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Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Journal of Current Chinese Affairs

China aktuell

Shou, Huisheng, and Gary S. Green (2016),
The Political Economy of Organisational Violence in Chinese Industry, in: *Journal of Current Chinese Affairs*, 45, 3, 201–230.

URN: http://nbn-resolving.org/urn/resolver.pl?urn:nbn:de:gbv:18-4-10012

ISSN: 1868-4874 (online), ISSN: 1868-1026 (print)

The online version of this article and the other articles can be found at:
<www.CurrentChineseAffairs.org>

Published by
GIGA German Institute of Global and Area Studies, Institute of Asian Studies and Hamburg University Press.

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The Political Economy of Organisational Violence in Chinese Industry

Huisheng SHOU and Gary S. GREEN

Abstract: "Organisational violence" involves wilful, illegal business behaviour that has the potential to harm workers, consumers, or the environment. We use a combined perspective from the fields of political economy and criminology to examine the incongruously high level of organisational violence among Chinese firms that exists despite robust efforts by the government to put forth regulatory laws that prohibit it. As the explanation for this incongruity, we assert two conditions that synergistically interact in a bidirectional relationship: 1) the complex legal structural barriers to effective enforcement against organisational violence caused by a politically biased and administratively fragmented Chinese political system, and 2) a socially disorganised business environment that does not recursively message the wrongfulness of organisational violence. The analysis rejects not only financial gain as a relevant factor in the commission of organisational violence but also other current perspectives on the causes of organisational violence in China.

■ Manuscript received 19 October 2015; accepted 24 May 2016

Keywords: China, organisational violence, industrial regulation, political structure, social norms, institutions, corporate crime, corruption

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Introduction

The idea that business decisions that risk human and environmental harm constitute "violent" behaviour has been recognised in international criminology since the 1980s, and such violence has been and continues to be rampant in developing China.

> There's mercury in the baby formula. Cabbages are sprayed with formaldehyde. Gelatin capsules for pills, tens of millions of them, are laced with chromium. Used cooking oil is scooped out of gutters for recycling, right along with the sewage. […] "[A]rtificial green peas," grilled kebabs made from cat meat, contaminated chives, chlorine showing up in soft drinks […,] imitation soy sauce made from hair clippings, ink and paraffin being used to dress up cheap noodles, and pork buns so loaded with bacteria that they glow in the dark. (McDonald 2012)

Appalled by such horrifying stories, the *New York Times* reporter comments that "accounts of dubious or unsafe food in China are as mesmerizing as they are disturbing." Yet, although the size and severity of the food safety crisis may sound unique to China (*Caixin* 2012), the harmful organisational behaviour is not confined to the food industry. Chinese firms' neglect of worker safety and environmental concerns are equally horrifying. Injuries, poisonings, and explosions, among other organisational accidents occurring on China's factory floors due to wanton disregard for basic safety measures, happen far more often than even an anti-sweatshop activist could imagine. Similarly, the pollution caused by firms can be astonishing in scale and might have persisted for years before a severe accident exposed them to public attention, such as the pollution of the Songhua River by Jilin Petrochemical Corporation in 2005, the leakage of acid wastes in Fujian Province in 2010 by Zijin Mining, a leading gold and copper producer and refiner in China, and pollution by Harbin Pharmaceutical Group in 2011 in Heilongjiang Province that caused serious water, land, and air contamination in the surrounding neighbourhoods.

The most interesting part of this phenomenon, however, is not the prevalence and the magnitude of the harmful and deadly activities by Chinese firms, but their wanton disregard of media exposure, public outrage, and legal deterrence. For instance, the 2008 melamine-contaminated infant formula scandal shocked not only China but also the rest of the world. However, some Chinese dairy producers have continued their poisonous practices, as illustrated by the multiple

scandals since 2008 associated with Mengniu and Yili, China's largest dairy producers, which further damaged consumer trust in that industry.

How do we understand the sheer magnitude of organisational violence by Chinese firms, their persistent denial of wrongdoing, their refusal to correct, and most importantly, the difficulties of getting them under control? The current literature provides insufficient, perhaps even misleading, explanations of the complex interaction among markets, governments, and societies. Our thesis is that there is an incongruously high rate of organisational violence in China despite reasonable attempts to reduce it through governmental regulation, and that this state of affairs can best be understood by homogenising theoretical frameworks from the fields of political economy and criminology. We propose that the current developmental stages of a changing China are criminogenic because they inherently facilitate organisational violence. The criminogenesis arises from the concomitant existence of two conceptually independent causes: 1) complex legal structural barriers to effective enforcement against organisational violence caused by a politically biased and administratively fragmented political system and 2) a socially disorganised business environment that encourages the commission of organisational violence due to the lack of recursive validation of norms that would otherwise promote attachment to the feelings of other human beings. We believe that the intersection of these structural and socio-cultural impetuses is synergistic in the exacerbation of organisational violence.

Further, we assert that the numerous explanations of organisational violence that rely on societal emphases on financial success (read: greed), and those that advocate eliminating opportunities to commit organisational violence, are incorrectly focused, because personal motives and random opportunity are irrelevant to theorising about individuals' propensities to commit such acts. Put more directly, we theorise about the ways in which we can reduce individuals' propensities to commit organisational violence as opposed to merely masking or distorting those propensities temporarily through legal threats or attempts to thwart opportunities. We therefore argue that we must look deeper into the social normative systems that affect the morality of people in order to understand what makes firm managers less willing to comply and self-regulate in these areas regardless of the level of enforcement.

What Constitutes "Organisational Violence"?

It is essential to articulate what constitutes "organisational violence" at the outset of our discussion so that the phenomenon in question has meaningful, concrete boundaries for our analysis. Even though in many cases of organisational violence the infliction of physical harm to humans is indirect, organisational violence nevertheless evinces a commonality with more traditional forms of immediately harmful violence (for instance, assault, rape, murder): a wilful disregard for the physical well-being of other humans.

