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Corruption in Transitional China

--From a Criminological Perspective

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--From Criminology Theoretical Perspective

Introduction

The study of corruption, the defining, analyzing, and combating it came to the forefront of professional discussion in the 1990s. The number of articles mentioning corruption in the financial press and other media increased abruptly (Leiken,1997; Glynn, Kobrin, and Naim, 1997). Compared with other countries, any discussion of corruption comes later in China. There were few articles on corruption published in China until just recently. The issue of and concern about corruption is a major focus in the Chinese media today. There is nearly daily mention of it in *China Daily*, the official Chinese newspaper issued internationally in English.

Corruption is a complex phenomenon that is, simultaneously, an economic, political, and sociological in origin. Corruption is a criminal act that requires an integrated theoretical model to explain. It manifests itself differently depending upon political and economic circumstances and the prevailing social norms and expectations.

As a manifestation of criminal behavior, we can apply criminological theories to corruption research. According to Araujo (1990), corruption is often referred to as crime against the public administration. Although not all the citizens are directly victimized by corruption, it is a common thought that deviant behavior like corruption implies a condition that is pathological and disorganizing to society. It is a perversion of the civic relations between citizens and the state (Lima & Friday, 2005). Corruption and bureaucratic efficiency, the effects of corruption on resource allocation, project selection,

allocation of entrepreneurial talent, and the distribution of income and wealth are all dynamics of the problem (Jian, 2001).

The focus of this manuscript is on one of the most serious types of corruption in China, petty corruption. The different definitions of corruption within the Chinese social context will be discussed in the first section. The second section presents some of the links between criminological theories and the reality of Chinese corruption from three levels of analysis: structural level (Merton's Strain Theory, Agnew's General Strain Theory, and Differential Opportunity); systemic level/institutional level (Akers' Social Learning Theory, Differential Association); and the individual level (Techniques of Neutralization Theory, Rational Choice Theory). The third section outlines the pervasiveness of corruption and history of anti-corruption efforts in China.

On the Definition of Corruption

In general, corruption refers to acts in which public officials use publicly delegated power to further personal interests at the expense of the public resources (Jain, 2001). One of the defining characteristic of organized crime besides instrumental violence is that corruption of relevant public officials, including high-ranking police officers, appeals judges, and politicians (Dijk, 2008). Due to various means and ends of corruption in different countries, the universal definition of corruption has been a controversial issue. Nye (1989) defined public official corruption as behavior that deviates from the formal duties as a civil servant for private financial or status gains. This includes such behavior as bribery (use of reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses). From a market-oriented perspective "Corruption means that "a civil servant abuses his authority in order to obtain an extra income from the public...Thus we will conceive of corruption in terms of a civil servant who regards his office as a business, the income of which he will...seek to maximize. The office then becomes a maximizing unit" (Klaveren, 1989: 25-26).

Even in the same country, there are various forms of corruption. Jain (2001) identifies three types of corruption in democratic societies: grand corruption, bureaucratic corruption, and legislative corruption. As to a transitional socialist society like China, Chinese official terminology identifies four kinds of corruption: "1) crimes (especially economic crimes) committed by government officials while on duty; 2) a variety of malpractices in government agencies where officials use public power for private gains; 3) extravagant use of public funds; and 4) immoral conduct by Party and government officials such as gambling and extra-marital affairs" (Zhu, 2008:82). White (1996) had a similar classification in his analysis of China's corruption.

Therefore, scholars give definitions of corruption from various perspectives. Corruption exists in different forms in China. In particular, there is first-in-command (FIC) corruption¹ and local official corruption. Both have a different impact on the society. FIC corruption has more structural and institutional influence, while local official corruption has more individual effects. FIC corruption is most detrimental to the ruling status of the ruling party, Chinese Central Party (CCP) and the stability of the state than other types of corruption; local official corruption, on the other hand, primarily impacts the daily life of citizens. As an individual citizen in the society it is hard to be immune from the negative effects brought about by the "daily life" corruption or "petty

¹ FIC refers to the top leader in the related department.

corruption" which refers to small amounts of bribes or favors paid to the public position holders (Riley. 1999).

