
COURTS ON THE CAMPAIGN PATH IN CHINA

Criminal Court Work in the “Yanda 2001” Anti-Crime Campaign

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It is now commonly known that the call for a national transformation of economic and social conditions in post-1978 China occasioned an unprecedented shift in the approach to justice administration in the people's courts. A new era of socialist legality was intended to usher in a clear departure from the repressive and arbitrary political-legal practices of the Cultural Revolution. Along with this call for a new age of legality was a plethora of progressive and reformist legal discourses—"equality before the law," "independent administration of justice," and "handling cases according to the law"—that were promoted together with judicial training programs and the implementation of the first comprehensive criminal code of the People's Republic of China (PRC). The reforms engendered an expectation that law would function as a means of delivering the democratic ideal of governance promised in the Third Plenum of the 11th Chinese Communist Party (CCP) Central Committee in December 1978. The "systematization" and institutionalization of democracy in law was conceived as a social process whereby institutions would foster a sense of respect for law among the citizenry. These expectations of legal reform also placed legislative and procedural changes in a moral context of developing a sound socialist spiritual civilization (*shehui zhuyi jingshen wenming*). Part of the courts process of developing sound spiritual civilization involved a call for judicial staff to transform themselves into professionals: to become models of propriety in carrying out

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and following the law. The development of a new form of judicial authority in courts depended on the ability of court workers to make convincing claims to their legitimacy as administrators of justice. Therefore, the courts attempted to establish and cultivate their belief in their own legitimacy by securing particular constitutions of order in judicial practice and procedure. An important feature of court processes in the 1980s, and even more so in the 1990s, was not just that judicial procedure was organized within the structures of written working rules but also that such rules were an important constituent part of the development of authority in the courts.

To be sure, in the people's courts, like in any modern legal institution, one of the assumptions made about the general conditions of compliance and acceptance of rule-governed conduct has been that it is necessarily exercised with a degree of routinization and regularity. However, in China, this routinization and regularity in the post-1978 period had to develop within the strictures of a legal ideology that necessitated the court's involvement in protecting the party-state and supporting economic development. The development of professionalism and judicial authority in the post-1978 era has continually competed with the pragmatic requirements for courts to support the political arrangements of state power and development. The judiciary's relationship with Party and government agencies in China continued to be organized in such a way as to maximize the successful outcomes of state objectives and to accommodate the smooth implementation of Party policy. Under this structure, courts have continued to be perceived "as part of the bureaucracy rather than as an entity constituted outside of the executive."¹ Given this, the powers of adjudication, prosecution, and investigation, exercised by the courts, prosecution, and police, respectively, have continued to be exercised under the leadership of the Communist Party.² Moreover, the

1. Kandishka Jayasuriya, "Corporatism and Judicial Independence within Statist Legal Institutions in East Asia," in *Law, Capitalism and Power in East Asia: The Rule of Law and Legal Institutions*, ed. Kandishka Jayasuriya (London: Routledge, 1999), p. 195.

2. The court system in the PRC comprises four levels: the Supreme People's Court, the (provincial) higher people's courts, the (municipal) intermediate people's courts, and basic people's courts at the county or municipal district level. The Party exercises its leadership of courts firstly through the Political-Legal Committee (*zhengfa weiyuanhui*), which is part of the Communist Party bureaucracy, and secondly through local Party committees within courts and local government offices. Local Party committees (*dangwei*) at each corresponding level of government appoint "leading party member groups" (*dangzu*) in state organs. *Dangzu* have the responsibility of implementing Party policy and decisions, coordinating relationships between Party and non-Party cadres, and improving organizational structures. At a national level, the CCP Central Committee's Political-Legal Committee supervises the courts and formulates legal policy. At the local level, political-legal committees are organized as a subsidiary organ in the Party committee at each level of the hierarchy of administration. The courts' own party organization, the *dangzu*, operates at each administrative level under the central Party leadership. In matters of organization (personnel), the political-legal committee acts in concert with another wing of the

organizational and procedural connections between the police (Public Security Bureau [PSB], *gonganju*), the public prosecution, known as the “procuratorate” (*jianchayuan*), and the courts (*fayuan*) continued to reflect the arrangements of a political structure in which mutual coordination and cooperation were defining characteristics of their inter-organizational relationship.

By the early 1980s, soon after the idea of “handling cases in accordance with the law” was touted as the guiding ethos of criminal court work in post-1978 China, criminal-justice agencies responded to a state-sponsored moral panic about crime in the form of a massive nationwide anti-crime campaign. Known in English variously as the “Stern Blows” or “Strike Hard” campaign, the Yanda campaign from 1983 to 1986 was the largest and most significant anti-crime campaign in China since the 1950s. Perceived now as the standard institutional and political response to crime in China, the first Yanda campaign inspired two subsequent Yanda campaigns, in 1996 and in 2001, which have been modeled, in rhetoric and practice, on the 1980s campaign. This paper examines the role of the people’s courts in the first months of the latest campaign, Yanda 2001.

The aim of this periodic nationwide attack on offenders who endanger the social order is to effect a reduction in the crime rate and to restore social order. The main campaign agendas are to investigate, try, and punish criminals through the policy of “severity and swiftness” (*congzhong congkuai*) in processing criminals through the judicial system and by uniting the work of the PSB, the procuratorate, and the courts.³ Yanda is promoted as an effective mechanism of crime control, but its real political significance has to do with its potential as a symbolic reminder that the party-state remains in control of the social and economic path of reform in post-Mao, and now post-Deng, China.

Specifically, this paper explores the sometimes paradoxical and contrasting requirements of courts to be at once politically sound and also “professional” in their duties. According to the president of the Supreme People’s Court, to be “professional” during Yanda, judges are to be the embodiment of fairness and justice, so courts at all levels must handle cases in accordance with the

Party bureaucracy, the Organizational Department (*zuzhibu*), to select suitable candidates for leadership positions in courts before they are formally nominated by the people’s congress at the corresponding level.