The idea of organisational violence is not at all new. Referencing writing about organisational violence could go back at least as far as Marx and Engels's discussion of harmful working conditions in *Das Kapital* (Marx 1867). One could also point to Upton Sinclair's early work *The Jungle* (1906), a historical novel that depicted unsafe consumer-product distribution, dangerous working conditions, and biohazardous pollution knowingly committed by executives of large meatpacking plants. As for the specific use of the term, Ralph Nader's (1971) piece "Corporate Violence Against the Consumer" may be the first written connection between intentional organisational decisions that harm humans and the idea of "violence." Several others invoked the concept over the following decade and a half, such as Monahan, Novaco, and Geis (1979), Tye (1985), and Hills (1987). Since then, using the concept of "violence" in relation to organisational behaviour that is physically harmful to humans has become routine in international criminology.

Elsewhere (Green and Shou 2015), we have extracted from many academic works on organisational violence nine basic dimensions of "violence" committed by organisational actors in their organisational capacity that reflect a heuristic upon which a majority of international criminologists would agree:

- organisational violence should not be limited to any kind or any size of organisation, and the organisation must not primarily operate for criminal purposes or by criminal means, including entities that have no employees;
- it must involve an act to which there is a governmental penalty attached (including criminal acts, regulatory violations and, in the case of China, "gross negligence" but not simple negligence);
- it should involve foreseeable risk of harm rather than actual harm;

- it should be limited to risk of physical harm;
- the unit of behavioural analysis should be the actor and not the organisation;
- non-accidental intentionality must be established by actor participation in the creation of the risk, the actor condoning the risk, or the actor being wilfully ignorant of the risk (wilful ignorance being the failure to investigate a possible occurrence of organisational violence despite knowledge of circumstances that would lead a reasonable person to investigate whether a risk will occur or has occurred);
- organisational violence must be committed for the benefit of the connected organisation in some way;
- the actor's behaviour must be verified as the proximate cause of the risk; and
- organisational violence should not at this time include non-human animal victims.

Thus, we offered the following operationalisation of what we are terming here as "organisational violence":

> any non-accidental behaviors committed for organizational gain within a non-criminal purpose organization that participates in, condones, or demonstrates willful ignorance of a governmentally punishable act within that organization that risks physical harm to humans. (Green and Shou 2015: 59)

This definition of organisational violence focuses the reducibility of decisions about whether to commit organisational violence on the individual rather than the organisation. Thus, for explanatory purposes we assume that all actions of an organisation are committed by its agents, and this is so regardless of whether, for legal purposes, firms are criminally prosecuted (Herbert, Green, and Larragiote 1998). Businesses do not act independently of their agents.

In terms of intentionality, note that some acts that are harmful to humans or the environment would not be considered organisational violence, even though they are illegal because their resulting harm violates the law through strict liability. For instance, accidental environmental events that are not the result of participation in, condoning of, or wilful ignorance about illegal behaviour would be excluded. To illustrate, the massive oil spill that resulted from the Exxon Valdez crash into the side of Alaska in 1989 was an accident and not organi-

sationally violent behaviour, according to our conceptualisation. However, the death of 15 workers and the injury of 170 others after the explosion at the BP Texas City Refinery in March of 2005 would clearly be such a case because the documented illegalities associated with working conditions were the cause of the disaster and were ignored by BP (US Chemical Safety and Hazard Investigation Board 2005). The collapse of the Rana Plaza building near Dhaka, Bangladesh, in April of 2013, killing more than 1,000 garment workers, would also qualify as organisational violence because factory owners were informed of the cracked foundation the day before the collapse, their lack of action demonstrating condoning the risk, or at the very least being wilfully ignorant of it. The factory owners were eventually charged with murder (Bengali and Kader 2015).

The application of our parameter for what constitutes organisational violence will, of course, encounter some disagreements about whether a given instance of alleged violence in fact meets the criteria, especially around the determination of whether "wilful ignorance" is sufficient to deem an allegedly unintended harmful act blameworthy of violent behaviour (see, for example, Vaughan 1997). A parameter for our dependent variable is required, however, and we believe what we have put forth above reflects a general consensus about the vast majority of behaviours that the international criminological community has considered to be included under the concept of organisational violence.

Critiques of Current Explanations of Chinese Organisational Violence

Contrary to the common perception that China has systematically ignored protections of the environment, consumers, and workers as a result of the country's integration into the world economy (see, for example, Chan 2001; Economy 2004; Huang 2011), the improvement in the environmental legal framework over the past several decades has been recognised by scholars and experts (Ren and Shou 2013; Stalley 2010; Carter and Mol 2007). Our focal point here, therefore, is not the temporal change of China's regulatory regime; instead, it is the persistence and magnitude of organisational violence that has occurred within the context of legal and institutional regulatory improvement. The current perspectives on explaining organisational

violence in China – economic, legal, and criminological – seem to have provided insufficient explanations for the incongruity.

Economic

Perhaps the most pervasive economic reasoning for Chinese organisational violence associates the global spread of capitalism with a "race to the bottom" of government regulation (Woods 2006; DeSombre 2006), especially in regard to the idea that competition for footloose capital drives governments to lower organisational standards in order to attract and retain capital. From a structural Marxist perspective, however, this argument is problematic because there are innumerable examples of concessions by capitalists to regulation of their business sectors to ensure the long-term viability of their own marketplace (Iversen 2005; Hall and Soskice 2001). It is in fact the long-term viability of a capitalist system, not the immediate negative effects on current capitalists, that propelled the US Congress to pass the Beef Inspection Act in 1906 (Green 1997) and led former US president Richard Nixon to sign into law in 1970 three powerful new regulatory agencies intended to prevent organisational violence – the Occupational Safety and Health Administration, Environmental Protection Agency, and Consumer Product Safety Commission – even though Nixon was strongly supported financially by rich corporations that would be negatively impacted financially by that legislation in the short term.

