

Penal Welfare or Penal Sovereignty? A Political Sociology of Recent Formalization of Chinese Community Corrections

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Abstract

In this study, we address two observed gaps in existing accounts on Chinese community corrections (hereafter CCC): 1) lack of multilevel understanding of this penal institution's local variations in a highly centralized penal regime; 2) inadequate scrutiny of political logics of, and the authoritarian state's significance in, its recent formal introduction. Those limits may inhibit adequate understandings of state power and punishment in an authoritarian polity like China. To that end, we argue for a multilayered and hybrid conceptualization of CCC as an assemblage of penal welfare and penal sovereignty to understand CCC's formation and function. Fracturing the holistic entity of CCC, our study challenges the approach to viewing it as a system of singular logics and unifying structure, and contrasts three modes of operational practices across localities—bureaucratic, professionalization, and technology-dominant models. Moreover, our analysis of its political functions suggests that in effect penal sovereignty subjugates penal welfare within contemporary Chinese penalty. Far from heralding the full-fledged rise of Chinese penal welfare, this legal formalization represents a space created for the authoritarian state to penetrate political ideologies, and to reclaim, consolidate and exercise sovereign

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power through managerial penal strategies in a rapidly developing and differentiating society.

Keywords

Community corrections, Chinese punishment, Penal welfarism, Penal sovereignty, Politics of punishment

Introduction

A new wave of research on comparative punishment has appeared against the backdrop of changes in the policies, discourses, and practices of the penal system in countries around the world since the 1980s (Garland, 2018; Simon and Sparks, 2012). Scholars have identified a host of explanatory variables and complex working mechanisms that have produced shifts in penalty across jurisdictions in late modern societies, especially the dramatic growth of prison populations and the expanding penal system in the spectrum of social control in the U.S. and the UK (Campbell and Schoenfeld, 2013; Garland, 2001; Gottschalk, 2014; Simon, 2007; Wacquant, 2009). While valuable for providing rich empirical and theoretical insights into penal transformations and variations in select countries, Southern Criminology has cast doubt on the generalizability of arguments on punishment derived heavily from advanced democracies to other countries or regions in the rest of world, which have various political economy arrangements, diverse cultures, and differential levels of social development and organization (Carrington, Hogg and Sozzo, 2016). Even though the comparative penology has begun to document penal transformations in the global south such as Latino and Asian countries, most of them focus on the study of severe sanctions (i.e. imprisonment, capital punishment) and their relationships to changing societies, including democratization (Cheliotis and Xenakis, 2016; Johnson, 2008; Super, 2013). Thus, that stream of research has not yet adequately attended to penal dynamics beyond imprisonment (i.e. non-custodial penalties) in non-western democracies (Robinson and McNeill, 2016).

In this paper we seek to broaden the research scope of punishment and society by offering a case study on recent formalization of Chinese community corrections (hereafter CCC), which is indicated by the specialized enactment of *The Law of Community Corrections of People's Republic of China* (LCCPRC) in 2019. The CCC's formal development and institutional attributes provide critical opportunities for testing penal theories and extending comparative studies of punishment to differing contexts. Despite a proliferation of research on CCC since its inception, we note two significant gaps in existing accounts that our study seeks to address, and in so doing, provide a refined understanding of CCC: 1) lack of multilevel and diverse understanding of this penal institution across local conditions in an even centralized penal regime; 2) inadequate scrutiny of CCC's political rationalities and meanings in an authoritarian state.

Mindful of those limits, while also building on prior studies and theories, we enter the conversation by affording theoretically informed and empirically nuanced accounts on CCC's forms, foundations and functions. Our current study aims to illuminate the ways in which CCC articulates a political sociology of Chinese penalty; one that highlights how the Chinese-specific, authoritarian polity intersects with recent, speedy socioeconomic modernization that has come to shape CCC's growth and operation. By unraveling political implications alongside the state's influence over CCC, our analysis offers more complex insights into constitutive relationships between China's centralized, authoritarian state and Chinese punishment.

We begin by reviewing relevant studies interpreting recent development of CCC. We then elucidate our methodology, including a discussion of the conceptual tool and theoretical framework—the penal field and the penal state—and how they are applied to inform our approach in this study. Afterwards, we note and describe remarkable variations in operational forms of CCC across different Chinese provinces and regions, albeit Chinese penal regime is highly centralized and the central government has monopoly on the power to punish and directs its implementation. We contrast three modes of implementational practices and explain how they vary across local socio-political conditions. Finally, we dissect political logics and the state's rationalities in CCC from the perspective of state-society relations, while also discussing our study's implications for research and policy as conclusions.

Literature review

While CCC has recently come to become formalized in law, it has a long history of being utilized to supervise, control and rehabilitate criminal offenders. The term “community corrections” entered into the domain of official discourse and governmental policy when China's central government started pilot programs in six provinces and cities in 2003. After years of practices across the country, CCC, as an established penal institution, was finally extended to all 31 provinces in 2009. This formal emergence has been largely construed as a result of China's wider ideological shifts in crime control from penal severity and incapacitation towards penal moderation and rehabilitation.

Regarding this penal development in China, a burgeoning body of research has discussed theoretical issues and operational characteristics of CCC. For example, employing a historical approach, Jiang and colleagues (2014) have charted the CCC's developmental trajectory before and after the founding of People's Republic of China, highlighting continuity and change in relationships between penal change and social control in China. Contemporary CCC can be applied to implement five types of sanctions: public surveillance, probation, parole, temporary execution of a sentence outside a confinement facility, and deprivation of political rights. Further, they underscore two features that are distinguishable from community corrections in other countries. On the one hand, CCC has been inherited with the tradition of the “total society strategy” in crime control (Jiang et al., 2014, p. 89; Tang, 2008). That is, community corrections system works as the hub to congregate various social forces and community organizations including local justice agencies, governmental bureaucracies (i.e. the department of civil affairs),

the Women's Federation, volunteers and social workers, China's Communist Youth League, and even business organizations. Despite prevailing social participation in CCC, the local justice office still maintains the lead in directing and managing the implementational process in local communities. Meanwhile, a "total person control approach" is also practiced to fulfill the goal of public order and stability in community corrections, through which an offender's values, ideas and behaviors are all under control by correctional agencies (Ren, 1997).

On the other hand, descending from the earlier "Bangjiao" system (a social control system of neighborhood-based supervision and assistance), CCC has also taken the form of so-called "semiformal control" (Jiang et al., 2015). In the correctional system, community-based organizations, including correctional volunteers and social service workers, play a major role in interacting with offenders during their work routines, albeit not formally prescribed in community corrections processes. Their roles are not fixed or stable, and their presence and operations are highly dependent on official authorization and governmental funding.

