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The relationship between criminology and criminal law: implications for developing Chinese criminology

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During the last four decades, Chinese criminology has grown steadily but modestly. One consensus is the lack of a clear understanding of the relationship between criminology and criminal law. This paper attempts to provide a critical review of the relationship between the two disciplines by first tracing the historical development of criminology in both China and Western countries. It then clarifies the distinctions and overlaps between criminology and criminal law and explains how this relationship has influenced the growth of criminology in China. It concludes by proposing implications for developing criminology in China, particularly discussing potential collaborations that could be forged between criminology and criminal law and how such partnerships can benefit both fields in China.

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Introduction

Over the last four decades, criminology in China has evolved. However, a vast body of literature argued that its expansion has been relatively slow (Cao and Hebenton, 2018; Cao et al., 2014; He and Zhuo, 2016; Hebenton and Jou, 2010; Liu, 2021; Triplett, 2018). One problem is the lack of clarity about the link between criminology and criminal law. Contemporary scholarship in criminology and criminal law has grown into a vast field. Their overlaps and differences have created significant uncertainty about the relationship between the two. In China, many consider criminology a part of criminal law, while others consider it a social science field. As a result of this ambiguity, scholars in each field are largely unacquainted with the other's subject matter.

Notwithstanding this ambiguity, this paper argues that progress in one field can benefit greatly from knowledge generated in another. Before providing concrete recommendations to strengthen the collaboration between and growth of Chinese criminology and criminal law, we start by revisiting the historical trajectory of Chinese criminology. We then proceed to provide a thorough analysis of the activities of the two fields before launching into explicating the intricate relationship between them. We do so by examining the relationship between criminology and criminal law both in China and Western democracies, summarising the significant influence of criminology on the development of criminal law with examples from the West and demonstrating the limited development of Chinese criminology. Relying on both the historical developmental paths and contemporary overlaps and distinctions between the two fields in the West and China, this paper concludes by providing three recommendations for the growth and development of criminology in China.

Relationship between criminology and criminal law in the West

The two ideas of "punishment" (criminal law) and "crime" (criminology) shared the exact intellectual genesis. The development of the former could be traced to Beccaria's seminal work *On Crimes and Punishments* in the 18th century, which, as one part of the classical school, was also the origin of criminology (Walters and Bradley, 2019). However, during the subsequent century, human behaviour became a branch of natural science that could be researched using scientific approaches (see Mannheim, 1972; Wright, 2010). Under this influence, the positivist school gradually displaced the classical school of criminology. Modern criminology, as a scientific discipline, arose against this backdrop. What started as one unity under Beccaria's paradigm of studying the causes and reactions to crime has evolved into two distinct developmental paths—criminology and criminal law.

The rise and development of classical and positivist criminology schools reveal the overlap and differences between criminology and criminal law in the West. On the one hand, criminology and criminal law are inextricably linked. First, they have connections in origin. By emphasising the rule of law and individual dignity, Beccaria, a noteworthy representative of the classical school of criminology, is known as the father of modern criminal law (Hostettler, 2011). The classical school of criminology is regarded as laying the groundwork for criminal law today. Second, both disciplines are involved in the study of crime. Criminal law regulates crimes that seriously danger society and should be punished according to the criminal code. These crimes are also the research subjects of criminology. In addition, some deviant behaviours that have minor danger to society or have not been provided in the criminal code may be explored in criminological research. Third, these two disciplines have ideals and values in common. Criminal law aims to realise the rule of law by identifying and punishing criminal and criminal behaviour. Criminology, based on the observation of crime phenomenon, explores the regularity of crime, particularly causes of crime, to prevent and control crime. They both serve to achieve crime control, maintain social order and protect public security. Fourth, as criminology and criminal law evolved, studies on topics in one discipline touched upon those in the other. For example, criminologists have been studying domestic violence, which criminal laws often did not address during the early era. However, as society develops and criminal law improves, domestic violence is criminalised and becomes an important topic discussed by scholars in criminal law.

On the other hand, criminology is distinguished from criminal law in perspectives like orientation, research methods, procedure, and so on. Criminal law concentrates on the legal norms of crime and the idea of *legal dogmatic* through applying interpretative, logical and inference methods. In contrast, criminology studies individual criminals or offenders using scientific or empirical methods (qualitative and quantitative research methods), such as surveys, interviews, experiments, content analysis and so on (Laufer, 2017; Mannheim, 1972). Procedurally, criminology is active; researchers actively discover social problems, observe crime phenomena, analyse data, draw conclusions, and make suggestions to governments or policymakers. However, criminal law procedure is passive: it cannot be initiated until a crime is reported, a criminal is arrested, or a criminal lawsuit is filed. For example, criminal law might not deal with minor theft if victims do not report it, while criminologists should still research it through a victimisation survey or report. Essentially, criminal law is a discipline focusing on criminals' responsibilities and punishments, while criminology studies the nature and causes of crime and crime prevention at individual and social levels. Criminal law academics see criminals and non-criminals as equal. In contrast, criminologists see distinctions between criminals and non-criminals and argue that criminals should be treated rather than punished, given that crime is a disease (White et al., 2017).

The connection and distinctions between criminology and criminal law have aided the enormous advancement of both disciplines, as each may benefit significantly from the knowledge created in the other. As an example, this paper will look at the significant impact of criminology on criminal law in the West.

Great influence of criminology on criminal law in Western societies

The field of criminology, along with the broader academic trend of interdisciplinary growth and application of empirical research approaches, has dramatically influenced the development of criminal law in Western countries.

Criminological contributions towards theoretical innovation in criminal law. For many years, criminology has been regarded as an interdisciplinary science or an integrated discipline encompassing sociology, psychology, biology, economics, political science, etc. The scientific paradigms, interpretation tools and methodologies utilised in other social science disciplines constitute the bedrock for conducting research in criminological studies. In contrast, as a normative discipline, criminal law tends to rely on explanatory, logical and reasoning methods as its primary research methods; it concludes conviction and sentencing within the scope of existing legal norms or regulations (Zheng and Yang, 2014). Criminology has inspired researchers in criminal law to look at their field from a more scientific and objective perspective. For example, from a criminological perspective,

American law professor Herbert Leslie Packer (1925–72) proposed two criminal justice systems models: the crime control and due process models (Packer, 1964). The former emphasises protecting victims' rights and maintaining social stability through repressing criminal behaviours with as few restrictions on the authorities' power of fact-finding as possible; the latter aims to protect defendants' rights by restricting administrative power and requires police and prosecutors to observe the principle of presumption of innocence when investigating, examining, and interrogating suspects or defendants (Packer, 1964).

