



Security Imperative, Reformation and Compliance: Understanding the Prison System in China

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Abstract

This article reviews the evolution of the legal framework and policy basis of the prison system in socialist China. The discussion will also trace the dual goals in the implementation of prison sentences, i.e., punishment and reformation. Stability and security have been the top priority in China's prison management. Commensurate with the scheme, recent prison reform initiatives include several legal and policy reforms to institutionalise and professionalise prison management. On the one hand, reforms set out to separate the administration of prison finances from prison-run enterprises. On the other hand, the Ministry of Justice reconfigures the reformation programs to encourage the attitudinal compliance of inmates. However, the inextricable links between security and compliance might inflame tensions over the preservation of stability/security and the cultivation of inmates' autonomy/independence.

Keywords: Chinese prison system; prison security; reformation programs; compliance.

Introduction

For observers outside China, the veil of secrecy is still shrouding the Chinese prison system. Despite the fact that many prisons have set dates and procedures for domestic visitors, they are not open to foreign visitors except in several window-dressed prisons. Moreover, the data accessible to outsiders in the Chinese prison are very limited. Political undercurrents can ripple through research on the Chinese prison system. On the one hand, political dissidents describe China's prison system as suppressive and exploitative (Doston and Vanfleet 2014; Liang and Wilson 2008; Wu 1992). On the other hand, critical studies could be selectively reported in sensational ways by the media (Zhang 2019). Prison officials in China are thus very careful about providing researchers with sensitive numerical data and detailed information (Zhang 2019).

As Zhang (2019: 676) indicates, prison research in China exposes the intersection of complex power relations; power both within and outside of prisons is intertwined. Given the obvious difficulty of accessing data in the Chinese prison, this article attempts to provide an objective review of the changes in the legal framework and policy basis of the prison system in socialist China, also referring to the related literature. The discussion will also trace how policymakers interpret the dual goals of punishment and reformation in prison settings and the interrelationships between punishment, reformation and compliance. In the field of prison management, punishment and reformation are two paradoxical goals. Compliance is inextricably linked with the effectiveness of both of them. Contingent to the complicated configuration of factors, the notion of compliance is constructed in the context of specific legal and policy frameworks. The policy and practice around compliance can then shape the focus of prison management. This article reviews research articles on 'prison management', 'reformation programs' and



related topics published in Chinese-language academic journals over the past 10 years (2013–2023),¹ as well as the recent literature on the Chinese prison system in English. This article reviews a selection of the 378 articles analysed. These articles review community corrections in China from both theoretical and empirical approaches. The authors of these articles are from both academia and practitioners. In my selection, I have tried to grasp the diversity in all the academic literature studied and have discussed the major trends based on the analyses made.

This introduction is followed by sections that pertain to the temporal organisation of the government's responses to prison management. The first phase deals with reform through labour. The second is also characterised as a reform period focusing on prison security, and the third documents the post-reform phase. The first phase traces the roots of imprisonment to reform through labour in the Mao era. It examines how communitarian culture informs a collective mentality of inmates' reformation and compliance mechanisms. The second phase outlines the government's obsession with social stability and prison security. It documents the initiatives to secure the formal dimension of compliance under a more pragmatic political climate. The third is a phase of consolidation and explores the government's efforts to professionalise prison management and reconstruct inmates' reformation programs. This section reflects on the persistent tradition of paternalistic approaches, the steadfast commitments to privilege attitudinal compliance in prison management and their implications for the guard–inmate relationship.

'Turning Inmates into a Class of Proletarians': Reform Through Labour Under Mao's Understanding of Crime and Punishment

Mao's theory on crime and punishment lays the conceptual foundations of the penal system. The concept of crime in the Mao era was founded on Marx's theories on class conflicts and struggles.² Mao's (1937, 1949, 1957) understanding of crime stressed its class attributes. Crime was defined as the detriments to social relations under the regime of the proletariat (Chen 2000).

Under socialist dialectical materialism, contradictions were either antagonistic or nonantagonistic. According to Mao (1937, 1949, 1957), in a socialist society, the contradictions between the people (or 'the masses', *qun zhong*, 群众)³ and the enemies were antagonistic, while the contradiction within the people was nonantagonistic. Mao regarded a criminal as a part of the enemies because Marx and Engels (1846) stated that crime was the struggle of the isolated individual against the predominant relations between state and power. Most socially disruptive conducts just represented nonantagonistic contradictions.

