



January 2018

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Ziwei Qi

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EXAMINING RURAL TO URBAN MIGRATION, CRIME AND THE  
CHARACTERISTICS OF RURAL MIGRANTS OFFENDERS—

An Exploratory Study on The Relationship Between Rural Migration and  
Criminal Offenses Utilizing the Online Judicial Dataset in Guangdong Province.

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A Dissertation

Submitted to the Graduate Faculty

of the

University of North Dakota

in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

Grand Forks, North Dakota

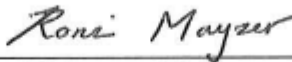
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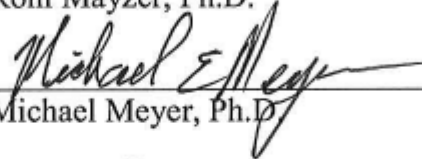
This dissertation, submitted by Ziwei Qi in partial fulfillment of the requirements for the Degree of Doctor of Philosophy in Criminal Justice from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done and is hereby approved.



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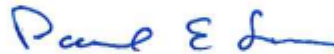
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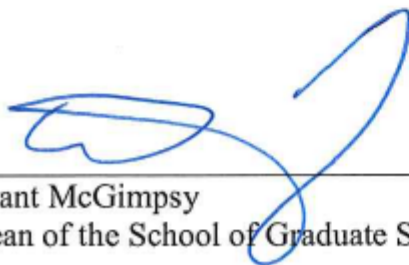


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March 22, 2018

Date

Title Examining Rural to Urban Migration, Crime and the  
Characteristics of the Rural Migrants Offenders —

An Exploratory Study on the Relationship Between Rural Migration and Criminal  
Offenses by Utilizing the Online Judicial Dataset in Guangdong Province

Department Criminal Justice Department

Degree Doctoral of Philosophy

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Ziwei Qi  
11/8/2017

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## ACKNOWLEDGEMENTS

I wish to express my sincere appreciation to the members of my Advisory Committee for their guidance and support during my time in the Doctoral program at the University of North Dakota. I would first like to thank Dr. Mayzer, Dr. DiCristina, Dr. Meyer and Dr. Sum. You supported me greatly and were always willing to provide guidance and research insights during my writing process. I want to give a special thanks to my committee chair, Dr. Martin Gottschalk, who walked me through the most difficult portions of the writing process. His patience and professionalism in academic research truly helped to transform me into a more capable and confident researcher. I also want to thank my friend, Run Li, who offered her help to ensure the interrater reliability of my data. Finally, I would also like to thank Mr. Shawn Jaker, who offered tremendous help with countless drafts and relentless advice on my professional writing.

I would like to dedicate this work to my parents and  
thank them for their wise counsel and sympathetic ear.

## ABSTRACT

China has experienced massive internal migration in the past three decades. The rapidly growing urban population, especially the rural to urban migrant population, is the primary social concern with respect to public health and social stability that China is facing in recent decades. Both the public and private sectors have hastened to respond to the emerging needs of this socially, economically and politically marginalized group. In the current dissertation, the author utilizes judicial decisions from the Intermediate Level Courts in the Guangdong province, China, in order to examine the characteristics of rural migrant offenders, and to explore the relationship between rural migration and crime. The current study shows that rural migrants are overrepresented in the criminal defendant population in the Intermediate level of courts. Compared to urban offenders, rural migrant offenders are disproportionately represented as offenders who have committed typical street crimes. Rural migrant offenders are predominantly undereducated and underemployed at the time of offenses, and they have received relatively harsher fixed term sentences for the same type of offense compared to urban offenders. Theoretical interpretations and implications of the study's findings are discussed.

## CHAPTER I

### ANOMIE, SOCIAL CHANGE, AND CRIME

There is a long tradition in the criminological literature that relates modernization and social transition with increases in the crime rate. In the late 1800s Emile Durkheim employed the concept of anomie to refer to a state of disorder brought about by rapid social change. His theoretical debut explained how the Industrial Revolution in France affected social, economic, and interpersonal relationships on various levels. Durkheim pointed out that during periods of rapid social transition, a state of normlessness is expected. The old social norms become increasingly less effective in regulating the desires of individuals, while new rules and norms have not yet been established. Under these circumstances, various deviant behaviors ensue. Although Durkheim famously focused on the relation between anomie and suicide, he suggested that an anomic state could create a tendency towards increased crime rates.

Durkheim's work on society and the division of labor was intended as a universal theory, meant to explain all types of society. As such, his work on anomie can provide insights into the situation surrounding China's economic reform since the 1980s. The economic reform in China has created profound social changes and unprecedented economic growth in the last three decades. Between 1990 and 1998, China's GDP increased by an average of 11.9% annually. For example, China's GDP in 1998 was 964 billion which made China the 7th largest economy in the world (Liu & Messner, 2001). Since 2000, after China became a member of the World Trade Organization (WTO),



China became the world's largest manufacturing and exporting country. This economic development, however, has also changed the social fabric of Chinese society (Deng & Cordilia, 1999). Among many of those changes, the breakdown of traditional cultural values and norms brought various social problems, such as crime. This phenomenon was quite similar to what Durkheim called "anomie".

As shown in China's government reports and scholarly research, during the period of modernization and economic development in China, there has been an increase in the number of crimes the country has experienced. According to Nielsen and Smyth (2008), crimes skyrocketed in China between the late 1980s and 1990s, and they have increasingly become a primary concern for public safety. Between 1988 and 1995, homicide rates increased by 71%. Assaults, robbery, and grand theft increased 171%, 351%, and 237%, respectively (Guo, 1996). Madsen (2012) also found that since 1978, the crime rates in China have increased by 300%. In 1978, a total crime rate of 55.91 per 100,000 people was recorded, while in 1998, the total crime rate increased to 163.19 per 100,000 people (Liu & Messner, 2001).

Not only have crime statistics indicated a surging crime trend, Chinese citizens have also expressed their concerns regarding crime. For example, a 1991 national survey asked respondents about their concerns over public safety; two-thirds of the respondents rated crime and social instability as very high concerns. It is worth noting that crime rates were increasing during the same time period that China was experiencing a massive wave of migration. Research indicates that there is a relationship between crime and

urbanization, especially surrounding the continuing increase in the number of migrants (Dutton, 1997).

China has experienced massive internal migration in the past three decades. One cause of this migration was Mao's "Great Leap Forward" movement in the 1950s—a push for industrializing China that resulted in an economic disparity between rural and urban China. Due to years of planned economic activity which prioritized industrialization and urban growth while ignoring the needs and interests of rural areas, the former gained wealth at the expense of the latter (Cai, 2007; Liang, 2001). This wealth gap initiated China's "Great Migration", referred to as the greatest population movement in Chinese history, and has occurred over the decades of economic development since the 1980s (Qu & Zhao, 2011; Frijters, 2010).

The second cause of the great migration was the "Reform and Open Market Policy" initiated at the end of the 1970s. While China had already undergone considerable industrialization under Mao, the open market policy amplified the rural to urban divide by promoting a more thoroughly market-based economy with a corresponding reduction in the importance of agricultural production and a greater emphasis on non-agricultural market sectors (Deng & Cordilia, 1999; Lewis & Xue, 2003; Liang, 2001; Meng & Zhang, 2001; Zhu, 2007). With this shift, new businesses and job opportunities grew rapidly in urban areas (Gu et al., 2007; Liang, 2001; Liang & Ma, 2014).

After 1979, a household registration system, originally initiated by Mao to ensure rural reform, came to be called hukou. It requires the citizens of China to have their

households registered as either rural or urban. Over the decades since the hukou registration policy was initiated, the income gap between rural and urban populations became wider (with a much higher income in the cities), thereby accelerating the pace of internal migration. These changes have created in China a large “floating population”, a term which refers to people who move to areas where they do not possess local hukou. A large number of Chinese citizens with rural hukou (who have moved to cities) constitute the majority of this floating population. In general, rural to urban migrants are defined as those people between the age of 15 and 64 with rural hukou (Hu et al., 2011). The author will use the term “rural to urban migrants” to refer to workers both temporarily and permanently leaving houses and families in rural regions and migrating to cities to find work. However, in most of the Chinese literature, terms such as floating population, rural laborers/workers, and migrant workers will refer to the same migrant population.

The floating population in China represents one of the greatest internal migrations of people in history as rural populations have moved to cities in response to growing labor demand. According to Gong et al. (2012), in the past three decades, China has seen a rise in urban population from 191 million in 1980 to 622 million in 2009. By 2013 more than 260 million Chinese had left their hometowns for at least six months, which includes more than 160 million migrant workers moving from rural to urban areas (National Bureau of Statistics of China, 2014). Between 2014 and 2030, the average rise in the number of city-dwellers in China each year is likely to be around 13 million (The World Bank, 2014). By 2030 Chinese cities are expected to be home to about one billion people (The Economist, April 19, 2014).

This rural to urban migration has profound import for the stability and functioning of Chinese society. Though it is crucial to recognize the huge contributions rural migrants have made to China's urban growth (Knight et al., 2011), rural to urban migrants encounter various problems on a daily basis, such as difficulties in adapting to new urban life and a disparity between the expectations and realities of economic wellbeing in migrant destinations. Rural migrants are usually moving from locations where family values and community traditions were deeply embedded to modern, fast, and competitive urban destinations. China's Development Research Foundation (2013) describes the living situation of rural migrant workers in urban areas as involving "four disassociations". Migrant workers are registered in rural areas but work in the cities; therefore, there is an institutional disassociation between "household registration" and actual residence. As migrant workers come from rural origins but often work in cities, they are physically dissociated from their rural communities and families, specifically their children. Workers rarely have time to go back to visit their families; this causes increasing disassociation between children of the rural migrants and the migrants themselves. There is also disassociation from the income migrants earn in the cities in which they work, as it is mainly used to support families back in rural areas rather than for their personal expenses (The China Development Research Foundation, 2013). In summary, rural to urban migrants face various challenges in social, economic, physical and psychological arenas after their migration.