From the perspective of the amount of money stolen by perpetrators, there are two categories of corruption: major case and minor case. Before the year 1978, the standard for defining petty corruption was 30 Yuan (approximately \$5). After 1978, the definition for minor corruption under China's Anti-Corruption Law is now 5000 Yuan (approximately less than \$800); any case involving a sum of 50, 000 Yuan (\$7,300) or more is referred to as a "major" case.

Pervasiveness of Corruption and Anti-Corruption Activities in China

The very fact that deviance has been a persistent feature of all societies has led a number of sociologists to reexamine the nature of deviance. Corruption is an international issue (Heineman & Heimann, 2006). Since the mid-1990s, there comes the age of anticorruption awareness in the global society. "International organizations, including the Organization for Economic Cooperation and Development (OECD) and the United Nations, have adopted conventions requiring that their members enact laws prohibiting bribery and extortion. International financial agencies, notably the World Bank, have announced programs aimed at ensuring fair and open contracting for their projects and stopping misappropriation by government officials.

The leading non-governmental organization (NGO) in this area, Transparency International, has conducted analysis and advocacy through chapters in a number of countries. The Corruption Index Perception coverage by Transparency International has expanded from 41 countries in 1995 to 180 in 2008, the same number of countries as in 2007^2 .

The major challenge of the Chinese anti-corruption campaign is that corruption in this country may be perceived as a norm, not the deviant behavior, by the general public. The unified cadre personnel management system is one of the fundamental components of the corruption problem in China. In 1989, Deng Xiaoping³ said "It is for sure that the Party has been at the risk of collapsing if corruption is not curbed and punished, especially at the higher levels of the Party." Jiang Zemin, the former CCP chief, mentioned corruption issue quite more frequently on different occasions. He regarded corruption as "cancer" which implied that it is hard to deal with but if we do not take action to deal with it, "the flesh-and-blood ties between the Party and the mass would be ruined; the Party would be in danger of losing its ruling status and suffering self-destruction"⁴; and also "the Party, the political power and the socialist modernization cause will be doomed."⁵

The forms and characters of Chinese corruption are also different in many important aspects from those of its past and of other countries (He, 2000). Public perceptions, official audits, press reports, official anticorruption enforcement data, and estimates based on international norms indicate that corruption in China is both pervasive and costly. Since the early 1980s, the CCP's anti-graft agency, the Central Discipline and Inspection Commission (CDIC) statistics showed an average of 130,000-190,000 party members each year had been punished for various types of misdeeds and crimes. The CDIC's data for 2006 show that 32 percent of the CCP members disciplined and

² http://www.transparency.org/policy_research/surveys_indices/cpi

³ Xiaoping Deng (1989) "Urgent Task of China's Third Collective Leadership Generation" Anthology of Xiaoping Deng

⁴ Zemin Jiang (2002) "Report on 16th National Congress of Communist Party of China." December 8th.

⁵ Zemin Jiang (2006) "Speech on the Third Plenary Session of the Central Discipline."

punished that year committed possible criminal offenses (such as obstructing and harming the social order) and 16 percent engaged in economically corrupt activities.

To deal with the aggravating bureaucratic pathology, Chinese leaders have created new anti-corruption agencies. From the early years of reform, several agencies were placed in charge of the task of fighting against corruption. The Chinese Communist Party's (CCP) Central Commission for Discipline Inspection was recreated by the Party's Constitution in 1979. It was not until December 1986 that the Standing Committee of the Sixth National Peoples' Congress decided to restore the Ministry of Supervision in order to deal with administrative behavior within the government, especially at the lower tiers of governments. In 1993, the Chinese Communist Party's Central Commission for Discipline Inspection and the Ministry of Supervision began to share not only offices but also much of their personnel, resulting in an intertwined relationship between the two. In 1980, the Procuratorate was recreated. In order to institutionalize its own anti-corruption efforts, the Supreme People's Procuratorate established the General Bureau of Anticorruption in 1989. In 2005, China joined the United Nations Anti-Corruption Convention.

