine how poor school grades are related to delinquency, since the above studies did not provide the frequency of fast class students' involvement in delinquency. A survey from a northeastern Chinese province may be useful to support this correlation.

This study investigated 244 delinquents from eight work-study schools in several cities of the province. The findings show that 95 percent of delinquents were from slow classes or had been kicked out of their former schools before they were sent to the work-study schools (Zhao, 1986).

Since the stratified educational system brings about a high degree of academic competition, it causes high dropout rates among elementary and high school students. In Beijing between 1979 and 1981, there were 259,000 dropouts: 60,000 from elementary schools and 199,000 from high schools. Between 1981 and 1984, the dropouts totaled 257,800: 61,000 from elementary schools; 122,400 from junior high schools; and 75,300 from senior high schools. The average dropout rate in these years was 5.35 percent. In Canton, ten percent of students dropped out of high schools in late 1980s. In some schools the dropout rate was as high as 20 percent (Wang, 1987; Kang, 1988b; Zhang, 1988).³⁴

The high dropout rate has aroused the attention of the government. They repeatedly urge education departments to reduce the dropout rate to a minimum level (Zhu, 1981; Jiang, 1982).³⁵ Despite official admonitions, however, the

³⁴Dropout Rise vs Study Craze. *Beijing Review*, 31(51), 1988, p.12.

³⁵State Education Commission on the Orientation of Full-time High Schools and the Correction of One-sidedness in Seeking Admission Rates. *Renmin Jiaoyu* (People's Education), No.9, 1988, p.14.

dropout situation has not improved.³⁶ Two factors hinder the implementation of official expectations.

First, the stratification of schools and students has hampered students' interest in their studies. This has become the most serious issue among slow class and ordinary school students. Poor quality teachers and facilities in these schools by and large determine poor performance of these students in academics. Since these students rarely have a chance for upward mobility, that is, from slow class to fast class, many of them expect to leave school earlier. The reality is that there will be no difference for their future employment whether they complete their education or not. The earlier they leave school, the earlier they can stand at the head of the line for employment (Jiang, 1985). Second, many teachers find it difficult to improve students' interest in their school work under the stratified system. They often complain that these students do not learn anything, but only create a nuisance. Therefore, instead of encouraging these students to complete their education, schools and teachers often regard them as a burden. They also expect these students to leave school earlier. This also has aggravated the high dropout trend (Gold, 1982; Luo, 1987; Liu, 1989; Zhang, 1988; Wang, 1989).

Because most dropouts are still underage, few of them can be employed. Once they are out of school, it appears that there are no specific social institutions to supervise

³⁶*ibid.*

their daily activities. Drinking, smoking, fighting and hanging out on the street to kill time are their major activities (Jiang, 1982b; Chiang, 1985; Liang, 1988; Wei, 1988b). The high dropout rate has changed the proportion of juvenile offenders. Dropouts only accounted for 11.2 percent of all inmates in the Beijing Juvenile Reformatory in 1978; one-third in early 1980s and over two thirds in the late 1980s (Kang, 1988b; Shao, 1988; Guo, 1989). A 1986 survey of Shanghai juvenile offenders showed that 45.6 percent committed crimes after they dropped out of school (Feng and Yuan, 1988). In Canton over 50 percent of the offenders in the City Juvenile Reformatory were dropouts or students expelled from schools (Li et al., 1986).

The future of students who have managed to stay in key schools and fast classes is not entirely smooth and promising. The competition among students is very intense because entering this stage is no guarantee of a place in a university. These students are constantly under external pressures. One pressure comes from schools and teachers, who are keen to demonstrate their quality education and to improve their schools' university entrance statistics in order to receive financial bonuses. Students are often loaded down with large quantities of homework and are even sometimes warned of the consequences if they fail in their studies (Fan, 1989b; Fu, 1990). Another pressure is from parents, who apparently press even harder than the schools (Wang, 1985; Meng, 1987; Wang, 1989; Morey and Zhou, 1990).

It is not surprising to see Chinese parents' high expectations, since access to university and college means that their children will be guaranteed employment and better social status (Wang, 1982; Gu, 1984; Wang, 1984; Gu, 1984; Chiang, 1985; Li, 1988a). It may also add luster to their families since the limited enrollment of university students demonstrates that their children are the elite of China's youth.

High pressures and competitive academic activity have caused both physical and psychological problems among high school students. Some have failed in academic competition and others have shown despair. Since 1977, there have been reports on student suicides due to extreme pressures and failures in their university entrance examinations (Wang, 1981; Hooper, 1985; Wang, 1987; Zhang, 1988; Wang, 1989). Although student suicide is still rare, it is nevertheless a critical issue brought about by the stratified education system.

Almost since the inception of educational reform, the Chinese government realized that it could create a dysfunctional effect on young people. Over the past few years official publications have been reiterating that schools and parents should not expect too much of school children and that their failure in university entrance examinations does not mean that they are not clever or conscientious. The bright future of these children does not lie in whether they can enter universities and colleges, but

in how well they make their contributions to the construction of socialism and to the country (Jiang, 1982; Fu, 1990).³⁷

There have been no significant improvements, however. Many young Chinese have not seen the bright future the government has promised. Their future was further imperiled in the late 1980s when urban areas began to be confronted with rising unemployment rates. In Beijing in the first quarter of 1989, there were 150,000 job seekers, almost 100 times more than in 1984. In Shanghai in 1989 several thousand people a month joined the employment line. In Canton 100,000 registered as unemployed in the same year.³⁸ These figures may be misleading since they only accounted for those who registered, not for those who did not. They also left out those who just graduated from high schools and those who came to seek jobs from other cities, provinces and rural areas. It appears that urban high school graduates are facing the most difficult situation since they are the least experienced and least skilled candidates. Without employment resources to satisfy the basic expectations of most Chinese youth, it is likely that frustration will increase the number of young people who turn to crime.

³⁷See, Note 35; Good Marks Are Not Everything. *Beijing Review*, 25(16), 1982, pp.8-9; Failure at exams, success at life. *Beijing Review*, 26(51), 1983, p.26.

³⁸See A New Wave of Unemployment. *China News Analysis*, No.1392, September 1, 1989, pp.1-9.

Urban Social Ecological Changes

Unlike pre-1977 communist China, where the physical mobility of the residents was highly restricted, the mobility of residents in post-1977 China has greatly increased due to the government's relaxation on the control of population movements. As well, the physical face of urban areas has changed: overcrowded residential areas in city centers and newly built high-rise apartments in the suburbs. The above changes in urban areas have affected social relationships between residents and the behavior of individuals. Along with these changes criminal opportunity has increased and crime patterns have altered. From a Western perspective (Shaw and McKay, 1969; Black, 1979), the increase in urban juvenile crime can be seen as the result of increased population movements (anonymity) in urban communities and the impersonal relationship between residents, which have weakened the effectiveness of crime prevention.

Physical Changes

One of the most obvious physical changes in Beijing, Shanghai and Canton involves residential areas, mainly the result of drastic population increases and housing shortages. From the 1949 to 1988, Beijing's population increased from 2 million to over 10 million; in Shanghai,

from 6 million to over 13 million; and in Canton, from 1.7 million to over 7 million (Yuan, 1986).³⁹ This population growth has caused critical housing shortages as well as other social problems in these cities. Although housing construction has been on the rise over the past ten years, it has failed to keep pace with the increasing population. Housing shortage has been frequent sources of residents' complaints in the media (Wu et al., 1980; Luo, 1980; Xiao and Qi, 1986; Fang, 1987; Luo, 1987; Sun, 1987; Zhang, 1987; Lee, 1988; Zhou, 1989; Cheng, 1990b).

Overcrowding has changed the physical environment of urban residential areas. Old residential areas, concentrated in city centers, are the most crowded and wretched. In Beijing old residential areas house two million residents, or about one-fifth of the city population. They are mostly composed of one-storey houses surrounded by walled courtyards. Such houses were designed to hold one family or an extended family; now they are occupied by several different families. In Shanghai and Canton old residential areas mainly consist of two or three-storey houses with narrow lanes in between. These houses, too, now hold several families (Buck, 1984; McQuillan, 1985; Cai and Ma, 1987; Kojima, 1987; Luo, 1987; Bai, 1988; Schinz, 1989; Wong,

³⁹*China Population Statistical Yearbook 1988*, pp. 216-219; *China Urban Statistics Yearbook 1989*, pp. 27, 29, 34; Geographical Distribution, Density and National Growth Rate of China's Population. *Beijing Review*, 33(51), 1990, pp.25-27.