Most importantly, it must be understood how the breakdown of traditional values and family support systems have negatively impacted the life experiences of rural

migrants as well as Chinese culture more generally. Economic reform has drastically changed cultural and social aspects of Chinese traditions over the past two decades. Chinese society is ancient and has been characterized by an extensive set of informal social controls and a strong emphasis on internal social control as reflected in the personal quality of “virtue”. In addition, Chinese society has for centuries been organized in a highly communitarian manner, and people have been oriented toward collective rather than individual goals (Liu & Messner, 2001). The social and economic reforms that have taken place since 1979 have broken down these traditional values. As Liu and Messner discussed, before the reform era, China was identified as a society with a strong emphasis on traditions and collective norms. Conversely, an individualistic ethic is prevalent in a market-based society and self-interests are valued above the good of the community and society (Liu & Messner, 2001).

Other social problems have been created due to the large number of rural to urban migrants. These problems include institutional discrimination due to the restrictive household registration policies (Wong, F., Chang, K., & He, D., 2009); social stigmatization and discrimination in state-owned employment sectors and among urban residents (Gu et al., 2007; Herd, 2013; Lu & Song 2006; Meng & Zhang, 2001; Shen et al., 2012; Wang et al., 2010); psychological distress and feelings of alienation (Mou et al., 2013; Wang et al., 2010); economic and educational disadvantages (Frijters et al., 2011; Lu & Song, 2006; Akay, Bargain, & Zimmermann. 2012); and victimization (Cheng & Wang, 2013; Hunter et al., 2009; Zhang et al., 2007; Zhong & Broadhurst, 2007). Among

these various problems, one of the most prevalent is crime (Liu, Zhang, & Messner, 2001).

In the following chapters, the author will provide the context in which the relationship between crime and migration in China might be better understood, as well as investigating this relationship in one sample province. First, a brief discussion will be provided of China's criminal justice system, as well as a statistical picture of crime in China during the economic reform era. The next three chapters will review the literature on the scope of rural to urban migration in China, including the influence of governmental policies on rural migration; the relationship between urbanization/industrialization and labor demand; government control of household registration policy; patterns of rural migration; eras of migration; and specific problems and concerns, with an emphasis on crime. Chapters VI and VII will describe the methods and findings of the current study's examination using the Online Judicial Database for Guangdong Province. Finally, a theoretical discussion of the findings regarding crime and migration for the sample province will be provided in Chapter VIII.

## **CHAPTER II**

### **CRIME AND THE JUSTICE SYSTEM IN CHINA**

In this chapter, the author discusses crime and the justice system in China in order to introduce the Chinese Justice System to readers. Firstly, the author introduces the elements of a crime, as well as the major types of offenses that are delineated in the Chinese criminal law. Secondly, the author examines the Chinese Police Force, as well as the extant literature on the relationship between policing and rural migrants in China. Thirdly, the Chinese judicial system, its function, and types of sentences will be discussed. Fourthly, the author will discuss the influence of political culture on legal reforms in China. Lastly, official crime statistics for China for the economic transition era will be introduced.

#### **Elements of a Crime**

The written criminal code for the People's Republic of China (PRC) was first introduced during the 1990s. According to that law, and the revisions of 2011, there are four elements which must be present to constitute a crime: 1) a criminal subject capable of bearing criminal liability (age factor and mental factor); 2) the requisite mental element or condition—e.g. in certain types of criminal offense, such as selling counterfeit products, the seller shall be guilty only if he or she has knowledge that the goods were counterfeited; 3) an interest (e.g. sovereignty, territorial integrity, security of the state, and rights of citizens) that is recognized and protected by the state and that interest is infringed; 4) substantial harm caused by the act or omission of the criminal subject to the

interest protected by the state. As for age liability, anyone who reaches the age of sixteen and commits a crime shall bear criminal responsibility. Between the ages of 14 and 16, a person will only bear criminal liability for serious crimes such as murder, rape and robbery; otherwise he/she will be diverted to the juvenile justice system much like in the United States (US). Anyone who commits a crime between the ages of 14 and 18 shall be given a lighter or mitigated punishment, according to People's Republic of China Criminal Law. All these elements should be established during the judicial proceeding, and these elements might directly influence the liability, charges, and conviction of the criminal defendants.

### **Type of Offense**

According to Chow (2003/2015), the purpose of the criminal law in China is to target crimes against the national interest. For instance, in the 1979 Law, a number of provisions defined the scope of crimes under the category of "counterrevolution", a legal definition which is not entirely clear. The 1997 Criminal Law identified the following categories of crimes: endangering public safety; undermining the socialist market economic order; infringing upon the rights of the person and democratic rights of citizens; encroaching on property rights; disrupting the order of social administration; endangering national defense; grant and bribery; dereliction of duty and violation of duties by military servicemen. Other specific types of crimes under the Criminal Law include *crimes against the person* and *crimes against property*. The former crimes include homicide, manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny theft, human trafficking, and abduction. The latter crimes include but are not



limited to simple assault, theft, counterfeiting/forgery, embezzlement, possession of stolen property, possession of firearms, drugs, and other illegal properties. These types of crimes are comparable to the Type I and Type II offenses defined under the Uniform Crime Report by the Federal Bureau of Investigation in the United States of America. Among crimes that are unique to China is criminal defamation (Article 246)—which prohibits publicly insulting a person or fabricating facts to defame others. Most recently, in the 2011 Criminal law, a few provisions regarding intellectual property and cyber-crime have been addressed.

### **Policing in China**

Since the establishment of the People's Republic of China in 1949, policing primarily served a political function, acting as an important instrument of the state, serving goals such as suppressing counter-revolution (Dai, 2001). However, during the economic reform era a number of changes have resulted in the Chinese government's adopting a new interpretation of state power and altering how the police are used. First, the economic and social changes in Chinese society have resulted in vast social problems, such as economic inequality. This unwanted social outcome has received blame as the major cause of China's increasing crime rate. Second, the Maoist ideology has gradually lost its popularity. Consequently, the primary function of policing in China has moved from counter-revolution to the maintenance of public security through a more westernized patrol and investigative style.

The organizational structure of the Chinese police is hierarchical. The organizational structure runs from the Ministry of Public Security at the national level, to

provincial departments of public security, and finally to city and local public security bureaus. The primary function of the Ministry of Public Security is to investigate criminal cases that are highly complex, involving multiple provinces, as well as foreign affairs. The civil responsibility of the Ministry of Public Security, on the other hand, includes administrative power regarding entry into China's territory and record maintenance with respect to citizenship. At the provincial and larger city levels, there are stations corresponding to a wide range of internal organizational functions (Ward, 1985).

According to Jiao (2001), within a typical medium to large urban city, a police department commonly has the following bureaus. “民警” (Min Jing) is the civil branch within a police department. Its responsibilities primarily include registering and updating “hukou” registration; issuing temporary residential permits to migrants (rural and non-rural migrants); responding to citizen's civil disputes; engaging in community crime prevention and safety education; outreach to community members, and ensuring the orderliness of the community within a police jurisdiction. “巡警” (Xun Jing) is a concept very close to the American police system's concept of patrol officer. These officers are normally assigned to patrol cars and to enforce public safety. “刑侦大队” (Xing Zhen Dda Ddue) is similar to a “crime investigation unit”. Most of people within this group are senior level police officers with years of law enforcement experiences or specialties in forensic sciences, interrogation, and interviews. “交警” (Jiao Jing) are police officers who are only in charge of traffic violations and citations. These officers are trained for enforcing traffic laws and are not equipped with arms.

At the village and township level, neighborhood police stations serve each community (typically a specific geographic location with approximately 600 to 800 households) with various civil and educational functions. Policing at the community level is responsible for maintaining records of births and deaths, local residential records, as well as community-level crime prevention efforts and community relation building. Compared to police stations in a larger city, these neighborhood police are more commonly involved with civil disputes and administrative work. Police work in China involves social, economic, cultural, educational, and political aspects. Chinese police not only function as an administrative branch to maintain and update civil records but also fulfill obligations including investigation, interrogation, and supervision of defendants.

The literature dealing with the policing of migrant populations suggests that the control of rural migrant population is the primary concern of local governments (Zhao, 2003). Those migrants who are identified as “three withouts” (without legal documents, legal work, and legal source of income) are subject to detention and deportation back to the countryside. According to Han (2008), policing practices in contemporary China reinforce a race-like status for Chinese rural migrants. As the sole governmental organization that operates the “hukou” registration system, the Chinese police use “administrative detention” as a primary mechanism for controlling migrant populations. With almost unlimited discretionary power, the police use of excessive force against rural migrants is not uncommon (Han, 2008). Consistent with the literature, several high profile cases of abuse have been documented by the Chinese news media. Among those high profile cases, one incident was reported in Guangzhou, where the current study takes

place. Sun ZhiGang, a 27 year old rural migrant who had just landed a job in Guangzhou, was arrested by the local police due to his failure to show his “temporary resident permit” during a street stop. Sun died in a detention center two days later , and, according to the autopsy report, his death was caused by severe physical abuse by the police. The “racialization” and “discrimination” practices towards rural migrants by the Chinese police forces is well documented by both the scholarly literature (Han, 2008; Zhao, 2003) and the news media.