Another problematic economic argument asserts that multinational firms force domestic firms to find any possible means to survive highly strained competition. On the contrary, multinationals have been shown to have, if any, upward effects on domestic firms in a competitive market environment (see, for example, Lei, Long, and Pamlin 2005; Stalley 2010). More importantly, this argument fails to explain why the Chinese firms, being increasingly integrated into a competitive international market, do not care about their reputation. Both survey data and case studies suggest that Chinese firms lack motivation and even awareness vis-à-vis self-regulation. In a survey of Chinese Fortune 500 companies, only 28 per cent of responding firms indicated that customer demand had an influence on their environmental decisions (Lei, Long, and Pamlin 2005). In another telling story, the Institute of Public and Environmental Affairs (IPE), an environmental advocacy organisation, has collected and compiled the

government-sourced pollution data and violation records of Chinese firms throughout China and presented them in user-friendly, interactive, and searchable databases for public access. To be removed from the IPE's "pollution maps," the firm must pass government inspection and accept an independent, third-party audit. Such a "naming and shaming" approach, however, did not seem to deter most of the Chinese polluters. It was said that out of 80 companies that have approached the IPE for advice on how to get off the "pollution maps," 70 were multinationals. The remaining tens of thousands of polluters on the "maps," the vast majority of which were the domestic firms, did not seem to care (Cummings 2009).

Legal

The primary legal argument that purports to explain organisational violence in China is that insufficient regulatory enforcement is the major factor promoting business decisions that risk human harm. This surely hits the nail more squarely on the head than the above economic explanations, as it focuses on an obviously essential factor affecting individuals' immediate proclivities to take physically harmful business decisions: no regulation at all removes the "fear incentive" to avoid business decisions that harm humans. However, as already noted, China does not lack regulatory laws protecting the environment, consumers, and workers, yet it still experiences high rates of violation.

We agree with the claim that weak enforcement fails to produce a strong deterrent effect on profit-based decisions that risk physical harm to the public. However, we contend that even if enforcement were much stronger, the rate of violation would not necessarily decrease significantly, as long as informal social-control mechanisms – the micro-foundation of political and legal control – remain missing. Using fines to deter violators may be compromised significantly, as well, by the "deterrence trap" (Coffee 1981; Green and Bodapati 2000), whereby the offender is unable to pay a fine of even moderate significance, meaning no amount of additional threatened monetary punishment will increase the effectiveness of legal threat. Thus, good enforcement does not necessarily guarantee good compliance if firms lack the moral incentives to self-regulate. As political economists have well explained, absent these moral incentives, enforcement by

the government can be very costly and ineffective, and eventually subject to failure (see, for example, Zhang 2010).

Criminological

Much of the explanation for so-called "white collar crime," including organisational violence, is based on some variant of Robert Merton's (1938) "strain" theory, which posits that the pursuit of financial success dominates in capitalist societies, and such emphasis has corrupted traditional social institutions such as the law, education, finance, the family, religion, and politics. When material success, for example, becomes the dominant cultural goal in a booming economy like China, yet the legitimate means to achieve this goal, such as hard work, education, and access to fair markets, is not uniformly distributed, "strain" is generated to encourage illegal behaviour as a prime strategy used by the disadvantaged to deal with the pressures that are brought to bear on them. Note that strain is not based on absolute deprivation. It is relative to the perceptions of each individual. This explains why businesspeople who are clearly successful by most measures – a Wall Street manager, for instance – still choose to commit business crimes. There is theoretically no endpoint to one's desires for additional financial success.

Based in essence on Merton's strain perspective, two recent criminological theories – those posited by Messner and Rosenfeld's (2000) *Crime and the American Dream* and Robinson and Murphy's (2008) *Greed is Good* – have been influential in explaining various forms of business crimes. Whereas Messner and Rosenfeld explain many kinds of crimes committed by people of all income levels as a result of the pursuit of wealth, Robinson and Murphy view the pursuit of wealth as the explanation for "elite" criminality, and they specifically add the idea of "maximisation," whereby wealthy legitimate individuals employ both legal and illegal means to achieve maximum profit. Clearly, the only motive for purposeful organisational violence in almost all cases, whether committed by those in small organisations with no employees or by those in much larger ones with thousands of employees, is profit. It is much cheaper to neglect safe working conditions, to produce adulterated foods, and to avoid proper disposal of hazardous waste.

However, despite their extreme popularity, we believe that explanations requiring a focus on motive should be rejected because

they merely conflate what are in fact choices of behaviour with alleged causes of behaviour, and are therefore irrelevant to understanding individuals' willingness to commit acts of organisational violence. Based on lucid reasoning, the two most influential criminological theories of the past 70 years flatly discard motive as a relevant cause of criminal behaviour – Edwin Sutherland's "differential association" (1947) and Michael Gottfredson's and Travis Hirschi's (1990) "general theory of crime." Sutherland said it best in the last proposition of his differential association theory:

> While criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values since non-criminal behaviour is an expression of the same needs and values. (Sutherland 1947: 7)

Sutherland made that declaration in direct response to criminological explanations (for example, Merton 1938) that fail to understand that "needs, values, goals, etc. [i.e. motives], in criminal behaviour are not unique, and explanations cannot be made in terms of them" (Sutherland 1973: 39). Put simply, "thieves generally steal in order to secure money, but likewise, honest labourers work in order to secure money" (Sutherland 1947: 7). "People steal [for various reasons] […] and they engage in lawful employment [for the same] reasons" (Sutherland 1973: 39).