3. See “Decision of the Standing Committee of the National People’s Congress Regarding the Severe Punishment of Criminals Who Seriously Endanger Public Security,” *The Laws of the People’s Republic of China (1983–1986)* (Beijing: Foreign Languages Press, 1987), p. 32. For Yanda 2001 objectives, see “Zhonggong zhongyang zongshuji, guojia zhuxi, zhongyang junwei zhuxi Jiang Zemin zai quanguo shehui zhi’an gongzuo huiyishang zhongyao jianghua [Party general secretary, national president, chairman of Party Central Military Commission Jiang Zemin, keynote speech at the National Conference on Public Order Work] in *Renmin Ribao* [People’s Daily] (hereafter cited as *RMRB*), April 3, 2001, p. 1.

law to protect its integrity and constancy. Each judge must be politically upright, professionally disciplined, incorruptible, and morally upright. Judges' world outlook, values, and in particular, sense of morality, are the foundations of justice.⁴ While judges must "work within the law, ensure that a case is ironclad and can stand the test of time, and ensure that the spirit of the law is followed in each case,"⁵ they nevertheless have been expected to advance the cause of Yanda by trying and executing as many serious criminals as possible. Indeed, the main catchcry of Yanda 2001, the slogan "surely, accurately and relentlessly" (*wen jun hen*), brings home this contradiction, encapsulating the janus-face of court work in China: To act surely means that "courts take the initiative to find facts, address new problems, and work out new solutions to ensure that the success of Yanda is not hampered by poor-quality court work." To act accurately means that "courts must handle cases in accordance with the law, strictly following the Criminal Procedure Law." To act relentlessly implies that "courts must attack crime within the limits of the law, destroying the seeds of crime, including the 'protective umbrellas' in government and party posts who harbor criminals."⁶ This dual requirement of attacking the enemies of the state while protecting the integrity of the courts is explored below through an examination of the rationales, strategies, and events of the first months of Yanda 2001.

The Launch of Yanda 2001

On September 9, 2001, 18 years after the start of the first Yanda campaign, and five months into China's latest Yanda campaign, a lengthy article outlining a pattern of long-standing and continuing Yanda atrocities appeared in the *New York Times*. Forced interrogation and confession under duress, routine torture of suspects, wrongful convictions and executions, all outlined in the article, paint a gruesome picture of China's two-decades-long answer to its ever-increasing crime rate.⁷ While party and criminal-justice functionaries promote Yanda as China's "war on crime," published commentaries in the West and human rights groups such as Amnesty International have con-

4. "Xiao Yang zhichi yanda douzheng bixu tuchu zhongdian, quebao shixian" [Xiao Yang instructs on the necessity of focusing on particular targets and of stressing realistic outcomes], Xinhua News Agency, April 18, 2001, in *Renminwang* [People's Daily Online], <<http://www.people.com.cn/GB/shehui/43/index.html>> (website hereafter cited as *RMW43*).

5. *Ibid.*

6. "Xiao Yang zai Shaanxi kaocha fayuan gongzuo shi yaoqiu 'wen jun hen' quebao yanda douzheng zhiliang" [Xiao Yang on an inspection tour of court work in Shaanxi exhorts court workers to act "surely, accurately and relentlessly" to ensure the success of Yanda], in *RMRB*, April 21, 2001, p. 2.

7. Craig S. Smith, "Torture Hurries New Wave of Executions in China," *New York Times*, September 9, 2001, p. 9.

demned a skyrocketing death toll: more than 3,000 people were reported to have been executed in the first five months of the Yanda 2001 campaign.⁸

Yanda 2001 began the way previous campaigns had begun: a national conference on the state of public order was convened. Key personnel from the three arms of criminal-justice, the police, procuratorate, and courts, made appearances, and they were informed by experts and politicians that China's crime rate was unacceptably high and that only a nationwide campaign could effect a turnaround in the situation. For the first time in a Yanda campaign, the entire national Politburo attended, instantly placing the campaign at the top of state priorities for 2001. President Jiang Zemin, delivering the keynote speech, placed the significance of Yanda in the context of the nation's highest interests: preserving the very future of economic reform and, importantly, the future stability of Communist Party rule in China.⁹ The conference confirmed that although criminal-justice agencies, government bodies, and party committees had already adopted a number of effective anti-crime measures in recent years, the fact remained that the total number of criminal cases was on the increase, in particular, violent crimes, crimes committed by Mafia-style Chinese syndicates, and property offenses. Crime statistics were cited to support the argument that only "striking severe blows" would be sufficient to curb rising crime rates: crimes registered by police had reportedly increased 50% over 1999 figures, and over the past 20 years, Mafia-style gang crimes had increased sevenfold and crimes involving bombings had increased 2.6 fold.¹⁰

As in past campaigns, various criminal-justice dignitaries delivered various call-to-arms speeches. The following day, for instance, at a national court work seminar held to discuss implementation of the decisions made at the National Conference on Public Order Work, Supreme People's Court (SPC) President Xiao Yang clarified the specifics of the Yanda policies: first, setting down the targets of the campaign; second, announcing the strategy of punishing these targets; and third, outlining the magnitude and format of cooperation that courts would lend to the comprehensive organization and promotion of the campaign.¹¹ Specifically, the policy of "focusing the attack on

8. Ibid.

9. "National Public Order Work Conference Held in Beijing," Xinhua News Agency, April 3, 2001, in Foreign Broadcast Information Service (FBIS), *Daily Report*, April 3, 2001, at FBIS-CHI-2001-0403, Article I.D.: CPP20010403000169

10. "China Preparing to Wage New 'Strike Hard' Anti-crime Campaign," Xinhua News Agency, April 5, 2001, in FBIS, *Daily Report*, April 5, 2001, at FBIS-CHI-2001-0405, Article I.D.: CPP20010405000107.

11. "Xiao Yang qiangdiao dui yanzhong xingshi zuifan bixu xingcheng dade xingshi zhengzhili he falu weishili" [Xiao Yang stresses the need to use harsh criminal punishment and legal deterrents against serious criminal offenders], Xinhua News Agency, *RMW43*, April 4, 2001.

particular categories of crime” included the three categories outlined in President Jiang’s speech the previous day:

- crimes committed by Mafia-style gangs and other organized criminal groups
- serious violent crimes including bombings, willful murder, armed robbery, and kidnapping
- crimes such as burglary, theft, and other offenses that “pose a serious threat” to the sense of security of the masses, as well as crimes of corruption involving government and party officials who act as “protective umbrellas” of organized crime.

In utilizing the processes of adjudication and using legal deterrents to effect “a complete turnaround in social order within two years,” SPC President Xiao Yang explained that the strategy of meting out harsh punishments to serious criminal offenders would entail a policy of “severity and swiftness.” Importantly, though, Xiao Yang insisted that the policy of striking severely and swiftly must be tempered with a commitment to adjudicate and make decisions with accuracy. Accuracy, he argued, should take top priority, so that while striking severely and swiftly, courts “must continue to ensure that the quality of court work is not compromised.”¹² Professional ethics in the judiciary, he insisted, must be taken seriously. All illegal interference from government bodies must be stopped, and judges must be loyal only to the law, processing cases only in accordance with the legal provisions of judicial procedure and with established professional ethical standards.¹³

Punishment Versus Professionalism in Yanda

In contrast to the SPC president’s urging that courts proceed with caution in Yanda, taking accuracy and quality as key criteria for adjudication, President Jiang urged criminal-justice organs to launch the campaign with an explosion of publicity and propaganda, to arouse “a great momentum.”¹⁴ This expression meant gathering criminals in batches, punishing them severely, and propagating the reality of such punishment through public rallies and on the media. Essentially, this was a propaganda tactic to place the Yanda cam-

12. Ibid. For a detailed official analysis of these targets, see Benshubianxiezuo, ed., *Yanda douzheng yu shehui zhi’an ganbu duben* [Readings on the strike hard campaign and comprehensive management of public order] (Beijing: Zhonggong Zhongyang Dangxiao Chubanshe, 2001).