In addition to the substantial attention devoted to the institutional development associated with CCC, recent studies have begun to link this particular penal sphere to broader Chinese penalty and socio-legal conditions. Moving beyond CCC as a criminal justice institution and viewing it as a social institution, this body of research has unveiled its possible "latent functions" in a changing Chinese society (Merton, 1957). Specifically, based on his ethnographic study of community corrections in the city of Shanghai, Li (2015) reveals that actuarial justice and the new penology (Feeley and Simon, 1992) have apparently manifested in practices of CCC. In effect, community corrections functions as a managerial tool to categorize and efficiently manage low-risk offenders, as well as a cost-effective alternative to imprisonment (Li, 2014). Similarly, Yuan (2019) also has highlighted the significance of risk control logics in CCC. She draws on the particularly contextual meanings and practices of risk assessment in China and how they are manifested in the implementation of probation and parole. Risk in Chinese context has been framed as a politics-laden concept, usually referring to any groups and behaviors perceived as a threat to dominant political authority and the state's governing objectives. As part of the risk governance strategy in China, extensive use of risk assessment tools in community corrections may help Chinese government to construct a massive net of control over antisocial or risky groups including criminal offenders (Yuan, 2019).

Further, research has identified the discrepancy between rhetorical goals and practical realities of CCC (Li, 2017; Yuan, 2019). Rather than supplying rehabilitative and treatment services to offenders, scholars have argued that CCC's development has subtly expanded the arm of state control and extended the reach of the penal state in the name of educating and assisting offenders (also see Phelps, 2013). This net-widening repercussion has led to a divergence from purported objectives of penal moderation and leniency, discounting the official ideal of penal welfare (Li, 2017).

While those accounts are plausible, and find some grounding in the slight information we have about CCC's history and character, two issues remain under-studied. First, researchers have largely treated CCC as a singular entity that operates in a unified way across China, thus failing to consider remarkable variations in their local implementation structures and strategies, participating groups that constitute the field and their

relationships, and resources and effectiveness. Although LCCPRC specifies CCC's foundational principles and the operational organization, it devolves the implementational responsibility to local communities, thus generating a decentralized and diversified network of administering community sentences (Tubex and Green, 2015). Thus, that approach may obscure vast differences in provincial and municipal levels of practices and processes. We note the necessity to fracture the field of CCC to see potential fragmentation, variegation and deviation across actors and institutions that constitute local processes of CCC (Rubin and Phelps, 2017). Penal diversity within one jurisdiction has been explored in other countries but has received little attention in China (Tubex et al., 2015). Consequently, a multilevel and diverse approach to analyzing this specific penal field (or perhaps penal *fields*) may bolster theoretical arguments on CCC.

Second, while scholars have discussed the noticeable role of the Chinese state in exercising expansive social control, they have not yet directly examined wider political implications of this penal development for Chinese society against the broad modernization process from state authority and state development perspectives. Meanwhile, in Chinese authoritarian polity, CCC's institutional functioning and cultural significance cannot be fully appreciated without specifying the state's role in implementational processes. This political sociology of CCC and interpreting penal change and political order in China, are theoretically promising given that penal transformations are always foundational to state authority, mirror the state's integral role, and constitute state-society relations (Gallo, 2015). Social changes have posed new challenges for the Chinese state and demand a reconfiguration of penal order in this developing country. An investigation of the way the state responds to social changes and its impact on Chinese punishment through the CCC lens is a new avenue for understanding the relationship between the state and penal order (Barker and Miller, 2017; Cheliotis and Sozzo, 2016).

The current study

To offer theoretically based and empirically grounded insights into CCC, we examine its varieties and illuminate political logics of this penal development over the last decade. Theoretically, we draw on concepts of the penal field and the penal state as heuristic tools for guiding our analysis. Drawing inspirations from sociologist Pierre Bourdieu's notion of "field", punishment and society scholars have developed the concept of the "penal field" to explain and understand shifts in penality over recent decades, especially the emergence of new punitiveness and the growth of mass imprisonment in the last quarter of 20th century in Western democracies. The penal field refers to an institutionalized social domain and has utility for explaining how a society produces its penal order and imposes criminal punishment on offenders, including the network of laws, cultural norms, processes, discourses, symbols, representations and institutions that constitute the penal realm in society (for a more in-depth discussion on the meaning and use of this concept see Garland, 2013; Page, 2012). The concept is particularly useful because it not only reveals changes in penal policies, practices, rhetoric, and long-term patterns (e.g. mass incarceration), but also suggests shifts in the organizing principle (e.g. the new penology, Feeley and Simon, 1992; therapeutic jurisprudence, Hannah-Moffat

and Maurutto, 2012), the dynamics of penal power and authority (e.g. privatization of security provision), the structure and composition of the penal field, and the connections between the penal field and other social fields (Garland, 2001). Hence, punishment is a multi-dimensional social construct that is distributed in multiple sites, contingent on various time periods, subjected to a complex set of social forces and processes, and which are “volatile and contradictory” (O’Malley, 1999).

Until recently, comparative explanations of American exceptional penalty compared with other Western advanced democracies or of within-country variations have garnered increasing attention (see Lacey et al., 2021). Scholars have sought to explicate the processes and mechanisms through which social forces are translated to specific penal patterns and outcomes, especially focusing on local political dynamics (Garland, 2013). Given that the state¹ and its institutions are the key actors whose decisions and actions have a powerful influence on penal dynamics, the state’s impact and political processes have been increasingly underscored for explaining varieties of punishment in diverse contexts (Barker, 2009). Despite a modest shift toward the private sector through mobilizing community resources in penalty, control of penal power falls largely in the arms of the state in modern society, especially in an authoritarian polity. We thus seek to examine the position and actions of the state in the Chinese penal field. Our analysis conceptualizes the state as a situated actor, which is implicated in various social relations and social forces (e.g. the internal state agencies, political parties, interest groups, the media, public opinion and cultural tendency, social class and gender).

Methodologically, we employed a mix of first and secondary data to answer our research questions. Our data were collected from fieldwork carried out in three large cities’ community corrections across different provinces of East China over two years. During our participant observation, we conducted intensive interviews with 32 individuals working in and with CCC, including probation and parole officials, correctional social workers, community psychiatrists, and managers of community organizations. Additionally, we complemented our field research by relying on secondary materials including governmental statutes, administrative documents, and news media. We also referred to established accounts on Chinese economic development and social change as fodder for background information. Further, we drew on the extant case study on Beijing community corrections for comparing and explaining CCC’s varieties. Collectively, the multiple sources of data were able to provide empirically rooted, historical and sociological accounts of the growth and operation of laws, practices and meanings that gave rise to CCC’s formalization during the last decade.

In the next two sections, we present our findings on the formation and function of CCC in a changing Chinese society with a focus on the shifting power structure and political logics animating the penal field. These results demonstrate how the authoritarian state interacts with changing communities to reshape (and reinforce) its governance capacity through CCC. Both sections, though not directly related to one another, illustrate the relative myopia of existing interpretations of Chinese penalty, respectively the tendency to overstate its monolithic nature, and the extent to which it has indeed achieved its stated aims.

Development and differentiation of community corrections in a modernizing China

Compared with the formation of community corrections in other countries as outcomes of long-term, extensive social movements and community mobilizations aimed at alleviating poverty, preventing delinquency, providing social welfare and promoting community well-being (Garland, 1985; Simon, 1993; Vanstone, 2004), CCC has been constructed and advanced by the central government using political ideology to build a socialist country through the rule of law, and designed utilizing a top-down implementation plan. In this section, informed by this concept of penalty as a social field, we describe conditions and processes that produced CCC's formal genesis, and at the same time, discern and explain its institutional differentiation across local contexts, as part of Chinese modernization process.