### **Brief Description of China’s Judicial System**

**The structure of the court system in the PRC.** According to Chow (2015), the court system in the PRC is composed of four levels of courts. The highest court is the Supreme Court of PRC with a maximum of two trials to complete a case. At the provincial level, the structure of China’s court system is divided into three major branches: the Supreme Court of each province, all levels of People’s Courts in each province, and Special Courts. Within all levels of People’s Courts, there are three hierarchically categorized court systems: High (Superior) People’s Court, Intermediate People’s Court, and Basic (Inferior) People’s Court. As Chow states, in order to give the public easy access to the court system and legal resources, the basic courts have established over 30,000 subordinate divisions known as people’s tribunals in townships and villages (an administrative division below the county level). Above the county level, there are approximately 390 Intermediate People’s Courts in cities and prefecture level cities within provinces, and 34 High (Superior) level people’s courts at the provincial level (including autonomous regions and four municipalities).

According to Chow (2015), the jurisdictional distinctions between courts are not so clearly demarcated because upper level courts can exercise jurisdiction over any given case. In other words, with the exception of all Basic People's Courts, both Intermediate People's Courts and High People's Court have the original jurisdiction of the first instance, depending on the severity and complexity of the case. According to Article 20 of the Criminal Procedure Law (CPL), the Basic Court can request jurisdiction change to an upper level court if the case is complicated and sensitive.

Intermediate People's Courts have original jurisdiction over cases as provided by law, as well as first instance transferals from the Basic People's Courts, and cases of appeal and prosecution initiated by the People's Procuratorate<sup>1</sup> Department. Intermediate Court can also request a jurisdictional transfer to the higher level people's court. In addition, Article 18 of the Law of Civil Procedure (1991, revised 2012) further provides that Intermediate Courts have jurisdiction over cases involving a foreign element, cases with significant impact upon the administrative region (e.g. money laundering in specific

1 The concept of procuratorate is similar to federal prosecutor of the USA. Under the PRC Constitution, the procuratorate along with the courts and public security departments, comprise three major judicial branches that administer criminal cases. The procuratorate performs duties based on the Soviet model and involves overseeing and approving arrests by the public security departments as well as prosecuting criminal cases. Under the Constitution, the procuratorate and the courts are of an equivalent rank and report, along with the public security departments, to the people's congresses at various levels. Among its responsibilities, the procuratorate is to supervise the work of the courts and the public security departments to ensure they are free of misconduct. In supervising the work of the courts in criminal cases, the procuratorate exercises this power by appealing against cases of first instance and through the procedure of adjudication supervision. Under the PRC Constitution, the procuratorate along with the courts and public security departments, comprise three major judicial branches that administer criminal cases. The procuratorate performs duties based on the Soviet model and involves overseeing and approving arrests by the public security departments as well as prosecuting criminal cases. Under the Constitution, the procuratorate and the courts are of an equivalent rank and report, along with the public security departments, to the people's congresses at various levels. Among its responsibilities, the procuratorate is to supervise the work of the courts and the public security departments to ensure they are free of misconduct. In supervising the work of the courts in criminal cases, the procuratorate exercises this power by appealing against cases of first instance and through the procedure of adjudication supervision.

prefectural level cities), and cases determined to be under their jurisdiction—which includes: 1) cases confirming patent rights and cases handled by customs; 2) suits against specific administrative acts taken by departments under the State Council or by the people’s governments of provinces, autonomous regions, or municipalities; 3) grave and complicated cases. In addition, according to Article 20 of the CPL (1996, revised 2012), Intermediate Courts shall be the court of first instance in cases endangering state security or involving terrorist activities and cases punishable by death or life sentence which are equivalent to Class A felonies in the United States. In short, Intermediate People’s Courts are most comparable to the courts of original jurisdiction that hear felony cases in the United States of America.

According to Article 27 of CPL, the High People’s Courts have jurisdiction over cases of first instance by law, as well as the cases of first instance transferred from lower level courts. In addition, High People’s Courts have jurisdiction over the appeals and protections against judgments and orders of lower courts and lawsuits initiated by the people’s Procuratorates. Article 21 of Criminal Procedure Law states that the High People’s Court has jurisdiction of first instance over major criminal cases that pertain to an entire province, such as corruption and racketeering of the governors.

The Supreme People’s Court has jurisdiction over, according to Article 31 of CPL, appeals and protests against judgments, orders of High People’s courts, and Specialty Courts and lawsuits that are initiated by the Supreme People’s Procuratorate (the highest authorities of the People’s Procuratorate) . The Supreme Court also has original

jurisdiction over cases related to administrative, civil and criminal cases that affect the whole country.

In conclusion, the structure of China's judicial system is divided into High, Intermediate, and Basic People's Courts. In terms of jurisdictions of each level of court, other than functioning as appellate courts, Intermediate and High People's courts both have first jurisdiction over certain cases given the degree of crime severity. As will be discussed in Chapter VI, cases from the Intermediate People's Court are used in the current research in order to make sure a wide range of relatively serious criminal cases are included.

**The judicial proceeding for the first instance.** In general, both criminal and civil cases in China are decided by a collegiate bench consisting of an odd number of judges. The exception here are cases of simple civil offenses (e.g. neighbor disputes) and minor criminal offenses (e.g. traffic law violation), which can be heard through a summary procedure before a single judge. In lower courts, a collegiate panel generally consists of three judges with the size increasing with the level of courts. In criminal cases, an investigation by the public security departments, the Procuratorate, and judicial personnel precedes the initial trial. The trial involves interrogation of the defendants, questionings of the witnesses, evidence presentation, and court debate led by the Procuratorate and public/private defender. In criminal cases, courts must announce their judgments within two to three months. All of this information should be stated in each judicial decision document.

**Procedure and challenges of judicial appeal.** After a case has gone through the first trial, the defendant and the Procuratorate have ten days to appeal a judgment and five days to appeal an order from the time it is affected. In criminal cases, the Procuratorate and the prosecuting department have the right of protest by way of appealing against the judgment of the court. Appeals and protests in criminal cases must be decided within a maximum of one and a half months. Based on Chapter III: Procedure of Appeal of the CPL, offenders, victims, offender's and victim's immediate family members, defense attorney, and private/public Procurators can file a motion to appeal.<sup>2</sup> After receiving cases from a lower level court, appellate courts should organize a private committee to review the case. After all case files are submitted to the appellate court, the court committee will review all materials relevant to the criminal procedure and criminal charges and make decisions according to the following: If the evidence is sufficient and the criminal procedure was legal in the original judicial decision, the sentence should be maintained; if mistakes were made in the original judicial decisions related to misinterpretation of legal provisions, the appellate court should correct the original judicial decision and apply the correct legal reference; if the original judicial decision lacks supporting facts, evidence or includes wrongful witnesses evidence, the original jurisdiction will be required to re-collect evidence and retry the case; if the original judicial decision violates the criminal procedures, the case should be retried by the original jurisdiction. After the appellate procedure, if any of the parties in the case require a second appeal, the appellate court should take over the responsibilities of the original jurisdiction, and the case cannot

<sup>2</sup> There are some legal exceptions that will be discussed in "Challenges of Appeal" later.



be returned. In these cases, the judicial decisions directly made by appellate court are the final decisions.

A few issues regarding appellate procedures should be addressed. Firstly, the principle of judicial appeal in China is “Appeal without increasing punishment” as described in the CPL. However, according to Article 190 of the CPL, if the appellant party is the People’s Procuratorate, the original sentence could be changed regardless of whether it is heavier or lighter. In addition, according to Article 189, CPL, if the facts of the first trial were not clear and evidence was not sufficient, the case should be returned to the court of original jurisdiction. In certain circumstances, this return for retrial could result in a sentence for criminal defendants that is much more severe than the first instance. Secondly, under the 1979 Criminal Procedure Law, a court of second instance is not required to hold an open hearing except in certain circumstances<sup>3</sup>, which results in many cases being decided on the basis of written documents without a hearing. Without a hearing, parties involved in the case are not able to participate in the appellate proceedings, according to Chou (2015), which might jeopardize the procedural justice of the appeal. Thirdly, not every case will be granted an appeal. For example, Hu et al. (2015) found that the upper level court will accept an appeal if it involves factual problems or possible misinterpretation of the law in the first trial in only 70% of cases. Parties who request the appellate hearing have the burden of proof regarding the claimed

3 Under the 2012 revision of CPL, the court of second instance must form a collegial panel and try a case openly when: 1) the appeal parties have objections to evidence presented in the first trial; 2) the defendants have been sentenced to prison for life or received the death penalty; 3) the Procuratorate filed a motion against the original decision. If the court decides to hold a hearing, the appellate court will review both the factual and procedural document of the case regardless of what was appealed. All death penalty cases must be granted and reviewed by the Supreme Court of China (CPL, 2012).

factual or legal misinterpretations. If the appellant cannot provide sufficient evidence to convince the appellate court, the appeal will not be granted.

**Sentence.** According to Chow (2015), sentences are divided into principal and supplementary sections. Under Article 33 of the Criminal Law, the principal punishments are public surveillance (probation/parole), pre-conviction detention, fixed term imprisonment, life imprisonment, and the death penalty. In addition to principal punishments, supplemental punishments, including fines, deprivation of political rights, and confiscation of property, may be ordered. Furthermore, any person convicted of a crime may be required to compensate the victim(s) for economic losses caused by the crime. All these types of punishments could appear in our current sample.