Gottfredson and Hirschi summed up Sutherland's position nicely: "crime, like non-crime, satisfies universal human desires" (Gottfredson and Hirschi: 1990: 10). Gottfredson and Hirschi have been equally as direct about the irrelevancy of motive: "[offender motivation] is the fundamental mistake of modern [criminological] theory" (1990: 24); "[criminological] theory requires that crime be understood without reference to motives and benefits" (Hirschi and Gottfredson 2008: 221); "the motive to crime is inherent in or limited to immediate gains provided by the act itself" (Gottfredson and Hirschi 1990: 256); and, from the perspective that motive is nothing more than another term for self-interest, "the existence of any item of behavior is prima facie evidence that its benefits [are thought to] exceed its costs" (Gottfredson and Hirschi 1990: 9). Thus, greed does not address whether one's decision to commit acts that maim, sicken, or kill other human beings through organisational violence is perceived by the offender to be the proper decision, independent of any threatened consequences. Analogous to other crimes of violence, one's

desire for money does not explain whether one's decision to commit armed robbery is understood by that person to be a correct way to attain money, and a desire for sex does not explain whether one's decision to commit rape is believed by the rapist to be allowable. Rather, it is both the degree of one's attachment to the feelings of others and one's belief in the legitimacy of legal rules that are the key elements differentiating the organisational violent offender from the non-violent one, the robber from the non-robber, and the rapist from the non-rapist. Therefore, explanations that focus on greed and maximisation of financial success as causes should be seen to be of little value.

Another general area of criminological theory that has been purported to explain white collar crimes of theft, although not specifically organisational violence, is known as "routine activities theory" (Cohen and Felson 1979). The theory predicts that the intersection of three conditions maximises the probability that crime will occur, and the reduction of any one of them will significantly decrease that probability: motivated offenders, suitable targets (victims or property), and a lack of capable guardianship. It is a macro-level theory of victimisation that ignores any consideration of factors that affect individuals' personal propensities to commit criminal acts and instead focuses on broad changes in victim and offender behaviour, although it is often examined in the context of individual criminal events or series of events. In an attempt to reduce organisational violence, the use of routine activities theory would most easily be applied by increasing "capable guardianship" through maximising regulatory inspections of workplaces, environmental spaces, and consumer-goods manufacturing – in other words, increasing enforcement of regulatory law. Thus, the reduction of organisational violence under routine activities theory would most directly concentrate on minimising opportunities through maximising governmental vigilance and guardianship over unsafe products, pollutants, and working conditions.

However, as in the case of asserting the irrelevancy of motive in the explanation of individual choices to commit criminal acts, both Sutherland and Gottfredson and Hirschi also cogently argue that opportunity to commit crime is of no value in theorising about criminal behaviour. Sutherland encapsulated the irrelevancy of opportunity for both theoretical camps in the following statement: "the [crime] situation operates in many ways, of which perhaps the least important

is the provision of an opportunity for a criminal act" (Sutherland 1947: 5). In its simplest terms, Sutherland states, "it is axiomatic that persons who commit a specific crime must have the opportunity to commit that crime" (1973: 32). Hirschi and Gottfredson assert the same thing: "choice of a long-term costly act (a crime) presupposes the existence of means and conditions that allow it" (Hirschi and Gottfredson 2008: 220). Put yet another way, because all crimes require opportunity, they "cannot account for the general tendency of *particular individuals* to engage in crime, and they are therefore not central to a theory of criminality" (Hirschi and Gottfredson 1987: 959; emphasis added). Sutherland and Gottfredson and Hirschi would equally acknowledge only that "criminal behavior is sometimes limited by a lack of opportunity" (Sutherland 1973: 32).

Note that people are quite capable of finding new ways to commit organisational violence by circumventing existing attempts to thwart it. Both sets of theorists, then, would accept "the conditions necessary for crimes in general as commonly stated in opportunity theory" (Gottfredson and Hirschi 1990: 24; see also 1990: 22–23). However, because opportunity serves only to assist or complicate the completion of criminal behaviour, its only relevance in criminological theorising would be that it may "mask or distort" (Hirschi and Gottfredson 2008: 220) a person's true propensity to commit crime. Other than this, opportunity would have no inherent connection to the explanation of criminality among individuals.

The aforementioned discussion points to the conclusion that any meaningful understanding of the factors that affect people's choices to commit organisational violence must transcend simple arguments such as greed and opportunity. And it must also transcend policy perspectives that merely momentarily suppress the choice to commit organisational violence by threatening deterrents and thwarting opportunity. Policy perspectives that aim to meaningfully reduce Chinese organisational violence – reductions meant to last for generations – must focus on recursively messaging the wrongfulness of those behaviours through formal and informal social-control mechanisms.

An Integrated Explanatory Model for Chinese Organisational Violence

Morality and Organisational Violence

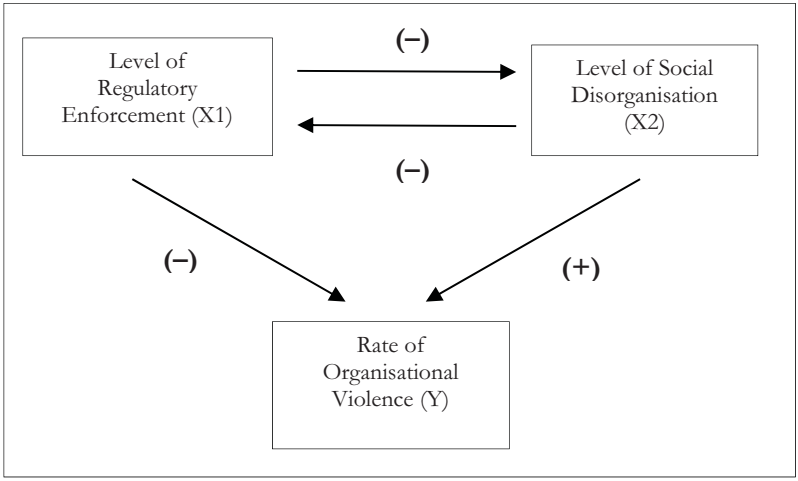
The most obvious influence on an individual's decision to commit organisational violence is whether they believe in the legitimacy of legal rules and their level of attachment to the feelings of other human beings. The latter is particularly important to differentiate our individualist analysis from many others that emphasise structural factors such as opportunity or those that focus on firms as the unit of analysis. From our perspective of morality, a firm manager who decides to dump toxic waste into a river that is critical for the surrounding community or to knowingly sell potentially deadly products must believe that the human suffering that his or her action will very likely be inflicting is less important than the financial or other gain accrued from such acts of violence.