Mao's theory on crime and punishment created two moral boundaries for the wrongdoers. The first boundary was the dispute mediation mechanism within the people, and the criminal punishments as the second boundary could only be imposed on those who seriously violate the interests of the masses. 'In ordinary circumstances, contradictions among the people are not antagonistic' (Mao 1957: 363). Only an extremely small subset of socially disruptive conduct that 'seriously disrupts public order' could form antagonistic contradictions and thus constitute a crime (Cao 1997). He proposed five basic methods to deal with criminals: executing capital punishment, imposing reform through labour, supervising them in the community and pardoning them. The reactionary capitalists could also be punished by confiscation of property or pecuniary penalties (Gao 1995).

The most widely used punishments were reform through labour. The criminals were required to conduct collective labour within or outside correctional facilities. Most criminals, normally those who were sentenced to less than 10 years imprisonment, were organised and supervised by the disciplining teams of reform through labour in production teams. These production teams were usually constructed in remote regions and developed into their own miniature society. Remoteness and isolation became natural barriers to prevent escape and reduce danger to the public (Shaw 2010). Only the criminals who perpetrated very serious crimes conduct collective manual labour in prisons. The prisoners were kept under tight guard and could be imprisoned separately. Their freedoms were more strictly restricted than those in production teams.

The name reform through labour itself demonstrated how important the role of labour was in the Chinese penal system, but collectively labouring was regarded as a way to reform offenders rather than an accompanying punishment. Mao regarded labour, especially manual labour, as a matter of right and honour. Collective labour was supposed to reinvent the wrongdoers' behavioural routines and accustom the wrongdoers to work hard. In turn, the habits of the people's thinking will be ingrained into the mind of wrongdoers. The wrongdoers may ultimately share moral consensus with the people. According to Mao, through collective manual labour, the officials would not be influenced by bureaucracy, the intellectuals would do away with petty-bourgeois individualism, and even the criminals would be accustomed to socialist ethical concepts (Shang and Zhang 2011).

Reform through labour had diverse roots in its origin. Treating labour as discipline drew upon the Soviet model and resembled the utilitarianism schemes in 18th-century Europe. However, reform through labour was not their carbon copy. As Dutton

(1992) pointed out, in China, the difference lay in the product: it was not an individualised form of proletarian but, rather, a class of proletarians.

'A class of proletarians' indicated a mixed influence of communism and Confucianism. Although early Chinese communists considered the Confucian system as a feudal remnant, Mao's understanding of crime and punishment had a close affinity with Confucian discourses. Both of them were unrelentingly optimistic about the malleability of human actions and the long-lasting effect of indoctrination. Moreover, both of them sought to construct ethical subjects on the collective terrain (Dutton 1992). For Confucians, both the offender and the community where the offender was living had responsibility for the offence, thus people close to the offender, especially the superiors in terms of hierarchy and patriarchy, should conduct moral instruction on the offender until he was consciously aware of the instruction and not suffer from evil intentions (Yang 2015). Confucian moral education provided a springboard to indoctrination under a collective system of inmate corrections (Dutton 1992; Rojek 1989). The traditional technologies and mechanisms were redeployed and extended in socialist China. The Chinese authority activated compliance mechanisms that took advantage of the offender's concern for social bonds and cultivated their deference to the authority of the correctional system.

As the superior, the guards in the disciplining teams of reform through labour should guide the inmates in ideological instructions. The paternalistic approach was evidently derivative of Confucian traditions (Wu and Beken 2018). Moreover, the modes of collectivity were extended to schools, workplaces, streets, villages and various mass organisations. Those close to the inmates—teachers, colleagues, neighbours and members of the same masses' organisations—were all mobilised to take part in the moral education. The correctional system made extensive use of group interactions and extended the communists' ritual of self-criticism to inmates (Hinkle and Wolff 1956). Under the officers' guidance, the inmates were expected to reflect upon each other's faults and potential merits, develop their beliefs and attitudes, identify with socialist moral values, internalise controls implied in moral commitment and eventually develop the habits of proletarians. Multilayered reformation⁴ of inmates has been the orthodox model of correctional interventions.