Another important reflection on the severity of punishment in China is the use of capital punishment in the PRC. According to Miao (2013), China has topped the list of pro-death penalty states with the highest reported execution rate (Amnesty International, 2012). According to Miao (2013) and Tiff (1985), China's capital punishment serves a primary function to maintain the political legitimacy of the Communist Party with changing political needs.

### **Crime and Punishment in China During the Transition Era**

As a post-communist society, political ideologies play the most significant role in shaping China's legal policies. Mao emphasized the importance of class struggle and freedom of the proletariat, while Deng focused on economic development and the codification of legal regulation (Trevaskes, 2010). During the 1990s, China's regime under Jiang primarily focused on the "Rule of Law" with an emphasis on the enforcement

of the law in a strict and swift manner. As noted earlier, it was at this time that the PRC first introduced a written criminal code. Xi's regime, which is also called the "harmonious society era", continually emphasizes the importance of the severity of the punishment. In conclusion, the Chinese law-making process has been largely influenced by state interests, most notably political stability and state economic growth.

In addition to political ideology, the kind of social norms that are valued by Chinese society are an additional driving force in shaping China's legal policies. As Durkheim indicated, social norms (i.e. the collective conscience) are not constant but vary greatly in different segments of society, within different subcultures, and throughout different periods of history. When it comes to the normative standards of Chinese society, the literature indicates a mixed record regarding the degree to which traditional values might have changed over decades of economic development. Due to the sparse literature on the perceptions of rural migrants toward traditional values, the author primarily uses studies that focus on urban (native) residents. Herdin and Aschauer (2013) stated in their original study that "breaks in society" can occur "...where modernization interferes with traditions..." (p.4). Nonetheless, Herdin and Aschauer argued that, although urbanization and globalization are deeply influential on how people in China think and interact with each other, traditional values are still deeply rooted in Chinese culture. Other research, however, indicated that social and economic changes are like a catalyst that has altered the traditional values and social norms of Chinese society. Zeng and Greenfield (2015) discussed the ways in which the collectivism that is deeply embedded in thousands of

years of Chinese tradition is incompatible with the emerging market value that “getting rich is glorious”.

It is apparent that the literature is not unanimous with respect to whether China today is more collectivist or individualistic in orientation. However, what the literature can confirm is that crime is an unwanted consequence (Roucek, 1947). In response to increases in crime and social disorder, China has become ever more dependent on formal social control mechanisms, as can be seen most clearly with the creation of a criminal code and the changing role of the police. According to Durkheim, as societies become complex and industrialized, they change from a predominantly integrated community with low division of labor, to highly fragmented, divided, and individually centered societies. Primary social control mechanisms, such as family, are no longer able to exert control on personal behaviors. This results in a normative shift from informal social control to formal social control. In conclusion, in industrialized China, with increased inequality, population density, individualization and cultural complexity, there is a greater need for formal social control (Jiang et al., 2007).

Beyond the political ideologies and social norms, public opinions towards crime and punishment also shape China’s penal philosophy. One of the most studied facets of crime and punishment in China is fear of crime among the Chinese public, as well as their perceptions of capital punishment. According to a study in 2009, a national survey conducted in 2007 regarding “quality of life” indicated that crime and victimization were a significant public concern. This “crime consciousness” brought about increased demand for the Chinese government to be “tough on crime” (Zhang et al., 2009). On the other

hand, another study in 2009 explored attitudes among Chinese citizens regarding support for the death penalty (Jiang et al., 2009). As Jiang mentioned, traditional beliefs within China's penal history are quite deterrence-oriented, which is vividly reflected in popular sayings such as, "executing one deters a hundred" and "killing a chicken to scare a monkey" (Jiang et al. p.2). This traditional belief has a great influence on why people support the death penalty in China, with a general "willingness to sacrifice a few for the whole community" (p.6). Lu and Zhang (2005) also explained that the proliferation of capital punishment reflected how the Chinese government was dealing with surging crime rates during the economic reform era.

In conclusion, political ideologies, social norms, and public opinions all have had great influences on legal reform and punishment in China. It is possible that legal reforms and political agendas created a reinforcing effect, wherein more proactive law enforcement and increased legal sanction imposition ultimately resulted in much higher levels of imprisonment. Rural migrants, specifically, are likely to be the target of these political agendas. They are informally called the "floating population" and commonly associated with stereotypes of ignorance, and viewed as outsiders. Because of these negative perceptions of rural migrants, one should expect to see greater concern from urban areas where most rural migrants reside.

### **Official Crime Statistics in China during the Social Transitional Era**

In the literature on Chinese crime and criminal justice, there have always been challenges in collecting and analyzing quantitative data (Liu & Messner, 2001).

Traditionally, criminological research and the attendant collection of data has been a

highly sensitive issue in China. One reason is that it was the Chinese government's position that crime should not be a part of a socialist society. In addition, government officials have tended to fear that the publication of crime data would damage the country's image (Liang & Lu, 2006).

Examples of crime data resources are the 1987 Chinese Law Yearbook, along with the more recent annual report published by the National Bureau of Statistics of China entitled "China Statistical Yearbook". This report contains a comprehensive statistical overview of various aspects of China's social and economic development. Although not consistently appearing by year, crime statistics can be found in the Yearbook in a subsection titled "Criminal Cases Registered in Public Security Organs and Their Composition". Within this volume, serious offenses, including homicide, injury (e.g. aggravated assault), robbery, rape, abduction, larceny, fraud, smuggling, and counterfeiting are recorded. This document is similar to the United States' Uniform Crime Report. More recently, in order to promote the rule of law, there has been a push for local agencies to make crime data more available to the public. However, the quality assurance of these datasets have not been as expected.

When looking at overall crime rates, China traditionally has been a country with very low crime rates (Guo, 1996). For example, in 1960, the total crime rate was 34 per 100,000 people. In 1970, the total crime rate was 46 per 100,000 people. However, during the economic reform of the 1980s and 1990s, there was a dramatic increase in crime. For example, in 1980, the total crime rate was 77 per 100,000 population, and in 1999, the total crime rate in China increased to 200 per 100,000 people. Interestingly, while assault

and property crime rates have increased during the 1980s and beyond, the same is not true for homicide. For example, According to Guo (1996), between 1988 and 1995, the total homicide crime rate increased 71%; assault increased 171%, robbery increased 353%; grand theft increased 237%; fraud increased by 239%, and counterfeiting increased 947%. But, in 1995 the number of homicides began to decline: there were 27,256 total registered homicide offenses in 1995; by 2012, the total number of homicide registered at the Public Safety Organ in China was 11,286—a nearly 59% decrease. The total number of assaults, however, increased from 72,259 in 1995 to 163,620, which represents a 126% increase. Serious property crimes, such as larceny theft, increased drastically. In 1995, the total number of registered larceny crimes was 1,132,789, while in 2012, the total had increased to 4,284,670; a 278% increase. This trend seems to be continuing as seen in the most recent report. According to the China Year Book 2016, in 2015, the total number of homicides registered at the Public Safety Organ was 9,200 while larceny theft was 4,875,561.

The migrant population, especially rural migrants, became immediately associated with the overall increase in crime in China, and this population has received the focus of government officials. Official data shows that migrants are responsible for a large proportion of offenses (Ma, 2001). In some cities, more than half of the criminal cases are committed by rural migrants (Xiang, 1998). Crimes among migrants in Beijing, according to the official report, have increased dramatically. In 1986, 22.5% of all the criminal defendants in that city were migrants. This percentage has been escalating since.

In 1990, 30.6% of all crimes were committed by migrants; by 1994, this percentage had increased to 50% (Ma, 2001).

Ma's study also shows that the severity of official punishment has increased along with the seriousness of offenses committed by migrants. Among migrant offenders, 42.4% were sentenced to life imprisonment in 1990, 41.4% in 1991, 44.6% in 1992, and 63.7% in 1994. In addition, both violent and nonviolent crimes committed by migrants were primarily oriented toward financial gain. Gang crimes also increased among the migrant population, accounting for a total of 23% of the crimes committed by rural migrants (Ma, 2001).



## CHAPTER III

### AN OVERVIEW OF RURAL TO URBAN MIGRATION

#### **Political Influences: Rural to Urban Migration Under Mao and Deng**

Both Mao's "Great Leap Forward" and Deng Xiaoping's series of regional economic development plans had a significant impact on rural to urban migration. According to Han (2009) and Joseph (1986), the "Great Leap Forward" movement and the Chinese Five Year Plan were implemented as a socialist transformation of both the agricultural and industrial systems. During the Five Year Plan of the mid to late 1950s, "backyard" factories with small-scale steel furnaces were created all over the country in order to increase industrial production. With regard to agricultural production, farmers were encouraged to increase their crop yields through "the power of [their] subjective will and efforts" under Mao's leadership (Joseph, 1986, p.22). The movement prioritized the development of heavy industry (e.g. steel and coal) while ignoring the importance of technology and service industries, along with science and education more generally. In the agricultural arena, greater attention was paid to ideology than to successful farming practices. Later, during the Cultural Revolution era from 1966-1976, the Communist Party prioritized the importance of class struggle. Thousands of intellectuals were forced to migrate to rural areas to achieve self-reformation through "reform by labor" in an effort to rectify the "rightist deviation" (Baum, 1964). Among the many consequences of the movement, economic imbalance, grain shortage, and the discontinuation of social development had an alarming effect on economic reform and internal migration in China.