Application of empirical methods in criminal law. As a scientific discipline, criminology is mainly realised through empirical research methods. However, the general wisdom in criminal law is that punishment is a philosophical issue, not an empirical one (Von Hirsch, 1976). Despite this, empirical research is not new in criminal law (Ho and Kramer, 2013), and criminal justice academics have long benefited from social scientific research on crime causes and crime rates, or, put, from criminological research (Weisberg, 2013).

Since the 1900s, empirical research methods have been applied in dealing with crimes (Kritzer, 2009). Many European countries and nearly half of US states routinely publish statistics on crime and criminal cases (Goebel, 1912; MacDonald, 1910). As an essential forerunner of the legal realist movement, American legal scholar Roscoe Pound (1910) emphasised the significance of the social sciences in law in his well-known publication "Law in Books and Law in Action". In addition, the American Institute of Criminal Law and Criminology was established in 1909 to advance the scientific study of crime, criminal law, and procedure (Rundell, 1912). During this period, empirical legal researchers focused on studying criminal justice systems, such as comparing cases with private attorneys and paid public defenders (Wood, 1916) and examining the behaviour of magistrates in misdemeanour trials (Everson, 1919).

During the 1920s and 1930s, the focus shifted to crime surveys. One notable example was the Cleveland Crime Survey, which included prosecution, police administration, criminal courts, and corrections (Pound et al., 1922). It is believed that most empirical legal work during this period was exclusively carried out by scholars in the United States (Kritzer, 2009). Starting in the mid-1960s, the *law and society movement* (Friedman, 1986) and the *law and economics movement* thrived, promoting the broader use of empirical methods among legal scholars (Kalven and Zeisel, 1966).[1] Empirical legal studies (ELS) developed more influentially around 2000 (Weisberg, 2013). The *Journal of Empirical Legal Studies* (JELS) and the Society for Empirical Legal Studies (SELS) were founded in 2004, and the first annual Conference on Empirical Legal Studies (CELS) was held in 2006.

Transformed idea of punishment in criminal law. The rehabilitation idea of criminology has deeply influenced the punishment idea of criminal law. Criminal law scholars commonly regard punishment as efforts based on revenge and deterrence, with their justification being retribution or retributive justice. In comparison, criminologists are more inclined to advocate consequentialism, a forward-looking rational approach to achieve rehabilitation or neutralisation (Koppel et al., 2018). Over time, the rehabilitation idea of criminology has gradually been adopted by the legal systems of Western countries. For example, the European Convention on Human Rights provides clear and detailed laws and regulations regarding rehabilitation measures, such as safeguarding and regulating the use and disposal of any criminal records (Ovey, 2014). The Rehabilitation of Offenders Act 1974 (c.53) passed by the British Parliament is an example. In addition, the United States Code has emphasised that "imprisonment is not an appropriate means of promoting correction and rehabilitation."[2] Furthermore, Massachusetts' juvenile justice system has successfully applied rehabilitation instead of punishment (Macallair, 1993). All the above legal provisions demonstrate the spirit of humanitarianism and rehabilitation within criminal legal systems.

Also, most criminal law scholars hold the view that there is no significant difference between criminals and non-criminals, while criminologists posit a distinction between criminals and non-criminals (White et al., 2017). Thus, another topic concerning punishment is ensuring fair treatment for criminals who commit similar crimes. When modern criminal law emerged, minors and adults, or first offenders and recidivists, were treated equally and subjected to the same penalties (Richards, 2011). For example, no separate category of *juvenile offender* could be found in Western legal systems before the mid-19th century, and in Australia, six-year-old children were incarcerated in prisons (Cunneen and White, 2011). However, this ideal of absolute equality in criminal law was criticised because the ultimate result was inequality (Li, 2010). In criminological research, offenders have been studied according to gender, age, occupation, education, and other demographic characteristics. Criminologists have researched specific subjects, like juvenile delinquency (see Agnew, 2001; Shaw and McKay, 1942), white-collar crime (see Nelken, 1994; Sutherland, 1945), and so on, based on those subjects' distinctive features. Thus, the equality idea of traditional criminal law has been dramatically influenced by criminology. For example, most countries now have specific procedures for treating juveniles in their legal systems, such as juvenile detention centres and courts, and matters involving children are commonly treated as civil rather than criminal cases (Richards, 2011). Therefore, criminological theories provide a reference for the more scientific and equal provisioning of criminal law.

Establishment of criminal policies and criminal legislation. Another influence of criminology on criminal law can be understood from the criminal policy perspective. The term *criminal policy (German: Kriminalpolitik)* was coined by the German legal scholar von Feuerbach (1775–1833) in his 1801 Textbook of Criminal Law Generally Applied in Germany, describing how governments established crime prevention policies through scientific methods. In 1898, another legal scholar and criminologist, Franz von Liszt (1851–1919), further proposed that goal-oriented social policy was *the best and the most effective criminal policy* (Gallo and Kim, 2016). Both von Feuerbach and von Liszt emphasised the significant role of scientific methods in criminal policy research and that of criminal policy in legislation. The research methods applied by criminal policy researchers are similar to those commonly used in the social sciences for programme evaluation (Babbie, 2015), given that criminal policy comprises a broad convergence of criminal law, criminology, criminal sociology, criminal psychology, and political science.

As suggested by Zaffaroni and Oliveira (2013, p. 331), criminal policy is not only considered "a science of observation" (criminology) but also "the art of organising the fight against crime" (criminal law and criminal justice). To accurately explain responses to crime, criminal policy researchers should pay attention to the police and judicial statistics to verify the effects of law implementations (Zaffaroni and Oliveira, 2013). This observation does not constitute criminal policy per se but calls attention to the absence of legitimate criminal policy. According to Hans-Heinrich and Weigend (1996), recent fundamental advances in criminal policy can be attributed to criminology. Also, as art, criminal policy is created to drive society toward

resisting crime by employing specific means to achieve previously established objectives (Ancel, 1981). It prepares effective strategies for reacting to crime, laying the foundation for criminal law and criminal justice (Zaffaroni and Oliveira, 2013). This paper will take the American "get tough" criminal policy as an example.

