

## Book Review

### Community Sanctions and Disciplinary Governance in China

Qi Chen, *Governance, Social Control and Legal Reform in China: Community Sanctions and Measures* (Cham: Palgrave Macmillan, 2018) pp 269. Hardcover: \$129.

Before considering writing about China's community sanctions and measures, one perhaps needs to read Qi Chen's (2018) latest book, *Governance, Social Control and Legal Reform in China: Community Sanctions and Measures*. Based on her PhD work, this book provides a rich depiction and critical analysis of forces, structures, and trends in the important field of community corrections in contemporary China. Instead of painting community sanctions and measures as mere legal infrastructure—a viewpoint many Chinese legal scholars adhere to—this work combines legal accounts with in-depth empirical examination. The fact that it draws upon the research of sociologists and penologists, such as Michel Foucault, Max Weber, Stanley Cohen, and David Garland, makes it not only appealing to legal scholars, but also extends its reach to anyone interested in, or concerned about, penological development in contemporary China.

The author, very deftly, grasps the *danwei* system, or *tizhi* in Chinese—an important social-control mechanism used in China since 1949. Generally regarded as a residual entity from the planned economy prior to the reform and opening-up era, it nevertheless remains a paramount institution in today's China to, according to the author, deliver discipline and eliminate rationality and professionalism while commanding absolute hierarchical subordination. Based on this observation, the author proposes a key term in this book, called “disciplinary governance”—“a form of *inadequately* [original in italic and hereafter] modernized patrimonial governance” (p. 60). She contrasts this mode of governance in China with that of Western democracies:

If liberal governance emphasizes the state's responsibility to provide the “milieu” and *facilitate* individual development, disciplinary governance pursues the opposite. It seeks to *restrict* social mobility for regime stability. Consequently, to achieve self-fulfilment, Chinese citizens have to rely on private channels, that is, interpersonal relationships and *guanxi* networks (p. 66).

Community sanctions and measures in China are not only implemented through disciplinary governance, but are also situated in populist penal culture and “assembly-line” justice. In Chapter 3, the author presents an interesting link between populism, culture, and politics. In her analysis, *guanxi* society has an impact on the public perception of offenders, as the key mechanism of *guanxi* networks is to contextualize judgement based on the concepts of “us” and “others.” This cultural idiosyncrasy is exploited by the Party, which deliberately shapes the offender as “the enemy” or “the other.” In later chapters, namely Chapter 4 and Chapter 5, the author proceeds with an empirical investigation of the imposition and implementation of community sanctions and measures at two sites in China.

In Chapter 4, the author employs a scenario test to examine Chinese judges. It found that Chinese judges have not internalized nor actively pursued the rehabilitative and inclusionary goals of community sanctions and measures. Rather, they are trapped by both institutional controls and a mindset of heavy “penaltyism.” Consequently, the increase in suspended prison sentences in recent years is not caused by any changed judicial mindset, but is simply due to the growth in criminal cases at large and the recent trend of criminalization in penal law changes. This inactivity in the judiciary’s role in imposing community sanctions and measures, or “judicial inertia” to cite the author, has deep roots in disciplinary governance. The troubling issue for the judiciary in China today is that it lacks both public trust and governing authority.

In Chapter 5, the author presents findings from two sites in China. The implementation of community sanctions and measures at site A is, according to the author, led and dominated by the *danwei* system. As shown by diagrams, projects regarding community sanctions and measures are jointly managed by the Bureau of Justice and the Party’s Committee of Social Management and Comprehensive Social Order Maintenance. Drawing on extensive interviews with justice officers, police officers, and halfway-house staff at site A, the author analyses what supervision in the community means, and how to understand its penal content as well as its approach to offender rehabilitation. Rich descriptions of the halfway houses in site A are presented to the reader. An empirical study of a second site—site B, featuring non-governmental organizations (NGOs) in supervisory roles—adds another contribution to the existing body of literature. Applauded as a promising model by Chinese scholars, these NGOs are nonetheless assimilated by the *danwei* system. Social workers are ranked and assessed based on a “performance indicator,” deprived of self-autonomy, and their supervision becomes administrative and superficial. Both actors in community corrections—NGOs and halfway houses—face excessive control while retaining insufficient governing force. These facts hinder offender rehabilitation and reintegration. The author substantiates her argument by comparatively analyzing China’s practices against those of the UK. She calls for greater judicial involvement and monitoring to make supervision effective and accountable.

In the last chapter, the author presses on an intriguing but highly relevant issue facing contemporary China: the mode of governance. Perhaps community sanctions and measures are not just the story of an emerging penal sanction, but also reflect the deeper structure of governance set around the state, the judiciary, the third sector, and the offender in China. Above this landscape hang the competing forces of reintegration, punitiveness, correction, and control. Nevertheless, the unconditional subordination in China’s state–agent relationship perhaps needs a fundamental change, and the author places hope on an active and independent judiciary acting as a legitimate governing force, believing that only judicial independence and rule of law can bring a more rational and productive state–agent relationship.

*Governance, Social Control and Legal Reform in China* is theoretically engaging and empirically interesting. Compared to other areas of criminal justice, community corrections in China remains relatively under-studied. At a national level, it is still subject to intense debate among Chinese scholars, practitioners, and policy-makers. This book undoubtedly contributes greatly to the ongoing discussion regarding China’s community corrections. However, for anyone grappling with questions posed by the nature of China’s community

corrections, there are perhaps no direct answers provided by this book. Community sanctions and measures are not stand-alone; rather, they represent a contemporary practice deeply intertwined with local innovations and central initiatives. Overall, this timely work supplies important insights into the interplay between politics, culture, and the law in China.

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