Perhaps more important than the policies of Mao and Deng Xiaoping's economic reforms was the abolishment of the communes that used to dominate rural life since the 1950s and their replacement with the "household contract responsibility" system—whereby farming was done at the household rather than the collective level. According to Kasarda, J., and Janowitz, M. (1974), Mackenzie (2002), and Yang and Goldstein (1999), agricultural reforms motivated farmers to profit from production efficiency. The central government initiated price and ownership incentives for farmers, which enabled farmers to sell a portion of their crops on the free market and motivated them to produce more surplus agricultural products to maximize their economic revenue. At the end of the 1970s, China launched systematic economic reforms in order to emphasize a labor-intensive and export-oriented strategy (Chan, 2010). As a result, the rural reforms also freed many rural laborers to pursue employment in more profitable manufacturing sectors (Chan & Zhang, 1999).

Beginning in the 1990s, China launched a series of regional economic development plans to boost economic growth by attracting foreign investment, increasing exports, and importing high technology products into China. Two of the economic zones created by the regional economic development plans—the Pearl River Delta and the Yangtze River Delta—especially attracted a large number of rural migrants who were seeking employment opportunities (Liang et al., 2014; Mulloy, 2010). Rural to urban migration was the dominant source (75%) of urban growth between 1978 and 1999. Recent data has shown that in 2009 alone about 44.64 million rural migrant workers flowed out of central and western regions to eastern coastal cities for jobs due to the

difference in per capita Gross Regional Product (GRP). Beyond these two economic development regions, population growth has also been consistently increasing in other coastal cities over decades. In many of these cities, labor-intensive industries like manufacturing and construction have predominated.

With the emergence of private enterprises and foreign investment companies, along with the increasing freedom of urban workers who could choose their own careers, many urban residents refused to take low-skilled, dirty, and monotonous jobs. As a result, these undesirable jobs were rapidly becoming available to rural migrants. Over time, more businesses began to realize the benefits of hiring migrant workers who were willing to take jobs with low pay and fewer benefits in their desire to learn new skills and migrate permanently. However, the situation began to change when the Chinese government realized that both the economic benefits and the social problems that came with their new policies were disproportionately distributed between rural and urban areas. As a result, many changes (e.g. rules regarding the issuing of temporary work permits and the provision of employee health benefits) have been made to relax the hukou registration policy in order to address issues of inequality and social disadvantages of the rural migrants since 2014.

### **Household Registration System as a Political Mechanism of Control for the Distribution of Population**

Before the 1950s, the Chinese government had fewer constraints on free movement from rural to urban areas (Chan & Zhang, 1999). The 1954 Constitution granted citizens' rights of free residential choice and migration. According to Wu and

Treiman (2004), during the first Five-Year Plan (1953-1957), in order to fill the needs of state enterprises, many of the rural residents who moved to cities did so without restrictions. This changed with the passage of the first set of hukou legislation in China, which was established by the National People's Congress in 1958. As previously mentioned, in the beginning of the 1950s the Chinese government adopted the Soviet model which put a high priority on heavy industry and provided jobs and related welfare programs for all urban residents in order to speed up industrialization. In order to achieve these goals, the Chinese government encouraged migration to cities where the greatest labor needs existed. Conversely, the needs of rural areas were largely ignored (Chan & Zhang, 1999). The hukou system was established to prioritize urbanization by providing social benefits for urbanites.

The hukou system required each citizen to register in one and only one place of regular residence. The most common categories of the hukou registration system were non-agricultural areas (cities or towns, or industrial and mining areas) or rural settlements (villages or state-owned farms). The local regular hukou registration defined a person's rights for many activities in a specified locality. Many social benefits, such as education, health care, and retirement compensation, were related to the "status" or type of hukou registration that a person possessed. Only the "non-agricultural" hukou holders were eligible for these benefits.

The non-agricultural hukou and rural hukou not only defined the place (rural or urban) a person came from, but also assigned the type of work he or she did.

Traditionally, individuals who had a non-agricultural hukou were assigned to work in

non-agricultural industries, while individuals who had a rural hukou were assigned agricultural work. However, over years of economic and political development, areas that used to be rural had become urban areas as cities expanded and enveloped them. The people from these areas, however, continued to possess rural hukou even though they no longer participated in agricultural work. So now, by definition, laborers with a rural hukou include two categories: 1) individuals who have rural hukou and who continue to do agricultural work, and 2) individuals who have rural hukou and work in non-agricultural industries. For those who work in non-agricultural industries, they can be: 1) individuals who stayed at their hukou registration place; or 2) individuals who moved from their rural hukou place to cities, known as rural to urban migrants. In this dissertation, the aim is to study this last group, the “rural to urban migrants”.

Until the late 1980s and the early 1990s, urban officials who were accountable for maintaining and enforcing the hukou system were overwhelmed by the large influx of rural migrants and the problems that accompanied that influx. As noted by Chan and Zhang (1999), based on the Ministry of Public Security Statistics (1992), the crime rate in China increased by 6% during the 1990s, and serious crimes increased by 18%. Shanghai’s Municipal Police Department reported that migrants committed more than 70% of thefts in the city. As the influx of peasants<sup>4</sup> into cities escalated and came to be seen as a serious burden the central government tried various measures to select and control the migrant population. The hukou conversion system was the ultimate outcome of these efforts and was combined with the hukou registration system in the government’s

4 Shanghai Municipal Police Department used the word “peasant” in referring to “rural to urban migrants.”

attempt to exercise control over China's internal migration. Understanding the hukou conversion process is crucial to understanding the control mechanism of the hukou system and its effect on contemporary rural to urban migration.

According to this new process, an individual can convert his or her hukou status through: 1) being enrolled in a college or university, 2) being granted urban hukou if one is demobilized to a city after serving in the army, 3) being granted urban hukou if displaced due to land expropriation, 4) reuniting with immediate family members who hold an urban hukou, 5) making a housing purchase or other investment in a city, and 6) buying an urban hukou directly from some local government (Chan & Buckingham, 2008; Baumer, E., & Gustafson, R. 2007). The reality, however, is that the great majority of rural migrants have few opportunities to change their hukou because they cannot get admitted to a university or join the military, or they lack the necessary urban connection or money.

Chan and Wang (1999) indicated the Chinese hukou conversion system is comparable to the American immigration "green card" application system except the latter is more transparent. Having a permanent urban hukou (converted hukou status from rural to urban) is equivalent to holding a green card and having all the social benefits that come with it. Chan and Wang also note that many rural migrants in China can only receive hukou conversion if they become business owners or have personal connections with hukou administrators. Gu et al. (2007) have also pointed out that those rural migrants with more wealth, education, experiences, and human capital, due to spending a relatively long time in urban areas, are more likely to obtain permanent urban hukou.

Conversely, those who are less educated or inexperienced migrants (usually the temporary and seasonal migrants) cannot afford to purchase a house in urban cities or get the urban hukou.

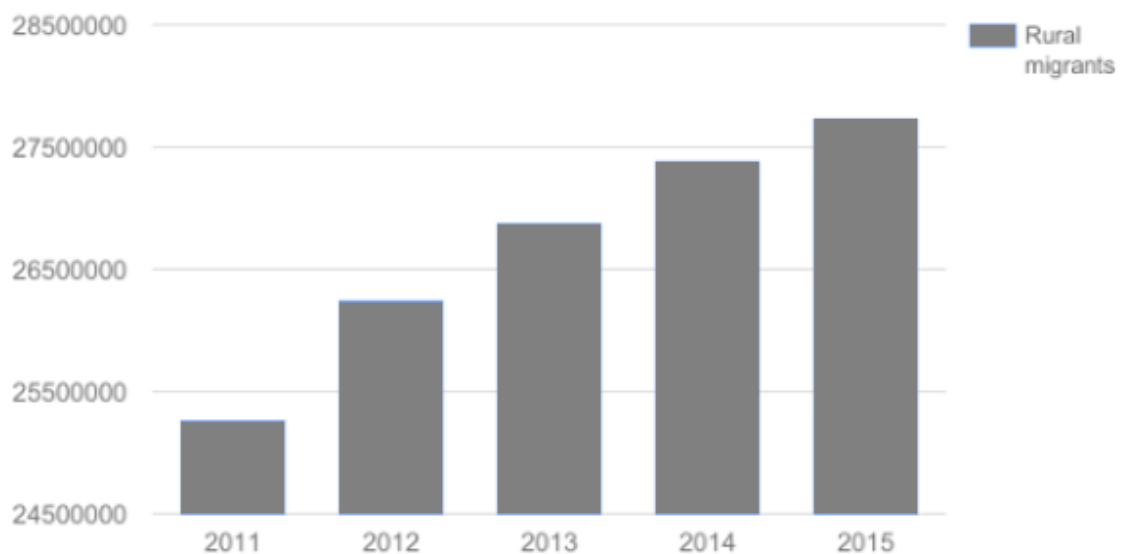
Although the hukou registration system is still important today, as a control mechanism on population movement, its importance has diminished in various ways. According to Xu and Palmer (2011), the Chinese government issued the Ten Policies for Rural Economic Development in the early 1990s, which aimed to loosen control on hukou registration and encouraged rural migrants to seek prosperity in the cities. Since then, the government allowed non-state owned enterprises to provide migrant workers with temporary urban resident cards in order to provide necessary resources to support themselves (Liang, 2001). In addition, the “Open Market” policy (1978 and onwards) that was initiated by Deng Xiaoping replaced the central planning system, resulting in a purchase and trade power increase for both rural and urban residents. With the decentralization of state owned enterprises and increasing foreign and private enterprises in urban areas, people could locate and be relocated based on their employment capacity.

Further reforms on the hukou system were implemented in late 2001, allowing medium-sized cities and some provincial capitals to remove the limit on the number of rural labors who could apply for permanent hukou (Mackenzie, 2002). In addition, alternative residency policies, such as “temporary resident cards”, were also available for rural migrants who had work offers in the cities, but who either could not afford (or apply for), permanent household registration status in urban areas (Taylor, 2011).