Our task is to identify the factors that promote organisational violence or reduce its rate of commission by the post-Reform generation of Chinese. Following Sutherland (1949), we argue that crime, including organisational violence, is most likely to occur in social systems that are socially disorganised. Social disorganisation is defined as a lack of widespread consensus about conduct norms (Sutherland 1949: 255–256) and manifests under two main conditions: The first is anomie, or a lack of norms altogether, and is most likely to occur when a social system is in transition from one set of norms to another, such as in today's China. The post-Reform legal norms have not yet taken hold, as China rapidly expands its capitalistic economic system. The second type of social disorganisation is "differential social organisation," which refers to a conflict in conduct norms that exist in a social system – whereby pockets of subcultures are organised around sets of anti-legal conduct norms or norms that are different from those accepted by the larger society. Our model suggests that both types of social disorganisation – anomie and differential social organisation – are in operation in today's China.

In Figure 1, we hypothesise two explanatory variables that affect the level of organisational violence and the direction of their relationships: The first explanatory variable is the level of regulatory and other legal enforcement, which is inversely related to the rate of or-

ganisational violence. The second explanatory variable is the level of social disorganisation, which has a positive impact on the rate. We also assert a bidirectional negative relationship between the level of enforcement and the level of social disorganisation. This bidirectional negative relationship creates a mutual interaction between the explanatory variables that can either exacerbate the problem of organisational violence or radically improve it. Thus, each explanatory variable exerts an independent effect on the rate of organisational violence, and both interact with each other in negative relationships.

Figure 1. Explanatory Model of Organisational Violence



Note: (+) Positive Relationship
(–) Negative Relationship

Vertical Structural Impediments to Enforcement

In explaining the importance of the current arrangements of China's political structure in minimising the deterrence of organisational violence, scholars are ready to identify a number of problems in an authoritarian state that contribute to the weak enforcement, such as the lack of judicial independence (Yu 2008; Ghazi-Tehrani et al. 2013; van Rooij 2012; van Rooij, Stern, and Fürst 2015), lack of transparency (Mol 2014), weak capacity (van Rooij 2012; Ghazi-Tehrani et al. 2013), and government–business collusion, or what Etzkowitz and

Leydesdorff (1995) called the "triple helix": a criminal network among industry, government, and academia. In China's specific context, however, we need to go beyond these common authoritarian traits and look deeper into China's political and institutional structures to more fully reveal how they fail to discourage organisational violence.

We identify two factors that are characteristic of China and critical to legal enforcement there: the first is China's over-politicised legal system; the second is its fragmented bureaucratic structure. We argue that these two factors are mutually reinforcing and must be understood together in order to explain the ineffectiveness of legal enforcement and its negative consequences on the normative structure that is critical for social control over industrial behaviour.

At the political level, China's legal system is unique in the sense that it is over-politicised and not separated from the political system. In fact, the highest legal apparatus is not the Supreme People's Court but the Central Political and Legal Committee (政法委, *zhengfawei*) of the Chinese Communist Party (CCP). To prevent legal instruments becoming a "sword out of control" (乱舞的剑, *luanwu de jian*), the *zhengfawei* was created to oversee and coordinate the legal apparatuses including courts, procuratorates, the police, armed police, the Department of Justice, the Department of Security, and other governmental entities, and to ensure that the legal system fulfils the state's – the party's – will. This mechanism is replicated at each level of government – down to the county – wherever courts exist. At the local level, *zhengfawei* chiefs concurrently hold the office of police chief (i.e. head of public security) and other government posts. This allows the *zhengfawei* to directly interfere with ongoing investigations or cases and to enjoy the full power to override the decision made by the court to protect the party's interests.

This mechanism is consequential to China's legal enforcement. On every level of the legal or semi-legal process, the *zhengfawei* can unilaterally put legal matters and the courts aside based on political directives that take place within the party structure only. Without the power to operate independently, the legal system loses the capacity to fulfil its goal and may be vulnerable to corruption and abuse of power. The extent to which the *zhengfawei* abuses power can be best illustrated by the case of Zhou Yongkang, the former Politburo Standing Committee member in charge of the Central Political and Legal

Committee who was indicted for corruption in 2015. Zhou was known for expanding the role of the *zhengfawei* significantly beyond its initial oversight function and for damaging judicial independence under his tenure. Many cases of abuse of power by the *zhengfawei* were exposed after his ousting (*The New York Times* 2014; *The Economist* 2014).

The government under Xi Jinping has taken steps to reduce the executive authority of *zhengfawei* chiefs in favour of better checks and balances in the legal system, and to restore the *zhengfawei*'s policy oversight role, so that it acts less like an executive overlord. However, judicial independence has never been a serious topic discussed by the party. In fact, the discussion of judicial independence has been taboo, listed among Xi Jinping's infamous "seven prohibitions" (七不讲, *qi bu jiang*). While such a discussion was quite vibrant in the 1990s and the first decade of the 2000s, censorship is now the default setting.