Neoliberal modernization² and reconfiguration of social governance

Rapid economic modernization, immense social disorganization and the state's engagement in social governance. China's pathway to modernization started in 1978 when the government adopted the economic reform and opening-up policy, veering away from a state-planned economy toward a market-based system economy. The socio-cultural ramifications of this transformation have been significant. One such ramification has been the surprising relaxation, and transfer, of the state's previously all-encompassing control in social and economic matters to other actors and organizations. Since the early 1990s, non-state actors and groups have gained increasing autonomy and active engagement in economic activities and social governance. In civil culture, this newly emerged market economy has indirectly cultivated individualistic values, raised people's rights consciousness, and promoted social ethos such as equality, freedom, democracy, and competition (Tang, 2016).

With a far-reaching entrenchment of market-economy reform in Chinese society over decades, China's social organization has been profoundly restructured. It was modified from traditional unitary system of social collectivity planned and managed solely by the state to a social body with contemporary demographic diversification, social differentiation and institutional development (Liu, Zhang, and Messner, 2001). In addition, China's industrialization and urbanization have altered employment relations. Social members who, while planning the economic system, relied predominately on specific organizational units (*Danwei*) are now seeking jobs from, and go to work in, firms and corporations (Bray, 2005). At the same time, Chinese accelerated urbanization has also prompted a new round of population dynamics and demographic transformations, especially in urban settings. An unprecedented, large number of rural residents migrated into cities for better economic opportunities and chances for socially upward mobility, thus destabilizing family processes and setting them adrift from the communities on which they had previously depended (Zhong, Xu, and Piquero, 2017).

Over the past two decades, massive rural-to-urban mobility, rising levels of social and spatial stratification and inequality, declining social control functions and social provisions from traditional community form (*Danwei*), and flagging social trust and strained social relations have collectively led to vast socially disorganized communities across urban

China (Bray, 2005; Liu and Messner, 2001). Those disruptions contributed to increasing crime rates and heightening violent conflicts. Growing fear of crime and increasing perceptions of control deficits among the populace posed challenges of social order and created new demands for public safety and penal policies (Liu and Cui, 2017).

In response to those hazards or risks resulting from social dislocations, Chinese government rethinks its traditional bureaucratic governance strategy, shifting to emphasize social development and community construction (Jiang, 2013). In the process, the government has foregrounded the necessity of community residents' participation, market forces, and non-governmental organizations' resources. Since then, Chinese government has adopted a pluralistic mode of social governance featured by joint development, co-governance and sharing, encouraging and supporting social grass-roots self-governance and market forces when necessary (Messner et al., 2017).³

The government's pursuit of efficient penal governance. The dramatic increase in crime rates and governmental quick reactions through tough punishment had inflated penal population, and the expanding penal system is also become financially burdensome to the government (also see Li, 2014). Data from China's National Bureau of Statistics suggested that, since 2003, the number of people serving sentences at the beginning and the end of the year in China had exceeded 1.5 million, and this number keeps increasing. Meanwhile, beyond the issue of prison overcrowding and poor conditions, the mounting imprisonment cost was also a top concern, and Chinese government began to reform the penal system in the interest of economic objectives. In search of solutions, Chinese political elites decentered imprisonment and searched for its alternatives, and academic advisors advocated for constructing community corrections based on foreign countries' experiences and scientific research evidence. Proponents of community corrections characterized it as offering an innovative alternative to excess penal confinement by introducing creative and practical ways of administering punishment. It was estimated that the average expenditure of imprisoning a criminal offender each year in China is about 10,000 yuan, and in urban jurisdictions, it is as high as 20,000 yuan. If community corrections were to be applied to a large share of offender populations, the government will save 8000–9000 yuan for each offender (i.e. no more than 10%–20% of the imprisonment cost), and the implementation costs could be significantly reduced (Wu, 2004). Thus, for less violent and less risky offenders, by shortening the original sentence or sanctioning them to community corrections, the economic cost of penal management could be dramatically reduced, and prison overcrowding could be effectively alleviated.

In sum, the historical processes of neoliberal modernization, industrialization, and urbanization gave rise to social problems (Liu, Zhang, and Messner, 2001). But they also created social contexts in which the government sought to remedy them. Due to this structural change, enormous social disorganization and diffusion of social risks alongside heightened insecurities among the public has pushed the Chinese government, as the principal actor of political leadership, to respond through policy innovations. The Chinese government has begun to adjust its social governance strategy and has attached importance to civil society and community participation in the process of crime control. Meanwhile, as cost-effectiveness became a concern for penal administration, given the growing fiscal

burden of imprisonment or other forms of penal confinement, community corrections appeared a favorable option for resolving penal dilemmas and a viable recipe for penal innovation (Li, 2016). Thus, state leaders believed that constructing a system of community corrections may become apt for effective social governance and realistic penal reform.

CCC's formal development

CCC's development took place against a broad backdrop of social structural change and the central government's turn to social governance beyond traditional focus on economic development and market reform. Those socio-political transformations conditioned the government's shift in penal governance through a relaxation of the state's monopoly on penal power in favor of the community and a redefinition of core goals and criteria of the penal system. As a newly designed legal institution, CCC has become an apparatus for penal administration with shifting power relations between the state and the community in China. At least as defined by law, the state's penal power transferred to community actors and professional groups, which have gained ostensible ascendance during penal processes.

Yet, despite the structural shift in China's penal field, CCC's formal growth was not the outcome of grassroots community organizations' contestations and professionals' claims for expertise as witnessed in Western jurisdictions (see Garland, 1985). Rather, the quick institutionalization of CCC was largely driven by governmental actions and administrative decisions; therefore, to make sense of CCC's formal development and its effect on the reconfiguration of Chinese penalty, we show how CCC's rise and expansion unfolded among a web of policy experimentations and enactments of law. From the first pilot of community corrections in Shanghai in 2002 to the final promulgation of LCCPRC in 2019,

Table I. Brief chronological overview of CCC's development.

Developmental Stages	Year	Legislative Authority	Milestone Legislations
1. Local experimentations through piloting	2002	The Shanghai Municipal Committee of Politics and Law	<i>Opinions on Carrying out Community Correction Work Pilot</i>
2. Nationwide applications through trials	2003	SPC, SPP, MOPS, MOJ	<i>The National Notice on Carrying out the Pilot Work of Community Corrections</i>
	2009		<i>The Opinions on Trial Implementation of Community Correction in China</i> <i>The Interim Directions for Implementing Community Corrections by Justice Administrative Agencies</i>
3. Legal establishments through specialized legislations	2004	MOJ	<i>Amendment VIII of The Criminal Law of the P.R.C</i>
	2011	The National People's Congress of the P.R.C	<i>the Community Correction Law of the P.R.C</i>
	2019		

CCC has undergone a nearly 20-year development. This process of formalization was accomplished by instituting numerous pieces of legislation and governmental policies (see Table 1). The developmental trajectory can be roughly divided into three critical junctures: local experimentation, nationwide extension, and legal establishment.