13. “Xiao Yang qiangdiao dui yanzhong xingshi zuifan.”

14. “Carrying Out Struggle to ‘Strike Hard’ and Put Things in Order, Strengthening Public Order Work,” Xinhua News Agency, April 3, 2001, in FBIS, *Daily Report*, April 4, 2001, at FBIS-CHI-2001-0404. Also see “Jiang Zemin Criticizes Local Officials on Anti-crime Campaign,” Hong Kong *Ming Pao* (Internet Version-WWW), April 10, 2001, in FBIS, *Daily Report*, April 10, 2001, at FBIS-CHI-2001-0410, Article I.D.: CPP2001041000063.

paign at the forefront of news coverage. As one official media commentary explains, “[w]ithout a strong momentum, it will be difficult to get the desired results. In the current struggle, we must create an awe-inspiring situation.”¹⁵

The great momentum began on April 11, 2001, simultaneously across the nation, with a massive show of state force, including Public Security Bureau arrests and public sentencing rallies. As with previous campaigns, the criminal-justice organs in Yanda 2001 have employed public rallies as the centerpiece of symbolic political-legal (*zhengfa*) force. The public sentencing rally (*gongpan dahui*) is a shaming ritual in which the judgement and sentence of a convicted criminal is announced in a public forum, in venues such as market-places, stadiums, community halls, and at the site of the crime or at the criminal’s workplace. The rally is held in front of an audience ranging anywhere from a few dozen to more than 100,000, and can be convened to pronounce sentence on a few individuals or a large group of convicted criminals. The criminals chosen to take part in such an occasion are usually those convicted of serious crimes, crimes that attract some public attention, or specific crimes that are targeted during anti-crime campaigns. Offenders are brought out on a platform or stage, handcuffed and under the guard of a line of court police. They sometimes wear placards around their necks and tied to their backs that detail their names, the nature of the offenses, and the sentences. Following a number of speeches by party, government, or criminal-justice functionaries, a senior judge or court president declares sentence. Offenders are then placed in court vehicles, sometimes in open trucks, and led either to their deaths at the local execution grounds, or to prison.¹⁶

The public arrest rally (*gongpu dahui*) is a similar shaming ritual but is convened to arrest suspects, not to sentence criminals. The public arrest rally, which first became popular in the 1996 Yanda campaign, begins with a line-up of suspects who have been detained at an earlier date and who are taken out onto a stage or podium and publicly arrested by PSB officers, handcuffed, and (sometimes) paraded around the grounds of the rally site.

In the early days of Yanda 2001, what is now known as the “joint public arrest and sentencing rally” (*gongpu gongpan dahui*) emerged as the most popular form of public shaming. The joint rally is a Yanda 2001 phenomenon, a hybrid of the public arrest rally that emerged in Yanda 1996 and the conventional sentencing rally. By combining the work of the police and the court in these joint rallies, criminal-justice organs establish and signal a sym-

15. “Carrying Out Struggle to ‘Strike Hard’.”

16. There are a number of media reports on Yanda 2001 that describe this process as it applies to particular events. See, for example, Wu A’juan, “E’you e’bao: *Gongpan dahui ceji*” [Evil reaps what evil sows: Sidights on a public sentencing rally], *Tianjin Ribao* [Tianjin Daily], April 23, 2001. For the Internet version, see <<http://www.unn.com.cn/BIG5/channel1413/414/1020/200104/23/56505.html>>.

bolic link between the act of arrest and punishment. The joint arrest and sentencing rally format begins with the PSB publicly arresting a batch of suspects, and follows with court personnel who sentence a separate batch of criminals, very often convicted of crimes that are similar to those for which the suspects have been charged.

On April 11, 2001, in keeping with the “great momentum” theme, joint arrest and sentencing rallies were held throughout the country “to formally start [the] large-scale and momentous ‘Strike Hard’ anti-crime struggle.”¹⁷ Leading the effort were Beijing criminal-justice functionaries, with the first batch of jointly organized rallies occurring at 21 districts across the city. Twenty-one district PSB branches and 21 basic people’s courts simultaneously convened joint public arrest and sentencing rallies, which were said to have “drawn open the curtain of Yanda” in the capital.¹⁸

“The curtain of Yanda,” reported the national newspaper *Renmin Ribao* (People’s Daily), was drawn open in Guangdong Province also on April 11, with a “Strike Hard public arrest and sentencing rally” at a large sports stadium in the provincial capital, Guangzhou. Announcing a number of death sentences that had been earlier approved by the Provincial Higher People’s Court, the Guangzhou Intermediate Court conveyed to their deaths numerous criminals convicted of murder, premeditated assault, armed robbery, and drug trafficking. Beforehand, 40 suspects were publicly arrested and charged with various offenses including bombings, murder, armed robbery, theft, drug trafficking, and street rioting.¹⁹ The *People’s Daily* commentator enthusiastically noted that despite the fact that Guangzhou was experiencing a cold snap, more than 30,000 of the masses attended the April 11 rally. The report added that after each death sentence was announced, the audience clapped eagerly, “the noise of their clapping resounding throughout the skies, so loud that it set off the police dogs present at the rally into a fit of howling.”²⁰ In addition, the mayor made a speech at the rally, saying that “[t]he issue of social order is not only an enormous social problem but is also an important political problem. . . . We need to set off an upsurge of force ‘striking hard’ to such a degree that criminals will shudder in their boots when they hear the name ‘Guangzhou.’”²¹

17. “Xinhua Round-up on PRC’s ‘Strike Hard’ Anti-crime Campaign,” Xinhua News Agency, April 11, 2001, in FBIS, *Daily Report*, April 11, 2001, at FBIS-CHI-2001-0411, Article I.D.: CPP20010411000106.

18. “Beijingshi yanda zhengzhi zhuangxian douzheng quanmian zhankai” [The Yanda campaign in Beijing is launched extensively throughout the city], *RMW43*, April 11, 2001.

19. “Guangzhou juxing gongpu gongpan dahui” [Joint public arrest and sentencing rally held in Guangzhou], *Renmin Ribao: Huanan xinwen* [People’s Daily: South China News], April 12, 2001, p. 1.