1989; Zhao and Weng, 1990; Zhou, 1989; Sun, 1991; Wong, 1991a).⁴⁰

These physical changes in old residential areas have also altered social relationships between residents, crime control environments and social behavior of residents. Civil conflicts have increased, often due to residents' disputes over the use of limited living and common space (Zhang, 1983; Chen, 1985; Wei et al., 1986; Wu, 1988). The previous friendly neighborhood relationships in these areas, particularly in Beijing, are no longer common. Civil conflict-related crime like physical assault has also increased, sometimes causing serious injuries and deaths (Zhang, 1983; Chen, 1985; Ji and Yu, 1987). The frequency of juvenile delinquency was found to be closely related to family living space in Canton; it increased with a decline of living space (Mo et al., 1986).

Due to overcrowding, some old residential areas have been replaced by five or six story apartments and high-rise apartments (McQuillan, 1985; Zhang, 1987). In these apartments a new type of neighborhood relationship is being formed. Unlike old residential areas where neighbors are in close contact with each other and share little privacy, apartments reduce personal contact (Zhang, 1983; Zhao and Weng, 1990). While Less contact might reduce civil

⁴⁰Shanghai. *China News Analysis*, No.1212, July 31, 1981, pp.1-9.

conflicts, it also isolates neighbors and creates more opportunity for theft and burglary. As one study states:

.....The closeness of the structure (of apartment buildings) has reduced the contact between neighbors. Neighbors seldom ask each other for help. Residents living in the same buildings or even on the same floor know little of each other. Sometimes they do not know who their neighbors are even after they have lived there for a year or so. Once when the police came to investigate a burglary case, the neighbors said that they saw a man carrying a big packet out of the apartment. They thought that he was the member of that family (Ji and Yu, 1987:41).

New residential areas have been built near or in the suburbs, mostly composed of high-rise apartments with similar neighborhood relationship patterns as high-rise apartments in center cities. Unlike some advanced Western countries where basic social service facilities had been planned before a suburban residential area was completed, suburbs in China are relatively deserted areas. These new apartments were located in the suburbs, simply to relieve overcrowding in center cities (Zhang, 1983; Cai and Ma, 1987; Chang et al., 1988; Zhou, 1989). Often, social control institutions and social services, such as police stations, residents' committees, shopping areas, schools and recreational facilities, were not available when they were completed (Chen, 1987; Bai, 1988; Chang et al., 1988).

Poor planning and the particular feature of apartment buildings in the suburbs have created potential opportunity for the occurrence of crime: less social contact between

residents and the inactive response of residents to social activities, including crime prevention. As a consequence, these areas have become one of the highest crime rate areas in cities. Burglary and theft are two major forms of criminal activity in these areas; robbery and sexual assault are not infrequent. As well, it is also much harder for law enforcement agencies to prevent and control these crimes (Fan and Han, 1987; Lu, 1988; Wang, 1988).⁴¹

Physical changes in urban residential areas and their impact on crime patterns have become the topics of Chinese crime studies only in recent years.⁴² Literature on crime in Beijing, Shanghai and Canton has provided no concrete data to examine these potential relationships. Only one survey study offers detailed data. It was conducted among juvenile offenders (aged between 12 and 18) from major cities of Shanxi province in China. The survey found different crime rates and patterns in different residential areas of the cities, particularly the city of Taiyuan, one of the largest cities in China. The top three crime areas were old residential areas (24.3 %), new high-rise apartments (22.7%) and suburban areas (19.5 %) (Guo and Dong, 1988). Although the crime patterns in Taiyuan cannot be used to represent

⁴¹Burglars Boost Security Needs. *Beijing Review*, 31(50), 1988, pp.12-13.

⁴²Why the Crime Rate Is Declining. *Beijing Review*, 26(12), 1983, pp.15-18; China's Public Order Further Improved. *Beijing Review*, 27(9), 1984, p.6; Better Security for Beijing People. *Beijing Review*, 28(18), 1985, p.27.

those in the other cities, it appears that China's urban areas have experienced similar social and crime problems. One of the likely reasons for these crime patterns is the enormous increase in population mobility occurred in the post-1977 period.

Increased Mobility

Since 1977 urban areas have experienced a sharp increase in population mobility. At least two factors account for the increase. First, the relaxation of rules on small private economic activities allows citizens to run their private businesses and to work on contract both within and outside their home cities and provinces (Ding, 1984; Wang, 1984; Zhang et al., 1985; Fang, 1986; Deng, 1989; Christiansen, 1990; Zhang, 1990; Zhou and Shi, 1990; Zhuang and Zheng, 1991).⁴³

Second, residents are allowed more time away from their native homes, under the revised *City Household Registration Regulations*.⁴⁴ Under the former law residents had to register as a temporary resident at the local residents' committees and police station if they stayed in a city which

⁴³Individual economy is encouraged. *Beijing Review*, 26(7), 1983, pp.7-8.

⁴⁴See the text of the Act in *A Collection of Laws and Regulations of the People's Republic of China: January-December 1985*. Beijing: Legal Press, 1986.

was not their permanent residence for more than three days. The new law has granted a period of more than three months.

Because of these changes, there has been a tremendous increase in the transient population in urban areas. In Beijing the number of transients each day was 300,000 in 1978, 700,000 in 1984, 870,000 in 1985, 900,000 in 1986, 1,150,000 in 1987 and 1,310,000 in 1988. In Shanghai the number of daily influx of transients reached 1,830,000 in 1987. In Canton there were 500,000 transients in 1984 and more than one million in 1987. By 1990 transients constituted at least 10 percent of the populations in these cities (Fan and Han, 1987; Cheng, 1988; Wang, 1988; Zhou, 1988; Chiang, 1989; Xu, 1990; Crothall, 1991).⁴⁵

Some 80 percent of transients are legal temporary residents, including job seekers, temporary workers, businessmen and visitors. Twenty percent are illegal residents such as illegal job-seekers, vagrants, beggars, juvenile truants and dropouts, smugglers, released offenders, and prostitutes from other parts of the country, most in their early twenties (Wang, 1988; Jiang, 1989; Xu, 1990). However, given the serious urban unemployment situation, it is difficult to secure jobs quickly. Some transients leave for other cities seeking opportunities, while others stay idle and sleep in railroad stations, wharfs or under highway bridges. When their savings run out,

⁴⁵*The People's Republic of China Year Book 1987*, pp.374, 607, 619; *The People's Republic of China Year Book 1988*, pp.510, 593, 613.

a considerable number of them turn to begging or even stealing (Fan and Han, 1987; Wang, 1988; Chiang, 1989; Shao, 1990).⁴⁶

The increase in the number of transients in urban areas is not only a heavy burden on the already overcrowded cities but also makes policing of these transients difficult. They have become a major source of urban crime. Transients in Beijing committed 3.4 percent of the total crimes in 1980, 9.3 percent in 1985, 18 percent in 1987 and 23 percent in 1988 (Xu, 1990). In Shanghai, in 1985, 10 percent of criminal offences and 30 percent of serious offences were committed by transients. In the late 1980s transients were responsible for 20-30 percent of urban thefts and robberies and two-thirds of serious offences (Cheung, 1988b; Wang, 1988; Chiang, 1989).⁴⁷ The high ratio of young males among urban transients can be another contributing factor for the increase in urban juvenile crime. In the 1980s, about 80 percent of transients in major urban centers were young males; most of them were under 25 (Gu, 1989; Xu, 1990).

Beijing, Shanghai and Canton have become the major crime areas for transient criminals. These cities are easily accessed since China's longest railroad runs through them. Usually transient criminals stay in one city for several days where they commit crimes. Then they typically leave for

⁴⁶See A New Wave of Unemployment. *China News Analysis*, No.1392, September 1, 1989, pp.1-9.

⁴⁷*ibid.*

another city in search of other crime opportunities (Public Security Department of Shanghai Railroad Bureau, 1988; Wang, 1988).⁴⁸ Although several anti-crime campaigns have been launched to deal with this problem, they appeared to be ineffective. One reason is that *The City Household Registration Regulations* does not prohibit people from travelling. They must register themselves if they plan to stay in another city for more than three months. Therefore, those who stay less than three months are hard to monitor. This loophole has facilitated illegal activities. Also, the police are overloaded with routine work. They cannot routinely track transients regarding proper registration. In 1986, the number of temporary residents in Beijing reached 600,000, an increase of 200 percent over 1978. Some 75 percent of temporary residents never bothered to register themselves even after they had stayed in the city for more than six months. A similar situation also occurred in Shanghai (Goldstein, 1987).⁴⁹

A new control system has been introduced to deal with the issue of high population mobility in urban areas. In 1985, *The Regulations for Identification Cards of Residents*⁵⁰ was passed in order to strengthen *The City*

⁴⁸Police Fight Crimes on Trains. *Beijing Review*, 31(42), 1988, pp.12-13; Urban Guerrillas in Mainland China. *Zhongguo Dalu* (Mainland China), July, 1989, p.71.

⁴⁹Reforming the Public Security Forces. *China News Analysis*, No.1318, September 15, 1986; *The People's Republic of China Year Book 1987*, p.557.

⁵⁰See the text of the "Regulations" in *The People's Republic of China Year Book 1986*, 175-176.