Three Levels Theoretical Analysis on Corruption

This paper is an exploratory discussion of petty corruption in China from the perspective of three levels of theoretical analysis suggested by Friday (1988): structural level, institutional level, and the individual level. While there are no direct empirical studies to test the assertions, the following is a framework within which corruption can be better understood.

Structural Level

At a structural level, crime is a product of forces external to the individual and beyond the control of the offenders, such as urbanization, industrialization, social class, and political economy (Friday, 1988). Using subjective ratings, Treisman (2006) found that highly developed, long-established liberal democracies, with a free and wide reaching press, a high proportion of women in government, and a history of open trade are perceived as less corrupt. Countries that depend on natural resources or have invasive business regulations and unpredictable inflation tend to be more corrupt. A utility-based argument is to also assess the influence of communism on corruption levels.

Some researchers test the link of structural level actors with corruption with crossnational quantitative data and compare communist and non-communist countries to identify the difference (Sandholtz & Taagepera, 2005). The main finding is that corruption is not just the product of immediate material incentive. It is also powerfully influenced by cultural orientations that are acquired through socialization and a society's historical heritage.

Different historical stages had different forms of corruption. Since the foundation of the People's Republic of China in 1949, the Communist Party leaders have been aware of the potential threats generated by corruption. In 1951, the first corruption case shocked the whole nation: two corrupted officials, Qingshan Liu and Zishan Zhang, were sentenced to death and executed immediately on February 10, 1952. This was said to be the first anti-corruption case in China. Two months later, the central government implemented its Anti-Corruption Regulation. The target population included the public sector, private sector, non-profit organizations, and the army. There were three anti-corruption campaigns during 1957-61. More than 1.22 million people were accused of

petty corruption during that period, yet, corruption was neither chronic nor contagious at that time.

China has five tiers of government: 1) central government, 2) provincial government, 3) prefectures/municipal government, 4) rural counties and urban district government, and 5) rural township government. Most recently, the money extracted through corruption has risen exponentially, especially in the lower tiers of government. Thousands of local officials are disgraced by corruption scandals every year as well. From October 1997 to September 2002, 28,996 cadres at the xian (county) and chu (division) levels, as well as 2,422 officials at the Ting (department) and Ju (bureau) levels were prosecuted for corruption (Pei, 2007). On average, 6,000 senior local officials were prosecuted for corruption every year during this period (Pei, 2007). In 2008, 2,687 county and above county level officials were executed. Among those, 181 were municipal level officials, 4 at a ministerial level. In the same year, 29,836 were accused of using their position for personal gain. This number increased 12.6 percent compared to the previous year. The number of corruption cases is 17,594, which is 4.6% increases compared to the year 2007. Among them, 3,211 cases were major cases which mean they involved large sum of money and higher level officials. This is also a 14.1 percent increase compared to the year 2007^6 .

The political economy perspective emphasizes the opportunity and constraint structures as basic determinants of corruption (Ackerman, 1978; Klitgaard, 1987). In addition, low levels of competition increase the incentives for corrupt practices. Some Chinese literature argues that the post-Mao corruption is the by-product of economic reform due to the structural opportunities and incentives of corruption. He (2000)

⁶ China Procuratorate Yearbook.

analyzes the causes, consequences of corruption and anti-corruption campaigns of the Chinese government and concludes that the co-existence of dual economic systems⁷ during the whole transition period provides plenty of incentives and opportunities for corrupt practices. Statistics indicate a real explosion of corruption occurred after the 1978 economic reform. Former Deputy Procurator-General Liang Guoqing acknowledged in the fall of 1993 that corruption was "worse than any other period since New China was founded in 1949. It has spread into the Party, government, administration and every part of the society, including politics, economy, ideology and culture⁸.

Ngo (2008) studies the sources of widespread rent-seeking practices and their relations to corruption in China. The findings indicate that rent-seeking⁹ constitutes one of the most common sources of corruption in present-day China. The extraction of economic rent is structurally embedded in the existing political-economic order in contemporary China.