This may seem surprising and discouraging, given the high hopes people attached to Xi and his new administration when he entered into power in 2012. But the decision to censor discussions of the topic is less confusing once one understands that an independent judiciary is inherently at odds with the interests and ideology of the CCP, which insists on its supreme role and unchecked power over other institutions. This, as Yu (2008) observes, constitutes a major impediment to judicial independence and adequate autonomy for anti-corruption agencies. And it is crucial to understand the problem of corporate violence in the context of both our discussion and Chinese politics at large. Given the way the CCP currently functions, China's legal system will remain toothless. But the problem goes far beyond the political intervention from the *zhengfawei*, which is only one of many instruments the CCP deploys to maintain its grip on power. For example, the Discipline Inspection Commission (DIC) is another powerful agency that could play an important role in anti-corruption efforts but has instead been more of an impediment to these efforts. What is relevant to our discussion here is that the problem of legal dependency runs much deeper than abuse of power and political interference. It must be understood from the perspective of a dilemma in Chinese politics: that between party loyalty and anti-corruption efforts.

This dilemma can be best described as "dual loyalty." As all officers of anti-corruption agencies are party members, they must show

loyalty to the party. As anti-corruption officers, they must devote themselves to fighting corrupt behaviour by party or government officials. Dilemmas have arisen whenever these officers have decided to discipline or prosecute corrupt officials even though the party told them not to. This dilemma cannot be truly appreciated without understanding the party's guidelines for the control and development of anti-corruption reforms. For example, party principles would require that anti-corruption efforts must

- not negatively impact economic development;
- not challenge the party's autonomous status (that is, the party has the ultimate authority in anti-corruption decisions); and
- protect the authority of the central government (Zhu 2008).

Using the doctrine of democratic centralism, the CCP can easily enforce these principles and subject law-enforcement agencies to the party and lower-level officials to the authority of leading officials. As a result, as observed by Gong, "without exclusive discretionary power and strong political backup, many local DICs are unable to break entrenched local *guanxi* [关系] networks" (Gong 2008: 150).

The problem of legal enforcement, therefore, is not simply about corruption, abuse of power, or legal dependency. It is rooted in the structural design of the Chinese political system, which, due to its very nature of being a regime dominated by a Leninist party (Gong 2008), does not provide much room for effective legal enforcement. Worse yet, as Yu (2008) points out, this structural design has not only

> created opportunities for Party officials to abuse power, it raises the question about the limitation of the Party's leadership in the prevention of official corruption. (Yu 2008)

Put differently, the CCP does not just lack the willingness to undertake serious legal enforcement and anti-corruption measures; in fact, it has no real capacity to do so even if it had that intention.

Horizontal Structural Impediments to Enforcement

Whereas the legal enforcement is impeded by the CCP's political control at the vertical dimension, the fragmented nature of China's bureaucratic institutions produces additional impediments at the horizontal dimension. The literature on fragmented authoritarianism (Lieberthal 1995) suggests that, though the Chinese state appears

powerful in controlling society, it in fact is quite incapable of implanting laws and regulations through various layers of subnational territorial units. Policy distortion is often a norm rather than the exception in the process of implantation. This is because governmental functional units such as the Ministry of Environmental Protection (MEP) or the Ministry of Health are replicated down through each of the lower territorial units. When implementing policies, the local branches at each level are constrained by a host of actors.

Take the Environmental Protection Bureau (EPB), for example. Local EPBs are embedded in local governments and are often subordinate to and dependent on the local governments. The lion's share of local EPB budgets comes from the local government rather than from higher levels of the EPB. In addition, at any level of government, multiple units have competing bureaucratic interests. For example, at the centre, the Ministry of Land and Natural Resources, Ministry of Construction, Ministry of Water Resources, and National Development and Reform Commission, among others, may be involved in environmental issues, and the MEP has never been powerful enough to compete with these agencies, despite the fact that the MEP has gained substantial power in recent years. Local EPBs face the same, if not a worse, situation in competing with local agencies, in addition to the political intervention of the local branch of the party. Furthermore, since a similar situation exists for local courts relative to local governments and party branches, local EPBs often find it difficult to use courts to defend their actions against the firms.

Compared to the environmental protection regime, the regulatory system in other areas is no less complicated. The food industry, for example, is particularly difficult to regulate. It is said that the milk production system was overseen by a patchwork of ten different governmental agencies (Ghazi-Tehrani et al. 2013). As a result of this "diffuse system of multiple bureaucratic agents with overlapping authority and divergent interests" (Stalley 2010: 32), regulatory "blind spots" and "buck-passing" occur simultaneously (Ghazi-Tehrani et al. 2013; van Rooij 2012; Stalley 2010; Jahiel 1998). The result is an "enforcement trap," as Stalley (2010) describes: despite China's centralised creation of a quite impressive legal and regulatory system, enforcement of these standards is highly problematic and in many cases missing altogether.

Thus, the system in which legal enforcement operates is politically biased and, simultaneously, administratively fragmented. In addition to weak capacity to enforce and the lack of willingness to enforce because of perceived financial gains for individuals and locales, most analyses focus on either the political level or the administrative level independently. The above analysis suggests, however, that the problems have a profound political and administrative root, simultaneously and synergistically. Without political biases, a fragmented bureaucracy might nevertheless have had the determination to pursue its anti-corruption goal. With a unified bureaucracy, the political machinery led by the party – for instance, through DICs – could have been much more capable as well. Political bias and bureaucratic fragmentation, therefore, reinforce each other, rendering the regulatory regime selective, incomplete and, as a result, ineffective.