Household Registrations. Under the latter law temporary residents were required to present letters of introduction from their employers or local government offices for registration. Because such letters had no uniform formula, they could be forged easily.

Under *The Regulations for Identification Cards of Residents*, temporary residents must bring their identification cards for registration. It has filled the loophole because the identification card is not only difficult to forge, but also contains necessary information for registration, such as photo, name, permanent address and birthday. Although it cannot keep illegal residents from coming to urban areas, it has facilitated the check on these people by the police and other social control agencies.

Weakened Local Control Institutions

The weaker role of local social control organizations, such as security defense committees and residents committees offices is likely another factor in the burgeoning crime rate in general and among youth in particular. Although these social control organizations still exist, their efficiency in controlling local and temporary residents and preventing criminal activities has declined. There are several reasons for their weakened role.

First, the ideologically defined role of the members in these institutions has been affected by the major shift in

the fundamental orientations of other major social and economic institutions. Schools, for example, now emphasize academic performance instead of ideological indoctrination. Industries and services strive for immediate economic profits. In contrast, the security defence committees and residents' committees have not shifted their orientation: helping the local police maintain social order and checking population mobility in their localities and doing other social services. In effect, their efficient work depends on the collective involvement of the society. Yet, increased materialism, individualism and population mobility have resulted in a decline of the collective involvement, thus weakening their role in maintaining local social control.

Second, the low level of education and training of the members in these local social institutions during the pre-1977 years has not improved. No programs have been implemented to train these members. The traditional or ideological working style has hindered their work in the new social environment and weakened their level of control over the residents. Finally, the role of these local institutions has been affected by the changing economic values. Because work of the members is unpaid and, therefore many have been attracted to paid employment. Those who remain are more demobilized. This has affected their monitoring functions (Wei, 1988a).

The impact of urban social ecological environmental changes on crime patterns has become a major policy concern

for the post-1977 communist government and professionals. Some criminologists, sociologists and city planners have begun to integrate social control ideas in future urban and housing planning. They propose that housing should be planned with more available social service facilities; that new residents should be educated about new environments and neighbors and social relationships; and that more social services and crime prevention activities should be organized on a regular basis. They believe that this strategy will not only improve neighborhood relationships but also serve as a basis for effective crime control (Zhang, 1983; Chen, 1987; Ji and Yu, 1987; Sun, 1987; Bai, 1988; Cheng, 1988; Gu, 1988; Wang, 1988; Zhao, 1988; Xu, 1990).

Summary

This chapter has discussed several major factors that appear to be related to the rising juvenile crime rate in post-1977 China. First, major criminal justice legislative changes have affected the pattern of general crime and juvenile crime. The enactment of criminal laws and the improved professionalism of the criminal justice system have been instrumental in increasing official crime rates and numbers. Less political interference and increased professionalism have made criminal offences more subject to formal processing and less likely to be ideologically manipulated. Second, juvenile crime has been affected by

economic changes. Economic reform not only has stimulated individual desires for material wealth but also has widened the economic gap. The higher frequency of crime among juveniles from the most economically deprived families may be the manifestation of their frustration with this social inequality. Third, juvenile crime has been affected by non-socialist and non-communist or Western values brought in by economic reform. The rise of juvenile crime might be the result of the increasing contact of youth with these values when the guiding ideology of the government remains intact. Fourth, more juvenile crime results from family structural changes, such as the increases of nuclear families, one-child families and broken families, which have greatly weakened the role of the family in behavior control. Fifth, the labeling effect and competition among students resulting from the highly stratified educational system should also account for the increase in juvenile crime. Finally, urban ecological changes involving old and new residential areas and high population mobility have changed social relationships among urban residents and complicated local social control. All these fundamental changes have affected the rising juvenile crime of the post-1977 years.

Chapter V

Cross-Cultural Theoretical Perspectives on Behavior Control and Crime

Introduction

Studies in many countries show that common crimes are associated primarily with young people (Friday and Stewart, 1977; Flowers, 1990). The discussions of juvenile crime in China in the two previous chapters have also demonstrated this relationship. This chapter reviews Western and Chinese theories of crime. The review may help us understand why young people living in different political systems engage in crime because of similar reasons.

Western and Chinese theories developed under quite different political and social contexts. Western theories evolved in relatively open societies, i.e., politically and socially, where wide ranges of ideas were allowed. Chinese theories developed in a society characterized by extremely limited academic freedom. For Chinese social scientists, consistency with official doctrines and policies has been demanded for their research (Li, 1989). Criticisms or different views are allowed so long as they do not attack Chinese Communist ideological interests. This fundamental restriction obviously hindered the development of Chinese social science research, especially criminological research, because it involves ideologically sensitive

issues. Problems with crime, for example, would imply that socialism has not succeeded in eradicating what is viewed as a key capitalist problem. However, despite government censorship, Chinese theories are surprisingly consistent with Western theories.

This chapter consists of two sections. The first section examines Western and Chinese views on the behavior control model in urban China; the second examines Western and Chinese theories of crime separately and then identifies their major similarities and differences.

Behavior Control Model in Urban China

Western theories of behavior control differ, depending on the particular orientation of the theorist, yet there is a common theme; the quality of behavior control is a vital factor influencing the behavior of individuals. Behavior control can be both informal and formal. Informal control affects behavior through informal supervision and intervention of members of close and intimate groups. Formal control affects behavior through official organizational pressures, such as sanctions effected by police, laws and courts. Both forms of control increase social conformity. The rise of formal control mechanisms in urban areas is seen as the result of the inadequacy of informal control as societies moved from agrarian economies to industrial economies (Black, 1976; Galliher, 1989).

Over the past forty years scholars from Western countries have been keenly interested in the study of behavior control in Chinese society. While they have applied different theoretical approaches to the Chinese case, most Western scholars share a common view, i.e., the pre-1977 Chinese communist government preferred informal to formal behavior control (Cohen, 1971; Garbus, 1977; Brady, 1977; Li, 1980; Lubman, 1983; Leng and Chiu, 1985; Ward, 1986; Lin, 1989; Rojek, 1989).

Scholars, such as Jerome Cohen (1968) Shao-chuan Leng and Hungdah Chiu (1985), Michael Ward (1986), Allen Frederick (1987), Robert Lin (1989), Dean Rojek (1989) and Ronald Troyer (1989a), argue that, influenced by the traditional Chinese skepticism about Western oriented formal (codified) rules, the pre-1977 Chinese communist authorities adopted a social intervention policy based on massive informal involvement rather than complex codified rules and formal organizations.

Other scholars attempt to interpret Chinese behavior control by comparing it to the Western experience and by employing specific theories. Robert Regoli et al. (1984), for example, attempted to apply Donald Black's theory of social control in explaining the behavior control model in China. According to Regoli et al., there is always a balance between informal control and formal control. Once informal control fails, formal control mechanisms are usually increased. Such a trend has also been found in China. They

indicate that Chinese behavior (social) control during the post-1977 period is moving from an informal mode to a formal mode because of the fundamental changes brought about by "capitalist" reforms including private economic activities and relatively high geographic and social mobility of residents. In effect, informal social control mechanisms in China are being increasingly supplemented or replaced by formal control mechanisms.

Another scholar Charles Fenwick (1987), basing his arguments on the social changes brought by urbanization and on the changes of social control strategy in Western societies, share the view of Regoli et al. that there has been a tendency for informal control to be replaced by formal control in post-1977 China. Fenwick claims that changes experienced in the West such as economic competition, increased individualism, high population density and an increasing proportion of nuclear families are occurring in post-1977 urban China and have resulted in the demise of informal control mechanisms based on the family and local community.

There is, however, a different description of the type of behavior control model that is dominant in China. It can be argued that the formal approach is very much in evidence in both form and content. This discrepancy with the above Western perspectives can be attributed to different definitions of formal control. The Western scholars were inclined to regard codified rules and criminal justice

agencies as the only criteria for defining the elements of the formal control model. It seems that they overlooked the different methods and rationales behind the Chinese communist behavior control policies. This is not to say that those Western perspectives are not partly applicable to the Chinese case, but rather that there are unique political and social mechanisms that the Chinese communist government has employed which Western scholars did not seem to fully appreciate.

Generally, formal behavior control during the pre-1977 years was manifested not in codified rules or formal control agencies like police and courts, but mainly in official policies and directives. These special features should not be underestimated and, given their official designations, they should be considered as the elements of formal control. To achieve the goal of massive and unprecedented behavior control, the communist governments used three approaches: law, thought control and social institutionalization.

Law as Behavior Control

Most Western scholars stress that the pre-1977 Chinese communist policies assimilated the traditional attitudes towards law or formal rules, such as less emphasis on official intervention and preference for informality in controlling deviant and criminal behavior and in imposing sanctions; therefore, fewer laws were evident (Leng and

Chiu, 1985; Troyer, 1989; Clark, 1989). Yet behavior control mechanisms employed since 1949 revealed that Chinese society under communist control has been more under formal control than informal control.