Local experimentations through piloting. As the first local site chosen to institute a pilot program, Shanghai was the community corrections pioneer. In August 2002, the Shanghai Municipal Committee of Politics and Law (上海市政法委) issued the *Opinions on Carrying out Community Correction Work Pilot* (《关于开展社区矫正工作试点的意见》), proposing to set up a project in Caoyang Sub-district and Xuhui, Putuo District. Afterwards, District Xietu Sub-district Baoshan Sub-district of Zhabei District started their community correctional pilot work. This policy has been seen as the first systematic pilot project of CCC with groundbreaking significance in Chinese penal history in three ways: first, the document used the term "community corrections" for the first time; second, the CCC's working structure was established, definitely separating the body of community correctional officials from law enforcement officials who were principally involved in community-based supervision of offenders; and finally, the pilot work in Shanghai served as a typical model for popularizing community corrections nationwide, and a reference for other provinces and cities to carry out the pilot work of community corrections in the future.

Nationwide extensive applications through trials. After local experimentations in some typical cities, CCC then developed into a phase of extensive applications across the whole country under the central government's direction. This process of development and spreading was divided into two concrete processes: a national pilot and a nationwide trial. The national pilot took place on July 10, 2003 when the Supreme People's Court (SPC), the Supreme People's Procuratorate (SPP), the Ministry of Public Security (MOPS) and the Ministry of Justice (MOJ) jointly issued *The National Notice on Carrying out the Pilot Work of Community Corrections* (《关于开展社区矫正试点工作的通知》). It marks the beginning of community correction reform nationwide, and a legalization in the documents of the central government with a specification of the scope and core content of community correctional work. This government document prescribes criminal offenders eligible for community corrections to be placed in the community, where local correctional bureaucrats work with professional groups, community organizations, and social service volunteers to correct psychological causes of an individual's criminal behaviors and promote their successful return and reintegration to society. Indeed, it was this official document that clearly defined CCC and then widely used in local justice agencies across China.

With smooth operation of pilot practices in select jurisdictions throughout the nation, the government considered transitioning to a national trial. On September 2, 2009, the SPC, the SPP, the MOPC, and the MOJ issued *Opinions on Nationwide Trial of Implementing Community Corrections in China* (《关于在全国试行社区矫正工作的意见》), and CCC began to be formally implemented on a nation scale. This document

expanded the CCC's core principles and rules, especially the three core tasks: supervision and management; education and rehabilitation; and assistance and poverty relief.

Legal establishments through central government's legislation. A series of legal enactments have institutionalized the community corrections system, ranging from the proof of the departmental rules to the final specialized legislation. This set of legal changes associated with CCC has made it an independent penal institution developing in the direction of formalization and professionalization. We here simply chart significant milestones in the CCC's legal development. In May 2004, the Ministry of Justice issued *The Interim Directions for Implementing Community Corrections by Justice Administrative Agencies* (《司法行政机关社区矫正工作暂行办法》). The administrative document has signaled a CCC's legal confirmation. On the one hand, this enactment signaled a "departmental regulation of the State Council (SC)," an essential document with legal status stipulated by the law on legislation. On the other hand, it further specified provisions for implementing, and laid out legal criteria for properly practicing, community corrections.

Further, on February 25, 2011, the government adopted *Amendment VIII of The Criminal Law of People's Republic of China* (《刑法修正案(八)》), which formally established community penalties in law. This legislation marks the legal authorization of CCC by the criminal law, and making it an inseparable component of Chinese penal system. This formal development culminated in a final specialized legislation on December 28, 2019 when Chinese national legislature passed the LCCPRC. Its outstanding contribution is the ushering in of an era of full professionalization for CCC, and rendering professional expertise and community participation essential and fundamental to correctional practices.

CCC's varieties

Although the Chinese penal system is highly centralized in the authoritarian state, and the central government has the ultimate authority of penal legislation, the specific implementation has been carried out by local communities and organizations, and thus shaped by local social processes and modes of programming. We observe that operational patterns of CCC on the ground vary across local contexts. Here we identify three implementation models and explain that they were derived from their fields' differential associations of social and political forces that are also shaped by their local cultural conditions (see Table 2).⁴ We designate them according to their typical operational characteristics (i.e. organizational structure and working ideology).

Bureaucratic model. Typically practiced in Beijing community corrections, the bureaucratic model is mostly characterized as government-dominant administration, limited community participation, and scarce professional input. With thick bureaucratization, the field of Beijing community corrections has been restrictively directed and monitored by the judicial and correctional agencies of the municipal government. It is, in effect, a form of government-directed penal enforcement given that governmental justice agencies

Table 2. CCC's three implementational models.

Operational Models (Typical Locales)	Correctional Ideals	Degree of Governmental Domination	Degree of Social Participation	Types of Civil Culture
Bureaucratic model (Beijing)	Penal enforcement (law and order)	Heavy	Low	Hutong & Dayuan
Professionalization model (Shanghai)	Service provision (rehabilitation and reintegration)	Light	High (mainly social workers and community organizations)	Haipai
Technology-dominant model (Suzhou, Jiangsu)	Penal control (actuarial justice)	Light	High (mainly firms of science and technology)	IT-led social life

are charged with most of the correctional work and have the most resources to carry out this work. From pre-trial supervision, bail enforcement, probation and parole through treatment service and medical care provision, governmental justice agencies perform almost exclusive leadership, and make little space for community actors to be substantively involved in the process (Xiong and Rong, 2012). Selected by national examinations, correctional staff in Beijing are largely tenured civil servants considered as part of the state's bureaucracy. Overall, the Beijing experience represents the community corrections' subordination to the governmental bureaucratic structure. Additionally, while professional groups are supposed to play the lead in providing community-based correctional services, which is clearly stipulated by the law, the operational process often takes a hierarchical form in which community actors are submissive to governmental officials (also see Xiong and Rong, 2012). In practice, community corrections under this model operates more as an intensive supervision and control mechanism than a welfare provision process.

Professionalization model. In contrast to Beijing model's highly bureaucratic style, the professionalization model⁵ mostly operates in the city of Shanghai. In that model the municipal government signs a contract with professional groups to purchase social welfare services from them. The government publicly recruits and employs staffs from local NGOs and professional groups, and subsidizes the purchase of correctional services. To better provide professional services, the Shanghai correctional agency also established the nation's first, officially specialized department jointly managed by governmental officials and correctional professionals. The *Shanghai Community Correction Office*, works with local community residents and social worker groups that have flourished due to stable governmental funding and social support. This co-option has finally cumulated in a formation of an influential non-profit organization called *Shanghai Xinhang Community Service Station* (SXCSS; 上海新航服务总站). Its mission is to undertake

and operate governmental community corrections programs. The SXCSS successfully recruited 450 social workers through governmental purchase of correctional services, developed a team of more than 5000 volunteers, and reorganized a volunteer management team called *Shanghai Social Assistance and Education Volunteers Association* (Wang, 2008). This newly formed workgroup constitutes the majority of correctional administrators and staffs. As one team manager for parolees explained, their work philosophy in the correctional process is the ideal of individualized treatment and humanitarian rehabilitative services to offenders, ranging from mental health services, education, job training and employment assistance, and drug treatment (Interview 201908). Unfortunately, despite substantial engagement of community actors and professional groups, this professionalization model remains inchoate, and the government resides at the center to coordinate community correctional affairs and maintain a high degree of surveillance in communities (Cao and Miao, 2017; Li, 2017).