After the Civil Rights Movement in the 1960s, urban race riots in the United States led to sharp increases in the rate of violent crime. In 1970, the violent crime rate was about 364 per 100,000, compared with 161 per 100,000 in 1960 (Latzer, 2016). Attempts to rehabilitate criminals and use indeterminate sentencing during such times with rising crime rates proved ineffective (Martinson et al., 1974). Then, the political orientation began to shift. The Republicans called for a toppling of the *soft* policy favouring offenders' rights over victims' rights and advocated "enforcing law and order" and "fighting violence on the streets" (Gest, 2003, p. 5). Thus, the get-tough criminal policy was established, marking a policy shift from rehabilitation orientation to punishment orientation (Mears, 2010). Correspondingly, the Supreme Court began favouring punishing offenders more severely (Goodstein and Hepburn, 1985). For instance, victims were protected in rape cases instead of being blamed.

Effective criminal justice (by criminal justice evaluation research). Criminological research has played an essential role in evaluating the deterrence effect, which almost all criminal law systems in the world regard as their "primary and essential postulate" (Morris, 1966, p. 631). As early as 1959, scholars suggested conducting controlled experiments in law to make criminal justice policy less discriminatory and less influenced by factors like race, sex, class, etc. (Zeisel et al., 1959). This suggestion later pushed Chief Justice Burger's Advisory Committee on Experimentation in the Law to legalise controlled experiments in criminal law (Federal Judicial Centre, 1981). However, numerous obstacles, such as ethical objections and lack of funding, led to slow progress in this area in the United States and United Kingdom (Farrington, 1983) until the early 1960s, when controlled experiments thrived in a few correctional agencies and private justice research centres (see, for example, Empey and Erickson, 1972; Empey and Lubeck, 1971; Keve, 1976). A famous experiment testing Release on Recognizance (ROR) as an alternative to money bail contributed to ROR finally being adopted by legislatures across the United States and several other countries (Sherman, 1992).

Since the 1980s, interest groups have called attention to the under-enforcement of laws against some violent crimes, such as domestic violence, and advocated increasing the severity of criminal justice responses. On May 27, 1984, the US National Institute of Justice announced that arrest was the most effective response to misdemeanour domestic violence, based on the results of a randomised clinical trial conducted with the Minneapolis Police Department, where arrest had been the most common police policy for those cases for two years (Sherman, 1992; Sherman and Cohn, 1989). Nevertheless, this policy was criticised for its minimal use of "science, caution, and delay" (Sherman, 1992, p. 3) and experiments in six more cities (Atlanta, Charlotte, Colorado Springs, Metro-Dade [Miami], Omaha, and Milwaukee) were conducted later (Sherman, 1992). It was suggested that criminology had never achieved such an impact on criminal law until this Minneapolis case (Sherman and Cohn, 1989). In conclusion, criminology can empirically evaluate whether implementing criminal law is effective, strongly influencing the practices and policies of the corresponding authority.

These various influences from the field of criminology do not exist independently but have combined to promote the reform and progress of criminal law in Western countries.

Historical trajectory of criminology in China and its relationship with criminal law

Criminology and criminal law in China have a more complicated relationship than in the West. The unclear boundaries between these two largely impede the expansion of Chinese criminology. Accurate knowledge of this relationship requires a thorough review of the historical evolution of China's criminology.

Traditional criminological thinking in China. It is believed that, rather than being entirely imported from the West, Chinese criminology has native roots (Cao et al., 2014; Hebenton and Jou, 2010), which Chinese criminologists have greatly neglected. During the traditional Chinese period, many philosophers investigated the crime phenomenon. They put forward numerous illuminating arguments about its causation, which, while not systematic enough to be theories, coincide with some influential criminological mindsets of the modern era (Cao et al., 2014). For example, Confucius (551–479 BC), the founder of the Confucian school, said that crime resulted from personal traits and social factors like rulers' misconduct[3] and poverty (Confucius, 1999). Mencius (372–289 BC), a follower of Confucius, stated that humans were born with good morals and should be educated to maintain their goodness and prevent them from committing offences. He noted the significant link between the economy and crime, emphasising that people were more prone to lose their "goodness" if they did not have "a certain livelihood" (Mencius, 1995, p. 351).[4] Xunzi (313–238 BC), another notable Confucian scholar, inherited and further expanded Confucius and Mencius's ideas, claiming that everyone was born wicked and should be schooled to contain their evil traits (Cao et al., 2014). For Xunzi, this evil nature was the internal, but not the exclusive, cause of crime. External political, economic, or environmental factors could trigger an offence (Xunzi, 1999).[5] Unlike these Confucian thinkers, the Chinese Legalist school considered the utilitarian personality and rational choice factors affecting whether people committed crimes, which is remarkably consistent with the classical school of Western criminology founded by Beccaria and Bentham (Cao, 2004; Cao and Jou, 2007). Generally, "it is not an exaggeration to say that one can find some precursors of almost all contemporary criminological theories in Chinese classics" (Cao et al., 2014, p. 12).

Despite their differing insights into crime, these Chinese classics, to some extent, explained crime aetiology and proposed implications for governance-oriented crime prevention. The Chinese government employed these classic criminological ideas to address various factors triggering crime conceptually and embedded these ideas into different criminal policies. Thus, criminological ideas were integrated into the criminal legal system in traditional China. These indigenous roots of criminological thinking then developed alongside the criminal justice and penal systems through different dynasties, providing a firm foundation for the later development of Chinese criminology.

Development of criminology in modern China. In modern China, criminology has developed as an independent field through four periods: the 1900s to 1949 [influenced by the West], 1949 to the late 1970s [stagnation stage], the early 1980s to the late 20th century [rapid development] (Zhao and Lan, 1998), and the beginning of the 21st century to the present [increasing attention to the criminology paradigm].