In brief, China’s household registration system had successfully controlled internal migration in pursuit of economic, social, and political goals. It complemented other administrative policies such as collectivization of farmland and a food rationing system in order to create a social, economic, and political segmentation between rural and urban residents. More recently, the hukou registration system has provided some leeway to rural migrants who lack the resources to convert their hukou status to urban.

### **An Overview of the Demographics of Rural Migration**

According to the 1995 China Household Income Project (CHIP), about 10% of rural individuals aged 16–35 years left their households in 1995 for at least one month in order to work or to search for work in urban areas. The rural migrant population increased steadily from 2011 to 2015 (see Figure 1 below).



*Figure 1: Rural Migration in China (2011-2015)*

Data also show that migrants are more likely to be young and male. Based on the 2013 Census (National Bureau of Statistics, 2014), rural migrant workers are younger



with a higher education level than their cohorts who stay in rural areas. As will be seen later, the educational attainment of rural to urban migrants largely occurs after migration. There are more male than female migrant workers in both the permanent and temporary migrant populations, and rural migrants tend to work in the private sector and factory/service industries. Liu et al. (2015) found that rural people who are semi-literate are more likely to migrate, while those who have little schooling or a higher level of education are less likely to migrate. This indicates that those who have had the least schooling were not aware of the opportunities that cities present, while those with more education are more likely to obtain prestigious working positions in rural areas. According to Gu et al.(2007), both males and females become more likely to become migrants as their household size increases. By 2007, rural migration developed quickly with excessive concentration (over 60% of rural migrant workers) found in prefectural level (higher than provincial level) cities.

Female migrant workers have become the focus of recent migration studies. In the past, women rural migrants made up a smaller proportion of the overall migrant population compared to their male counterparts. For example, according to the 2014 Census, the gender ratio between male and female rural migrants was 7 to 3. There is little research about why there are fewer female rural migrant workers than male rural migrants in China. However, two reasons for this sex difference seem likely. One possible explanation is found in Fischer,'s (1984) study of urban development and migration patterns in the United States. In his research, Claude found that the gender differences in rural to urban migration appear to result from the varying labor demands that exist during

different periods of economic development. During periods of industrialization, cities have a greater need for manual laborers. Over years of development, the economic needs of cities shift away from heavy industry. The services that are in demand during these later stages of development are things like clerical work and customer service. During these time periods young women are more likely to find opportunities in cities, prompting them to migrate.

In more recent years, women have begun to escape the traditional family roles that they were assigned and seek prosperity in the cities. For example, Liu (2012) conducted interviews with 30 married women and found that the motivation for rural women migrants to head toward cities is to seek an independent and more valuable life for themselves, such as to escape an unhappy marriage or to seek individual development.

The distribution of rural migrants varies by region. According to the National Rural Hukou Laborers Report for the years 2012, 2013, and 2014 (published by the National Bureau of Statistics), in 2012 there were 111,910,000 laborers with a rural hukou who worked in non-agricultural industries in the Eastern Region<sup>5</sup>. This is an increase of 4,010,000 compared to 2011. According to the same sources, in 2012 there were a total 82,560,000 laborers with a rural hukou who worked in non-agricultural industries in the Middle Region<sup>6</sup>. This is an increase of 3,140,000 compared to 2011. There were a total of 68,140,000 laborers with a rural hukou who worked in non-

5 The Eastern Region includes Beijing, Tianjin, Hebei, Liaoning, Shanghai, Jiangsu, Zhejiang, Fujian, Shandong, Guangdong, and Hainan.

6 The Middle Region includes Shanxi, Jilin, Heilongjiang, Anhui, Jiangxi, Henan, Hubei, and Hunan.

agricultural industries in the Western Region<sup>7</sup> in 2012, which was an increase of 2,680,000 compared 2011.

Within the Eastern Region, of all laborers with a rural hukou, 54.9% worked in non-agricultural industries. Approximately 20.2% of all laborers with a rural hukou had emigrated from their hukou registration location to work in non-agricultural industries (rural to urban migrants), while 34.7% of all laborers with rural hukou worked in non-agricultural industries within their hukou registration location. Within the Middle Region, of all laborers with a rural hukou, 37.2% worked in non-agricultural industries. In this region, approximately 24.3% of laborers with a rural hukou who worked in non-agricultural industries had emigrated from their hukou registration location, while 12.9% of such laborers had not. Within the Western Region, of all laborers with a rural hukou, 28.7% worked in non-agricultural industries. Of all laborers with a rural hukou, 19.2% had emigrated from their hukou registration location to work in non-agricultural industries, while 9.5% of all laborers with a rural hukou who worked in non-agricultural industries did so within their hukou registration location.

In 2013, the ratio of rural to urban migrants in the Eastern, Middle, and Western Regions was approximately 5:3:2. In the same year, of all rural to urban migrants, 77,390,000 were inter-provincial and 88,710,000 were intra-provincial. In the Middle and Western Regions, the majority of rural to urban migrants moved to different provinces, while in the Eastern Region, the majority of rural to urban migrants moved intra-provincially. More specifically, 40,170,000 people with a rural hukou left the Middle

<sup>7</sup> The Western Region includes Inner Mongolia, Guangxi, Chongqing, Sichuan, Guizhou, Yunnan, Xizang, Shaanxi, Gansu, Qinghai, Ningxia, and Xinjiang.

Region for a new province. Of all these migrants, 89.9% moved to the Eastern Region. The Western Region lost a total of 28,400,000 citizens with a rural hukou to inter-provincial migration. Of all these migrants, 82.7% of them moved to the Eastern Region. The Eastern Region had the fewest number of rural migrants emigrating from the region (8,820,000). Additionally, of all the inter-provincial rural migrants, most of them moved to prefectural level cities<sup>8</sup>; while of all the intra-provincial migrants, most of them moved to county-level cities<sup>9</sup>.

In 2014, there were approximately 273,950,000 rural to urban migrants in China, with 168,210,000 of these being inter-provincial migrants, such as those who migrated to Eastern provinces from the Western Region, and 105,740,000 of these being intra-provincial migrants. The Eastern Region had a total of 106,640,000 rural migrants, the Middle Regions had 94,460,000 rural migrants, and the Western Region had 72,850,000 rural migrants.

As for educational attainment, according to the Rural to Urban Migrants Report (2015), between 2004 and 2014, the percentage of rural migrants with a middle school or lower education was reduced from 83% to 80.5%, while rural migrants with a high school education or above increased from 17% to 19.5%. In 2014, 23.8% of rural migrants possessed a high school degree or more, as did 26% of inter-provincial migrants. Among intra-provincial migrants, the percentage who had a high school degree or more was 21.4%. More recently, rural to urban migrants born after 1980 (who will be discussed in

8 According to Qin and Zhang (2014), prefecture level cities are governed either by their provinces or by their autonomous regions. They are on the second tier of the hierarchy of the Chinese government organizational chart and their political, administrative, and economic level are just right below all levels of the municipal cities, provinces and autonomous regions.

9 According to Qin and Zhang (2014), county-level cities are sub-units of prefectural-level administrative divisions

the following section as “new generation migrants”) were primarily moving in order to get a higher education. In general, the educational attainment of rural migrants is still relatively low compared to that of urban residents.

As far as employment, the majority of rural to urban migrants work in construction and what in China are referred to as “tertiary industries”<sup>10</sup>. In 2014, 56.6% of the rural migrants were working in construction and manufacturing industries. For those who worked in tertiary industries, 11.4% worked in wholesale and retail sales, 6.5% in public transportation and delivery, and 6.0% in hotel and restaurant service. Although the majority of rural migrants (83%) were employed in the aforementioned industries, there were a total of 17% of self-employed rural to urban migrants.

In 2015, according to the National Bureau of Statistics (2015), 55.1% of rural to urban migrants worked in the manufacturing industry. Of all rural migrants, the ratio of manufacturing to construction workers was 3:2. Rural migrants accounted for 11.9% of people working in wholesale and retail sales; with 10.6% of rural migrants working in service industries. It is important to know that the proportion of rural migrants who working in tertiary industries increased the fastest in the Middle and Western Regions. In the Middle and Western Regions, the percentage of rural migrants who worked in tertiary industry increased 1.9% and 3.1%, respectively. Of rural migrants who migrated within their hukou registration location, 49.9% of them were working in manufacturing industries, while 22.8% of the rural migrants were working in construction.

10 In China, there are “Three Industries” which were designed during the planned economy era but are still in existence today. The first industry is agriculture, the second is heavy industries, including things like steel production, manufacturing, and construction, and the third industry (also known as tertiary industry) indicates white collar work, service, wholesale and retail sales, etc.

In 2015, the average monthly income of rural migrants increased slightly. Rural migrants earned approximately 3,072 yuan (1yuan = 6.7 USD), which was a 208 yuan increase compared to 2014. In addition, the average monthly income of rural migrants was distributed unevenly across the three regions. At the time, the Eastern Region had the highest and fastest-increasing income of all three regions. In 2015, the average monthly income of rural migrants in the Eastern Region was 3,213 yuan, which was a 247 yuan increase compared to 2014. The average monthly income of rural migrants in the Middle and the Western Regions, was 2,918 yuan and 2,964 yuan, respectively.