Technology-dominated model. The third model is one in which science and technology play a considerable role in the implementation of community corrections, and typically operates in Jiangsu Province. It reveals the prominence of extensive professional participation and wide use of scientific knowledge. In the process, correctional workers apply a range of technical tools and professionalized programs to supervise and assist offenders in the community. For example, Suzhou City, a city in Jiangsu Province, pioneered the use of sophisticated technologies to implement community corrections. Correctional staff have developed a specialized computer system for managing offenders by using mobile phone positioning technology. Since 2006, this city also established a management and control system for probationers and parolees. Mundane administrative processes and practices have been integrated with, and assisted by, wireless communication network technology and geographic information systems, signaling the digitalization of supervision measures for prisoners in the daily management. This science-dominated model has performed four roles for community corrections: spatial supervision, information circulation, early warning notification, and evaluation management (Zhang, 2010). In addition, this model is often a combined form of governmental agencies, corporations and social welfare organizations that work together to implement community corrections. With close cooperation, these groups take the initiative and provide offenders with educational learning, housing services, community work, vocational training, employment, and other specialized assistance.

Why multiple models?

We attribute those observed variations in operational models to ways in which the state and social forces come to dominantly shape the field. In light of governmental impact in the field, Beijing represents the most typical case, while in Shanghai and Suzhou (Jiangsu) models, the government's impact has been modest. As the political center of China, community corrections in Beijing has been heavily influenced by a political climate of control and stability and a governing ideology of "law and order", thus absorbing the element of law enforcement rather than social welfare services as its crucial

constitutive part. As such, it has become a domain seriously subjected to governmental regulation and official management. Justice agencies mainly undertake the tasks of community corrections and run correctional programs, while professional participation and expert input are considerably constrained or marginalized.

By contrast, as the largest and most developed city in China, as well as the international center of China's commercial exchanges with foreign countries, Shanghai's urban administration has been deeply influenced by Western values and market logics. Shanghai policymakers have always been open-minded and maintained both an international vision and readiness to learn advanced methods from foreign systems of community corrections. Since its initial set-up in 2003, Shanghai community corrections has followed the ideal of "government-led promotion, independent operation of associations and participation of all social parties" (Interview 201806). Therefore, governmental purchase of correctional services and professional participation are infused into, and embedded within, the Shanghai model. In the construction, development, and improvement of the whole model, the concept of equality, dignity, acceptance, and integrity of social work, as well as attention to the rehabilitation and prevention functions of social workers' services through treatment and care, are also partially adopted and applied to specific practices of Shanghai community corrections.⁶

For Suzhou municipal administration, artificial intelligence (AI) management has become increasingly dominant approach. The government enthusiastically pursued and promoted the idea of AI management to correctional settings, pioneering in erecting a system of AI-led corrections. As one correctional administrator in Suzhou said, "we seek to let the whole community corrections process under the control of AI and other forms of science and technology, and we also want our model to become the national avant-garde" (Interview 201911). Suzhou policymakers firmly believe that AI helps correctional officers accurately record, track and position offenders' quotidian activities, and meanwhile, effectively diagnose their problems and know needs. They are also willing to apportion a large amount of budget to construct this system.

In addition to different political values and commitments under which the government administers community corrections, we also find that local civic culture and group relations matter. Different urban culture and local traditions in civil society may generate the observed diversity in community corrections practices, and shape willingness, capacity and forms of citizens' participation in social control and penal governance (Hu and Chan, 2012). Specifically, Beijing has long been the China's political center with a rich history of Chinese traditional cultures, and its urban management has been heavily affected by the traditional Confucian jurisprudence and authoritative bureaucratic rule. Meanwhile, with the infusion of market economy reforms and recent modernization into society, Beijing's civic culture has evolved as an aggregate of entrenched *Hutong traditions*⁷ (胡同文化), *Dayuan traditions*⁸ (大院文化) and emergent market-oriented values. Indeed, given that they perceive themselves as established benefactors of this power arrangement in Beijing, Hutong and Dayuan cultures foster residents' obsession with authority, sense of classification, and fear of change. However, the introduction of market economy seeks to emphasize individualistic ideas and promote dynamic interactions and changes. Accordingly, with a confluence of these three competing (even conflicting) cultures in

Beijing, urban management usually confronts acute contestations over governance approaches and hampers consensus among residents. This kind of civic culture, infused with divergent traditions and values dispersed among diverse groups, may seriously curb the development and influence of professional correctional practitioners.

Nonetheless, despite its long history of serving as China's center of international commerce and foreign exchanges, Shanghai's civil culture has remained continuous, homogeneous and integrative, crystallizing a form of so-called *Haipai culture*⁹ (海派文化) by conserving local commercial traditions, while absorbing foreign cultures (mainly European). As such, cultural divisions are less intense and Shanghai citizens have been able to foster a system of local values of freedom and equity, cultivate a shared understanding of urban development, and develop strong, mutual trust among residents. Among the public, under this cultural climate, community corrections through professional services have been commonly accepted, and local community actors and agencies are willing to invest in its development.

Finally, over the decade Jiangsu Province has witnessed the unprecedented advancement of network technology in China. As the principal city, with a concentration of high-tech corporations, Suzhou has developed a nation-led mode of social interactions featured with technology-wide lifestyles. In 2013, the network prevalence index¹⁰ of Jiangsu Province was 0.6809, ranking third, and in 2014, it reached top one in China. With widespread convergence, and a high penetration into citizens' life in almost all aspects, Jiangsu's Internet technology, especially the developed AI systems, has been fully applied to e-commerce, online education, online travel, online video, online taxis, other business areas, and government affairs.

Shadowing penal welfare under penal sovereignty

Having discussed the different shapes that the CCC takes across localities, we now turn to discuss its political functions. The CCC's formal legislation has often been interpreted as a result (or at least an exemplification) of the Chinese state efforts to modernize penal apparatuses and moderate previously harsh crime policies by shifting to an emphasis on delivering welfare services to offenders and facilitating their social reintegration (Li, 2017). The law also explicitly requires and enables the involvement of professional experts and community groups in reforming and reintegrating offenders in the community, albeit their working ideals and practical goals may vary by localities. That way, various workgroups of service providers across a range of community-based professionals and organizations have combined to perform community corrections. They flexibly tailor services to local conditions and hand out individualized treatment to offenders. This emergent assemblage of community actors in collaborative partnerships with governmental agencies seems to suggest the formation of a penal-welfare structure in China, or at least in accordance with a central tenet of penal modernism: criminal justice should be delegated to professional groups capable of employing scientific knowledge and deploying rehabilitative measures to exercise crime control (Garland, 1985). This so-called penal modernism (or penal welfare) has been formally promulgated in LCCPRC.