Security and Stability Imperative: Formalisation of the Penal System in the Reform Era

After reform and opening up, the Chinese Communist Party (CCP) diluted references to class struggle and tended towards pragmatism. It claimed its legitimacy by developing the economy and improving people's livelihood. Moreover, the CCP attempted to quash people's fear of lawlessness and foster a collective mentality towards order, security and stability (Bakken 2005; Biddulph 2015; Feng 1997). However, the correctional system between 1978 and 1980 was confronted with many threats to institutional security. The old crime control system in the miniature society started fading, and the crime rate rose dramatically. Notably, the number of recorded escapes increased from 3,104 in 1978 to 7,920 in 1980 (Li 2019; Wang 2009). During the Mao Era, the collective manual labour was in the form of land reclamation, mining, farming, husbandry and other infrastructure constructions in remote regions (Shaw 2010; Wang 2009). Under a planned economy, an ex-inmate could also be required to join the local public works where s/he served his or her sentence (Li 2019; Wang 2009). In a miniature society where inmates and ex-inmates could work on the same infrastructure construction project, every worker was being supervised by the police as well as his or her workmates. 'Everyone is the policeman of himself, simultaneously, he is the policeman of others' (Jiang 2003: 164). The reform and opening up policy facilitated population mobility across regions and higher staff turnover in prisons and disciplining teams of reform through labour than before. However, these changes also broke through the invisible barriers of the miniature society in remote regions. China's regime deemed these security issues as major threats to social order and sought to 'boost its legitimacy by showing that it was in control of the negative social consequences of market reforms' (Bakken 2004: 68).

The CCP committed to resolving the security issues of prison management. The escape rates in prisons became the primary performance indicator. The CCP thus reiterated the formal dimension of compliance. No matter for instrumental reasons, perceived constraints or out of a habit of deference to authority, the inmates should at least comply formally with the minimum requirements to ensure prison security. The CCP initiated several new management techniques between 1981 and 1983 (Liang and Wilson 2008). First of all, the Ministry of Public Security (MPS) provided the lowest ratio of correctional officers to criminals.⁵ The ratio should be 20% in industrial production teams and 16% in agricultural production teams (Li 2019; Wang 2009). Secondly, the MPS specified the adverse consequences of escape from production teams in the long term. The inmates were demanded to come back to their official domicile after their release.⁶ The local authorities of their official domiciles should arrange their resettlements,⁷ but those who escaped from production teams could lose the chances of returning home and facing a prolonged sentence.⁸ Thirdly, the central committee of the CCP turned over the whole correctional system from the MPS to the Ministry of Justice (MJ).⁹ This act of reframing was to balance the workload of different departments and optimise the resources in prison management (Wang 2009).

The escape rate fell by 46% between 1980 to 1983 (Li 2019). Additionally, these reforms helped with formalising reform through labour. The MJ followed the examples of the contractual responsibility system in economic reforms¹⁰ and introduced

a contractual responsibility system for prison officers.¹¹ The system was based on leadership accountability. The leaders of various ranks at each penal institution were charged with specific contractual responsibilities. Their contract contained quantitative metrics. These metrics included the escape rate of inmates, the re-arrest rate of escapee(s), the recidivism rate of inmates, the case-cracking rate of recidivism, inmates' attendance rate of reformation programs, inmates' test results of reformation programs and inmates' productivity (Wang 2009). They would face disciplinary actions if they failed in their duties.¹²

By the same token, the MJ provided an assessment system for inmates' compliance. The system clarified what was expected of inmates. It set out specific requirements for inmates' reformation programs and production programs in quantitative terms. There were two parameters associated with the assessment system: their performance in reformation programs and production programs. The former accounted for 55%, and the latter made up 45%.¹³ Their performance determined whether they were eligible for commutation and parole.