The 1900s to 1949. Since the 1900s, Chinese liberal elites have advocated the "social sciences" as an alternative conceptual toolbox (Freedman, 1962, p. 106), mainly by introducing various Western scientific disciplines. As a scientific discipline, criminology arose in China primarily through translating and interpreting Western criminological classics. Criminology scholars at this time mainly conveyed their personal opinions on Western ideologies rather than conducting empirical research, except for a few sociology-trained scholars like Yan and Liu (Liu, 1946; Yan, 1934). Both carried out empirical studies on crime within Chinese contexts, focusing on the impact of social and economic inequality on crime. At the same time, criminology courses grew and were adopted by many law schools and legal departments in China. A significant portion of criminological publications written by Chinese criminologists took the form of lecture notes (Zhao and Lan, 1998).

1949 to the late 1970s. In the early days after the People's Republic of China was established in 1949, many criminological studies appeared due to the intense class struggle and prosecution of counter-revolutionary crimes. Criminology was not yet acknowledged as an independent discipline but was included in mainstream criminal fields such as criminal law, prison law and crime investigation (Cao et al., 2014; Zhao and Lan, 1998). After the mid-1950s, under the influence of leftist ideology, legal nihilism and the former Soviet Union's negative attitude towards criminology and sociology, the Chinese government believed the socialist system could eliminate crime and paid no attention to criminology. From 1966 to 1976, criminology and all other legal disciplines stagnated due to the rampant trend of ultra-leftism and the interference and destruction of the Cultural Revolution. It is suggested that criminology had no place in China within 30 years of the founding of the People's Republic (Kang, 1999; Zhao and Lan, 1998).

The 1980s to the late 20th century. Chinese criminology resurfaced after the end of the Cultural Revolution in the late 1970s. Given the dramatically rising crime rate, especially the youth delinquency rate, which would account for more than 60 per cent of total crime after 1980 (Bakken, 2005), the Central Committee of the Communist Party of China (CPC) released the "Report on the CPC's Attention to the Resolution of Youth Delinquency" in 1979, requesting that social science research departments and political and legal departments focus attention on the causes and regulation of juvenile delinquency (Kang, 1999; Zhao and Lan, 1998). Relevant scholars and judicial practitioners, therefore, comprehensively employed a variety of disciplines as well as scientific and technological tools to address this issue within Chinese contexts. Criminology in China has since proliferated, with numerous publications on the subject and increasing numbers of scholars and organisations in the field (for example, the establishment of the Chinese Society of Criminology in 1992 was a landmark) (Cao et al., 2014; Kang, 1999; Zhao and Lan, 1998). Also, various political and legal colleges began training master's and doctoral students in criminology, laying a good foundation for the further development of criminology in China.

Although criminology in China developed rapidly during this period, it was not yet viewed as an independent discipline. Some considered it a branch of sociology (Comparative Criminology Editing Group, 1992; Hao, 1996), but most leading scholars regarded it as part of criminal law or criminal science (Chen, 1999; Chu, 1997). The fundamental justification for this was the influential idea of criminal science integration (*xing shi yi ti hua*) proposed by Chu Huaizhi (1997). Chu's idea continued to be influential in the 21st century when the development of Chinese criminology reached a new stage.

The 21st century. The 21st century has witnessed a paradigm shift in criminology in China and the rest of the world. Internationally, criminological researchers have begun to pay attention to non-Western criminology, realising that Western criminological theories are not always supported in non-Western contexts (Wang et al., 2002; Zhang et al., 2007). Asian criminology has been deemed one of "the latest projects that seek to decolonise criminology from its Westerncentric bias", with Jianhong Liu as its "most vocal advocate" (Moosavi, 2019, pp. 257–258). In 2009, Liu proposed the Asian criminology paradigm as distinguished from the Western criminology paradigm, requiring that scholars "fully consider the diversity of Asia, particularly encouraging the in-depth study of particular Asian contexts, traditions, and theoretical or practice models, as well as topics that are particularly Asian" (Liu, 2009, p. 8). The advancement of Asian criminology, to a certain extent, has promoted the progress of Chinese criminology, given that China has been a prominent region for Asian criminology research.

Simultaneously, in China, criminology scholars are keeping up with the international pace and putting forward a Chinese criminology paradigm (Li, 2005; Zhang, 2001; Zhang and Shan, 2005), emphasising the inheritance of traditional Chinese criminology ideas, the transformation from traditional speculation to empirical research, and the eventual creation of Chinese-style criminology. Although this innovation has not produced a systematic toolbox of theory and methodology like Asian criminology, it does mark that Chinese criminology has evolved into an independent field with Chinese characteristics rather than focusing on introducing, importing, and verifying Western criminology.

Regrettably, despite these vast breakthroughs, Chinese criminology still has not achieved official recognition as an independent academic discipline, retaining third-level or lower-level status in Chinese universities (as a subfield of criminal law or public security) since a decision by the National Planning Committee of Higher Education in the 1980s (Jin, 2007; Liu, 2019; Triplett, 2018; Zhang, 2007). To date, except for some political and law schools and police academies, many law schools paid no attention to criminology courses.

Criminology vs. criminal law: inextricably linked with no clear boundary. The trajectory of criminology in China reveals the unique relationship between Chinese criminology and criminal law: they are inextricably linked with no clear boundary. In traditional China, many criminological ideas were embedded in *governance-oriented* policies to deal with crime. After the introduction of Western criminology to modern China, more research was conducted on crime in the Chinese context, but criminology was still shackled to criminal law. Rather than using empirical sociological approaches, researchers were accustomed to employing criminal law thinking and methodologies to study crime problems. It was not until the 21st century that Chinese researchers began to realise the importance of the criminology paradigm, which has not yet led to independent disciplinary status. Criminology in China is still considered part of the discipline of criminal law.

Two reasons explain this. First, Chinese criminology was objectively born out of the historical traces of criminal law (Zhang, 2007). This idea was further strengthened by the *criminal integration* put forward in the late 1980s (Chu, 1997) and the idea proposed in the 21st century that criminology, criminal law, criminal policy, criminal procedure law and other criminal disciplines together constitute a substantial criminal discipline community (Wang and Zhao, 2007). These have influenced the discipline construction of Chinese criminology. Second, academic

rationality has not yet relieved a long-standing stubborn bias toward criminal law research (Zhang, 2007). In China's law schools, where the discipline of law is dominant, there is a collective attitude that criminology should be included in criminal law instead of being established independently (Pi, 2004).