With regard to the living conditions of rural migrants in 2015, 28.7% of them were living in dormitory housing which was provided by their employers. 11.1% of rural migrants stayed at temporary camps at construction sites. The rest usually lived in rented apartments which were close to their work. Overall, the percentage of rural migrants who were home owners was relatively low. For example, in 2004, in Shanghai and Beijing, home ownership of the rural migrants was only 1%, according to Rosenbaum (2004).

### **Different Types of Rural Migrants**

**First and new generation rural migrants.** Many researchers have studied the first and the new generation of rural migrants and found the main differences between these two generations is the level of expectation after migration (Chan & Selden, 2013; Liu, 2010; Liu & Cheng, 2008; Liu et al., 2012; Luo & Wang, 2003; Wang, 2010, 2010; Wu & Wang, 2014; Zhu & Lin, 2014). The first generation of migration occurred from the 1950s through the 1980s and was made up of frontier migrants who grew up in rural areas and migrated to cities permanently. The new generation migrants, on the other hand,

were born after the 1980s and migrated and worked in cities while still possessing a rural hukou (Zhu & Lin, 2014). There were distinctive expectations between first generation and new generation rural migrants regarding income, housing, social insurance, occupational mobility, and urban identification. Zhu and Lin (2013), as well as, Chan and Selden (2014) found that, compared to first generation migrants (who mainly sought employment opportunities in order to send remittance back to their rural homes), the new generation rural migrants aspired to more than simple economic gain. This group want to develop occupational skills, to earn living wages, to enjoy comprehensive welfare, and to achieve the full range of citizenship rights in the cities.

Although the expectations of the new generation migrants were high, Zhu and Lin (2013) found that these young migrants still faced many social barriers. They found that no significant differences existed between the two generations regarding labor contract status, monthly income, medical insurance, and urbanite identification. Both of these groups had relatively low achievement in each of these areas compared to urban residents. Importantly, however, the new generation rural migrants experienced greater discrimination both economically and politically because of their hukou status. It was the institutional discrimination towards rural migrants that created the greatest difficulties for the new generation migrants with regard to seeing themselves as urban. For example, first generation migrants took low paying jobs because those were the only jobs available. In contrast, new generation migrants found that high paying jobs, even if available, were largely restricted to urban residents, so they ended up taking low paying, labor intensive jobs. Another example of the discrimination faced by new generation migrants concerns

their children's education; children of new generation rural migrants were not allowed to attend the same schools as children of urban hukou holders<sup>11</sup>. Because of experiences like these, new generation migrants have not come to identify themselves as "real" urbanites.

While the new generation of migrants have not been materially better off than first generation migrants, they have nonetheless come to be seen as emotionally "weaker" than the first generation migrants. In order to understand this perception of new generation migrants a study conducted by Hu (2012) might be helpful. Hu identified four major social migration types (including both first and new generation rural migrants); Career Builders, Family Helpers, Emotional Explorers, and Lost Followers. Career Builders are rural migrants who bear a heavier family burden and/or tend to become business owners to climb the social ladder. Family Helpers, are rural migrants who send their income to their rural family and lead a hard life in the city. Factory, construction, and service industry workers tend to fall in this category. Emotional Explorers are a type of rural migrant that seldom or never remits money to their rural family while their own income is barely sufficient to sustain their urban lifestyle.

Different from Career Builder and Family Helper, Emotional Explorers migrate in hopes of enjoying city life, although they rarely can afford to do so. The last category, Lost Followers are rural migrants who normally follow their families and friends to cities without having any specific goals. Hu added that when young migrants are not well-prepared and have no idea about the challenges and opportunities present in the cities, they tend to experience many emotional and physical hardships, thus deviant behaviors

11 In China, the nine-year free education (primary to middle school) was offered by the Chinese government since 1986. Children of school age will be assigned their district schools by their place of residence (District, City and Province) and their hukou status. Children who have an urban hukou have priorities to be assigned to schools compared to children who have a rural hukou.



could potentially occur. The disjunction between unrealistic expectations and the reality confronted when the rural migrants arrive in cities, which is most pronounced among the Emotional Explorers and can occur with Lost Followers, is important to defining the experience of the new generation migrants.

All of Hu's migrant types are based on educational attainment, job-hunting methods, social networks, remittance behavior, and reasons for migration. First generation migrants were more likely to fall in the first two categories. They may be illiterate or only have a rudimentary education level. Most of them might also lack identification documents, sufficient skills, or employment guidance to relocate, and they may have poor physical and mental health. But for them, the opportunity to improve their social status or their family's economic situation was welcome and largely unaccompanied by unrealistic expectations about the difficulty with which those goals might be accomplished. In contrast, the new generation rural migrants fall into all four of these categories. In particular, a large percentage of the new generation migrants are Emotional Explorers who want to live a fancier city life while they can barely afford to live in the cities. Hence, they are more likely to experience emotional turmoil when it comes to the differences between what they expected to achieve in cities and the reality of their experience. Such emotional distress will be further discussed in Chapter IV.

The first generation migrants are generally pioneers who seek opportunities to improve the quality of life for rural families. This group was more likely to work in those industries requiring low education and intense labor. However, the new generation migrants were more likely to pursue personal achievement rather than overall betterment

of their rural families. Compared to their first generation counterparts, the young generation has more than economic achievement behind the purpose of migration. They seek opportunities to get education, to learn occupational-related skills and become urbanite. The fact, however, is that quality of life of both the first and new generation migrants is equally challenging. Where the two generations differ is in the greater expectations that new generation migrants brought with them to the cities. As will be discussed, the greatest problems occur when these new generation migrants are unable to achieve their lofty expectations, as a variety of social and psychological problems may result.

**The permanent, seasonal and temporary migrant.** Since the 1990s, the China Census has distinguished between permanent, seasonal, and temporary rural migrants. There are two types of permanent migrants. The first type includes individuals who possess rural hukou and reside in a city for more than a year following the most recent Chinese New Year. The second type is composed of individuals who have urban hukou at the time of the census. Seasonal rural migrants are individuals who migrate to cities for work during those times of the year when there is no work to be done on farms. Lastly, temporary rural migrants are individuals who have migrated to cities less than a full year following the most recent Chinese New Year. However, a distinction within this category is made for the purpose of avoiding double enumeration of individuals at both their rural and urban residences within the Census. Individuals who lived in a city for less than six months will only be enumerated by their residence at their hukou origins. In contrast, individuals who lived in a city for more than six months (but less than one year) will be

enumerated by their residence at the destination city. Later, researchers have used this taxonomy of rural migrants to study subjects related to migration like motivation for migration, the living conditions of migrants, and the long term effects of migration on rural migrants.

Compared with temporary migrants, permanent migrants were likely to be older, married, well educated, as well as more likely to convert their rural hukou to urban hukou (Cai & Wang, 2008). Jian and Kun (2007) conducted a survey—in Wuhan, Guangzhou, Shenzhen, and Dongguan, four of the largest migrant receiving cities in mainland China—in order to study the different characteristics that exist between first generation and new generation rural migrants within the permanent, temporary, and seasonal categories. They found that although rural migrants were widely distributed across different types of jobs in urban China compared to decades ago, seasonal and temporary rural migrants were concentrated in the manufacturing and construction sectors regardless of generation. Additionally, for both generations, temporary and seasonal migrants were more concerned about the income they received from their occupations than permanent migrants. The reason for this difference is that seasonal and temporary rural migrants had no plan to move to cities permanently; what they wanted was large economic gains in a short time period. In contrast, the biggest concern for the permanent rural migrants of both generations was the benefits created by social welfare policies that are only available to urban residents. As a result, rural migrants believed that it was only through hukou conversion that they could have good living conditions and education for their children.

Another important characteristic of permanent migrants that has been noted in more recent years, is the proportion of those who are “entrepreneurs” and/or “professional personnel” in contrast to both the seasonal and temporary migrants. As Jian and Kun (2007) indicated, permanent migrants greatly benefited from their urban resident status which afforded them a number of social benefits, including career eligibility, education, and fewer constraints on bank loans. Compared with the other two types of rural migrants, permanent migrants were more likely to have stable jobs, earn higher incomes, and have more financial resources (both in terms of start-up investment and when applying for bank loans) in order to start their own businesses.

In brief, permanent, temporary and seasonal rural migrants appears to differ in terms of long terms and short term goals. Both temporary and seasonal rural migrants have no desires to stay in the cities for longer period of time, and they seemed have a much stronger connection with their rural families. The primary reason for these two type of migrants is economic achievement. However, for the last type of migrants (permanent rural migrants), besides achieving financial stability and success in the cities, they are also looking forward to fully integrating into urban life.

### **Reasons for Migration**

There are many rural and urban policies, personal preferences, and economic opportunities in cities that have played, and continue to play, significant roles in rural to urban migration. Generally speaking, policies that encouraged local economic development and provided settlement benefits attracted more migrants, and these policies were typically implemented in the Eastern Region in China. As for personal preferences,

such as job availability and a high quality urban lifestyle, cities with these amenities are typically located in the Eastern Region as well. Therefore, policies and personal preferences could work together to push many more rural people to migrate to the Eastern Region. Other times, however, regional policies outweighed the influence of personal preferences, and pushed rural migrants to the Middle and the Western Region, as will be discussed in a later section.