20. “Guangzhou juxing gongpu gongpan dahui.”

21. *Ibid.*

In the central China city of Chongqing on the same day, PSB personnel publicly arrested 92 members of criminal gangs, hooligans, and other suspects, while in the southern city of Fuzhou, 100 suspects were arrested at a joint arrest and sentencing rally in which 21 convicted criminals were sentenced. Similarly, in the northeast of China, in Shenyang, 100 suspects were publicly arrested, while in the north in Xi'an, 10 criminals were sentenced to death. In the east, in Zhengzhou, 17 death sentences announced at a rally in which 164 suspects were publicly arrested.²² Again, on the same day, courts across Shanghai convened sentencing rallies to publicly sentence 136 convicted criminals involved in 75 separate cases including robbery, kidnapping, and other serious violent crimes. In an interview, the president of the Shanghai Higher People's Court remarked that

[c]ourts across the city have all followed the Yanda policy of the Central Party Committee in achieving all aspects of work in the Yanda Campaign. We have implemented the Yanda Campaign in accordance with Party anti-crime policy, aiming our attack at serious criminals who undermine social order. We work in close consultation with the Public Security Bureau and the procuratorate before any serious or difficult cases are put on trial, in order to fully grasp the situation pertaining to the crime and to ensure that all potential problems to do with evidence or the facts of the case are sorted out before the indictment is given to the court, to ensure a speedy trial and judgement [*kuaishen kuaipan*].²³

The following day, on April 12, a joint arrest and sentencing rally was convened in Shenzhen, between Guangzhou and Hong Kong, at the municipal sports stadium to publicly sentence 45 convicted criminals, including a number who received death sentences. Prior to the sentencing, the municipal head of the Shenzhen PSB publicly announced the arrest of 30 suspects.²⁴

The first signs of an emerging tension between the dual requirements of courts—to be politically active while remaining accurate and professional—occurred within days of the April 11 “great momentum” drive. SPC President Xiao Yang began delivering a series of speeches across the nation, warning courts that while they were to punish offenders severely and swiftly, they were nevertheless not to overstep the mark. The single biggest issue that concerned Xiao Yang was the fine line that courts had to tread between the political imperative of striking hard and their own institutional imperative of professionalism. A circular issued by the SPC on April 13 stressed that while courts must “resolutely mete out severe punishments to criminal offenders,”

22. “Xinhua Round-up.”

23. “Shanghai dui yipi yanzhong baoli fanzui fenzui jinxing jizhong xuanpan” [A batch of serious violent criminal offenders sentenced en masse in Shanghai], *RMW43*, April 12, 2001.

24. “Shenzhen xuanpan sishiwuming fanzui fenzi” [Forty-five criminals sentenced in Shenzhen], *ibid.*

they must do so by “seeking truth from facts.”²⁵ Presenting the argument that punishment should be proportionate to the crime, the circular urged courts not to punish all criminals indiscriminately, but to strike hard only at those serious offenders who endanger the social order, specifically serious or violent offenders belonging to one of the three targeted categories. Notably, the circular emphasized that four criteria or “checkpoints” (*men*) should be met when deciding cases: that the courts must guarantee that the basic facts of a case are clear; that basic evidence is sufficient and reliable; that proper legal procedures are followed in accordance with the Criminal Procedure Law; and that substantive laws are applied correctly to each case. In particular, the circular noted that “cases related to the death sentence should be made irreversible cases with ironclad evidence.”²⁶

Within five days of the start of the Yanda rallies, subtle cracks began to appear in the rhetoric of unity. Courts in Shanghai were informed by the Shanghai municipal party secretary on April 18, in a speech published in *Renmin Ribao*, that the three organs of criminal-justice in Shanghai, the PSB, the procuratorate, and the courts, were each to be assigned Yanda tasks. The courts’ tasks were to hold simultaneously convened sentencing rallies and to mete out the severest punishment possible under law for *each and every* crime brought before the courts.²⁷ That idea directly contradicted the April 13 SPC circular, which stressed that courts were *not* to indiscriminately give every criminal on trial the maximum punishment allowable. Only those persons guilty of serious crimes were to be punished severely:

[P]unishments should be commensurate with the crime. It is also necessary to resolutely carry out the criminal case handling policy of combining severe punishments with leniency. For those who should be punished lightly or should be exempted from punishment, lenient judgement should be made according to the laws.²⁸

25. “Zuigao fayuan fachu tongzhi yaoqiu geji fayuan xunsu quanli touru yanda, tuchu zhongdian, dachu shengwei” [SPC circular urges courts to strike swiftly, putting all effort into the start of the Yanda campaign, focusing on campaign targets and on gaining popular support], *Guangming Ribao* [Enlightenment Daily], April 14, 2001, p. 1. For an English-language description of the circular content, see “PRC Circular Urges All Courts to Strike Hard at Gangs, Explosions, Other Crimes,” Xinhua News, April 13, 2001, in FBIS, *Daily Report*, April 13, 2001, at FBIS-CHI-2001-0413, Article I.D.: CPP20010413000113. Note that “seeking truth from facts” has been a catchcry in legal circles since the days of Yanan in the 1930s and 1940s. This is an ancient Chinese saying used first by Mao and then appropriated by Deng Xiaoping.

26. “Zuigao fayuan fachu tongzhi.”

27. “Yanda zhengzhi douzheng quanmian zhankai” [The Strike Hard campaign begins in earnest], *RMRB*, April 18, 2001, p. 9.

28. “PRC Circular Urges All Courts to Strike Hard.”

To compound the mixed messages on punishment, the Shanghai Higher People's Court was told by the Shanghai party secretary to do its bit for Yanda by approving any death sentences coming before it "as swiftly as possible, in order to ensure that the legal effectiveness and social effectiveness of court work are one and the same."²⁹ In a clear rebuttal of the party secretary's speech, on the same day Xiao Yang issued his own remarks, published by the official Xinhua News Agency, stating that as far as the courts were concerned, court work could only ever be socially effective (*you shehui xiaoguo*) "when the facts of a case are clear and when the evidence is irrefutable."³⁰ In other words, court work cannot be socially effective in reducing crime unless cases are legally credible.

Clearly, what party committees were telling courts to do was at odds with the SPC's sentencing policy, and more importantly, this contradiction was being played out in the forum of the national press. On April 18, Xiao Yang's speech to courts in Gansu Province, during his inspection tour of courts in western China, was released to the media. Here, as in all his public statements at the time, Xiao Yang again emphasized the four checkpoints required for adjudication in each case.³¹ Severity of punishment, the SPC president said, could fall only within the legal scale of sentencing options:

Those whose crime warrants a severe punishment must be punished severely, and those whose crime warrants the death penalty must be given the sentence, but whether or not a particular case actually warrants capital punishment is a decision that each judge must make based on the law.³²

Courts, Xiao Yang added, must combine the policies and aims of Yanda with the development of judicial professionalism.