During the pre-1977 period, especially before the Cultural Revolution, official rules of behavior were not so much reflected in laws made by the legislature, but rather more in official policies and directives of the Communist Party and its government. These official rules of behavior served a function similar to laws. They defined, in some detail, not only what was permissible conduct, but also the consequences of noncompliance (Thomas, 1974; Zhang, 1982; Xu, 1989b; Wang, 1992).

This function for official policies and directives is still emphasized in post-1977 Chinese legal studies. According to Chinese legal studies (Chen, 1980; Li, 1980; Liu, 1983; Cai, 1986; Chen, 1988), there is a continued close relationship among laws, policies and directives and that they have similar functions, though different forms. Laws incorporate policies and directives of the communist party and the government. Because laws are not flexible in accommodating complex changing social phenomena, policies and directives are utilized to assist in overcoming the inflexibility of laws.

Because Chinese communist policies and directives have a function similar to laws in regulating the behavior of individuals, in evaluating forms of Chinese behavior

control, we should regard these rules of behavior as the elements of formal control.¹

Thought Control as Behavior Control

Behavior control in China depends not only on official policies and directives but also on thought control. Thought control has been the Chinese government's major political policy in behavior control. Every citizen, social group and organization has been required to be consistent with official ideology. There has been only one policy - official ideology is always correct. There is no compromise since the government has promoted the view that a unified ideology brings unified public and private action (Michael, 1967; Bell, 1978; Chuang, 1980; Jiang, 1984; Chiang, 1986).

Thought control in China is not limited to delinquents and criminal offenders. It is applicable to all members of the society (Lifton, 1972; Chuang, 1980; Jiang, 1984; Chiang, 1986)). The Chinese communist perspective on social conformity stands in sharp contrast to Western democratic

¹Some Western countries also have similar official documents which serve as a supplement to law enforcement, such as "executive orders" in the United States and "ministerial orders" or "orders in council" in Canada. See, Office of the Federal Register. (1981). *Codification of Presidential Proclamations and Executive Orders*. Washington, D.C.: National Archives and Records. However, these documents do not function as policies and directives in China. The latter can significantly affect judicial decisions. See, Cai Shouqiu. (1986). The Relationship: the State Policy, the State Law and the Party Policy. *Wuhan Daxue Xuebao* (Journal of Wuhan University), No.5, pp.65-70.

societies; ideological deviations from the generally accepted norms or values in the latter can be tolerated. As a Western China scholar, Donald Munro (1977), points out, the Western democratic tradition is based on the assumption that people can possess beliefs or thoughts that do not affect others and that they should be immune from external pressures.

According to Chinese communist ideology, however, belief or thought is a social product and is shaped by the political environment (Shao et al., 1987; Bracey, 1989).² This view is based on an assumption that stresses the malleability of the human mind and the direct relationship between thought and action. Chinese communists maintain that thought activates and then directs action. Whatever kind of thought there is initially determines what kind of action will follow. This relationship leads Chinese communists to the conclusion that the appropriate ideological thinking generates correct attitudes toward deviancy and delinquency. This explains the Chinese government's claim that thought control or reform can be achieved if it is ideologically directed and indoctrinated.³ Also, this direct thought-action relationship provides the very basis for the Chinese government's justification of thought control and reform through broad social institutionalization.

²Man Is Not Innately Selfish. *Beijing Review*, 24(17), 1981, p.28.

³*ibid.*

Social Institutionalization as Behavior Control

Since 1949 social institutionalization, i.e., the direction and integration of all socializing institutions, such as neighborhoods, schools and work places, has been a fundamental strategy utilized by the Chinese government to force ideological and social conformity. This strategy has had a profound impact on the behavior of Chinese people.

According to Chinese communist Party ideology, institutionalizing all social behavior towards the goal of conformity to socialist principles is critical in achieving a unified revolutionary effort. Another ideological position is that social institutionalization can enhance the effectiveness of social intervention in preventing deviance. The specific beliefs are that deviance mostly results from insufficient intervention and that minor deviance leads to major deviance. Early social intervention, therefore, can prevent more serious actions from occurring. The appropriate policy requirement is that it is the duty of every member of the society to intervene wherever there is any sign of deviance (Li, 1977; Chuang, 1980; Xu, 1987; Zhu, 1987).

Social institutionalization starts at the very basic level of social fabric - community. Unlike in the West where the urban community is established mainly on a voluntary, economic and cultural basis and the government can do little to institutionalize residents and transmit official values, the community or neighborhood in urban China has not been

structured on a voluntary basis, but rather according to an official mandatory plan which places a heavy reliance on official directives.

Unlike the Western counterparts, Chinese communities are required to pursue functions that go beyond informal social institutions. In fact, they are essentially avenues for the enforcement of behavioral norms and values. Communication channels and command structures intimately link leaders of these institutions with their bureaucratic and communist party superiors; community operations are subject to continuous review by senior authorities. Higher level command directives are never to be challenged by lower level functionaries (Townsend, 1972; Yu, 1972; Greenblatt, 1977; Chiang, 1986; Turk, 1989). Compared to urban communities in most Western countries, urban communities in China are more likely to produce a high degree of social conformity, and therefore, reduce social deviance.

Social institutionalization extends to other basic social and economic units such as schools and work places. Two major policies are used. First, with the exception of pre-school children, every citizen is required to attend political education meetings on a regular basis. Such official indoctrination has been routine during the pre-1977 years, though it has become less frequent since 1977 (Townsend, 1972; Whyte, 1974; Jiang, 1984; Chiang, 1986; Conner, 1986). Certain official documents concerning views of and attitudes toward political, economic and social

issues are the main references for indoctrination. These documents have to be "discussed" and "personal" views and attitudes sometimes are required in written form to ensure that the official position and attitude are accepted by all and that every member acts in accordance with official expectations (Chuang, 1980; Wortzel, 1987). In effect, most citizens are continuously monitored through these institutionalized activities.

The second policy involves the creation of individual files on every citizen. A file is established when one starts high school. It contains an enormous range of personal materials including family background, political attitudes and performance, deviant acts and criminal record. This file is kept by the personnel department of each school or work place and it is maintained for the rest of a person's life (Oksenberg, 1972; Chuang, 1980; Jin, 1984; Jing, 1990; Yan, 1990). It becomes obvious that any deviant and criminal behavior, and/or ideological deviations negatively affect future careers and lifestyles.

Summary

Over the four decades the Chinese communist government has adopted the formal approach to behavior (social) control. The Western conceptualization consisting of codified rules and official intervention to define the elements of formal control does not adequately describe the

history of behavior control in communist China, neither during the pre-1977 nor the post-1977 period. A broader definition is required which defines formal control as including not codified rules made by the legislature but also official policies and directives.

This history of behavior control in urban China does not completely negate the perspectives taken by most Western scholars. In effect, with rapid urban social and economic changes in the past ten years in China, informal social control mechanisms have become less effective, and formal control has become more burdened, thus validating the Western perspectives.

This section has evaluated the views on the behavior control model in urban China. Although behavior control in China is more effective than that in most Western societies, crime remains. A review of Western and Chinese theories of crime may help us understand the phenomenon of urban juvenile crime in China.

Western Views on Criminal Behavior

Over the past century many theories of crime emerged in the West. Some theories such as biological explanations of crime which once dominated the school of criminology were discarded by most criminologists. Other theories have endured, becoming anchors for late developments. The following section will review some theories that have often

been cited in the study of youth crime in capitalist societies. The major theoretical perspectives to be reviewed involve theories of social learning, social inequality, social control, and social ecology.

Learned Behavior

The hypothesis that criminal behavior is learned behavior has been postulated for nearly all of the 20th century. Gabriel Tarde was one of the earliest theorists who asserted this relationship (Vold and Bernard, 1986). Tarde (1972) singled out imitation as the chief factor responsible for learning criminal behavior. He argued that criminal behavior is learned through either conscious imitations or unconscious suggestions. Learning criminal behavior is similar to learning fashions. Tarde further argued that, like fashions, criminal behavior can be passed from person to person and from generation to generation.

Tarde's theory of crime as learned behavior was later modified by Edwin Sutherland (Vold and Bernard, 1986). Sutherland developed a theory of differential association. This theory grew from his 1937 study of professional thieves which suggested to him that many criminals learned the knowledge and motives, as well as all the skills necessary for engaging in their criminal behavior, from other criminals (Sutherland, 1979). In its more complete form, Sutherland's theory of differential association suggested

that criminal behavior, like any other behavior, is learned. It is learned in interaction with other persons in a process of communication. The principal part of the learning of criminal behavior occurs within intimate personal groups. Sutherland (1979) maintained that the likelihood of one's involvement in crime lies in how often and how long one associates with criminal groups. Age is also an important determinant. The earlier one begins to associate, the more likely one will commit a crime.