It is noteworthy that the mission statement of the correctional system changed subtly from 'turning an inmate into a new socialist' to 'turning an inmate into a law-abiding citizen who embraces the doctrine of socialism'.¹⁴ The political overtones of the penal apparatus had been weakened in the 1980s. A report from the MPS in 1981 described the majority of inmates as 'juveniles and young people who committed petty crimes and should be educated, reclaimed and rescued'.¹⁵

The reformation programs placed much emphasis on routinised compliance. The MJ invented three-facet reformation programs. The correctional system should impart ideological indoctrination, scientific knowledge and vocational skills (The Ministry of Justice 2019). Ideological indoctrination was still a key part, but ideological truth was predominantly linked to the need for stability rather than class struggle (Bakken 2005). Training on scientific knowledge and vocational skills became the MJ's new focus.¹⁶ The MJ collaborated with the Ministry of Education and the Ministry of Labour and Personnel and organised curriculums for various trades at different levels.¹⁷ An inmate could follow specific curriculums based on his or her own education and occupation background. When s/he completes his or her studies, they can receive the corresponding vocational qualification(s).¹⁸ Production programs were still thought to foster good work habits and assimilate moral duties through routinisation and repetition, but the product of the penal mechanism became a class of the diligent rather than a class of proletarians. Their labour productivity was measured in terms of their output, consumption, quality and sanitation.¹⁹ Inmates were supposed to become self-sufficient citizens with skills after release (The State Council Information Office 1992). Both reformation programs and production programs were ingrained into inmates' everyday life. The inmates were expected to get used to these patterns of being and living. After their release, they could keep learning and working hard just as they were used to doing.

The correctional system continued some patterns of multilayered reformation. On the one hand, it took a page from the moral instruction by superiors in Confucianism and consciousness-based education in Maoism. Not only the officers in the correctional system took the tutelage role, but the whole criminal justice system (generally including police, prosecution and courts) were also all perceived as interpreters of public morality and social conduct (Trevaskes, 2007). On the other hand, the correctional system still assimilated the tradition of involving social forces in moral education, but their participation focused on resettlement (The State Council Information Office 1992). The State Council (SC) invented An-zhi Bang-jiao (安置帮教, which literally means resettling, assisting and guiding those who have misbehaved) in 1984.²⁰ The system was basically a community-based remedial and preventive measure (Zhang et al. 1996: 208). Neighbourhood Bang-jiao groups normally consisted of those close to the offender (including teachers, colleagues, neighbours and members of the same mass organisations), a member of a neighbourhood committee or village committee, and an officer from the neighbourhood police station (The Ministry of Justice 2019; The State Council Information Office 1992). The neighbourhood Bang-jiao groups provided ex-inmates with various services, including emotional support and practical assistance. These services were intended to help them overcome the difficulties and frustrations caused by the stigma associated with their offending. Zhang et al. (1996: 209) viewed this strategy as an organisational mechanism to facilitate the process that Braithwaite calls 'reintegrative shaming'. The strategy contributes to a concrete gesture of reacceptance of the offender into the larger community and cultivates a sense of repentance in the offender. The local official agencies usually guided, trained and collaborated with neighbourhood Bang-jiao groups. It was difficult to make a clear division between formal control and informal control in China (Yang 2017). The blend of official control and popular control was supposed to provide intense and persistent follow-up mechanisms for ex-inmates.

Reconstruction of Reformation Programs: Trends in China's Contemporary Prison System

The initiatives in the reform era demanded well-trained guards, close cooperation with various agencies and social forces and convenient access to amenities and resources. In the 1990s, several local bureaus of justice at the provincial level decided to abolish collective manual labour outside correctional facilities, move correctional facilities from remote rural regions to cities and organise more effective large-scale manufacturing near a metropolitan area (Shaw 2010; Li 2019). The local correctional

authorities had worked on separating wards for hardcore and light inmates in the same correctional facility in the 1980s. They tried to design and build physical barriers and incorporate protective technologies to keep correctional facilities secure (Li 2019; Wang 2009).