While emphasizing professionalism in decisionmaking, Xiao Yang nevertheless did not fail to include an appropriate measure of the mass-line rhetoric that has accompanied all Yanda campaigns in the past 20 years. Declaring that courts must combine professional legal work with the masses' role in the legal system, he reminded the Chinese judiciary that the masses are represented by the party, adding that in the Yanda campaign, courts must rely on the leadership of the party and must take the "mass line" approach to court work. But interestingly, Xiao Yang's interpretation of "party leadership" and "mass line" was decidedly minimalist, rhetorically limiting the Party's involvement in cases to a role as handmaiden to the courts. He stated that when adjudicating a case, where a difficult or complex question arises, courts could rely on the local party committee, which could "take the mass line" in

29. "Yanda zhengzhi douzheng quanmian zhankai."

30. "Xiao Yang zhichi yanda douzheng."

31. *Ibid.*

32. *Ibid.*

asking the public to help, thus ensuring that the facts and evidence are clear and irrefutable. In other words, the party's leadership role is to act as a medium between the masses and the courts, but only for the purpose of gathering information about cases.³³

Execution Fever

Despite Xiao Yang's insistence that the quality of all judicial decisionmaking must "stand the test of time," mass rallies were again hurriedly organized across the nation, with a huge batches of cases tried and sentenced in a 10-day period from April 17 to 24. The first major group of criminals indicted and tried between April 7 and 11 was allowed 10 days to appeal. During this period, a large number of criminals whose cases had been tried earlier in the month were sentenced to death. Public arrest rallies, sentencing rallies, and joint arrest and sentencing rallies were widespread across China, as reflected in local and national press reports. On the morning of April 17, 125 suspects were paraded in front of a crowd of more than 10,000 at an arrest rally in Xinhua Square in the Inner Mongolia city Huhhot.³⁴ The following day in Zhanjiang city, Guangdong Province, a public arrest rally was held to arrest suspects and announce reform-through-education policies,³⁵ terms of imprisonment, and detention of 471 individuals allegedly involved in murder, assault, armed robbery, theft, drug trafficking, rape, and smuggling cases.³⁶ Again, on the morning of April 18, cities and districts all across Guangdong Province simultaneously convened rallies to publicly "deal with" (*chuli*) 5,485 suspects, arresting 2,769 suspects, remanding 1,294 to criminal detention, sending 935 to "reform-through-education" facilities, and detaining 487 on public-order misdemeanors or to send to detoxification clinics.³⁷ In Urumqi, in the northwest of China, the local PSB convened a "Yanda public arrest rally" of 60 suspects in the People's Municipal Square, while at the local Tianshan Department Store, a public rally was convened to announce various terms of "reform-through-education" imprisonment for 120 offend-

33. *Ibid.*

34. "Gongkai deipu 125 ming fazui xianyiren" [125 suspects publicly arrested], *Zhongguo Qingnian Bao* [China Youth Daily], April 18, 2001.

35. For a detailed examination of "reform through labor," see Michael R. Dutton, *Policing and Punishment in China: From Patriarchy to the People* (Cambridge, U.K. and Melbourne: Cambridge University Press, 1992).

36. "Yanda zai xingdong" [Yanda in action], *Renminwang*, April 19, 2001, <<http://www.people.com.cn/GB/shehui/44/index.html>> (website hereafter cited as *RMW44*).

37. "Guangdong gedi gongkai chuli 5,000 yifan" [5,000 suspects publicly arrested across Guangdong Province], *RMRB: Huanan xinwen* [People's Daily: South China News], April 19, 2001, p. 1.

ers.³⁸ A joint public arrest and public sentencing rally was convened in Nanning, Yunnan Province, the following day, where the PSB announced reform-through-education prison terms, the procuratorate approved the arrest of a group of suspects, and the court publicly announced a number of sentences, including death and life imprisonment. Nearly 20,000 members of the public and political-legal functionaries attended the rally.³⁹

On April 20, courts across Hainan Province simultaneously convened sentencing rallies in nine cities and counties, where 130 criminals were sentenced. Eleven of these were sentenced to death and immediately executed.⁴⁰ On the same day, 16 criminals were executed in Beijing.⁴¹ Another 12 who were said to have owed society “a mountain of blood debts” were also executed.⁴²

On April 22, the Beijing No. 1 Intermediate Court publicly pronounced death sentences given to six serious offenders. Before execution, all six were reported to have accepted the judgement of the court and expressed remorse for their crimes.⁴³ On April 23, in courts across Henan Province, 1,168 serious criminal offenders were publicly sentenced.⁴⁴ In Sichuan Province on the same day, the Provincial Sports Stadium became the focal point of community attention, with the launch of the province’s largest sentencing rally since the start of Yanda, with attendance said to be at full capacity of over 10,000.⁴⁵ Latecomers unable to find seating reportedly lined the streets outside the stadium in “eager anticipation” of the 100 sentencing pronouncements. As soon as Chengdu Intermediate Court Vice President Mao Shangui announced that the day’s agenda included 45 death-penalty pronouncements,

38. “Urumqishi Yanda douzheng lakai xumu” [The curtain opens on the Yanda campaign in Urumqi], *RMW43*, April 20, 2001.

39. “Nanning xuanpan yipi zhongda xingshifan” [Batch of serious criminal offenders sentenced in Nanning], Xinhua News Agency, in *ibid.*, April 19, 2001.

40. “China’s Hainan Province Executes 11 Criminals,” China News Agency Report, in FBIS, *Daily Report*, April 21, 2001, at FBIS-CHI-2001-0421, Article I.D.: CPP20010421000101.

41. “Beijing Executes 16 as Part of Crime Crackdown Campaign,” Hong Kong Agence France-Presse in FBIS, *Daily Report*, April 20, 2001, at FBIS-CHI-2001-0420, Article I.D.: CPP 20010420000105.

42. “Yanzheng yanzhong weihai shehui zhian fanzui: Yi pi xuezhaililei de zuifan fufa” [Severely punishing crimes that cause serious social harm: A batch of criminals with a “mountain of blood debts” is executed], in *RMRB*, April 21, 2001, p. 2; “PRC Supreme People’s Court Announces 12 Executions in ‘Strike Hard’ Campaign,” Beijing Xinhua (in English), in FBIS, *Daily Report*, April 20, 2001 at FBIS-CHI-2001-0420, Article I.D.: CPP20010420000121.

43. “Beijingshi zhakai shouci yanda gongpan dahui” [Beijing launches first major Yanda sentencing rallies], in *RMW43*, April 22, 2001.