Generally, the relationship between criminology and criminal law in China notably differs from that in the West, where criminology and criminal law grew into essential and independent disciplines with clear boundaries. In China, criminology has been a subfield of criminal law since the early 20th century. This subordination has inevitably led to the slow development of Chinese criminology.

Limited development of criminology in China

Although criminology in contemporary China has made significant advances (Hebenton and Jou, 2010; Triplett, 2018), its development remains slow compared to that in English-speaking countries. Cao and Hebenton (2018, p. 2) summarised the growth of Chinese criminology as "continued expansion but still at a slower pace". Several primary limitations explain the slow pace.

Limited theoretical and empirical research. Over the past 40 years, the number of criminological research papers published annually in China has increased but remained limited. From 1987 to 2009, 147 published empirical criminology articles were identified in China, with an annual average of six publications, about 60 per cent appearing after 2007 (Zhang and Lin, 2010). From 2007 to 2016, the total number of criminological research papers in China fluctuated by around 156 per year, based on the CNKI (China National Knowledge Infrastructure) database, and no significant growing trend was seen (Liu et al., 2017). From 2017 to 2021, China's criminology research entered a stable development phase. According to the CNKI database, the overall number of Chinese criminology papers in 2021 is estimated to be 2011, which is almost the same as that in 2017 (2441), 2018 (2130), 2019 (2084) and 2020 (2061) (Zhang and Xing, 2022). The good news is that the number of high-quality papers, that is, those published in Peking University Core (Chinese Core collection of Peking University) and CSSCI (Chinese Social Sciences Citation Index) journals,[6] has increased, indicating that Chinese criminology has developed in-depth and achieved certain breakthroughs (Zhang and Xing, 2022). Despite this, there remains a large gap between criminology publications in China and those in the English-speaking world during the same period (Liu, 2021; Zhang and Xing, 2022), which might be owing to the long-standing limitations of criminological theoretical and empirical research in China.

With the further in-depth study of Chinese criminology, more Chinese scholars have become interested in Western criminological theories and committed to their localisation. However, with little knowledge of mature Western criminological theories and the latest research progress, they often propose arguments or hypotheses that have been extensively criticised or proved insignificant or copy the theories without localised verification (Liu, 2021). In addition, empirical studies have been lacking in China (Yao, 2021) due to several factors (Yan, 2007; Zhang and Lin, 2010). First, criminological researchers' lack of statistical and evaluation training limits their capacity; this may result from the course setting of Chinese criminology, which will be discussed later. Second, access to data is often a significant obstacle to empirical research. Official primary source data are sometimes unreliable and insufficient for definitive empirical research. Although criminology research centres in China have contributed many data, they always focus on specific issues. It remains challenging for investigators to initiate criminological research to get alternative and complementary indicators (Cao et al., 2014; Liu and Yu, 2010). Third, although Chinese scholars have recognised the significance of the criminological paradigm, they have not yet fully grasped the theory or method (Zhang and Xing, 2022). They still have a long way to go to conduct scientific theoretical and empirical research and establish new criminological theories within Chinese contexts or a Chinese criminological paradigm (Liu, 2021).

Limited support from all tiers of society. In addition to the weaknesses of criminological research in China, external support is also lacking for Chinese criminology. Cao, Sun and Hebenton (2014, p. 342) state that "gaining access and official support is central for any kind of collaborative endeavour." In a unitary one-party socialist republic like China, crime is still a sensitive issue, and the government controls organisational development and access to research funding and data (Cao et al., 2014; Mei and Wang, 2007). The foundation for gaining such support is officially recognised as an academic discipline, which Chinese criminology has not achieved due to its linkage with criminal law. As a result, Chinese criminology obtains less support from diverse sectors of society, including official departments (research funds), academic platforms (organisations and journals), higher education institutions (setting of courses) and so on.

Research funds. In China, research funding is available at various levels of society, from the national to the private sector. Key projects are mainly managed by governmental organisations such as the Ministry of Education, the National Natural Science Foundation of China, the National Planning Office of Philosophy and Social Science and the Ministry of Justice. However, no criminology projects can be found within the catalogue of those supported by the National Social Science Fund of China (NSSFC), the Ministry of Education's Humanities and Social Sciences Fund, or the National Rule of Law and Legal Theoretical Research (Liu, 2021). Provincial and municipal government departments fund local higher educational institutions' researchers, scientists, and academics. Still, criminology is rarely seen on those discipline lists. Chinese colleges and universities in the lower-level sector offer a range of grants to their faculty. However, they refer to the subject catalogue of the up-level departments when deciding on the discipline list. As a result, young scholars who have finished their criminology education and are committed to contributing to Chinese criminology usually obtain sparse support and opportunities after acquiring positions in higher education institutions. One way to improve the situation might be to turn to funding provided by professional research centres, such as the Crime Research Centre of Peking University, established in 1987, and the Criminology Research Centre of the Tianjin Academy of Social Sciences, established in 1992. However, research centres provide less funding than the state government and provincial and municipal government departments.

Academic platform support. In addition to the lack of research funds, academic platform support is also lacking for Chinese criminology. Although professional organisations in criminology have been established since the late 20th century, most are *government-approved* organisations. For example, the Chinese Society of Criminology's president is also a member of the Central Committee of the CPC, and its costs are paid by the National Prosecutors' College (Cao, 2012; Triplett, 2018). These organisations are often influenced by political factors when conducting relevant research. High-quality academic journals are another type of academic platform required for developing criminology. A few professional criminology journals are

published in China, such as *Crime and Correction*, *Chinese Criminology Review*,[7] *China Prison Journal*, *Issues on Juvenile Crimes and Delinquency*, *Juvenile Delinquency Prevention Research*, etc. However, they are not CSSCI or Peking University Core journals. To date, the *Journal of the People's Public Security University of China (Social Sciences Edition)* is the only journal in the Peking University Core collection and CSSCI Extended journals that include a crime research column, and this column has been selected as a famous column by China's Ministry of Education (Liu, 2021; Zhang and Xing, 2022).

