

# Special Book Preview

## Officially Sanctioned Crime in China: A Catalogue of Lawlessness

BY HE QINGLIAN

In the coming months, HRIC will be publishing a new book-length report by noted scholar He Qinglian on the Chinese government's increasing use of underworld tactics against rights defenders. In anticipation of wide interest on this subject, the report will be published in both English and Chinese. Following is the preface to the book and the table of contents.

### PREFACE: WHY STUDY OFFICIALLY SANCTIONED CRIME IN CHINA?

Since 2004, the international community has witnessed a significant political development in China: in its clampdown against

rights activists and their efforts to defend civil and human rights, the government has not only resorted to extreme political violence, but has also extensively relied on criminal organizations and underworld tactics. The international community has expressed strong disapproval of this abuse of government power, but otherwise has yet to respond in any meaningful way.

In fact, this political development began in the late 1990s, accompanying three major concurrent changes in Chinese politics: the privatization of public power (*gong-gong quanli*), the legalization of political violence and the increasing official use of criminal tactics.<sup>1</sup>

In what ways is officially sanctioned crime related to China's political transformation? No systematic study of this question has been undertaken. An exploration of officially sanctioned crime must begin with an investigation of China's criminal underworld. To understand how the Chinese government has come to engage in criminal activity, we must first understand

the steady infiltration of Chinese politics by criminal organizations.

I discussed the rise, basic characteristics and social impact of criminal organizations in China in chapter 10 of my book *The Pitfalls of Modernization* (1998).<sup>2</sup> Numerous studies on the criminal underworld have been published in China, and many academic specialists are conducting research on China's criminal organizations. But because China lacks genuine academic freedom, these studies fail to reflect China's actual political development, and even lag far behind media reports. While Chinese scholars are still discussing whether criminal organizations actually exist in China,<sup>3</sup> many media outlets have exposed the deep infiltration of organized crime (*heishehui zuzhi*) into China's economy and political system. The reason why Chinese scholars remain at square one in their research is that to date, the Chinese government has only acknowledged that "mafia-style criminal gangs" (*heishehui xingzhi de fanzuituanhuo*) have appeared in China,<sup>4</sup> but has never

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acknowledged the presence of full-fledged organized crime groups in China.

International criminologists have reached a general consensus about five defining characteristics of modern criminal organizations, which can also be applied to the study of organized crime in China: 1) There must be a large, stable and enduring criminal group and source of income. 2) The group must have a distinctive mode of action, lifestyle and code that constitutes a criminal subculture. 3) The group's activities are usually covert, but can become overt for a time under certain circumstances. 4) The groups differ in their particular criminal activities and the territories in which they are active. 5) The group's behavior and activities are highly predatory, parasitic and anti-social.

Judged by these criteria, it must be said that organized crime had already appeared in China by the late 1980s, and that organized crime groups grew in strength and number in the 1990s.

An alliance between gangsters and local officials has led to the increase in officially sanctioned crime, especially at the grassroots administrative level. In many localities, criminal organizations protected by local officials have taken over control of certain government functions and key sectors of the economy. They are so powerful that local people refer to them as a "second government." Since the late 1990s in particular, local governments throughout China have used criminal organizations as goon squads to force urban residents from their homes and seize farmers' land. The Shengyou Village<sup>5</sup> and Taishi Village<sup>6</sup> incidents are clear examples of local governments working hand in glove with criminal organizations to suppress popular resistance, and epitomize the predatory, parasitic and anti-social character of criminal organizations.

To shed light on the principal danger facing China's political development, this report explores how a growing share of the economy and public life is coming under the control of criminal organizations shielded by government officials, and how the Chinese government increasingly relies on unlawful methods to dominate the population. The privatization of public power, the official use of criminal tactics and the legit-

imization and generalization of violence are the main indicators of the government's growing reliance on unlawful methods. This political evolution is an inevitable outgrowth of China's current political system. Now that the ideological myth of "serving the people" has been shattered, violence and force of arms are the regime's final recourse to preserve its political power.