Sutherland's theory was reformulated by Robert Burgess and Ronald Akers (Vold and Bernard, 1986). Their reformulation is grounded in operant conditioning theory, which explains behavior by reference to an overt action and its conditioning by external stimuli, particularly the rewarding and punishing consequences of the action. According to Burgess and Akers (1966), behavior is affected by the rewards and punishments responding for that behavior. If a behavior is followed by an increase in rewards and a decrease in punishments, the frequency of that behavior increases, and vice versa. They agreed that deviant behavior is no different than other behavior. Unlike Sutherland, they argued that criminal behavior can be learned from personal and others' experiences of how that behavior is rewarded and punished. If the rewards increase and punishments decrease following a criminal or deviant act, the frequency of that behavior increases. Therefore, deviant behavior can be

understood through an analysis of the reward-punishment sequences.

Theories of crime as learned behavior have been updated and modified by other researchers. Comstock (1982) and Zillman (1982) suggested that in addition to the face-to-face or intimate personal association process of learning noted by Sutherland, indirect forms of imitation are also sources of behavior learning. They argue that people can learn and pursue criminal behavior by imitating behavior of others with whom they never physically associate. The mass media, for example, can greatly influence the behavior of children.

Family and School Failures

While crime is seen as a learned behavior, it is also regarded as related to the behavior of basic social control institutions such as the family and school. Certain Western theorists maintain that delinquency is the result of family failure. This hypothesis is mainly based on social control theory which stipulates that the family, when there is a strong attachment of children to parents, is the critical bonding agent. Social control theorist Travis Hirschi (1979) maintained that the parent-child attachment is a major deterrent to delinquency; and the stronger this attachment, the less likely children will engage in delinquency. According to Hirschi, a strong attachment, however, does not

depend on parents' strict disciplinary control over the behavior of children but rather on parents' affection for their children, meeting their important desires and frank communication. Specifically, children who are less likely to be delinquent are usually those who regularly share home activities, thoughts and feelings with parents. According to Hirschi, delinquency results from the failure of the family to serve these purposes.

Karen Wilkinson (1980) mentioned that crime is associated with broken families. In her study Wilkinson found that children from families without fathers were more apt to be delinquent than were those from intact families. In interpreting her findings, Wilkinson argued that a critical variable is the degree of tolerance of parents' divorce by children. That is, the absence of father tended to have the greatest effect on children who have the lowest tolerance of divorce.

However, some theorists argue that broken families are not the crucial link between the family and delinquency. Instead, familial conflict is seen as the major source of delinquency. Accordingly, delinquent children cannot acquire affection and assistance from their families because of family dishonesty, disputes and violence. Since such families fail to provide the attachment bond, children are more likely to become delinquent (Nye, 1958; Jenkins, 1968). In their recent study of violent crime, Martin Daly and

Margo Wilson also attributed (1988) crime to family tension, particularly between children and stepparents.

A related hypothesis is that parental indulgence, as well as negligence and abuse in child rearing cause delinquency. Parental indulgence encourages abnormal desires and demands from children. Such children who are not satisfied may resort to crime. As well, children who are neglected or abused are more likely to be engaged in delinquency since they are much less emotionally attached to the family unit (McCord et al., 1966).

In addition to the family, the school or educational system is also considered to be important in the socialization of children. Travis Hirschi (1979) argued that there is a close relationship between successful school activity and delinquency. He argued that most people are law-abiding, simply because they devote most of their time and energy to conventional activities. For children, educational activity is the dominant convention and provides a strong bond which inhibits non-conventional activity. If children fail and lose interest in school work, they have a high likelihood of becoming involved in delinquent activity.

Yet, other theorists such as Ray Rist (1975) and Albert Cohen (1984) regarded the schools mainly as a middle-class institution in which school children are evaluated by middle-class values. Children from lower-class children are ill prepared to meet middle-class values. Their inability to meet these values is likely to result in being labelled

deviant, which further hampers their interest in school work, and thus leads to more school failures and high dropout rates. In response these children may resort to accepting alternative lifestyle, for example, delinquent gangs.

Labeling theory often has been utilized to explain the failure of the school or educational system in the socialization of children. The educational system tracks and streams students into hierarchical categories based on a combination of past school records and future potential which then define the students' identities. Children labeled as failing students with low future potential tend to have low self-esteem and little hope for success. Therefore, they are more likely to withdraw from school and to drift into delinquency (Rist, 1975; Polk, 1983; Ryan, 1985).

Social Inequality

There are several other theories which also provide additional explanations of crime. Social inequality theory provides such a different perspective. Social inequality that gives rise to criminal activity is a major hypothesis associated with several approaches. The Marxist approach conceptualizes capitalist society in terms of competing interests underlying social class conflict. Marxist Theorists, such as Richard Quinney (1970), William Chambliss and Seidman (1971) and David Greenberg (1977), claimed that

the major social conflict in capitalist society involves those who have the power to make and enforce law and those are forced to obey the law. Since the law is an expression of the values of the capitalist controlled law makers, the competing values of the powerless are rejected and their conflicting behavior is routinely criminalized. This explains the higher frequency of crime among the less powerful or lower socioeconomic classes. According to these theorists, the differential distribution of crime rates among different classes is an evitable product of the capitalist system. The only solution to this social inequality is to change the nature of this system.

Another approach of social inequality views differential opportunities in society to achieve social success as a major reason for criminal and deviant behavior. According to Robert Merton's (1979) strain theory, there are commonly accepted goals in society. In many societies, particularly American society, the common goals involve economic achievement, prestige and social status. Yet, available opportunities fall short of social expectations. In Merton's view, stress may result when people experience a great discrepancy between the goals they strive for and the limited opportunities to attain them. Merton claimed that norm or law violations are likely to occur when individuals react to the stress they suffer from this discrepancy.

Richard Cloward and Lloyd Ohlin (1960) further developed Merton's theory. They agreed with Merton that

there are differences in access to legitimate means. However, they stress that there are also differences in access to illegitimate means. In their theory of differential opportunity Cloward and Ohlin (1960) maintained that different delinquency rates among children from different socioeconomic classes may result from their exposure to different levels of legitimate and illegitimate means. They argued that the higher delinquency rate among adolescents from lower socioeconomic communities is because they are faced with limitations on legitimate avenues of access to economic success. For instance, the primary means of obtaining economic success in society is education. However, insufficient income, poor school facilities and inadequate preparation limit the access of children from lower socioeconomic classes to better education and employment, and hence reduce their probability of achieving better economic status. Depending on illegitimate means to achieve these goals, thus, is more frequent among these classes. Some adolescents from these classes internalize this practice as conventional means (subcultures).

A further social inequality approach considers criminal activity as a result of relative deprivation of income distribution or economic status. Walter Runciman (1966) and Steven Stack (1984) argued that relative deprivation causes the least benefitted people to feel deprived of their equal rights and opportunities. This produces resentment and a sense of injustice among them. Some individuals therefore

engage in criminal behavior not for survival but to satisfy relatively materialistic desire. This is why these theorists claim that wealthy Western countries are plagued by property crime and related personal violence.

Social Ecological and Physical Factors

Crime is also seen as the result of urban social ecological environmental changes. Western criminologists began studying the impact of social ecological changes on criminal activities as early as the first quarter of the 20th century. Influenced by the theory of plant and animal ecology, they argued that individual behavior can be understood from an ecological viewpoint as a product of various urban social processes, such as competition, migration, immigration and cyclical changes. They also asserted that like animals, human beings adapt themselves to social ecological changes in order to survive and to compete. Unlike animals, however, human beings develop different cultures, customs, values and norms, which can restrain or limit social ecological processes. Since human behavior, including criminal behavior, is viewed as being ecologically determined, it can be understood through an examination of its ecological environments (Vold and Bernard, 1986).

Ernest Burgess was an early theorist who believed that human behavior is affected by social ecological environments

Vold and Bernard, 1986). Burgess and Akers (1966) argued that the development of a city approximates a pattern of concentric circles, whereby certain social activities cluster in certain spatial zones of the city. The central zone is occupied by commerce and industry. The second zone is transitional. It is in the process of being taken over by industry and commerce, but includes areas where the poor, migrants and immigrants reside. The third zone is a working class residential district and the fourth one is middle-class residential zone. Burgess contended that the emergence of these zones is determined mainly by economic and cultural factors, which form different social ecological patterns within the city and create different behavioral patterns and activities.

Given these social ecological concerns, Bernard Lander (1954) and Clifford Shaw and Henry McKay (1969) focused their interest on social problems and delinquency within cities. Their studies showed that delinquency tends to concentrate in center cities, particularly in the transitional zone where residential and business activities intermesh. They argued that this trend is determined by industrialization which creates a need for centralization of different kinds of labor, thereby increasing population size and density (urbanization) by immigration and migration. These social processes bring about social disorganization which results from various complex social and cultural conditions, such as social differentiation, value and norm

conflicts, high mobility, and less intact social relationships. All these social processes disrupt traditional and normal social control and lead to high rates of delinquency.