These local practices were adopted in the MJ's detailed standards on how to separate wards and equip correctional facilities in 1989 and 1990, respectively.²¹ These reforms were the result of the CCP's decision to 'the integration of strengthening top-down design and crossing the river by feeling the stone' (Gu and Chen 2014). It is not uncommon in China to put a new regulation that has been formulated at the national level to the test at the provincial or local level. That way, before national legislation is promulgated, the waters of public opinion can be tested first (Trevaskes 2010). In the same vein, the Standing Committee of the National People's Congress (NPC) promulgated the current Prison Law in 1994.²² The Prison Law entrenched the MJ's regulations for inmates' management and rehabilitation and no longer distinguished between the disciplining teams of reform through labour and prisons. Under the Prison Law, reform through labour became 'imprisonment'. As Li (2017: 67) argues, the post-reform government has played down penal severity and focused more on building a rule-of-law state to present China as a lawful and humanitarian country in the face of social, cultural and economic globalisation. China's penal system has been criticised for its exploitative and profitable prison labour in international society (Doston and Vanfleet 2014; Wu 1992). The MJ launched two major initiatives as responses to these criticisms. The first action was the separation of prison finances from prison-run enterprises (The Ministry of Justice 2019). According to the Law Yearbook of China (1994, 2018), 95% of the prisons' income was from state appropriations in 2017, whereas it was only 61% in 1993. The second motion was the revision of the assessment system for inmates' compliance. The amended assessment system increased the factors of their performance in reformation programs from 55% to 65% and decreased the factors of their performance in production programs from 45% to 35%. The amended assessment system also removed most of the quantitative metrics in production programs and prioritised their working attitudes towards labour over their productivity.²³ Moreover, prison management has become progressively more professionally oriented and more reliant on an actuarial approach (Li and Liu 2020: 2). The MJ has drafted several detailed regulations to supplement the Prison Law. These regulations²⁴ provide for the standards of prison construction and administration. The prison walls must conform to the specifications of thickness, height and surface smoothness. Each facility must be equipped with sophisticated surveillance devices, warning devices and a whole inventory of offensive and protective arms and tools. All prisons must have adequate access to all necessary means of communication, transportation and medical clinics. Prison guards must follow scientific management to keep files, undertake routine tasks, activate emergency responses and control the flow of information (Shaw 2010: 57).

The CCP launched a set of reform efforts with the political tagline 'the primary criterion for measuring the performance of prison is recidivism' in 2008.²⁵ The MJ viewed safety and security as 'a cardinal duty and inflexible task' and set the goals of 'no escape, no abnormal death in prison, no serious criminal cases or pandemic, and no serious labor accidents' in 2010.²⁶ Subsequently, the MJ demanded to bring evidence-based corrections into the correctional system (Zhang 2013). Grid management in prison settings exemplifies the major principles of actuarial justice that rely on risk assessment and targeted control to manage mass incarceration effectively. Prison staff assess the risk levels of inmates by considering the risk factors such as criminal history, conviction records, sentences served and risk of escape. Then they assign them the grid cells appropriate for their levels and place them in a network of supervision and control to promote management efficiency (Li and Liu 2020: 2–3). The physical security system and the protective technologies, in the MJ's words, constitute 'the line of materials' (*wu fang*, 物防) and 'the line of technology' (*ji fang*, 技防). Besides the line of material and the line of technology, the four lines also included 'the line of people' (*ren fang*, 人防) and 'the line of collaboration' (*lian fang*, 联防). Prison staff's efforts to discipline inmates with the deployment of grid management make up 'the line of people' (*ren fang*, 人防). Besides, 'the line of collaboration' (*ren fang*, 人防) continues the tradition of mobilising social forces and cooperating with multi-agencies in supervision, moral education and resettlement. They compose the 'Four Lines of Defence' (*si fang yi ti hua*, 四防一体化) provided by the MJ to improve prison safety and security (Li 2019; The Ministry of Justice 2019). Safety and security have always been the top priority in China's prison management. The Four Lines of Defence allow for close and continuous supervision in prisons. From this perspective, the system is processing smoothly as expected. In the past decade, the annual recorded escapees were less than a dozen, and the annual in-prison incidents were less than twenty (The Editing Committee of the Law Yearbook of China 2018).

China's penal system has become more rational in the bureaucratic sense because of the growing concern regarding actuarial justice. The penal system, concerned only with the punitive character or actuarial justice, would prioritise easily auditable behavioural compliance. In the prison setting, the authority still aims high in the quest for inmates' attitudinal compliance. Attitudinal compliance means genuine engagement with the penal purpose (Robinson 2013; Robinson and McNeill 2008). Attitudinal compliance is hard to appraise, but the signs of attitudinal compliance may increase the likelihood of inmates' desistance and long-term public protection. Zhang Jun, the Minister of Justice between 2017 and 2018, proposed his political catchwords that were refining prison management from 'baseline security' to 'basic security'. He deemed the expansion of