44. “Henan gongkai xuanpan 1168 yanzhong xingshi fanzui fenzi” [1168 serious criminal offenders publicly sentenced in Henan], in *ibid.*, April 23, 2001.

45. “Sichuan ‘kuangbiao’ xingdong diyiyi” [“Operation Hurricane” begins in Sichuan], in *ibid.*, April 21, 2001.

the crowd was reported to have “spontaneously broken out in thunderous applause.” Lu Zhuo, head of the Sichuan PSB, told reporters that beginning at precisely 10:00 P.M. the night before, PSB officers across the province launched “Operation Hurricane B,” capturing many criminals who were then publicly arrested at citywide rallies organized by the police. In Chengdu city alone, it was announced, over 400 suspects were to be publicly arrested.⁴⁶

One of the most detailed descriptions of a rally that occurred in Tianjin on April 23 provides an insight into the mechanics and rhetoric of the rally as a symbol of state power:

The announcement of the start of the rally brings spontaneous applause from the crowd. The first batch of criminals to be sentenced are brought out onto the stage, their foot shackles clanging as they step onto the podium. Today’s judges are wearing their judicial robes. One judge [at a time] faces the audience and begins reading out the written judgements, each judgement notice detailing the criminal act, the criminal charge, and the sentence.⁴⁷

The relationship between the masses and the judiciary is substantiated in the masses’ spontaneous expression of support, and the retributive goal of the law is underscored in the announcements of the heavy sentences, endorsed by the cheers of the public. Members of the public interviewed after the event commented that “Yanda truly gladdens the hearts of the people” [*Yanda zhenshi dakuai renxin*]. Local media presented these allegedly positive reactions as indicative of a spontaneous outpouring of public indignation, stating that “Yanda has allowed the masses to vent their anger and we are all delighted at this.”⁴⁸

Yanda as Success

By mid- to late May, national media coverage of the campaign turned from propagating rallies to propagating Yanda successes. These were measured in terms of the number of suspects arrested, the number executed, and the number of firearms and explosives confiscated. In a period of five weeks, from April 4 to May 1, the procuratorate approved the arrests of 99,947 suspects across China.⁴⁹ By the end of May, more than 1,000 criminals had been executed, and for the three-month period from April to the end of June, the total was at least 1,781 criminal executions, according to Amnesty Interna-

46. Ibid.

47. Ibid.

48. Ibid.

49. “Teshi tezuo, zhongan zhongchu” [Special matters require special handling, serious cases require serious punishment], *Fuzhou Renminwang* [Fuzhou People’s Daily Online Report], May 6, 2001, cited in *RMW*43, May 6, 2001.

tional reports.⁵⁰ According to the *Legal System News* (Fazhi Bao), from early April to late May, during police operations to seize explosives and firearms across the country, the PSB was reported to have confiscated 1,600 tons of explosives, 3.5 million detonators, nearly 50 tons of black powder, 330,000 illegal firearms (mostly homemade guns and rifles), and 1.5 million bullets. Authorities cracked more than 35,000 firearms and explosives cases, arresting 63,000 suspects. More than 5,500 individuals in possession of illegal firearms surrendered voluntarily to police, and 72,000 firearms and 186.6 tons of explosives were voluntarily surrendered.⁵¹

Individual provinces issued their own Yanda “fruits of victory” (*zhanguo*) figures. In Guangzhou, capital of Guangdong Province, for example, the provincial head of the PSB announced a sharp drop in the number of criminal activities in May. Compared to the April period, May saw an 11.3% drop in cases in Guangdong, with a 14.9% drop in Guangzhou, 7.7% in Shenzhen, and 13% in Dongguan. From early April to late May, the PSB caught 2,090 wanted criminals, as well as 9,510 suspects involved in 2,480 criminal groups and 206 Mafia-style gangs. The PSB closed down 3,631 illegal entertainment centers and 183 shops or other venues for illegally obtaining stolen goods, plus 22,113 illegally rented rooms.⁵²

Crime Control and the Problem of Judicial Authority

The above descriptions of the ferocity of the campaign to “severely and swiftly” deal with serious offenders prompt the question of whether these campaigns actually work to reduce the long-term crime rate. Chinese government reports note that in 1996, there were more than 1.5 million criminal cases in China. In 1998, the figure rose to 2 million, and in 1999 it rose again to 2.2 million. By 2000, there was a 50% increase from the 1999 rate.⁵³ Clearly, there is a crime problem in China. Economic and property-related crimes are becoming more violent, more organized, more reliant on corrupt government and party officials, and more sophisticated in the use of technol-

50. “Execution Toll Passes 1,000 in Chinese Crackdowns,” *Sydney Morning Herald*, June 11, 2001, p. 14; “1,781 Executed in Three-Month Frenzy: Amnesty,” *The Age* (Melbourne), July 7, 2001, p. 24.

51. “Gongan jiquan zhibao jiqiang zhuangxian xingdong chu baojie” [Some early victories for PSB operations in seizing explosives and firearms], in *Fazhi Bao* [Legal System News], June 13, 2001.

52. “Guangdong xingshi anjian dafu xiajiang” [Number of criminal cases in Guangdong drops sharply], *RMRB*, June 12, 2001, p. 1.

53. Mao Lei et al., “Duiyu fazui ruguo qeshao zhunquede yuce he chongfen de yufang, fanji de daijia jiangshi, shifen ang’gui de” [If accurate crime rate predictions and ample crime prevention measures are not applied in earnest, then the cost of all anti-crime activities will soar], in *ibid.*, August 8, 2001, p. 9.

ogy. It is the emergence of “Mafia-style” criminal gangs (*heishehui xingzhi de fanzui tuanhuo*) and the “protective umbrellas” (*baohu san*) in government and party posts who harbor and profit from organized crime that have sparked this latest state-sponsored moral panic about crime.⁵⁴

But it is not only the contemporary economic climate, the dramatic rise in official corruption, and the increase in population mobility that have had impact on the decision to “strike hard.” A whole sector of society has emerged from the economic reform process much worse off than expected, and it is this sector of the dispossessed who are contributing to the decline in social order. One newspaper commentary on the situation explains that there has emerged an entire social underclass of people who know that they will never benefit from the open-door reforms, and who have taken up arms against the general public in a show of force to shock the public into acknowledging that many individuals have fallen through the cracks of economic reform. For example, the infamous bombing earlier in the year by Jin Ruchao of apartment blocks in Shijiazhuang city in the north, which killed 108 people, was said not to be directed at a particular individual, but against society and humanity in general.⁵⁵