Research continues to be done on the impact of urban development on criminal behavior. Some studies have examined the impact of social or routine activity on criminal behavior. Other studies have focused on the impact of both social ecological and physical features of urban areas on criminal opportunity and motivation.

While the main findings of earlier social ecological studies are recognized, the "routine activities" approach holds that criminal behavior can be better understood by examining the ways and patterns that people undertake their routine activity. Lawrence Cohen and Marcus Felson (1979) maintained that routine activity takes place in certain regular time and space. Like routine activity, criminal activity also has its regular time and space. They argued that criminal behavior is likely to occur when certain objects become crime targets usually in the absence of certain guardians. Guardians involves the space and time in which people may serve as social supervision when they undertake their social (routine) activity. According to Cohen and Felson, Criminal activity is more likely to occur in the space and time that are less supervised by "guardians". For example, certain objects that are visible,

valuable and accessible are more likely to be crime targets in the absence of sufficient guardians.

Along with the notion that criminal activity is affected by urban social ecological processes and routine activity patterns, some other theorists such as Ray Jeffrey (1971) and Paul J. Brantingham and Patricia L. Brantingham (1984) focused their interest in criminal opportunity and motivation, criminal areas and crime targets than in crime itself. Like routine activity theorists, these theorists focus on the correlation between criminal activity and lifestyles, which includes behavioral patterns and routine patterns of social activity.

According to these theorists, human behavior or social activity is often affected by surrounding social ecological and physical features. The locations of residential areas, the sense of residents' responsibility for common space, and the layout of public facilities can affect the behavioral patterns of residents and non-residents. People, according to these features of urban areas and through their own conceptual knowledge, adopt regular ways or patterns when they undertake their social activities. They argued that like other social activities, criminal activity has also its own patterns and is affected and restrained by these features. In many cases criminal activity is a product of opportunity provided or created by these features. It happens only when these features fail to function as social and natural control or surveillance. Some specific examples

are: crime is likely to occur in the areas that lack a sense of shared responsibility for common space (e.g, border blocks between residential areas) and in the areas near main streets that provide fast transportation after commission of a crime. Since these theorists believed that criminal behavior is a behavior of opportunity caused by social ecological and physical features, they further argued that changes in social ecological and physical features can affect criminal motivation, crime opportunity and crime patterns. In other words, criminal behavior and criminal activity can be prevented and crime opportunity can be reduced if there is some modification of these features; for instance, promoting common space where residents can conveniently come into contact with another and supervise along with increasing security surveillance.

A Summary

Beside the above theoretical perspectives, there are many other theories that also offer detailed explanations of juvenile crime. The perspectives just reviewed can best apply to the phenomenon of urban juvenile crime in China since almost all the crime correlations indicated in these perspectives have found strong support in the studies done by Chinese criminologists.

Chinese Views on Criminal Behavior

Since Chinese theories of crime developed within the framework of communist ideology which views human behavior as the product of political and social environments, these theories seek the sources of crime in the failure of various concrete social institutions, such as the family and school, and in negative social influences. Economic and social ecological factors are recognized, but not as directly related to crime.

Learned Behavior

The concept of criminal behavior as learned behavior is emphasized in Chinese criminological studies. It is based on two assumptions; first is that human behavior is the product of a social system, and second, that human behavior is learned in association with other people and in close social environments.

Chinese theorists insist that the cultural and economic values that a social system promotes strongly influence individual values and individual behavior. They contend that the capitalist system promotes individualist, egoistic and materialistic values. This explains why crimes against property and the person are more common in capitalist societies than in socialist societies. In reviewing the Chinese socialist system, Chinese scholars explain that it

pursues social and collective interests and values which are an important restraint on individualistic desires and values. Therefore, the socialist system fosters a favorable social environment for the development of collective behavior (Ma et al., 1986; Hong, 1988; Luo, 1988).

Chinese theorists, however, admit to the existence of crime in the socialist system. They argue that this cannot be attributed to the nature of the socialist system, but rather to the influence of the negative social values of both pre-communist China and Western and capitalist values. Since the present socialist system developed from the pre-revolutionary period, past influences still remain. As well, the socialist system is not isolated from other parts of the world and thus it cannot keep negative Western and capitalist social and moral values from penetrating into Chinese society. All these negative values can find favorable environments to survive in China during the present stage of the socialist system, thus influencing the behavior of individuals, particularly children (Ma et al., 1986; Xu, 1987; Duan, 1989).

This view of the influence of negative Western values on Chinese young people appears reasonable, however, the specific negative values of pre-communist China are not identified in a manner which convincingly explains why delinquent behavior occurs. If such negative values do currently exist, how, for example, can they have such a

strong influence on the young after 40 years of rigid communist thought control?

Consistent with the communist ideology, most Chinese learning theorists also believe that human behavior is sociologically determined. Social interactions within close environments are seen as the most important learning sources. The direct learning source involves close social environments such as family members, schoolmates, playmates, friends and neighbors. The indirect learning source involves the influences of the values and ideas transmitted through literature, movies and the media. Chinese theorists argue that criminal behavior is learned from negative association models and from negative social environments. Because children are always curious about new things and fashions and like imitating them, these characteristics, as well their immaturity, make them the most susceptible to negative models (Ju, 1984; Gao, 1986; Zhao and Lin, 1986; Wu, 1987; Liu, 1988).

Family and School Failures

The Chinese learning theory is a major part of criminological theory. However, Chinese theorists also pay special attention to the family and the school in the study of juvenile crime. According to Chinese theorists, the family, as the primary behavior control institution, serves at least two functions: it is the first environment for the

socialization of children; and it is the first source of role models, attitudes and values which influence the behavior of children, particularly the development of their future behavior (Ju, 1984; Mo et al., 1986; Zhao and Lin, 1986; Lu, 1988). The school is also a primary environment for the socialization of children. What they learn and experience school is significant to the formation of their views on society as well as their present and future behavior (Ju, 1984; Gao, 1986; Zhao and Lin, 1986). Because of these important functions of the family and school, Chinese theorists maintain that the operational quality of these institutions determines the quality of the behavior of children. Criminal behavior is caused by the operational failure of these institutions.

Chinese theorists see family failure as a direct cause of juvenile crime. In their analyses of family failure, they often address three aspects (Gao, 1986; Mo et al., 1986; Zhao, 1986; Zhao and Lin, 1986). First, juvenile crime is caused by the influence of bad families or families with deviant or criminal members. Because behavior learning occurs through imitation of models, the character of family members leads to the kinds of behavior children adopt.

Second, juvenile crime results from improper methods of family education and from parental indulgence. In the first instance, parents may regard their children as their own property due to the influences of the traditional view of the family relationship and family education in which

children must be absolutely obedient. This view, according to Chinese theorists, not only violates socialist legality which stresses equality between family members, but also ignores the children's psychological desires for social association and independence. In the second instance, parents may overprotect their children due to the impact of the one-child policy. Only children are spoiled and are thus difficult to control. In both instances delinquent behavior may occur if the desires of children are not satisfied within the family.

Finally, juvenile crime results from family structural changes, such as the improved status of women, increased employment for women, and the decline of family size. These changes have pulled more and more women out of the home and have changed the traditional family structure and family relationships. With more women demanding equal status and rights, the numbers of family disputes and divorce have increased dramatically. This is inevitably followed by an increase in broken and unhappy families. Chinese scholars maintain that these changes in the family structure and relationships reflect one aspect of social progress but they also affect the quality of family control over children.

School failure is also blamed as a major cause of juvenile crime. Chinese theorists believe that the school bears a heavy responsibility for the moral and social education of children. This social institution, as much as the family, bears primary responsibility for the generation

of delinquent and criminal behavior. Chinese theorists argue that ideally, beyond teaching moral and social values and offering academic courses, the school should also transmit socialist ideology and official doctrine and policy within educational activity. They admit, however, that this ideal has been far from being realized. They attribute this to a shift of emphasis in recent educational activity, from collective political and social involvement to individual academic competition. They criticize the present educational system for developing two forms of schools and curricula: one for students of good academic records and the other for those of poor academic performance. The former is limited to student elites. Most are channelled into the latter, with no opportunity for a college or university education and limited opportunity for employment. They admit that this practice is implemented because of limited resources, but it produces a labelling effect on many school children, which alienates them from school work, generates and reinforces their dislike of school work, and thus drives them into delinquency (Zhao, 1986; Kang, 1988b; Liang, 1988; Fu, 1990).

Others theorists criticize this educational practice for increasing truancy among school children, promoting environments for delinquency and weakening the moral and social education of children. They insist that the effect of this practice cannot be underestimated, since it is likely to create the opportunity for peer subcultures to develop,

thus fostering a favorable environment for the formation of juvenile gangs (Guo and Ma, 1988a; Lu, 1988; Wang, 1988; Huang, 1989).