The official sanctioning of criminal conduct in China is a subject that has yet to be investigated by political scientists and sociologists. In other countries, collusion between criminal organizations and government officials is typically confined to the police and judicial authorities, and limited in scope to the business sectors in which criminal organizations specialize. But in China, criminal organizations collude with government officials in the Party, government administration, finance, judiciary, land management, tax administration and industry and commerce, and are involved in many more sectors of the economy than their overseas counterparts. The value system of the criminal underworld permeates the culture of officialdom and underpins the government's growing reliance on unlawful methods of control, and while never openly acknowledged, its influence is widely felt.

Once we understand the criminal methods this unjust system of government is increasingly adopting, the hopeless human rights situation confronting ordinary Chinese people becomes all too clear. In the political sphere, ordinary citizens have no rights and are completely powerless to resist oppression by government officials at every level. In everyday life, the official use of criminal tactics has made laws and regulations a dead letter, and has led to a breakdown in the social order as ordinary people are forced to endure the rampant violence visited on them by government-hired gangsters.

Translated by Paul Frank

#### NOTES

1. See He Qinglian, "Wei quan tongzhi xia de Zhongguo xianzhuang yu qianjing" (Current Situation and Perspectives of China under Authoritarian Rule), *Dangdai Zhongguo Yanjiu* (Modern China Studies), Summer 2004.
2. He Qinglian, *Xiandaihua de xianjing: dangdai*

*Zhongguo de jingji shehui wenti* (The Pitfalls of Modernization: Economic and Social Problems in Contemporary China), Beijing: Jinri Zhongguo chubanshe, 1998.

3. Qiu Geping, " 'Heishehui zuzhi' de xingzhi jieding yu bianxi" (The Perceptions of Underworld Criminal Activities in China), *Dangdai Zhongguo Yanjiu* (Modern China Studies), Spring 2005; Guo Zili, "Lun you zuzhi fanzui de gainian he tezhen" (On the Concept and Special Characteristics of Organized Crime), *Zhongwai Faxue* (Peking University Law Journal), Vol. 2, 1998; Gao Yifei, *You zuzhi fanzui wenti zhuanlun* (A Study on Whether there is a Problem of Organized Crime), Zhongguo zhengfa daxue chubanshe, 1999.
4. According to Article 1 of the Supreme People's Court Interpretation of Questions Concerning the Concrete Application of Laws in Adjudicating Cases Involving Mafia-Style Criminal Gangs (Guanyu shenli heishehui xingzhi zuzhi fanzui de anjian juti yingyou falü wenti de jieshi), issued on December 5, 2000, a "mafia-style criminal gang" must generally have the following characteristics: (1) A fairly close-knit structure, substantial membership and strict organizational discipline; (2) generates income through illegal activity and has definite financial clout; (3) uses bribery and threats to induce or force state workers to participate in or protect illegal activities; (4) uses violence, threats and harassment for purposes of extortion, intimidation, and market or territorial dominance, seriously damaging the economic and social order.
5. Translator's note: On June 11, 2005, hundreds of men armed with shotguns, clubs and pipes attacked a group of farmers who were resisting official demands to surrender land to a state-owned power plant. Six farmers were killed and as many as 100 others were seriously injured. See "Chinese Peasants Attacked in Land Dispute," *Washington Post*, Wednesday, June 15, 2005; "Land demonstrator killers sentenced to death in China," *Taipei Times*, February 18, 2006.
6. Translator's note: In 2005, the residents of Taishi Village, Guangdong Province, signed a petition in accordance with the Village Committee Organization Law to recall their village-committee director, whom they accused of illegally selling village land. The local government responded with a series of repressive actions, including attacks against villagers and their outside advocates by riot police and hired thugs. On this incident, see Hu Ping, "Taishi Village: A Sign of the Times," *China Rights Forum* No. 4, 2005.