In the following, we critically examine this official claim by dissecting political functions of, as well as the state's impact in, the CCC field. We argue that the notion of penal modernism only touches on the surface, and may obscure hidden functions of community punishment in Chinese society, wherein the state resorts to the penal sphere to assert and strengthen its governance legitimacy. Our analysis shows that professional groups in CCC are also directed to extend and popularize legal knowledge to offenders; communicate political ideas to them; align their thoughts with state governance ideologies; and, above all, prevent their misconduct to ensure community safety and social order as part of the state's plan to construct a harmonious, socialist society. Indeed, the extra-correctional functions, embedded within community actors' CCC practices, are tied intimately to the state's recent commitment to strengthen state governance capacity¹¹. Those CCC's state capacity-building functions were evident in a series of government documents recently enacted by the China Communist Party who perceived a governance crisis due to a dramatic escalation of socioeconomic insecurities and increasingly limited state capacity.¹²

In doing so, CCC (as an emergent penal form) should be understood as more than a legal institution for providing correctional services. It is also an organization that upholds sovereign state power as integral to modern state development. We thus develop a concept of "penal sovereignty" as a more adequate approach to CCC's political and operational significance. In modern political theory, sovereignty refers to the supreme authority within a territory, and it is often assigned to a person (e.g. the monarch) or an institution (e.g. the Constitutional State) that has the ultimate authority over other people in order to establish a body of rules or a governing system. We conceptualize penal sovereignty as a set of punishment-related implementational practices through which the state maintains the supreme authority over certain places and people against other social entities. The state's exercising of penal sovereignty can ensure the central position of the state in governing society, grant the state the ultimate power when conflicts arise, and render the state capable of steering or allying other actors and groups to fit with its governing goals and ideological orientations in the penal field.

Below we elaborate on how the CCC's implementation has reified penal sovereignty, discussing how the Chinese state can construct and exert sovereign power in civil society with its dedication to "reform and rehabilitate" offenders in communities and its collaboration with community actors. Together with a broad view of practices of other penal and social governance in China, our analysis reveals that, in effect, China's state sovereign power operates to subjugate alleged penal welfare in the CCC's development, and ultimately, to embed state authoritative control into developing civil society to integral of modern state development and ideological realignment. This sovereignty-building logic of penal power operating across contemporary Chinese communities has reshaped CCC's nature in both practical and symbolic dimensions.

Porous permeation of authoritarianism into communities

One remarkable feature of the CCC's formalization in an authoritarian state is the legal authorization of community actors and organizations to administer penal institutions,

historically a domain of exclusive state control. This proclaimed sharing (or devolution of responsibility) process indicates that the Chinese authoritarian state has altered its traditionally encompassing dominance over society and, at least formally, began delegating a small portion of power to community actors, and promoting interagency partnership, in administering public affairs. This is achieved by cultivating a sense of engagement and community responsibility (rather than total state responsibility), and thus enlisting community actors and institutions as active partners in the provision of correctional services. A professional social worker in Shanghai expressed excitement and an increased sense of ownership about engagement in CCC:

We feel quite honored to work in the CCC field. We feel increased value of our professional skills because we could apply what we have learned at school to help offenders better return to their community through maximizing personal development and providing care. This creates a space for us to deploy our professional expertise where the state may perceptively become less “involved.” We thus see offenders as our clients, not the subjects under the state supervision. (Interview 201907)

While there appears to be a declining engagement, compared with past forms of penal confinement and supervision, the authoritarian state has not vanished and still holds sway in practice. Placing community actors at the forefront of community correctional processes, the state indirectly engages and interjects authority by monitoring social activities and exercising social control. At its core, CCC is a disciplinary system commanded by the Chinese authoritarian state. Rather than providing rehabilitative services to offenders, this penal site represents a regulatory system in and of itself—a decentralized chain of disciplinary relationships running from policymakers and official directives down to program administrators, professional workers, and ultimately, down to supervised offenders. At each point in this implementational process, practices and outcomes are monitored and directed by the state, and managerial techniques are used by the state to discipline actors outside of the government. Using a watchful eye, the state can constantly inspect what is happening in communities and know whether they deviate from its purported governance goals. CCC, in appearance, makes the state less directly visible and foreshadows its actually ubiquitous authority. Due to the omnipresence of state interferences, professional groups continue to experience frustration and alienation in their work (Interview 201803).

First and foremost, admission to the community corrections field must be monitored by the state which has the authority to check who are eligible professionals to provide correctional services (Interviews 201902–05). Second, in their routine work with offenders, those professionals (especially social workers in the field) have experienced heavy influences on their performance from the authoritarian state. To maintain positive relationships with the state, and for long-term survival in the field, they design and implement programs that comply with the state’s rules and requirements (Interviews 201912–14). Even some professional groups may depend on governmental funding and official resources to implement their programs. Finally, the state plays a major role in evaluating the effectiveness of their service provisions and deciding their legitimacy in the field.

Taken together, although the formalization has straightforwardly authorized community actors to perform at the frontline of community corrections, the Chinese state in effect has submerged the “community” dimension of this correctional process by subjecting almost all aspects of correctional practices to authoritarian regulation. There are some comments on this net-widening or state control expanding effect of CCC (also see Phelps, 2013). Nevertheless, we argue that, in an authoritarian polity, this formalization does not mean a so-called expansion or extension because there is no such clear-cut line or contractual relationship between the state and civil society as set out in liberal democracy. Rather, it actually represents a disguising form of previous presentation, camouflaging the impactful operation of state power in society.

Pragmatic concession by the authoritarian state to community actors on conflicting demands

According to provisions in LCCPRC, CCC’s professionalization came into being when making decisions and performing services in community corrections that involve professional judgements and expert authority. This formally leads to a restructuring of prevailing knowledge in the Chinese penal field that has moved gradually from the dominance of state’s interests, understandings, and values to the salience of professional diagnosis and services. As community corrections has become a widely applied and staple punishment, penal governance’s effectiveness is a major concern for both state actors and community groups to garner and sustain legitimacy in the penal field. According to penal welfare philosophy, effective implementation of correctional programs entails a solid professional foundation that professional experts can predominantly employ their scientific knowledge to treat and rehabilitate offenders. However, the deployment of professional knowledge sometimes causes friction with the state’s demands in the implementational process, even when rooted in the state’s genuine pursuit of offender’s welfare. A correctional social worker noted her conflicting demands with the state’s understanding of the pathology of offenders’ behavior:

I can honestly tell that those offenders committed crimes because of their weak social ties and disadvantages faced in the new city, and they can be better integrated back to society through employment services and sometimes behavioral treatment, our main mission to work here. We tried to design individualized programs for them to quickly return to the community. But correctional officials think they (offenders) are incorrigible and constantly mention intensive supervision is appropriate for certainty and minimal risk. (Interview 201913)

Despite the supreme state authority, the state’s values may occasionally give way to expertise authority and state entrusted community professionals to solve problems beyond the states’ resolution capabilities. The state utilizes its power to strategically reconcile the ideals and goals of community corrections efficacy and professional knowledge with state authority and interests. We refer to those occasions as “pragmatic

concession for instrumental effectiveness” in the Chinese penal field. The state may concede to other community actors when they perceive their limitations in fulfilling the policy goal and believe professional knowledge and social welfare workers’ interventions can be deployed or relied on to facilitate successful diversion or desistance. Without weakening state authority and undermining state legitimacy, this conditional concession has practically served the state’s actuarial modes and cost-effective purposes. For instance, three experienced community-based social workers in our focus group talked about their uneasy negotiations with legal officials in terms of their programming practices, stating:

Our community correctional programs have to be reviewed by justice bureaucrats. They often feel our treatment programs cost too much money and last too long. They only approve our programs and allow us to carry them on when we are able to show the robust evidence on those programs’ success. They want what works, and constantly instruct us that community correctional programs have to do good to the state and the people. (Interview 201809)

Those professionals further explained: “We know our programs should help the state rather than make trouble to them [*government officials*]! When our practices are perceived helpful and useful, we could continue.” They underscored the need of the state actors to occasionally depend on their professional contributions to improve correctional efficacy and strengthen state capacity to control crime, and the state uses professional knowledge as a supplement to its insufficiency or to cope with threats to its legitimacy. This pragmatic concession for enhancing correctional success is illustrated by the following quote:

Correctional officials come to realize they may be limited in rehabilitating offenders especially when they heard parolees re-offend and community residents feel panic or fearful. For them, correcting criminal behaviors is a quite professional job. They really need us to help solve their problems and promote policy success whenever needed. Now our governance policy goal is to increase democratic responsiveness and maintain social harmony, and correctional officials told us our input is crucial in this aspect. (Interview 201809)

Persistent symbolic alignment of penal welfare with state governance goals

The communicative function and symbolic power of punishment has long been recognized by punishment scholars who highlight cultural and political meanings attached to penal institutions and embedded within penal practices (Duff, 2001). Our current analysis finds that CCC functions as a platform for dialogue between the state and the community where professional groups usually assume the role of conveying political ideologies and governance goals to community actors (including offenders they deal with).