According to Merton's (1938) Strain Theory, deviance/crime results from a disjunction between culturally defined goals and institutional/structural means to achieve them. Merton (1938) notes that there are certain goals which are strongly emphasized by society: social status, wealth, and power. Society emphasizes certain means to reach those goals, such as education, hard work, etc. However, not everyone has the equal access to the legitimate means to attain those goals. The state then is set for strain. Nearly overnight, it seemed, the even national income among different social strata in China was broken due to the 1978 reform. New strata arose in the private sector, such as private

⁷ Planning-oriented economy and market-oriented economy.

⁸ Annual Work Report of the Chief Procurator of the Supreme People's Procuracy, 1993.

⁹ Rent-seeking is, for example, when a lobbyist group seeks legislation that will raise its earnings above the competitive level. (Friedman,L.S. 2002. The Microeconomics of Public Policy Analysis. Princeton, NJ:Prinstpon University Press. P612)

entrepreneurs and white-collar workers. Those in private sector, their social status increased as they accumulated more wealth. In contrast, the low level of material reward for civil servants in the public sector created strain for them: the public sector employee could never achieve wealth, no matter how hard they work because the salary is fixed. The result was that those in the private sector needed to bribe the public sector actors to get things done. As a result, in China, the strain for civil servants in the public sector provided an impetus to engage in corruption (Heywood, 1997). The increasing gap drives government officials and public servants to seek extra income to supplement their own or their staff's low salaries (He, 2000).

Agnew (1992) identified three more major sources of strain in addition to those defined by Durkheim (1964) and Merton (1938). He argues that failure to achieve positively valued goals, removal of positively valued stimuli, and the presence of negative stimuli result in strain. He proposes a series of factors that determine whether a person will cope with strain in a criminal or conforming manner, including temperament, intelligence, interpersonal skills, self-efficacy, association with criminal peers, and conventional social support. According to the general strain theory, deviant acts increase while aspirations increase and expectations decline. This can just fit the "59" phenomena in China's "carder system"¹⁰. When officials reach the age of 59, their expectation of being promoted to higher hierarchy vanishes. In contrast, the aspirations for whatever they can get via their current delegated power increases. Here, the expectation of being promoted is long-term while the aspirations for material gain are short-term. Short-term expectations of local official induce short-term behaviors, and increase the chances of

¹⁰ The Mayor of a prefecture is usually required to retire at 60; for a provincial party secretary, if he/she comes to 63 after a five year term, he/she cannot take the office for the next term. Right now, mayors are usually forced to retire at 60; provincial party secretary or governor usually leaves office at 65.

corruption. Thus, the local official has strong incentives to accumulate their private gains through public delegated power before it is invalidated.

Merton (1938) presents five modes of adapting to strain caused by the restricted access to socially approved goals and means. First, the conformist is the most common mode of adaptation. Such individuals accept both the goals as well as the prescribed means for achieving the goals. Conformists will accept, though not always achieve, the goals of society and the means approved for achieving them. Cloward and Ohlin (1960) notes that Merton's anomie theory specified only one structure of opportunity. They propose that there are also illegitimate avenues of structure, in addition to legitimate ones. The loopholes in, and weakness of, regulatory policies and institutions, certain policy failures, and a lack of experience and technology in the anti-corruption agencies tackling the new forms of corruption, all contributed to the growth of corruption. The incompleteness of political reform and the weakness of the current political system undermine anti-corruption efforts which, in turn, promote the further proliferation of corruption. Secondly, innovators accept societal goals but have few legitimate means to achieve those goals; thus, they "innovate" their own means to get ahead. The means to get ahead may be through robbery, embezzlement or other criminal acts. Thirdly, ritualists abandon the goals they once believed to be within their reach and thus dedicate themselves to their current lifestyle. They play by the rules and have a daily, safe routine. Fourthly, retreatists give up not only the goals, but also the means. They often retreat into the world of alcoholism and drug addiction. This can partly explain why corrupted Chinese senior officials have a high probability of having mistresses or extra-marrital affars. These individuals escape into a non productive, non striving lifestyle. Finally, the

adaptation of rebel occurs when the cultural goals and the legitimate means are rejected. Individuals create their own goals and their own means by protest or revolutionary activity.