Such a dilemma, quite naturally, provokes governments to resort to a strategy of "hard strike" (严打, *yanda*) – through mass campaigns to deter wrongdoing by punishing individuals harshly. Many have pointed out that this inconsistent application of enforcement, whose timing, targets, and level of punishment are entirely unpredictable and unconstrained, is counterproductive when attempting to deter organisational violence. Such harsh punishments often become ritualised shows of effort and fail to achieve a sustained impact (van Rooij 2012). Instead, high-stakes, high-level corruption may rise during these campaigns as the attention of regulators is elsewhere and, after these campaigns end, the corruption tends to stay at this now-elevated level (Wedeman 2004, 2005).

Social Norms and Compliance

But the effects of inadequate enforcement on the rate of organisational violence go far beyond a lack of immediate deterrence. As Figure 1 suggests, political structure affects individuals' behaviour not only through enforcement (or lack thereof), but also indirectly: by shaping the social environment that would provide informal rules to regulate people through norms and social networks. The social environment is to a large extent a function of the recursive messaging associated with the formal enforcement process. The lack of enforcement, therefore, fails to combat the growth of subcultures that subscribe to alternative moral codes of conduct. That is, the absence of official governmental recursive messaging against the three forms

of organisational violence allows unhealthy levels of immorality to develop and embody the opposite of legal compliance. This differential social organisation is a direct product of the lack of enforcement caused by the biased and fragmented political structure, and is conceptually quite distinct from individual-level deterrence.

This means that the lack of enforcement caused by the structural problem in China's political system inhibits Chinese society from producing normative structures against violent behaviour by those in business. In the long-standing terms of sociology and political economy, informal institutions that are manifested in customs, traditions, codes of conduct (norms and rules), and other areas of informal social control that are parallel to formal institutions (such as laws and regulations) serve to maintain social order, and to sanction and normalise social behaviours (North 1990; Ostrom 1990). Their current absence in China constitutes the first part of the bidirectional negative relationship between the explanatory variables that we assert: the lack of formal punishment based on the biased and fragmented political structure hinders the development of informal social controls against organisational violence, thereby encouraging social disorganisation.

More specifically, a lack of governmental enforcement causes a failure in normative validation. "Normative validation" states that acts are not punished because they are wrong, but instead that they are wrong because they are punished and to the extent that they are punished. Normative validation through consistent enforcement is perhaps the most important sociological concept to create compliant behavioural patterns and facilitate a pro-legal organisational culture, and it therefore deserves the most attention.

Normative validation should not be confused with deterrence, although both are anti-criminal educative effects emanating from punishment pronouncement and implementation. Deterrence aims to prevent misconduct by creating fear of forthcoming sanctions for committing that misconduct. Normative validation, on the other hand, is a moraliser that denounces an act of misconduct through its punishment, thereby teaching people it is wrong. Deterrence and normative validation operate simultaneously based on the extent and consistency of punishment. The success of deterrence and normative validation are directly tied both to sanctioning proportionate to the wrongfulness of the behaviour and to the certainty with which the

sanctions are carried out. Determining the relative effects of each is impossible because they occur at the same time and both result in compliant behaviour. Our inability to disaggregate the two effects is probably immaterial, but normative validation as a moraliser has a far more long-lasting and widespread impact on the reduction of organisational violence than does deterrence.

Foremost, normative validation will have a strong counteracting effect on an individual's agency to self-define organisational violence as acceptable. It cuts across organisations of all sizes, one's organisational rank within them, and geographic location. It offsets escalated commitments to wrongful conduct, reduces misinterpretation of observations about acts of violence, and thwarts both neutralisations of wrongfulness before the contemplated acts of violence and rationalisations after those acts have been perpetrated. Only the enforcement of rules, not their mere promulgation, will permit those rules to become effective moralisers in the organisational setting.

The second half of the bidirectional negative relationship is the inverse causal ordering of the first – societal/informal institutions underpin the function of formal institutions in that social norms determine whether formal institutions (including enforcement levels) can be implemented as expected. Formal institutions created from the top often encounter resistance at the local level of a society, which holds a set of different conduct norms (that is, it is socially disorganised) (Migdal 1988; Migdal, Kohli, and Shue 1994). In other situations, suitable social norms (a lack of social disorganisation) can facilitate the implementation of formal rules, as discussed widely in the literature associated with social capital (Coleman 1988; Putnam 2000; Evans 1997).

Thus, China fails to hold common codes of conduct against organisational violence for three reasons (Cao 2007; Liu, Zhang, and Messner 2001; Liu 2006; Zhang and Zhao 2007): First, the political structure that fails to punish the violence will create a situation in which social norms are absent in constraining, or are too biased and/or too fragmented to respond to violent behaviour. A transitional society is often subject to a situation where a shift in traditions and values creates social turmoil because the old norms have not yet been replaced by new ones (that is, there is "anomie" or normlessness). Further, as O'Donnell (1994) points out, political forces such as the abuse of power often aggravate the situation and may lead to "the

angry atomisation of society," or alienation that cultivates distrust and cynicism among citizens towards public authority and public good such as regulation, compliance, social responsibility, and communitarianism. This not only jeopardises the regulatory regime from the top down, but also produces a sceptical and cynical public that is incapable of controlling itself from the bottom up.

In a 2008 survey of 75 individuals relevant to food safety, including farmers, managers of large food manufacturers, and enforcement agents in Zhejiang Province, participants were asked to rank seven factors based on their importance to food safety. The rating runs from 1 to 4, with 1 being "not very important" and 4 being "very important." The mean for "social culture, morals and values" was 3.8, for "everybody is doing it in the industry" was 3.3, and for "personal ethics and morals" was a mere 2.6 (Cheng 2012). These data are meaningful, suggesting that respondents tended to blame society and took comfort in the fact that "everyone is doing it" in the industry, but did not take much personal responsibility (also see Cao 2007).