Economic Discrepancy and Unemployment

With the introduction of economic reform in 1978, a major phenomenon has occurred in China, that is, the widening gap between people. The term "social inequality" has never been recognized in official Chinese communist publications since Chinese communists claim that their socialist system provides equal rights and opportunities for every member of society to undertake social activity. This official framework restrains Chinese criminological research on social inequality and crime. The main focus of present studies is on the economic discrepancy between people and on unemployment among young people.

Chinese theorists argue that post-1977 economic reform has widened the economic gap between citizens and has had an impact on people, especially juveniles. One Chinese theorist, Zhang Jing (1988), indicates that juveniles today, who are living in a world of rapid changes. These changes include not only values but also increasing economic discrepancy among their peers. Zhang argues that unequal consumption has created a sense of deprivation on the part of children from less benefitted families and has stimulated

deviant motives on the part of children from some families which have benefitted through illegitimate means.

Other theorists, such as Kang Shuhua (1988b) and Duan Liwen (1989), view more crime as the result of the contradiction in official working orientations between the pre-1977 encouragement of economic equality and the post-1977 encouragement of economic discrepancy. They contend that the post-1977 authorities place too much emphasis on individual pursuit of economic achievements and overlook the avenues that people take to make their achievements. They argue that since the present economic condition has not developed to the extent that can satisfy the needs of all members of society, this many create opportunity for some ill-willed people to seek their economic gains through illegitimate methods.

Some other scholars view increasing juvenile crime as a result of rising unemployment rates. They argue that unemployment is caused mainly by overpopulation and that it creates a negative effect on some young people who may adopt cynical attitudes and undertake anti-socialist activity. This group of young people refers to those who lack social and moral responsibility, obligations and socialist consciousness. Chinese scholars maintain that those involved in crime are usually those whose outlook is inconsistent with socialist expectations. They admit that the present socialist system is not the perfect system, especially during its initial stage. A discrepancy exists between the

reality and the ideal which is mostly reflected in the economic sphere. At the present stage of socialism, productivity and economic development are still limited. Some people have greater or lesser abilities than others; therefore their contributions to society are greater or lesser than others. Some young people do not realize that it is these factors that cause economic discrepancy, and thus they fail to adopt a correct attitude toward it (An, 1983a; Wang, 1986; Luo, 1988; Shen, 1989).

Restrained by the official framework for social science studies, Chinese theorists hesitate to relate crime to the failure of socialist practices which has resulted in a gulf between reality and the ideal within the system. Instead, they have to attribute juvenile crime to individual responsibility, i.e., their "incorrect attitude" towards the economic discrepancy. This protects the authorities and their system from criticism.

Social Mobility and Physical Factors

The official relaxation on private business and the mobility of residents during the post-1977 period have significantly influenced the urban social order established during the pre-1977 years. Only in the past several years have Chinese scholars begun to show their concern over the impact of social mobility and physical features of urban settings on criminal behavior and crime patterns. Some

studies have been published, but with little concrete data. It may be too early to say that China has its own version of theory, but at least a theoretical base appears to be developing.

According to some recent studies, social mobility is an important variable in the study of crime. It conveys the quality of social supervisory space. Social supervisory space refers to the space in which people's social activity is under social supervision, including the family, schools and neighborhoods. The studies argue that the level of social mobility affects the quality of supervisory space and then social activity, including criminal activity. Criminal behavior is likely to happen in the absence of social supervisory space. This is the same way that crime opportunity and crime targets take shape (Li, 1987; Lu, 1987; Chi, 1988; Gu, 1988; Li, 1988).

In analyzing changes in social mobility over the past 40 years in China, some Chinese studies explain that pre-1977 China was a society with a strong social supervisory space. It was based on collective involvement in social and political activities. This strong social supervisory space created little opportunity and few targets for criminal activities; consequently, stable urban communities and social order were created (Kang, 1988b; Li, 1988; Lu, 1988; Luo, 1988; Ren, 1988).

In view of the post-1977 years, recent studies indicate that urban areas have experienced a weakening of social

supervisory space as a result of three factors. First, the emphasis on collective involvement in social and political activity, a major part of pre-1977 life, has been replaced by an emphasis on individual competitive economic and academic activities. The increase in individualism eventually leads to the weakening of social supervisory space which depends mainly on collective involvement (Li, 1988; Luo, 1988). Second, the quality of supervisory space has been weakened by a huge influx of transients within urban areas due to the relaxations of controls on the mobility of the residents and on moderate free marketing activity. These relaxations have allowed more time and space for people to undertake social interaction outside their permanent residence. People can more easily contemplate deviant and criminal activity without much fear of being detected, reported and caught (Li, 1988; Kang, 1988; Lu, 1988). Finally, the quality of social supervisory space has been affected by the increased number of working women and dual-income households. Less supervisory space within the home has shifted the recreational activities of children, from a family and community oriented pattern to a wider social environmental pattern that is covered by less sufficient and less efficient quality of supervision.

Chinese studies also recognize the impact of physical features of urban settings on criminal behavior. Their main interest is in the changes in social relationship that physical features produce. They argue that physical features

of urban settings are not the direct causes of criminal activity. Instead, changes in social relationships resulting from physical changes of urban areas provide favorable environments and opportunities for criminal activity. The impact of physical changes on social relationships varies, mainly in the individual social behavior, and local and whole social orders (Zhang, 1983; Sun, 1987).

In reviewing the impact of changes in physical features of urban settings, especially in residential areas, Chinese studies contend that the increase in criminal activity is related to the changes in the physical features of residential areas. They argue that the high density of residence, overcrowded streets, disorderly traffic and noise are the main culprits in the deterioration of social relationships in old residential areas. It creates more civil disputes and conflicts in neighborhoods, which in turn leads to a weakening of social supervisory space (Sun, 1987; Bai, 1988).

Chinese studies also recognize the effect of new and high-rise apartment areas on criminal motivation and opportunity. Overcrowding is not the issue here, but rather physical isolation created apartment buildings. Although physical isolation may reduce civil disputes and conflicts, it hinders the development of a sense of community attachment and reduces general deterrence, thus weakening the shared responsibility for supervising activity within the "community" and creating more opportunity for non-

residents to engage in criminal activity in these areas (Guo and Dong, 1988; Bai, 1988).

The Chinese studies published over the past few years are positive in answering the changing patterns of crime. They recognize the negative impact of physical changes of urban areas. These changes are not the key to the generation of crime. Rather it is the residents' inactive response to deviant behavior. The adoption of physical crime prevention techniques, such as putting bars on windows and security locks on doors, do not necessarily prevent crime from happening. The major way to stop crime is by collective neighborhood action, so that criminals know they will not get away with it (Guo and Dong, 1988; Ji and Yu, 1987; Bai, 1988; Luo, 1988).

The above Chinese theories of crime were developed in the past decade. A comparison of Western and Chinese theories seems to indicate that crime, particularly juvenile crime, is a universal social phenomenon. It is necessary to identify their similarities and differences.

Reflections on Western and Chinese Views

First, an overview of criminal behavior as learned behavior indicates that both Western and Chinese scholars share the assumption that criminal behavior, like any other behavior, is learned through social interaction and in close social environments. Both believe that persons are involved

in criminal behavior because they are exposed more than others to non-conventional values and behaviors; they are exposed longer than others to these values and behaviors; and they are at a younger age to be influenced by these values and behaviors.

Second, that crime results from social inequality is argued both in the West and in China. Even though Chinese theorists are reluctant to recognize the existence of "social inequality" in Chinese society, they admit that there are economic discrepancies among people. Chinese views regarding the relationship between economic factors, such as economic discrepancy and urban unemployment among young people, suggest that there is not much difference between Western views of social inequality and Chinese views of economic discrepancy. Young people both in the West and in China have the same goals and aspirations: economic achievement and better social status. All are confronted with the frustrations of limited means and avenues to pursue and achieve these goals. The result is the same: crime resulting from the incongruent distribution of opportunities in each society. In both societies, young people from lower socioeconomic classes are more likely to be involved in criminal activity than those from higher socioeconomic classes.

Third, both Western and Chinese researchers share almost all their views regarding the impact of the quality of the family and the school or educational system on

delinquent and criminal behavior. They all agree that the family provides the basis for behavior control and that the quality of family control is closely related to children's behavior and that family failure is the major source of delinquent and criminal behavior. They share the view that tracking or stratifying students into "good students" and "bad students" has an impact that cannot be underestimated. They all agree that the labeling effect that this practice creates is an important variable in the development of juvenile gangs and subcultures. The major differences are: Chinese scholars never admit that their school or educational system is an institution that reflects the values of a special class; nor do they admit that juvenile crime may result from differential opportunities for social success determined often by the family status.