Institutional Level

The institutional level theories explain crime as a function of the transmission of norms and values by the social institutions in a given society. Ngo (2008) argues that rent-creation and seeking are difficult to eliminate because they have become institutionalized as the constitutive parts of economic governance.

All societies have norms and expectations, which are learned through interaction within the family, in schools, in community organizations, and peer groups. Behavior associated with these norms and expectations is also learned. This occurs as a result of the roles individual learn to play.

Different societies have various degrees of tolerance toward certain deviant behaviors. The degree of tolerance depends on the socialization of behavior through the cultural transmission of cultural precepts, differential association, and techniques of neutralizations (Lima & Friday, 2005). The decline in the moral costs of corruption stimulates its further spread. Informal constraints come from socially transmitted information and are a part of the cultural heritage (North, 2005) which can be defined as the "transmission from one generation to the next, via teaching and imitation, of knowledge, values, and other factors that influence behavior" (Boyd and Richerson, 1985: 2). The justification of one's behavior can be facilitated by Sykes and Matza's (1957) techniques of neutralization, allowing an individual to engage in criminal activity while maintaining a non-deviant self-image.

Aker's (1998) social learning theory also falls within institutional level of explanations. It is primarily an extension of Sutherland's differential association theory (1947). The social learning theory offers a social psychological explanation of criminal and deviant behavior. The principal explanatory concepts are differential association, definitions, differential reinforcement, and imitation/modeling. That is, deviant behavior is acquired, enacted, and changed through variations in association, definitions, reinforcement, imitation, discriminative stimuli, and other variables in the social learning process.

Sutherland (1947) states the first differential association theory as "first, any person can be trained to adopt and follow any pattern of behavior which he is able to execute. Second, failure to follow a prescribed pattern of behavior is due to the inconsistencies and lack of harmony in the influences which direct the individual. Third, the conflict of cultures is therefore the fundamental principle in the explanation of crime." (pp51-52). "Differential association theory is entirely a product of the social environment surrounding individuals and the values gained from important others in that social environment" (Williams & McShane, 1994, P75).

There have been no empirical studies to test the learning and socialization theories, but the pervasiveness of corruption does illustrate its normative nature. The culmination of a set of integrated deviant and non-deviant norms can be illustrated by a few examples in China. For example, to implement any real estate project in Hebei Province, one has to obtain 166 approvals from 44 departments. Although the number of approval has been reduced to 26 recently, it is "common knowledge" that one still needs to bribe somebody to get approval from each department. It takes from one to three years to get all documents done¹¹. In some other provinces, in contrast, it may only need 10 days. Since it has been a norm for the department to make obstacles for the private sector actors, it is pervasive in Heibei Province.

In a 2006 study of 3,067 corruption cases in China Pei (2007) found about 50 percent of the officials and individuals engaged in corruption related to infrastructural projects and land transactions. Bribes and kickbacks were common. Bribes and kickbacks are seen to be the product of the social environment surrounding both the private sector and public sector. In transportation and urban planning, half of the provincial transportation chiefs in China have been sentenced to jail terms (some have even been executed) for corruption (Pei, 2007). A survey of 16 cities conducted by the Ministry of Land Resources in 2005 found that 50 percent of the land used for development was acquired illegally (Pei, 2007). According to the head of the Regulatory Enforcement Bureau at the Ministry of Land Resources, the government uncovered more than one million cases of illegal acquisition of land between 1999 and 2005 (Pei, 2007). In 2004, China's banking regulators uncovered 584 billion Yuan in misused funds; in 2005, this number was 767 billion Yuan. A large number of top executives in China's largest banks have been jailed for corruption (Pei, 2007). In a 2003 survey of 3,561 employees in banks, state-owned enterprises, private firms, brokerage houses, and rural households, 82 percent of respondents said corruption was "pervasive or quite pervasive" in financial institutions. On average, borrowers paid bribes equal to 9% of the loan amount (Pei, 2007).