prison capacity and the prevention of inmates' escape as the baseline expectation for prison security, but the most thorough and fundamental way to keep prison secure was turning inmates into law-abiding citizens through various reformation programs. The reformation programs still include ideological indoctrination, scientific knowledge and vocational skills. Moreover, the MJ has attempted to approach a Western understanding of rehabilitation for guidance and introduced individualised correctional programs since the 2000s. The MJ advocates devising an individualised correction plan for each inmate based on a comprehensive evaluation of the crime committed by the inmate, the inmate's display of remorse, personal background and personality traits, and providing individualised counselling, especially psychological counselling (The Ministry of Justice 2019). The local bureaus of justice are required to employ some guards who have professional certificates or professional backgrounds in social work or psychology (The Ministry of Justice 2019). Many local bureaus of justice thus pilot different models of reformation programs.

However, nationwide quantitative research on assessing reformation programs among prison officers corroborates that the traditional multilayered education mechanism functions more effectively than the new correction methods (Yang 2018). The research shows that the ratio of the respondents who strongly agree or agree with the effectiveness of the reformation programs in general and the traditional education programs, in particular, are 65.4% and 48.9%, respectively. In contrast, none of the respondents strongly agree that individualised correctional programs are effective. In addition, 82.0% of the respondents deem prison officers as unqualified psychologists, and 69.9% of the respondents agree that psychological counselling should be an independent department rather than a subsidiary of any existing department. For the local bureaus of justice, it is easy to continue delivering the traditional methods of social mobilisation and multilayered education, but very challenging to fully operationalise the correction methods. While accustomed to the traditional mechanisms of education and assistance, prison officers experience various difficulties in carrying out innovative correction tasks. In addition, the assessment system concerning reformation programs functions within penal institutions with very limited public scrutiny. The MJ conducted several evidence-based pieces of research to remodel the system and piloted the renewed system in several provinces but failed to extend the system nationwide. These innovative approaches not rooted in the culture seem to not fare well in practice (Yang, 2018).

The political buzzwords in the prison settings vary with the staff changes in the MJ. Between 2018 and 2020, the MJ put forward a catchphrase of moving forward on Five-facets Reformation for inmates to create 'the safest prison on earth'. In the same vein, the new catchphrase still focused on the attitudinal dimension of inmates' compliance. The Five-facets Reformation comprises political reformation, supervision reformation, educational reformation, cultural reformation and labouring reformation. Among the Five-facets Reformation, supervision reformation is correlated with the Four Lines of Defence; educational reformation denotes the coordination of multilayered moral and consciousness-based education with individualised correctional approaches. Two notable additions to the previous reformation programs are political reformation and cultural reformation. Political reformation is aimed at aligning inmates with socialist political ideology. Cultural reformation is intended to raise inmates' moral ethics (Jia X 2019). The Ministry of Justice (2018) reaffirmed that prison management should:

emphasize political position, always adhere to the absolute leadership of the CCP over prison management, keep in line with the CCP concerning political affiliation, political direction, political principles, and political path, stick to a holistic view of national security, keep hold of the political direction in a new era.

Political reformation thus takes precedence over other facets of reformation and permeates the whole disciplinary process. It is perceived as the predominant criteria to assess an inmate's compliance. The inmate who is passive-aggressive with political reformation is not eligible for parole or commutation of the sentence (Qi 2019).

Penetrating the whole disciplinary process, political reformation is intangible unless it is manifested in a specific reformation program. From a guard's perspective, the inmates' compliance with political reformation can only be audited by their performances in a designated program for a certain facet of reformation; the guard can correspondingly regard any non-compliance or inadequate compliance in the disciplinary process as a violation of political reformation. As a warden in Shanghai said,

Political reformation articulates the antagonistic contradictions between correctional authorities and those who are remolded, illuminates the political stance, political position, and political legitimacy of correctional authorities. Instead of being constrained by those inmates who usually overclaim their rights, our guards should play an active role in punishing and reforming inmates within the law. (Qi 2019)