Fourth, in reviewing the impact of social ecological processes and changes in urban areas, both Western and Chinese scholars examine the ways that social members undertake their daily activities. They agree that criminal activity can be affected by social activity. They contend that social activity takes place in certain space and time and that criminal activity, like social activity, also needs space and time in which to take shape. Certain space and time will increase the potential for criminal activity in the absence of certain guardianship or supervisory space. They also agree that with urbanization, some social and physical processes take place. The processes are manifested

in the mobility of the people, in the composition of the population and in the physical patterns of urban areas. They share the view that high social mobility or movement of the people impersonalizes social relationships and creates more chances for the commission of crime. It seems however there is some difference. Chinese scholars insist that criminal behavior is not a behavior of opportunity directly created by physical features of the urban setting, but rather a behavior of opportunity provided and created by changes in social relationships. This, however, is an argument in a roundabout way.

Conclusion

The review of Western and Chinese theories in this chapter has shown that Western and Chinese theorists share similar views, for the most part, concerning criminal behavior of youth under urban social change. Their similar conclusions are not surprising if we examine the frameworks of their theories. Most of the Western theories reviewed above were divorced from traditional or classical criminology. Unlike the latter which focuses on individual choice in examining criminal behavior, these theories look for determined causes in social environments and the behavior of social infrastructures: social and economic systems; functions of the community, school and family; and social ecology. The Chinese theories of criminal behavior

developed from the communist or Marxist perspective which considers that all human behavior is the product of political and social systems or environments. Since they both regard criminal behavior as resulting from external factors, therefore, Western and Chinese theorists come to similar conclusions.

Chapter VI

Conclusions

This thesis has discussed and evaluated juvenile crime in urban China since 1949, focusing on various factors that led to two different pictures of juvenile crime. It has been written with less available data than usually are required for such a comprehensive analysis. Consequently, some social phenomena may remain unexplored and some discussions and evaluations need further analyses if more data can be made available. A few final comments will be provided.

1. Two different pictures of juvenile crime emerged under different working orientations of the criminal justice system. During the pre-1977 period, there was a special emphasis on the suppression of anti-government activities and criminal offences of a political nature. This emphasis led to the high proportion of politically related crimes and the low proportion of common criminal offences

During the post-1977 period, the criminal justice system has experienced a sharp shift in its working orientation. Because there is less political interference, the system has spent more effort dealing with common criminal activities. Further, there has been significant progress in criminal justice legislation and in the professionalism of criminal justice personnel. All these changes have resulted in more juvenile criminal activity

being brought to official attention, thus contributing to an increase in official juvenile crime rates and numbers.

2. Two different pictures of juvenile crime were related to the effectiveness of formal behavior control during the two periods. During the pre-1977 period, behavior control was implemented in a formal form. The communist government placed a special emphasis on attempting to change the thoughts and beliefs of the people, extending their own values and ideas outward until they enveloped all levels of society. One efficient method was to institutionalize all the people, youth in particular, to partake in only officially sponsored and encouraged social activities. The other method was to utilize law, specifically, communist policies and directives, and to transmit communist values in an attempt to achieve goal of unifying the minds and action of the people. Although the communist government failed to unify the minds of all the people, they succeeded in unifying their action by means of force or institutionalizing. This form of behavior control, based on the "collective" involvement, served as a strong agent for making individuals refrain from their deviant activities.

The post-1977 communist authorities have not abolished the control mechanisms established during the previous years; they have not given up the efforts to change the minds of the people; they have not ceased institutionalizing the people. Instead, they are utilizing more elements of formal control, such as criminal justice legislation and

professionalism. All these reinforcements, however, have not improved the efficiency of behavior control, nor have they prevented criminal activity from growing. The most important reason for this inefficiency is that the social activity has become more diversified and an increasingly individual attitude toward life has developed among young people. As a result, the level of the collective involvement is declining, which has weakened the basis of communist social control efforts in unifying the minds and action of the people and has complicated the work of social control.

3. Two different pictures of juvenile crime developed as a result of different economic policies. Pre-1977 communist China was distinctive in both relative equality of living conditions and equality of economic opportunity since the communist government placed an emphasis on collective economic achievements and condemned the individual pursuit of material wealth and satisfaction. Despite this policy, millions of urban young people experienced the frustrations of constant economic crises and unemployment. Crimes resulting from the frustrations did occur, however, they were "solved" by several large-scale population relocations.

The post-1977 society, however, has been characterized by widening economic inequality and the individual pursuit of material wealth and satisfaction. The Chinese communist authorities have made fewer efforts to restrain the widening economic gulf created by economic reform. Ideally, everyone is supposed to have equal access to economic prosperity and

respectable social status; however, only a few have the opportunity to achieve these expectations. This has created a great discrepancy between expectations and opportunity. It has been reflected in the contradiction between large numbers of urban jobless young people and the ideal concept of equal right to and opportunity for work, as well as in the discrepancy between the most economically benefitted people and the least economically benefitted people. All these have caused a sense of unfair treatment among the least benefitted people. The result is that post-1977 Chinese society has seen more crime against property and more crime motivated by the lust for material satisfaction, even though the average living standard has improved, compared to that of the pre-1977 years.

4. Two different pictures of juvenile crime resulted from different social and moral environments. The pre-1977 society was well structured in controlling the minds and behavior of the people. People were only subject to the influence and control of communist social and moral values. All other social and moral values were intolerable and suppressed. All people, particularly the youth, had to undergo thought reform and were institutionalized on the basis of communist values. Thus, it made it possible to keep young people from the influences of non-conventional (contrary to communist) values and make deviant behavior be easily identifiable.

Economic reform during the post-1977 period has brought young people to the outside world. They are exposed to a relatively diversified social and moral environment which offers them more opportunity to associate with non-conventional (non-communist or non-socialist) values. More association with these values has resulted in more behavior being criminalized since the political belief and values of the communist government and the guiding principle in the criminal justice legislation remain unchanged.

5. Two different pictures of juvenile crime were generated by family changes. The legalization of equal status for men and women and between family members, and the abolition of private ownership since communist control have played important roles in changing the family structure and family relationships. Due to the strong influence of traditional ideas about the hierarchical family structure, the family did not experience many changes during the first two decades (Chuan, 1966; Yang, 1972). The traditional ideas have faded among the younger generation. The traditional family structure is disappearing in urban areas. The family's role in social control has been weakened with increases of family conflicts, divorces and working parents. This means that more children live in unhappy family environments and have less parental control. The family as a social control mechanism also has been weakened with the implementation of the one-child per family policy. The prevalence of parental indulgence in the only children has

made parents lose control of them. The family's role in social control has been weakened further by the abolition of private ownership, which was one vital key to the strong control and binding ties of the traditional family.

6. Two different pictures of juvenile crime were created under different educational systems. The educational system during the pre-1977 period, especially during the latter half, encouraged collective performance and discouraged individual academic pursuit. This system, with its strong collective sense, resulted in fewer academic achievements; however it did not generate alienation among students. The post-1977 educational system is a highly stratified system. Under this system, individual academic performance is employed as a major criterion by which to judge the success and failure of individual students. The system has generated an extremely disadvantageous effect on school children since in present Chinese society university education is the only route to socially acceptable success for children from families of lower social status. The system also has generated a strong labeling effect on school children by stratifying them through all their school lives. It has isolated many of them from what ought to be their conventional activity; i.e. education. Loss of their conventional activity has eventually led them to crime.

7. Two different pictures of juvenile crime were products of different social ecological phenomena. Pre-1977 urban areas were confronted with overpopulation, constant

high employment rates, and a high influx of rural migrants. All these social problems, however, did not seem to have seriously affected the social order in a long term, since they were soon controlled by a series of measures such as population relocations, the establishment of local social control organizations and restrictions on the mobility of residents. The social (routine) activity and mobility of the residents in those years were directly under the strict control of those well-established local control mechanisms. Since these mechanisms served as strong deterrent, there was less opportunity for crime.

The post-1977 urban areas are confronted with similar problems as in the past. This time the communists have ceased the old practice of population relocations, however they have not found any better solution to these problems. In the meantime new problems have occurred, like high mobility, deteriorating social relationships due to housing shortages and changes in the physical patterns of residential areas. Lack of solutions to these old and new problems has weakened the strong guardianships previously established, thus increasing the possibility of crime.

The two different pictures of China's juvenile crime, whatever their causes, indicate that young people have always been a serious social problem in urban areas. Although available crime statistics undoubtedly are subject to official manipulation, the information provided by official reports and studies on relevant urban social issues

are sufficient to demonstrate that juveniles crime has never had a low profile in urban crime. As in most societies, China's juveniles have been a major source of crime. A unique feature is that China's juvenile crime has not only been affected by urbanization but has also been affected by official subjective measures, which was particularly true during the pre-1977 years.

Since this thesis has been completed at a time of great political and social uncertainty in China, many of its "conclusions" may be highly tentative. As long as China keeps its door open to Western economy and ceases subjective measures like political campaigns, urban juvenile crime will remain a social problem.

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