Administrators of community corrections interviewed at both Shanghai and Beijing often stress the political significance of CCC's construction to professional social workers when either directly recruiting or purchasing their services to practice community corrections. They imply that the state draws on this penal process to represent itself to the public as a community-responsive state (Interviews 201908, 201910). For those involved in CCC affairs, they need to understand that the CCC's formalization works to inform the public by expressing the state's determination to construct a socially friendly state and promote social participation. Through creating partnerships with community actors and groups, the state has practiced its promised democratic values and socialist ideals by carrying out penal affairs *in* the community, plus empowering and building direct, closer ties with community members. As several correctional administrators note, this newly formed network is aligned with the state's people-centered social governance strategy and political ideology — "We are always with you and we work to solve your problems" or to promote alleged "people's welfare" (Interviews 201903, 201911).

Many CCC practitioners report they are often tasked with popularizing laws to offenders and other community residents during the service provision process. They understand that it is an important political project for the Chinese Communist Party to construct a society based on the rule of law, so imparting legal knowledge to local citizens, especially those who have already broken laws, should be part of their routine practices. Given the large proportion of their work in the legal popularization, a few practitioners suggest, "We seem to work as legal professors, not experts for delivering correctional services," (Interviews 201811, 201810). They think this part of their practice serves to spread the state's rule of law ideology to the public.

Moreover, with a governance goal of constructing a harmonious socialist society, CCC practitioners gradually learn to make efforts to reduce the risk of offenders' re-offending and maintain a safe and orderly community. Consequently, supervision and monitoring increasingly become their priorities in their agenda (Interviews 201807, 201811).

Given the guaranteed alignment of CCC practices with state governance ideologies and goals, the ideal of "people's welfare" emphasized in law has more symbolic significance than practical effects. The promulgation of penal welfare helps the state communicate its commitment to social governance through the rule of law in the public eye, but the state has rarely put this ideal into practice. Offenders' welfare and their needs are far from being satisfied, given the serious undersupply of both funding and staff in community corrections as well as the shortage of service provisions and practical experience. One professional social worker, who has two years of experience practicing CCC suggested, "It does not mean the realization of offenders' welfare only when the law places us [professional groups] here in the community. We do need more support, not only funding but also freedom to action" (Interview 201906). Indeed, without an adequate provision of treatment or services, penal administrators used CCC only to relieve prison overcrowding not to reform offenders. This social worker also suggested the inadequacy of services may reduce CCC to an emergent form of *imprisonment without visible walls*, instead of a penal welfare institution.

The full-fledged development of penal welfare may entail a robust welfare state to support and sustain the rehabilitative and treatment services in the correctional process.¹³ Despite the ideal and the determination publicized in LCCPRC by the state, the under-development of a well-functioning welfare state in China, as the underpinning of penal welfare, may merely render it rhetorical rather than reality. As such, we argue, to truly effectuate the ideal of penal welfare much depends on social development, political actions, and administrative investment more than mere legislative reforms.

Summary and conclusion

Punishing offenders and serving sentence terms in the community has a long penal history in China, but formalizing this particular penal institution through specialized legislation is a recent phenomenon. CCC's legal enactment has definitely changed the attributes and parameters of Chinese penalty, but the nature of shifting power structures between the state and communities, as well as political logics underlying CCC's operation, has been less studied. This current study attempts to address two gaps identified in literature review: regarding CCC as a singular social entity without seeing its diversification in practice; and regarding it as a penal institution without seeing its political logics and social functions. The prior two sections, as findings of our study, collectively show the form and function of CCC in a rapidly modernizing Chinese society. Our analysis demonstrates that CCC cannot simply be understood as a universal form of penal implementation, but also a newly emerging space where the boundary between the state and society is being re-shaped and the state acquires opportunities to restructure its sovereign power.

CCC's recent formalization represents the authoritarian state's efforts to adjust itself to rapidly shifting socioeconomic conditions and a risk society, to surrender its penal monopoly to community actors, and to build a co-governance of penalty, and above all, for enhancing the state's legitimacy. Aligned with the ruling Communist Party's governance ideology—"putting people first and placing people at the state's heart," Chinese government has considered and incorporated the ideal of people's welfare into penal reform. This institutionalization of service delivery for offenders in communities is considered a response to diverse political demands, including the quest of penal leniency in crime policy and the pursuit of the rule of law as well as public participation in penal governance. This welfare-oriented tone is at least explicitly manifested in how the LCCPRC officially states the CCC's vision of promoting successful community reintegration through education, treatment, and active participation in rehabilitative programs.

Yet a closer examination of CCC in practice may disentangle the official rhetoric on the surface from the underlying form and function as a socio-political institution. In the current study, by challenging the traditional approach to CCC as a top-down, unified governmental system, we have found the CCC's fractured form and local variances, revealing three various operational modes, and explaining variations based on differential associations of political and social forces in the field. This finding complicates existing accounts of CCC and differentiates the transformative process of central government's law and policy into local practices. It also confirms the importance of attending to the central-local

discrepancies in implementational practices even in an authoritarian and highly centralized polity.

Furthermore, we have uncovered a distinctive pattern within the state-society relationship in CCC - that is, a peculiar, layered arrangement with penal welfare at the upper hand of the state to socialize and collaborate with community actors, alongside penal sovereignty with authoritarian state power at the foundational side of the penal field. It contributes to a reconfiguration of penal authority from traditional and exclusive state ownership to a network of governance shared by both the state and society. The joint development and bilateral structure operate to uphold the state's two respective functions: manifestly, the penal welfare serves as a form of communication that signals the Communist Party's democratic ideologies and the state's goals of building a harmonious Socialist society and modernizing its social governance capacity; and latently, penal sovereignty works to sustain the ultimate authority of the authoritarian state in Chinese penalty. Taken together, a multilayered and hybrid assemblage of penal welfare plus penal sovereignty perhaps better depicts the real landscape of CCC at work and the state's role in the implementational process.