Setting of criminology courses. In addition to financial and platform support, teaching criminology in Chinese higher education institutions is indispensable for popularising criminology knowledge and cultivating criminology talents. However, the current setting of criminology courses is somewhat inappropriate. On the one hand, existing university courses on criminology have been cut (Kang, 2012), possibly because there are few full-time teaching and research personnel in the field or because of the view "that criminology … produces no direct economic benefits and therefore is unlikely to attract any financial support from businesses or government" (Liu and Jiang, 2011, p. 494). On the other hand, criminology courses are disregarded by most colleges and universities in China. Only the People's Public Security University of China has established a criminology college and incorporated criminology into the first-level discipline system of public security (Ren, 2019).

Limited market for the products. Academia generally acknowledges the considerable role of government. It should be noted, however, that the market usually influences government decisions and actions. Therefore, this paper will examine the Chinese criminology market in depth. Theoretically, many bodies have strongly demanded criminology talents and products, such as the government, which administers crime prevention and control; security technology enterprises that safeguard individuals and groups; individuals concerned with personal protection, etc. Nevertheless, human resource departments of Chinese government institutions, enterprises and social organisations rarely include the major of criminology in their recruitment (Liu, 2021). Even political and legal personnel practising in the field (more than two million) have no rigid demand for criminology knowledge (Zhang and Xing, 2022).

Besides criminological talent, criminological products are seriously neglected in China (Liu, 2021). The reason might be that quite a range of crime countermeasures are not based on random sampling and scientific analysis, leading to so-called unreliable *conclusions*. Also, there is a lack of adequate scientific evaluation of the implementation effects of most crime prevention projects. Chinese policymakers, thus, have not paid much attention to criminology research or criminologists' views, despite the normative shift in academic scholars' understanding of the value of social science and statistics (Cao et al., 2014; Zhang and Lin, 2010). Furthermore, traditional criminological knowledge is less applicable with the emergence of new crimes in professional fields such as telecommunication, cyber, corporate, and other crimes with certain technical thresholds. All these factors have weakened the practical value of criminology products, making the criminology market an urgent problem that needs to be solved to develop Chinese criminology further.

In general, the unique relationship between Chinese criminology and criminal law, mainly the unclear borders between them, can largely explain the limited development of Chinese criminology. This provides some inspiration for the future development of Chinese criminology.

Implications for developing Chinese criminology

Based on the previous exposition of the relationship between Chinese criminology and criminal law and the limited development of Chinese criminology, this paper puts forward several implications for the development of Chinese criminology, including strengthening both disciplinary distinction and academic collaboration between criminology and criminal law in China and paying more attention to the cultivation of Western analytical thinking and empirical approaches.

Strengthening disciplinary distinction. The development of Chinese criminology is both an academic and a political issue. Scholars, practitioners, and policymakers must actively participate in negotiations and manoeuvres inside and outside institutions to direct the research from the top down (Bourdieu, 1988; Zhou, 2019). Unlike China, the West developed this discipline from the bottom up over time (Zhou, 2019). This difference in disciplinary development modes reveals that the development of Chinese criminology requires official top-down promotion, especially official recognition of independent disciplinary status.

Criminology has proven its independent disciplinary value in that its research subjects and theoretical systems are distinct from other disciplines, especially criminal law. It plays an irreplaceable role in identifying the causes of crime, preventing crime, and maintaining social stability. However, the field's growth trajectories, social cognition, and talent cultivation differ between Chinese and Western criminology. Therefore, scholars have suggested that Chinese criminology should be active in an independent capacity at the forefront of the legal discipline system (Jin, 2007; Zhang, 2007), just as criminal law has been in China.

The formal establishment of *Interdiscipline* in China also provides an opportunity for Chinese criminology, given that criminology is fundamentally interdisciplinary. On December 30, 2020, the China Academic Degrees Committee of the State Council and the Ministry of Education issued the "Notice on Establishing the Category of 'interdiscipline' and the First-level Disciplines of 'Integrated Circuit Science and Engineering' and 'National Security'".[8] Before that, the National Natural Science Foundation of China established the Department of Interdisciplinary Science (see https://www.nsfc.gov.cn). Then in September 2022, the fifth edition of the Professional Catalogue of Graduate Education Disciplines was published, which newly established seven interdisciplinary subjects and will be implemented in 2023.[9] These reforms aimed to establish a new interdisciplinary training mechanism and promote cultivating high-quality composite talents. The category of *interdiscipline* is now an option in project declarations, especially for provincial and municipal projects. Many colleges and universities have established interdisciplinary disciplines according to the need for talent development. For example, the China University of Political Science and Law has set up Criminal Psychology as an interdisciplinary subject. It is expected that criminology can be found as an independent or interdisciplinary discipline in higher education institutions.

Strengthening academic collaboration. In addition to the disciplinary distinction, academic collaboration is an essential and feasible route to promoting criminology and criminal law in modern China. Marvin Wolfgang raised the idea of collaboration between criminal law and criminology in 1974. He emphasised the intersection of criminology and criminal law with the concept of "disciplinary mix" in his publication "The Social Scientist in Court." He argued that criminologists could be employed as expert witnesses in court, while criminal justice doctrines could

be used to guide criminology research (Wolfgang, 1974). Agreeing with Wolfgang's concept, Chinese scholars put forward several theories on disciplinary integration, such as the theory of criminal science integration raised by Chu Huaizhi (1997) and the theory of multidimensional criminal law raised by Liu Renwen (2003). They state that considering criminology is essential when understanding the knowledge and promoting the development of criminal law. This integration has produced Legal Sociology (or "law and society"), an interdisciplinary field within legal research. It reflects the integration of criminal law and criminology discipline. Given the much tardier development of criminology in China, academic collaboration appears to be more urgent. Scholars in criminal law need to acknowledge the outstanding contribution of criminology to the development of criminal law. At the same time, criminologists should also absorb valuable criminal law knowledge to promote criminology's innovation and progress.