There is another equally significant reason why crime in China is becoming more prevalent and violent and, as Borge Bakken’s study points out, it has to do with the brutalizing effect of state violence against criminals.⁵⁶ The relationship between increasingly violent crimes and increasingly violent government response to crime in China is, as one commentator put it, “interdynamic.”⁵⁷ One simple example of this relationship is the consequence of amending the 1979 Criminal Law to make crimes such as serious theft a capital offense.⁵⁸ As two commentators have argued, the certainty that a death penalty would follow for those tried and convicted of a whole range of

54. Six main kinds of Chinese Mafia-style gang activities dominate the organized crime scene: violent acts of terrorism including murder and robbery; kidnapping; protection rackets involving “godfather” figures who control whole streets, roads, or villages; criminal acts such as obtaining stolen goods by force; hired hitmen; and smuggling rackets working with gangs outside China. The most popular types of gangs in recent years are those that control whole industries in one or more local areas. For a detailed analysis of the Mafia-style gang problem in China, see Zhou Liangtuo, “Lun heishehui xingzhi de zuzhi” [On the organization of Mafia-style syndicates], *Heishehui xingzhi fanzui wenti yanjiu* [Research issues on Mafia-style organized crime], ed. Li Zhongxin (Beijing: Zhongguo renmin gongan daxue chubanshe, 2000), pp. 43–51.

55. Mao Lei et al., “Duiyu fanzui ruguo qieshao zhunquede yuce.”

56. For a more detailed analysis of this concept, see Borge Bakken, *The Exemplary Society: Human Improvement, Social Control and the Dangers of Modernity in China* (New York: Oxford University Press, 2000), p. 394.

57. Mao Lei et al., “Duiyu fanzui ruguo qieshao zhunquede yuce.”

58. “Decision of the Standing Committee of the National People’s Congress Regarding the Severe Punishment of Criminals Who Seriously Endanger Public Security,” *The Laws of the People’s Republic of China (1983–1986)* (Beijing: Foreign Language Press, 1987), p. 32.

property-related crimes in Yanda 1983–86 meant that more and more criminals were less and less willing to leave behind material witnesses.⁵⁹

Importantly, the experience of the first Yanda campaign in the 1980s shows us that there is little evidence to suggest that a brutal campaign would ever have a positive long-term effect on the crime situation. As Bakken describes the first Yanda campaign:

When the Yanda campaign was launched in September 1983, the crime rate was in fact the lowest since 1979, but . . . the crime rate “did not fall fast enough.” The traditional belief in China is that parading evil—or, rather, bringing evil to justice for all to see—will lead to a decrease in crime. . . . The campaign had as a main target the newly emerging gang crimes, and the gangs’ leaders (*touzi*). The aim was also to prevent further recruitment of juvenile criminals—though it was unclear whether removing the most actively delinquent ‘veterans’ from gangs would indeed decrease significantly the recruitment of younger juveniles. . . . The networks survived, the gangs multiplied, and there was a fall in the age of the youths involved. . . . In 1986 a record-high figure of 93.3% of all gang members were 25 and under, almost half of them under the age of 18. All over the country, gang crime grew and thrived in the wake of the “Severe Blows” campaign. In the late 1980s, gang crime accounted for 60%–70% of all criminal offenses in China.⁶⁰

Similarly, Lu Zhuo, provincial head of the PSB in Sichuan, commented on the inevitable failure of Yanda 2001 to effect a long-term turnabout in crime trends. In mid-2001, Lu asked, “If Yanda was such an effective way to control crime, then how do you account for the rapid increase in crime rates following every past Yanda campaign?”⁶¹ Or, as another commentator put it:

Yanda is overused. This year [2001], Yanda is not well coordinated. It’s “hot” at the top and “cold” down at the bottom. On a national level, leaders embrace Yanda enthusiastically but the masses down below are not really “on the move against crime” as the rhetoric would have it. Yanda is a vicious cycle, it’s a treadmill that we can’t get off. . . . The more we attack, the busier we get, the harder it is to keep up with the attacks, the harder it is to prevent further crimes occurring.⁶²

59. For an examination of this problem, see “Yanda zhongdian mubiao er: yanzhong baoli fanzui de fangfan kongzhi” [Yanda Key Target No. 2: Prevention and control of serious violent crime], in *Yanda douzheng yu shehui zhi’an ganbu duben* [Readings on the Strike Hard campaign and comprehensive management of public order] (Beijing: Zhonggong zhongyang dang-xiao chubanshe, 2001); and Jia Jiangtao, “Ruhe shouji fanhei zhengju he baohu zhengren” [How to gather evidence against Mafia-style crime and protect witnesses], in *Heishehui xingzhi fanzui wenti yanjiu* [Research issues on Mafia-style organized crime], ed. Li Zhongxin (Beijing: Zhongguo renmin gongan daxue chubanshe, 2000), pp. 110–111.

60. Bakken, *The Exemplary Society*, p. 392.

61. Mao Lei et al., “Duiyu fanzui ruguo queshao zhunquede yuce.”

62. “Yanda: Zouchu sige wuqu” [Yanda: The four main mistakes], in *RMRB*, August 8, 2001, p. 10.

There are many more reasons why the style of campaigning, now standard in all Yanda offensives, is detrimental to the long-term stability and development of the legal system in China. Some commentators have focused on the human rights issues associated with public shaming, and others have argued the futility of the death penalty as a deterrence weapon.⁶³ But perhaps the most damaging argument against Yanda comes from the Yanda heartland, in a statement from Lu Zhuo, the Sichuan provincial PSB head, who said in the midst of the August 2001 campaign that “[o]ur entire crime prevention program revolves around an idea of ‘Comprehensive Management of Public Order’ [*shehui zhi’an zonghe zhili*], but this policy is completely void of any real and practical crime prevention measures that actually work.”⁶⁴

This comment goes to the heart of the problem for the judiciary. Courts in China have been promising to professionalize their ranks since the early 1980s. But these promises and reforms have been introduced alongside a draconian set of “law and order” policies from the central party-state that courts at all levels have been required to follow. The policy of “Comprehensive Management of Public Order,” that is, close cooperation among police, procuratorate, and party, has tied the courts to a course of hardline anti-crime campaigning and rallying that works in direct contradiction to the image of “professionalism” they are attempting to promote.

Evidence that there is a solid effort within the judicial political culture to professionalize is manifested in new educational standards for judges entering the ranks, a new “Judge’s Law” in 1995, and various amendments to the Criminal Procedure Law in 1996. Only last year, a new era of professionalism in the judiciary was declared by the SPC, with the announcement that judges would now wear Western-style judicial robes. Those in the intermediate courts, at least, do. Clearly, Xiao Yang’s insistence on “accuracy” and professional ethics reflects an understanding that courts in China will not develop credibility and legitimacy on the back of draconian law-and-order campaigns. The conundrum for the judiciary in China is that most of the top judicial officials understand the necessity for consistency and independence, but they are also required to operate in a political system in which they are obligated by law to protect the political interests of the Communist Party.