Social structure and culture have great impact on corruption. Kingston (2008) provides an infinitely-repeated game to show how patterns of interaction among the

¹¹ The speech made by Zhang Yuncuan, the General Secretary of the Party Committee in Hebei Province. February 13th, 2009.

clients of a bureaucracy can affect officials' incentive to engage in corruption behavior. This model is based on the idea of strategic linkage: "when the same individuals encounter each other in several different repeated games, they can make their actions in one game contingent on their opponents' actions in another game, thereby "pooling" the incentive constraints across games" (Bernheim & Whinston, 1990).

Individual Level

While studying corruption, the individual actor, his self concept, social role, and definition of the situation are the main forces determining behavior. Each of these, self concept, social role and how one defines situations are the product of the socialization that occurs at the institutional level. An individual possess two utility functions: the usual self-interest preference function and the purely social/group interested preference function (Margolis, 1982). Applying this to corruption, "Public servants may achieve mediocrity if they work strictly within the limit of the law; yet, in order to reach levels of excellence, they must include the essential values of humanism, solidarity and tolerance in that exercise" (Lima and Friday, 2005:**). Sugden (1986) maintains that a convention acquires moral force when almost everyone in the community follows it, and it is in the interests of each individual that people with whom he or she deals follow the rule providing that the individual does too. This is a "morality of cooperation" (p.173). Corrupt officials, like most criminals can find justifications for their deviant behavior by adjusting the definitions of their actions and by explaining to themselves and others the lack of guilt of their actions in particular situations. Neutralization theory can provide explanation of this phenomenon (Sykes & Matza, 1957). There are five different types of

rationalizations, which are the denial of responsibility, the denial of injury, the denial of the victim, the condemnation of the condemners, and the appeal to higher loyalties. Each of these techniques can be found among corrupt officials.

Conclusion

Corruption is an extremely serious problem in China. It threatens the future prosperity of the country by undermining critical governing institutions, fueling public resentment, exacerbating socioeconomic inequality, creating massive economic distortions, and magnifying the risks of full-blown crises.

In this paper we have offered an approach to analyzing corruption by suggesting that its root causes are best understood by looking at structural, institutional and individual level criminological theories. Each level theory, starting at the structural level, additively increases the possibility that corruption will occur. The structural level forces, especially the political economy, set the parameters within which corruption can occur and the stresses that increase its probability. The institutional level theories of learning suggest how corruption becomes normative, rationalized and justified. Individual level theories suggest how the deviant/corrupt role becomes inculcatd into routine activities and become self-perpetuating.

All three levels of analysis are clearly applicable in the Chinese context. They supplement each other in explaining the pervasiveness of corruption in China. The political economy of the country, which is different from the rest of the world in many respects, may be one of the major contributing factors to corruption. The closed manner of ruling the country and lack of competition in the political arena stimulates corrupt activities. The discrepancies between urban and regional development and differences in the way of life alienate and marginalize many people coming from the rural areas. For them, it is often easier to pay a bribe in order to receive some social service, which may be provided centrally from a nearer city. Both formal and informal institutions contribute to the problem of corruption too. The formal institutions, e.g. multi-tier governments with numerous departments and officials possessing discretionary power, provide a favorable environment for corrupt activities. The informal general perceptions of corruption as a 'normal business' and common awareness that one has to pay a bribe in order to get anything done by an authority, makes corruption normative and a self-reinforcing phenomenon that is very difficult to curb. The overall positive or neutral perceptions of corruption make practically every individual, both bribe-payers and bribe-takers, tolerant to corruption. Therefore, the problem of corruption in China is a deep-rooted one. It requires informed and unified efforts and great political will to be substantially alleviated.

Adopting a theory-based view of corruption in China may help to conceptually understand the problem of corruption in that country. This is necessary for development of a knowledgeable and effective way of solving this problem. The Chinese corruption has both similarities with and differences from what is observed in other countries. Therefore, policy-makers ought to know the general theories developed elsewhere and adapt them with the help of researchers to the country's conditions. Alternatively, they may develop their own theories, but even in this case, it is not wise to ignore the knowledge already accumulated in the world.

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