Significant role of Chinese criminology in criminal law. A shift in attitudes towards criminology has appeared among Chinese criminal law scholars. The prominent criminal law scholar Zhang Mingkai (2021a) has recognised the critical role of criminological research in formulating criminal policy, improving criminal legislation and reforming the penalty system. He stated that criminal law could not exclude any knowledge and methods that assisted in achieving its goals and proposed an equal emphasis on *factual science* (criminology) and *normative science* (criminal law) (Zhang, 2021b). Furthermore, scholars in the fields of criminal law and criminal procedure law have acknowledged metaphysical approaches as outdated (Bai, 2009; Chu, 1987; Zhao, 2005) and started to employ empirical techniques for legal research (Zhang, 2016), though most of the research carried out has been more like decoration than rigorous empirical research, given that the researchers were not professionally trained and criminal law was more involved with values than measurable indicators (Liu, 2007; Weisberg, 2013). Recently, opinions and arguments of various parties have been collected before criminal law amendments and judicial interpretations are issued. Among them, those of criminology scholars and researchers are deemed indispensable.

Additionally, Chinese criminology has proven its significant role in criminal law from different perspectives. From the legislation perspective, criminological research has helped guide criminal legislation and legal amendments in China, especially regarding criminalisation (or decriminalisation) and penalisation (or depenalisation), through evaluating the social effects of policy implementation. Specifically, 2011 saw pickpocketing, burglary and stealing with a lethal weapon being adopted as new types of theft crime by the Amendment (VIII) to the Criminal Law of the PRC (hereinafter "the Amendment VIII")[10] (Article 39 of the Amendment VIII). It was criminological research that finally triggered the criminalisation of these behaviours. Revision and amendment to the Chinese criminal provisions involving the amount also required the statistical results of relevant criminological research as reference. As reported by Lu and Liu (2017), in China, theft cannot be filed as a crime until the amount in question meets the requirement, which is 300–600 yuan under the 1991 Notice, 500–2000 yuan under the 1997 Judicial Interpretation and 1000–3000 yuan under the 2013 Judicial Interpretation. From the punishment perspective, Chinese criminal law mandates different punishments for different offenders, consistent with criminological thinking regarding offender treatment.[11] For instance, based on the restorative justice theory advanced by the illustrious Australian criminologist John Braithwaite (1989; 2002), China established a juvenile delinquency protection system, a community correction system (Article 269 of the 2018 Chinese Criminal Procedure Law) and a criminal reconciliation system (Articles 288, 289, 290 of the 2018 Chinese Criminal Procedure Law).[12]

From the theory perspective, two criminological theories are applied for crime prevention, especially on some specific crime types. One is the "situational crime prevention" theory, which stresses that a motivated offender, a suitable target, and the absence of a capable guardian must simultaneously occur in a crime (Cornish and Clarke, 2003; Smith and Clarke, 2012). It is imperative for crime prevention in China, which has taken many measures to prevent favourable situations or opportunities that facilitate the creation of criminal motives, such as criminal objectives (e.g., children, women, the disabled), means (e.g., the use of the internet), weapons (e.g., ammunition, firearms, explosives) and so on. The other is the "broken window" theory, which focuses on the physical and social environment of the community (Wilson and Kelling, 1982). According to this theory, a community with a disordered climate (e.g., graffiti walls, dirty roads) signals the offender that the community is not monitored, and crime could be committed there. Therefore, more and more Chinese cities and communities are required to maintain a clean and ordered physical environment, which will increase community coherence and contribute to crime prevention. Generally, growth in criminology has provided opportunities for reform and development of criminal law in China (Yuan, 2017).

Significant contribution of criminal law to the advancement of criminology in China. Criminal law has also undoubtedly contributed to the advancement of criminology in China. As Triplett argued, realising the full potential of Chinese criminology partially depends on progress in other areas, such as the Chinese rule of law itself (Triplett, 2018). For any research activity, meeting social demands and demonstrating research value are as essential as satisfying intellectual knowledge (Zheng and Yang, 2014). The successful development of criminal law in China has offered many new topics for criminology. For example, Bai (2001; 2003) believed that rules (principles) behind criminal law provisions were difficult to see but did exist. Therefore, he explored to what extent the weight of crimes explained the severity of penalties by sorting, quantifying, and analysing more than 400 crimes under Chinese criminal law, recognised as an empirical study of criminal norms (Bai, 2001; Bai, 2003). Attempts to examine criminal law from a criminological perspective and study the content of legal norms using empirical research methods will inevitably result in corresponding interdisciplinary results—more specifically, the progress of criminology. Therefore, collaboration is particularly essential for promoting the development of both fields. The story of criminology is inseparable from the support of criminal law while also driving progress and innovation in criminal law.

Facilitating the collaboration of criminal law and criminology through the interdisciplinary or transdisciplinary approach. Collaborative working between two or more disciplines often requires specific methods to synthesise broad perspectives, knowledge, and skills in an academic activity. The methods are usually acknowledged as interdisciplinary or transdisciplinary approaches, through which researchers can answer questions or address problems that are too complex or too big to be fully understood by a single discipline or profession (Klein and Newell, 1997). The interdisciplinary approach can be categorised as method crossing, theoretical introducing, problem pulling, and culture blending based on different perspectives. The first two approaches often combine methods or theories from diverse disciplines or transplants methods or theories from one field to another. The inter-influence between criminology and criminal law in China mentioned in the previous parts demonstrated the

employment of these two approaches. Thus, this part focuses on the problem-pull approach, which might be the most effective approach for facilitating collaboration between disciplines, considering the other approaches involves narrowly, usually involving one aspect.

The problem-pull approach or perspective involves an interdisciplinary synthesis process centred on significant problems that emerge from reality. It has been applied in increasing multidisciplinary studies and has attracted much attention in China. For example, on April 06, 2023, the National Office for Philosophy and Social Sciences in China released the 2023 NSSFC Project Application Guide. Compared to the previous guides that provided topics within every single discipline, it added selected synthesis topics for the first time.[13] It encourages applicants to conduct interdisciplinary research, focusing on major theoretical and practical issues related to the overall development of the party and the country and the critical fundamental theoretical and frontier academic issues associated with the construction of philosophy and social sciences with Chinese characteristics. For example, one of the synthesis topics is "Research on the Modernisation of National Security System and Capabilities", which involves the post-event governance of criminal law and the pre-event prevention of criminology. It proves that China has officially offered opportunities for interdisciplinary research, such as between criminology and criminal law, from the perspective of more significant issues.