63. For an analysis and critique of some of these stances, see Mao Lei et al., “Duiyu fanzui ruguo queshao zhunquede yuce.” Also see “Wo guo ‘xingsufa’ di shi-er tiao yu xifang ‘wuzui tuiding’ you qubie, gongpu dahui hecuozhiyou” [There is a difference between Article 12 of China’s Criminal Procedure Law and the concept of ‘presumption’ of innocence in the West, so there is nothing wrong with the concept of ‘mass arrest rallies’], *Beijing Qingnian Bao* [Beijing Youth Daily], August 7, 2001. See *Renminwang*, <<http://www.people.com.cn/GB/shehui/46/index.html>>, August 7, 2001.

64. Quoted in Mao Lei et al., “Duiyu fanzui ruguo queshao zhunquede yuce.”

These officials would argue that judicial authority and legitimacy can only ever develop from a comprehensive change in the behavior and attitudes of judges, government, and Party toward a genuine respect for the law. But others continue to believe that an image change is what is needed to develop legitimacy. For example, the adoption of Western-style judicial gowns sparked a lively debate in political-legal newspapers and websites. While some commentators argue that the adoption of judicial robes is what is needed to bestow an air of authority and sophistication in order to gain public legitimacy, others argue the opposite, that that judicial authority can only develop from changed behavior and attitudes that must occur from the inside out, not from the outside in.⁶⁵ In one article, published in the *Procuratorate Daily* on April 5, 2000, and reprinted on the China judges' website on the same day, an anonymous judge proffered his opinion on the adoption of Western-style judicial gowns: ". . . a court which cannot extract itself from a political system which is characterized by institutionalized interference can never be truly legitimate. Therefore, the changing of a judge's uniform is but a *beginning* of a new judicial culture in China."⁶⁶

The adoption of judges' gowns, the judge argues, might have some symbolic significance, but judicial independence cannot be sustained by relying on this alone. "[Independence] must rely on a conceptual change, a systematic change. If we assume that it simply relies on a reform in attire, and if a conceptual and systematic change does not follow, then the end result will be that judges are western on the outside but will remain Chinese on the inside. Our hearts will still be Chinese hearts . . . unfortunately, the cloning process [for judicial independence] doesn't work that way."⁶⁷

These views neatly parallel the problems of dealing with change and continuity that have surfaced in the body of this article: the incongruity between the intentions and aspirations of change and reform, and the political, social, and institutional impediments to reform that have their roots in the historical rationales of socialist law and criminal-justice administration. Courts have sought to promote their own judicial authority in the rhetoric and policies of "professionalism," but this authority is undermined in the draconian versions of ancient shaming rituals performed by the very courts that purport to be "civilized" and "modern." As evidenced in the above descriptions of Yanda 2001, attempts to address this tension between politicization and professionalism have been played out in speeches in the national press. It is clear that the Supreme People's Court is serious about its commitment to ensuring "accuracy" in judicial decisionmaking. But the problem is that the policies im-

65. <<http://www.Chinajudge.com>> (April 2000), accessed on April 29, 2001.

66. Ibid.

67. Ibid.

plemented in lower courts are not the exclusive domain of the SPC. Party committees, which have branches in all cities, and subcommittees in all courts, are intent on fulfilling Yanda arrest and prosecution quotas, and have little time for the niceties of judicial professionalism.

Conclusion

Crime in China is perceived as the number one threat to economic reform, and thus to the very legitimacy of the post-Deng regime. It is this vital link between the perception that economic reform can only be achieved on the basis of social stability that explains the party-state's preoccupation with crimes against the social and public order.⁶⁸ This is not a new issue; it has been explored in the literature for more than two decades now. Borge Bakken, for example, argues that the hardline tactics of the 1980s crime policy in China was largely a "defense of moral and cultural values at a time of dramatic economic and social change." The party-state's hardline response to juvenile and youth crime was, Bakken says, a central theme of the reform period, directly related to the central question of order in society, "a question that should be seen as parallel to the question of economic growth."⁶⁹ Running parallel to the central theme of "law and order" in the reform period has been a call to professionalize the judiciary. The Criminal Procedure Law, the Judge's Law, and the introduction of strict educational standards for judges all support a continuing commitment to independent and reliable judicial decisionmaking. Yet, courts have not succeeded in changing their organizational culture from one reliant on the rhetoric and organization of the "mass line" to one that reflects broader standards of judicial professionalism.

Yanda will most probably continue to be used as the key political response to social change in China well into the first decades of the new century. The socialist, and historically long-standing, Chinese faith in overt acts of public degradation will continue to be publicly touted as a key rationale for campaigning. We may expect that this will remain so, despite the fact that for more than two decades now, China has existed in an environment in which the "invisible hand" of the economy is clearly far more powerful in deciding the fate of social order than any hardline social-control strategies. Like the first Yanda campaign from 1983 to 1986, crime figures will fall in the short term after 2001, and will then rise dramatically after Yanda 2001

68. For more detailed analysis of the reform versus stability conundrum, see Dutton, *Policing and Punishment in China*; Harold M. Tanner, *Strike Hard! Anti-Crime Campaigns and Chinese Criminal Justice, 1979-1989* (Ithaca, N.Y.: East Asia Program, Cornell University, 1999); Murray Scot Tanner, "State Coercion and the Balance of Awe: The 1983-1986 'Stern Blows' Anti-Crime Campaign," *China Journal* 44 (July 2000), pp. 93-125; Borge Bakken, "Editor's Introduction," *Chinese Sociology and Anthropology* 27:3 (Spring 1995), p. 3.

69. Bakken, "Editor's Introduction."

concludes, at whatever date in the future. This is because Yanda is ineffective in controlling broad crime trends such as the increase in gang-related crime.

As this paper has argued, public sentencing and executions have more to do with a show of state strength, even the very survival of the Communist Party, than with practical and effective crime control. Even President Jiang Zemin himself alluded to this in his Yanda call-to-arms speech in early April 2001, when he urged the new assault against crime to protect not only the economic reforms and the long-term national security but also, most tellingly, the very future of the CCP's political dominance in China.⁷⁰ For as long as the official task of courts is to protect the people's democratic dictatorship, posed long ago by Mao as the basic structure of the new polity, a dilemma will exist between the call for "accuracy," professionalism, and reliable judicial decisionmaking and the concomitant political imperative to fight the enemies of socialism.

70. "Zhonggong zhongyang zongshuji, guojia zhuxi, zhongyang junwei zhuxi Jiang Zemin zai quanguo shehui zhi'an gongzuo huiyishang zhongyao jianghua."