A moral anomie is obviously in play here. Indeed, the lack of agreement among the public regarding environmental protection or industrial safety as a public good renders it too early to claim that a Chinese environmental movement is underway (Ho 2007). It is not uncommon for the Chinese public to express outrage over organisational scandals without taking substantial action against them. They instead often easily forget, and sometimes even forgive, firms that have committed unconscionable acts against the public or their employees. The aforementioned Jilin Petrochemical and Harbin Pharmaceutical, as well as the dairy giant Mengniu, all of which were involved in a series of new scandals after 2008 despite diffuse negative media exposure and governmental investigation, continued their practices without consumer outcry or boycott. In other words, the lack of normative structures to prevent or combat violent behaviour undermines and weakens the formal legal social-control functions of the Chinese government.

Second, in a society absent of normative structure, individuals may resort to their own authorities, which may permit or even encourage violent pursuit for profits. Sutherland's (1949) monograph *White Collar Crime* used his theory of differential association to account for business wrongdoing. According to Sutherland, criminal behaviour is learned in meaningful interaction with other deviant

persons. Through this association, they learn not only the specific justifications for and other attitudes favourable to legal violation, but also criminal techniques. Sutherland asserts that criminal behaviour emerges when one is exposed to messages favouring criminal conduct (including failure to demonise it through meaningful, formal legal-enforcement mechanisms) more than to pro-legal messages. As evidence, organisational scandals in China often cluster within particular regions or industries that easily share information or emulate one another. This is particularly noticeable in the dairy industry, where most firms were adding an excessive amount of melamine to baby formula before the Sanlu scandal broke out in 2008. Of course, in addition to learning ways to commit organisational violence from other offenders, persons can simply invent ways to commit it as well as methods to avoid detection, but the more sophisticated the *modus operandi*, the higher the necessity of learning it from other offenders. This is very true in the case of China, where academia, a key player in the triple helix of the criminal network, plays a critical role in assisting the producers to not only invent sophisticated and harmful products but also justify their wrongdoing (Cheng 2012).

Third, the lack of the formal social-control function through punishment in the political structure in combination with the lack of the informal social-control function in society, working together multiplicatively rather than additively, weaken society's ability to defeat profit as a culturally accepted alternative to non-harmful business behaviour. Profits often supersede morality in individuals' calculations and decision making, as a result eroding social bonds. Once the moral links to other people are destabilised and weakened, it is not surprising that individuals commit violence for quick financial gain without much sanction from a society that is fragmented. In the above-mentioned survey of 75 individuals (Cheng 2012), the rating for "violation as necessary in order to survive the highly competitive industry" is 2.8, higher than "personal ethics and morals" (2.6), suggesting that financial goals are taken more seriously than morality.

In sum, the current social environment in China lacks normative validation – the socialisation factor associated with recursively messaging the inappropriateness of organisational violence through the enforcement of actual punishment. This situation creates a public that is incapable of controlling its social members and, consequently, one that fails to sanction a socially disorganised business culture that en-

courages the adoption of alternative codes of conduct based on the corruptive influences of a new capitalist economy supplanting the norms of traditional institutions. This downward spiral of immorality will continue in the absence of much stronger and constant social and legal messages that promote attachment to others individually and communally. This is especially true for the up-and-coming generations.

Conclusion: Organisational Violence and the "Chinese Dream"

In this analysis, we have attempted two things: first, to present a critique of the voluminous existing explanations of Chinese organisational violence in terms of their illogical bases or incompleteness and, second, to reorient the academic focus on organisational violence in Chinese industry back to the basic theoretical models of political economy and criminology about the causes of wrongful behaviours.

In subordinating morality for profit, today's Chinese businesspeople commonly take Merton's "innovation" as their mode of adaptation: using illegitimate means to pursue culturally accepted goals related to financial success. Although this is not unusual in most transitional capitalist societies, the problem, we contend, runs much deeper in China than commonly perceived. Our analysis suggests that the social normative system in today's China has failed to produce a social mechanism that would otherwise induce firm managers to be willing to comply and self-regulate in the areas we have discussed. Absent such a social mechanism, beefing up enforcement proves ineffective or, at best, causes only momentary and very low-rate reductions. On the other hand, we have also argued that social disorganisation in China is, as we have observed it, to a large extent the outcome of its political structure, which is inherently ineffective in enforcing its rules in a manner conducive to a normative structure that demands organisational agents not pursue violent business decisions. Rather, the structural problem in China's political system not only jeopardises the legal system's enforcement capacity but also inhibits society from combating the growth of subcultures that subscribe to alternative moral codes of conduct.

The implications are significant at both policy and theoretical levels. Rather than focusing exclusively on the mechanism of legal

enforcement from the top down, policymakers should pay more attention to the mechanism of compliance from the bottom up. To that end, our analysis suggests that blaming profit motivation – the very nature of capitalism and the market – for firms' criminal behaviour is not only unproductive in understanding the problem but may also distract us from the real effort of reconstructing the social normative system that defines individual managers' preferences and choices and, most importantly, underpins modern capitalism itself.

Given China's sheer size and its internal complexity, as well as the structural problems it is currently facing, addressing the problem of organisational violence is certainly challenging. Similar problems have occurred elsewhere, notably in the United States during the Gilded Age from the late nineteenth century up to the early twentieth century, a period known for its "crime and the American dream," as Messner and Rosenfeld (2000) described. Pursuing their own "Chinese dream," the Chinese people can easily fall prey to the dark side of these pursuits that glorify individual material success at any cost, sometimes disregarding societal harms. As history has shown, once the nightmarish patterns reach a certain level, there is no easy way to reverse the course. In the United States, for instance, it took decades and concerted efforts from both the top and bottom, with the assistance of a major economic crisis and a world war, to end these patterns. China's situation today presents additional difficulties given its fragmented political structure and the lack of formal channels for public involvement, suggesting it will have a much more difficult time building an effective regulatory regime and a society morally opposed to organisational violence.

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