As the fourth approach, cultural blending refers to the mutual penetration and integration of the cultural backgrounds on which different disciplines rely. On this task, the interaction between criminology and criminal law involves cultural conflicts between the West and China since criminology in China is introduced earlier primarily from the West. How to address the cultural conflicts and achieve the cultural blending between these two disciplines is another task that requires another paper to handle.

Cultivating western analytical thinking based on Chinese native roots. Strengthening the disciplinary distinction and academic collaboration between criminology and criminal law is recommended based on the different characteristics of their relationship in the West and China. However, Western experiences, especially the Western analytical thinking mode, should not be ignored in promoting Chinese criminology.

The thriving Chinese approach to crime has always regarded it as a normative or good governance issue that requires applying holistic thinking. In contrast, the Western approach considers the study of crime a scientific enterprise whose main features are analytical thinking and empirical research methods (Nisbett et al., 2001).[14] Differences between holistic and analytic thinking inevitably lead to different ways of reasoning about crime in China and the West. Specifically, rulers and scholars in China have been accustomed to interpreting crime causality from a relational and dynamic perspective, considering the combined effects of various changing factors. They believe specific issues should be addressed through specific analyses and that different principles apply to different people and circumstances. Thus, no general rules or patterns for addressing crime can be derived. However, Westerners tend to regard crime as having general or universal rules or patterns that can be used empirically to explain cause and effect. These rules or patterns do not change and apply to all contexts. Most other potentially relevant factors can be excluded as intervention or control variables. Therefore, modern criminology has been established as a scientific discipline in the West, comprising prominent theories and methods conducive to crime studies.

To a certain extent, the Chinese thinking mode has resulted in a lack of mature criminological theories and empirical research methods, which has hindered the establishment of scientific criminology in China. Thus, the further advancement of Chinese criminology requires official recognition of independent disciplinary status and cultivation of the Western analytical thinking mode based on China's native roots.

Conclusion

Chinese criminology has grown slowly due to its complicated relationship with criminal law. Unlike in Western countries where criminology and criminal law are closely related but also distinguished, in China, criminology and criminal law have been closely related for decades with no clear disciplinary boundaries. Chinese criminology has not yet achieved officially recognised independent disciplinary status. Given the breadth and prosperity of Chinese criminal law, modern China must develop the criminology discipline. The possible implications include paying more attention to disciplinary distinction and academic collaboration between criminology and criminal law, and cultivating Western analytical thinking in China. The development of criminology in the pursuit of rehabilitative justice will offset the consequences resulting from extensive criminal law aiming at punishment, ultimately promoting the dual goals of "control of crime" and "rule of law" in modern China.

Data availability

Data sharing is not applicable to this article as no datasets were generated or analysed during the current study.

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Notes

1 For example, the "American Jury Project".
2 18 U.S. Code § 3582, "Imposition of a Sentence of Imprisonment" (*Legal Information Institute)*. https://www.law.cornell.edu/uscode/text/18/3582. Accessed 23 November 2022.
3 孔子在《论语·子张》中说到: "其身正, 不令而行。其身不正, 虽令不从。" "When a ruler" s personal conduct is correct, his government is effective without giving orders. If his personal conduct is not correct, even he may give orders, but they will not be followed".
4 孟子在《梁惠王上》中指出:"若民, 则无恒产, 因无恒心。苟无恒心, 放辟邪侈, 无不为己。及陷于罪, 然后从而刑之, 是罔民也。" "If they have not a certain livelihood, they have not a fixed heart. And if they have not a fixed heart, there is nothing which they will not do in the way of self-abandonment, of moral deflection, of depravity, and of wild license. When they have thus been involved in crime, to follow them up and punish them:—this is to entrap the people".
5 荀子在《荀子·劝学》中指出:"邪秽在身, 怨之所构。施薪若一, 火就燥也; 平地若一, 火就湿也。" "Evil and filthy things exist within themselves and constitute resentment. If you add firewood, the fire will be more vigorous; if you add earth, the fire will be extinguished".
6 CSSCI (Chinese Social Sciences Citation Index) is an interdisciplinary citation index programme in China that developed by the Academy of Social Science Research Evaluation Center in Nanjing University of China. A Guide to the Core Journal of China developed by Peking University, often called Chinese core collection of Peking University, is the other database that covers high-quality Chinese academic journals of humanities and social sciences in China. Both have been utilised by Chinese universities and institutes as a basis to evaluate academic achievements and promotions.
7 According to Zhang and Xing (2022), *Crime and Correction* published 36 papers on criminology in 2021, and *Chinese Criminology Review* published 16 papers on criminology in 2021.
8 http://www.moe.gov.cn/srcsite/A22/yjss_xwgl/xwgl_xwsy/202101/t20210113_509633.html. Accessed 23 November 2022.
9 http://www.gov.cn/xinwen/2022-09/14/content_5709784.htm. Accessed 23 November 2022.

10 Amendment (VIII) to the Criminal Law of the People's Republic of China [effective] (Laws U.S.C., 2011). http://en.pkulaw.cn/display.aspx?cgid=c3bca3c5ab0ed5c1bdfb&lib=law. Accessed 23 November 2022.

11 Criminal Law of the People's Republic of China (2020 Amendment). https://www-pkulaw-com.libezproxy.um.edu.mo/en_law/39c1b78830b970eabdfb.html. Accessed 23 November 2022.

12 Chinese Criminal Procedural Law (2018). https://www.chinalawtranslate.com/en/criminal-procedure-law-2018/. Accessed 23 November 2022.

13 The 2023 National Social Science Fund of China Project Application Announcement, retrieved on April 13, 2023, from http://www.nopss.gov.cn/n1/2023/0406/c431027-32658630.html.

14 As suggested by Nisbett, Peng, Choi and Norenzayan (2001), holistic thinking involves "an orientation to the context or field as a whole, including attention to relationships between a focal object and the field, and a preference for explaining and predicting events on the basis of such relationships", while analytic thinking involves "a detachment of the object from its context, a tendency to focus on attributes of the object to assign it to categories, and a preference for using rules about the categories to explain and predict the object's behaviour."

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