The recent CCC's formalization has taken place in broader changes of Chinese political economy, and illustrates a subsequent reconfiguration of social and penal governance with adaptive reforms. The establishment of a market-based economy in the late 1970s has unintended consequences of devolving the authoritarian state's power in economic governance, granting social actors and groups more autonomy in market economy, rather than relying exclusively on state planning, to produce economic development. Meanwhile, the growing social conflicts and destabilization due to this neoliberal economy reform, albeit having reaped enormous GDP growth, has pressed the state to pivot on social solidarity and social justice. The state's recent strategies and ideals of social governance have indicated its perceptions of state power's limits in effectively exercising social control and its pragmatic commitment to transferring social authority to, and collaborating with, community actors and social service organizations. Despite current efforts to construct a seemingly community-centered model of penal governance through CCC, our observation shows that professional performance of correctional services and community values have constantly been sacrificed to state interests and ideological goals, which further attests to the authoritarian gene of Chinese polity and the political culture of the state above the society.

The experience of constructing a formal system of CCC again suggests that the form and function of punishment has always been politically calibrated and ideologically shaped, and a nuanced understanding of penal changes cannot be divorced from inspecting the state's changing roles in the community and its relationships to society. Our analysis has revealed both the embodiment and the embeddedness of the authoritarian state's sovereign power in CCC. Inserting the state's hands into the penal field that is often predominantly handled by professional groups and community actors, the Chinese authoritarian state has succeeded in reasserting its authority domain in a new territory (the developing communities during China's transition to modern society) and on a new population (criminal offenders or offenders perceived risky). This power re-construction has overshadowed the declared goal of penal welfare in the law. As part of a modern state formation process, building a formalized community corrections signifies a new site for

reclaiming state authority in the emergent and contestable civil society. The new Chinese penal institution functions more than merely reclaiming and imposing authoritative control over a specific group of people, but indirectly and subtly - and as we have disclosed in this paper, to consolidate sovereignty and maintain legitimacy during the quick social modernization.

Our study has implications for CCC's future governance. We have noted that it is this functioning of penal sovereignty that may hinder the full realization CCC's welfare-oriented goals in practice. Despite a sort of professional participation and community members' commitment, the CCC's efficacy in achieving penal welfare will be undermined when the state's interests and values take priority over offenders' needs and experience, and professional groups have felt removed or marginalized from what they perceived as their knowledge domain. The professional groups and offenders who should have been central in community corrections may likely increase their disenchantment with the officially claimed penal welfare. To reverse the relationship that penal welfare stands above penal sovereignty, a more balanced reconfiguration of the authority structure between the state and the society is needed, where offenders' needs are respected and professional experts and service programs are supported by the state.

Finally, in this study we turn to the constitutive relationship between the authoritarian state and punishment in a rapidly developing country.¹⁴ This deep-seated constitution may fairly limit the capacity of China's penal system to effectively deliver penal welfare to offenders and solve crime problems. More research, especially comparative-historical studies, is needed to examine the nature of state power (operating together other forms of power) in diverse systems of punishment across multiple contexts.

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Notes

1. We follow Max Weber's definition of the state (1919) meaning "a human community that (successfully) claims the *monopoly of the legitimate use of physical force within a given territory*" and a sociopolitical organization being "composed of *institutions*, the *policies* they carry out, the *conditions and rules* which support and justify them, and the *social relations* in which they are embedded."
2. Neoliberal is used to describe the shift in political economic arrangement that roughly started in Western as well as Chinese societies since the 1970s; however, the so-called "neoliberal"

change may be a turn to “late-modern era” for Western societies but to “economically modern era” for Chinese society. Beginning from the late 1970s, Chinese market-based economy reform and its social ramifications have been quite neoliberal in that the state regulation over the economy become much relaxed, social protective measures by the government shrank, and urban underclass (especially the left behind children) were in an escalating risk of crime and punishment (see Li, 2016).

3. For this shift in the state model of social governance, please see the government document, *Outline of the 13th Five-Year Plan for the National Economic and Social Development of the People's Republic of China* (2016). This official report was enacted by the central government to convey its governing ideologies and ideas, specifying the focus and strategies to promote sustainable political, economic and social governance.
4. We do not claim to exhaust all models on contemporary CCC in this study, but identify three most typical ones based on established observations. More empirical research is needed to test and extend this typology.
5. This implementational model emphasizes professionalism in correctional practices. Practitioners in the field are professionally trained, and correctional practices are evidence-based. As such, social workers (usually with professional licenses) take the lead in providing community-based correctional services. Under this model, the professional expertise and skills are deployed, treatment programs are individualized to enhance offenders' rehabilitation, and offenders' needs and risks are subject to professional assessment and monitoring.
6. In January 2021, the municipal Bureau of Justice in Shanghai enacted *The Guideline on Drug Treatment for Social Workers in Community Corrections*. This was China's first official, local document that emphasizes and specifies the deployment of trained social workers' professional skills and expertise to provide rehabilitative services during community corrections.
7. Hutong culture has formed in Beijing after a long history of accumulation and conservation but also adaptative to new social developments. It values harmonious social relations and emphasizes high tolerance about disorder and misbehaviors in the community. It also captures the conservative ethos and fear of new or strange things and people.
8. After the founding of the People's Republic of China, Siheyuan (quadrangles with cadres) has become the principal form of community in which Beijing citizens dwell. Dispersed across the city, Siheyuan provides almost all resources, services and networks on which residents depended for communal and social life. In a long-term perspective, Dayuan culture cultivates a sense of closedness among residents towards fresh things outside the neighborhood.
9. Haipai culture is one of the most modern cultural forms in the pedigree of Chinese regional culture. It has four main features: keeping pace with currencies, seeking innovations, being pluralistic and inclusive, being aware of business and public interests. The historical reasons for these characteristics are mainly due to the particular historical conditions of Shanghai as a commercial metropolis, an immigrant city, and a concession society (Sun, 2010).
10. This index indicates 68.09% residents in the jurisdiction have access to, and be able to, utilize IT technologies to address issues in their daily lives. Chinese government is constructing and developing a society of IT for bringing more convenient and easier lifestyles to people. This index is frequently used to show the developmental level of IT in the city.
11. For the state capacity-enhancing function of punishment, also see Ramsay (2012) in his analysis of UK case. Two countries share some common features or similar parallels underlying insecurity states and their impact on shaping punishment. However, it should be noted that the logics are essentially different in China and UK. given that the dynamics are associated to the UK transitioning from modernity to late modernity and China from traditional to modern society.

12. The most significant document among those expressing the state's commitment to strengthen state governance capacity was the *Decision of the Central Committee of the Communist Party of China on Major Issues Concerning Upholding and Improving Socialism with Chinese Characteristics and Modernizing the State Governance System and Capacity* (2019). In this document, the government emphasizes the promotion of community well-being, including the smooth operation of community corrections processes.
13. For the formation of penal-welfare complex in modern penalty, see Garland (1985). In his historical analysis, Garland contends the rise of the welfare state prompted the development of a penal welfare system that were underpinned by three conditions: a sociologically criminological (empirical scientific) discourse of offenders and criminal behaviors; the responsibility of the state to positively attempt to "produce reform and normalization"; and the role of state as "a benefactor, an assistant expert" intervening to relieve conditions contributive to their criminality. We argue that those conditions and relations have been far away mature in China given the weak role of criminological scholarship, but the strong part of the authoritarian state's ideologies and values, in affecting penal discourses and shaping penal practices.
14. This paper should not be understood as denying the other identified social functions of Chinese community corrections including risk control and managerial justice. Rather, it seeks to complement their accounts by explicating its underlying political form and function in Chinese context.

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