This warden's statement reveals the power imbalance in the guard-inmate relationship under a growing concern over the attitudinal dimension of inmates. Despite the tightening legal screws on prison management and the legal protection of inmates' fundamental rights under China's Prison Law,²⁷ the content of inmates' specific rights in the implementation of prison sentences is open to diverse interpretations. The daily performance of attitudinal compliance on sentence commutation or parole is often a subjective assessment by the guards. As Wu and Beken (2018) argue, the inmates' assessment results are closely related to

how closely they follow the guards' instructions. No matter whether inmates make sincere changes or contort their perceptions to act as if they have been changed due to their fear of lengthy imprisonment, pragmatically, inmates are inclined to shun their criminogenic needs, show guards obedience and persuade them to recognise their attitudinal compliance. The inmates obviously take an 'inferior' status in the offender-supervisor relationship (Wu and Beken 2018). However, except for the supervisor, the prison officer also acts as a 'broker' and 'counsellor'. The role of a broker entails coordination with different agencies to provide various services for inmates. The role of counsellor requires prison officers to motivate and assist inmates in their progression towards desistance. These three different roles are not mutually exclusive in nature. However, the behaviour patterns of paternalistic approaches in the offender-supervisor relationship may trigger a diminution of inmates' behavioural autonomy (Liu and Chui 2018). Independence and self-determination are highly valued in correctional programs where prison officer plays the role of 'broker' and 'counsellor'.

Concluding Remarks

China's prison system is informed by multiple political, cultural and social dynamics. The discipline system of China's prisons is a synergy of traditional mechanisms, socialist discipline practices, utilitarianism schemes and actuarial justice. Traditional optimism about the long-lasting effect of indoctrination under a collective culture fosters paternalistic and multilayered approaches to moral instruction. Socialist discipline practices give impetus to consciousness-based indoctrinations and collective manual labour. Utilitarianism schemes offer solutions for prison construction and guard training. Actuarial justice provides managerial techniques for effective and efficient management.

Stability and security have been the foundational objectives of governance in recent decades. Approaches to prison management are illustrative of broader governance priorities. The punishment regime has many functions, but priorities should be given to the need to preserve security. Any prison reform initiatives should comport with the maintenance of stability and security. The MJ has strived to institutionalise and professionalise prison management and reconfigured the reformation programs to encourage the attitudinal compliance of inmates. These initiatives focus more attention on inmates' fundamental rights and have the potential to address prison security and social stability in the long term.

In the guard-inmate relationship, the guards bear a weighty duty of supervising inmates' attitudinal compliance and usually continue the abiding tradition of a paternalistic approach to inmates' reformation. By the same token, the assessment system for inmates' compliance affects an inmate's prospects for parole or commutation of the sentence. This acts as a strong motivator for inmates to be amenable to the guards' instructions. The inextricable links between security and compliance might inflame tensions over the preservation of stability/security and the cultivation of inmates' autonomy/independence.

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¹ These articles are selected from the core scholarly printed journals listed on the China National Knowledge Infrastructure website. The Chinese-language core journals are the most influential journals in a variety of academic realms. These leading journals are highly respected by Chinese scholars and are accessible to policymakers in China.

² In many jurisdictions, academic discourse distinguishes between a formal and a substantive concept of crime (Sieber et al. 2011). The orthodox definition of crime is a violation of criminal law (Ashworth and Horder 2013). The orthodox definition provides a formal notion of crime, but it is the substantive concept of crime that clarifies the criteria of criminalisation. Substantively, crime is widely understood as a violation of legally protected interests in the West, especially in countries with civil-law traditions (Sieber et al. 2011; Von Hirsch and Jareborg 1991).

³ The term 'the masses' is virtually synonymous with 'the people' (*ren min*, 人民) in a socialist society.

⁴ Multilayered reform resembled the reform regimes designed to effect changes in individuals through educative and contemplative techniques in 19th century Europe. Raynor et al. (2009) and Hudson (2003) use reform and rehabilitation to signify two different styles of correctional intervention. Despite the common coupling of these two words, reform and rehabilitation imply contemplative techniques and individualistic treatments, respectively.

⁵ Articles 3.3 and 3.5 of the minutes of the 8th Nationwide Conference on reform through labour (*di ba ci quan guo lao gao hui yi gong zuo ji yao*, drafted by the MPS and issued by the central committee of the CCP and the State Council on 11 December 1981).

⁶ Articles 3.1.1 and 3.1.3 of the minutes of the 8th Nationwide Conference on reform through labour.

⁷ Article 3.1.2 of the minutes of the 8th Nationwide Conference on reform through labour.

- ⁸ The decisions on handling escaped and reoffended criminals/wrongdoers under reform through labour and re-education through labour (*guan yu chu li tao pao de lao gai fan he lao jiao ren yuan de jue ding*, approved by the standing committee of the NPC on 10 June 1981 and commenced on 10 July 1981).
- ⁹ The suggestions on strengthening and reforming policing (*guan yu jia qiang he gai ge gong an gong zuo de ruo gan wen ti de yi jian*, issued by the central committee of the CCP in May 1983).
- ¹⁰ Contract responsibility system was a practice officially established in 1982, by which households or other units are held as contractual obligations responsible for the profits and losses of an enterprise.
- ¹¹ The suggestions on promoting contractual responsibility in reform through labour and re-education through labour agencies (*guan yu zai lao gao lao jiao dan wei jian yi bu tui xing jing ji ze ren zhi de yi jian*, issued by the MJ in June 1984); Article 12 of the regulations on strengthening supervision and reform (*guan yu jia qiang jian guan gai zao gong zuo de ruo gan gui ding*, issued by the MJ on 20 October 1989).
- ¹² Ibid.
- ¹³ Article 6 of the Regulations on the Assessment System for Inmate Compliance (*guan yu ji fen kao he jiang fa zui fan de gui ding*, issued by the MJ on 31 August 1990).
- ¹⁴ Ibid.
- ¹⁵ Articles 1 and 2 of the minutes of the 8th Nationwide Conference on reform through labour; the commentary to the minutes of the 8th Nationwide Conference on reform through labour (issued by the central committee of the CCP and the State Council on 11 December 1981).
- ¹⁶ The directives on strengthening scientific education and vocational education for those under reform through labour and re-education through labour (*guan yu jia qiang dui lao gai lao jiao ren yuan wen hua ji shu jiao yu de tong zhi*, issued by the MJ, the Ministry of Education and the Ministry of Labour and Personnel on 11 June 1985).
- ¹⁷ Ibid.
- ¹⁸ Articles 2 and 3 of the Directives on Strengthening Scientific Education and Vocational Education for those under reform through labour and re-education through labour.
- ¹⁹ Article 8 of the Regulations on the Assessment System for Inmate Compliance (issued on 31 August 1990).
- ²⁰ The announcement on arranging the official domiciles and resettlements of ex-inmates (*guan yu zuo hao fan ren xing man shi fang hou luo hu he an zhi gong zuo de tong zhi*, issued by the State Council Office in 1984).
- ²¹ The suggestions on separating wards, separating management and separating reform for inmates (*guan yuan dui zui fan shi xing fen ya, fen guan, fen jiao de shi shi yi jian*, issued by the MJ in October 1989); the regulations on supervision and reform environment (*jian guan gai zao huan jing gui fan*, issued by the MJ on 11 November 1990).
- ²² The Prison Law was issued by the standing committee of the NPC on 29 December 1994 and amended on 26 October 2012. The standing committee of the NPC just made seven slight modifications in 2012.
- ²³ Articles 6 and 7 of the Regulations on the Assessment System for Inmate Compliance (*guan yu ji fen kao he jiang fa zui fan de gui ding*, issued by the MJ on 1 August 2016).
- ²⁴ Prison construction standards (*jian yu jian she biao zhun*, issued by the Ministry of Construction and the State Development Planning Commission on 3 December 2002); Prison building design standards (*jian yu jian zhu she ji biao zhun*, issued by the Ministry of Housing and Urban-Rural Development on 12 September 2018).
- ²⁵ The announcement on strengthening the assessment system of reformation programs in prison (*guan yu jin yi bu jia qiang jian yu jiao yu gai zao zui fan gong zuo kao he de tong zhi*, issued by the MJ on 23 December 2008).
- ²⁶ The suggestions on launching investigations of safety and security risks in prisons and reforming through labour teams (*zai quan guo jian yu lao jiao suo kai zhan an quan wen ding yin huan zhuan xiang pai cha zheng zhi huo dong de yi jian*, issued by the MJ on 11 January 2010).
- ²⁷ According to Article 7 of the Prison Law, the human dignity of a prisoner shall not be degraded, and his personal safety, lawful properties and rights to defence, petition, complaint and accusation, as well as other rights that have not been rescinded or restricted according to law, shall not be violated.

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