The first reason behind rural to urban migration is the improvement of farming efficiency and land tenure policies in rural areas that gave farmers much more freedom to choose to either stay in or leave from rural areas. Since 1958, the state council issued a directive that aimed to loosen the rigorous restrictions on population mobility from rural to urban areas (Chen, 2011; Ma, 2001). According to Ma (2001), the 1970's rural reform policies greatly improved the farming efficiency, which created surplus agricultural laborer in the rural areas (95 million rural population are categorized as surplus labor in 1984; in 1986, 114 to 152 million surplus labor was seen in rural areas and by 2000, it exceeded 300 million). Mullan et al. (2011) discussed that in China, farmlands were owned by the state (village collectives officially owned the land), while individual households had fixed-term contracts to use the land for their own production activities. Over time, the rights of land usage became close to that of private property—with longer contracts, reduced frequency of land reallocation, and increased opportunities to rent to others. Most of the younger rural people, especially during the off seasons, were more likely to go to towns or cities to seek more profitable non-agricultural jobs.

The second reason is the availability of urban jobs which were associated with higher income in the cities. Since the 1990s, the mega-cities (e.g. Beijing, Tianjin, Shanghai, and Guangzhou) have had drastic structural changes in both economic and cultural dimensions where numerous urban jobs were available for the rural migrants. The average income of rural migrants was significantly higher compared to agricultural work, albeit it was lower than urban locales. By conducting surveys in major rural migrants receiving cities (including Beijing, Shanghai, Guangzhou, and Tianjin) Lu & Song (2006) and Zhang (2004) found that factors such as higher income, non-agricultural job opportunities, higher quality of life, and less burden of taxes and fees than in the farmland were the major economic drives behind rural to urban migration.

The third reason behind rural to urban migration is due to business opportunities that are widely available in the cities, such as being a business owner as compared to being a farmer, or a wage worker. There is some supportive evidence on how becoming entrepreneurs could be lucrative when it comes to career options for rural migrants. Frijters et al. (2011) found that rural migrants who possessed higher human capital were likely to engage in entrepreneurial jobs which normally had better pay. In their study, data showed that recent migrants (2008 to 2009) earned about 25% more as entrepreneurs than those who worked in the salary sectors. Current rural migrant entrepreneurs expected a 30% pay drop should they become salary earners again. In addition, rural migrants were three times more likely to be entrepreneurs and six times more likely to “want to be” entrepreneurs rather than “happy to be” wage workers. Those who lack social and human capital were more likely to become small business owners, such as street vendors. For

instance, married people, less educated people, and females were more likely to be entrepreneurs.

The fourth reason for rural migration is to improve social upward mobility through education and skill training in the cities. Since 1999, the Chinese government has launched a series of policies on higher education expansion. Most importantly, more educated and more experienced migrants tended to become permanent urban residents. In other words, education determined who would be more apt to stay permanently after migration and who would continue to sustain a better socioeconomic status (Hu et al., 2011). As a result, rural people who migrated for education were increasing over time, and rural migrants who were younger and strive for upward mobility were more likely to migrate to urban areas for education (Zhou, 2014).

In many urban areas in China, migrants are the predominated groups working in construction, joint-venture manufacturing enterprises, or service industries. Although it seemed that most of these jobs required very little skills, in the long run, it is somewhat promising for those who wanted to move to upper level managerial work or start up their own business. Leslie T. Chang, a journalist who wrote about the work and life experiences of young women migrant workers in major manufacturing industries in China in her report, *Factory Girls: From Village to City in a Changing China*, discussed the reasons behind rural migration of these young women. In her Ted Talk, she stated,

... "Chinese workers are not forced into factories because of our insatiable desire for iPods. They choose to leave their homes in order to earn money, to learn new skills, and to

see the world. In the ongoing debate about globalization, what's been missing is the voices of the workers themselves." (September, 2012)

One of her interviewees described her own personal growth after migration, "When I went home for the New Year, everyone said I had changed. They asked me, what did you do that you have changed so much? I told them that I studied and worked hard. If you tell them more, they won't understand anyway." Another girl said "Now, after I get off work, I study English, because in the future, our customers won't be only Chinese, so we must learn more languages." Through migration, it created opportunities for social mobility for millions of rural people through skills training and education, especially young people from rural areas.

The excitement of enjoying city life could be another reason for migration. Migrant workers who hoped to become city residents tended to seek for prosperity from both economic and lifestyle perspectives, such as higher income, a better living condition, and education for children so as to avoid the heavy burden of labor on farms (Akay, Bargain, & Zimmermann, 2012). Bao et al. (2009) indicated that rural to urban migrants, especially those moved from a long distance, have moved coast-ward not only to seek employment but also to enjoy city life. In other words, the longer the distance, the stronger the pursuit of economic betterment and urban lifestyle. However, unlike the claim, studies found insignificant improvement on quality of life and overall well-being after these rural workers' migration (Wang et al. 2010; Zhang et al., 2009). These authors suggested that rural migrants encountered various social barriers and challenges to meet



goals. Therefore, most of them tended to migrate for education and non-agricultural work at the very beginning, and hoped to achieve better quality of life later (Liang et al., 2014; Zhu & Lin, 2014).

In addition to these economic and social incentives that have attracted more and more rural migrants, studies also showed how local networks helped rural migrants to decide where to move. Liu et al. (2015) found that local networks played significant roles for rural migrants who decided to stay in cities either temporarily or permanently. Bao et al. (2009) focused on two different determinants—destination social network and foreign direct investment (FDI)—and found that past migration and destination FDI substantially influenced current migration decisions. Migrants preferred to move to provinces with migrant connection and with higher amount of FDIs. Li and Zahniser (2002) also concurred that the presence of a family member or a friend in the prospective destination city reduced the costs of migration while it provided social and psychological support.

Other than understanding the reasons for rural to urban migration, it is important to note that migrants also made an impact in the places where they choose to move. Liu et al. (2015) pointed out that migrants' destination preference altered the spatial distribution of China's urbanization to a great extent. Areas with more rural migrants were also prone to have better fiscal policies and employment opportunities. Cai and Wang (2008) found that from 1987 to 2000, most migrants went to the urban cities in the eastern coastal areas, such as Beijing, Shanghai, Guangdong, Zhejiang, and Fujian. Cai and Wang further discussed that a dense population concentration alternated economic scales within a certain specific spatial unit (east coastal cities and inland regions) with an increase of

urban and human services supplies, and a decrease of agricultural and ecological production in the highly advanced eastern and impoverished western emigration areas (Cai & Wang, 2003).

Most importantly, migrants' preference has reinforced the scale advantage of the mega-cities, prompted the size divergence of medium and large-scaled cities, and changed the hierarchical structure and spatial organization of China's urban system (Liu et al., 2015). Additionally, migrants' destination preference also facilitated the rise of the inland regions. According to Liu et al. (2015), in small and medium sized cities and towns, rural migrants were the driving engine of local economic development. In conclusion, rural to urban migration has altered the spatial distribution of China's urban system to such a great extent that the economic scale of the mid-West Region has substantially grown.

### **Changing Patterns of Rural to Urban Migration**

Changing patterns of rural migration in contemporary China can be summarized in five stages as seen in Figure 2, below. The first stage was during the 1950s and 1960s when China underwent an economic economy and central planning era. During this period of time, there was very limited migration happening between rural and urban area. The second stage was during the 1960s and 1970s when there was a decreased migration from rural to urban areas. As a matter of fact, there was an increasing population migration from urban to rural areas due to the "Cultural and Moral Reform" under Mao's Cultural Revolution. The third stage was during the early 1980s and early 1990s when the Household Registration system became loosen due to the need for industrialization in the

cities. The Fourth stage was from the late 1990s to early 2000s when there were increased labor needs during urbanization. In the early 2000s, the majority of rural migrants moved to the Eastern Region because of its migrant-friendly policies and urban lifestyle. For instance, the Yangtze River Delta, where the earliest and most advanced economic development occurred (and having the least farmland), had the largest in-migrant population and most salient population expansion. According to Liu et al. (2015), at the time, these coastal regions attracted rural migrants due to availability of non-agricultural employment opportunities, urban amenities, and urban lifestyle. Eastern coastal provinces were the most dynamic economic regions where liberal economic policies were featured, such as a tax-free zone, which attracted both domestic and foreign investors. For instance, in just the five years after the opening of four special economic zones in 1986, 14 coastal cities were designated as “Open Development Zones” and were thus granted the favor of special policies, such as tax incentives for joint-venture enterprises. According to Liang (2001), several coastal provinces in China (e.g. Liaoning, Jiangsu, Zhejiang, Fujian, Guangdong) had the highest proportion of temporary migrants. Liang (2001) also addressed the fact that there were substantial numbers of temporary migrants residing in nearly every coastal province in China.

More recently, however, the Chinese government initiated a series of policies (e.g. tax elimination on agricultural products and new incentives to attract rural migrant entrepreneurs to reinvest in locals) with the intention to divert rural migrants to the Middle and Western Regions (Liang et al., 2014). Liang also mentioned that the percentage of farming labor has declined in a significant manner in the Western Region

due to the growing economic and educational opportunities within each province that provided better and cost effective options for rural migrants.



Figure 2: Geographical Migratory Patterns in Contemporary China

When looking at the regional (Eastern, Middle, and Western) migration, both inter-provincial and intra-provincial migration were largely influenced by factors such as labor needs, distance advantage (especially transportation convenience), and the continually increasing wage gap (Shen, 2011; Yang & Goldstein, 1990). In the Central and Western Regions, settings with better equipped urban amenities became more attractive to rural migrants. According to Liu et al. (2015), in the Central and the Western Regions, places with a higher economic development level and at a higher administrative level attracted many more migrants (both rural and urban migrants). This demonstrates

how the Chinese government allocated economic resources and promoted regional development in inland China.

A trend of migration return (retraction of emigrants back to their home provinces), since 2008, is another example of how policy has influenced migration patterns. During the 2008 economic recession, the Chinese government shifted the economic plan from labor intensive to capital intensive, which resulted in a large amount of surplus labor in the Eastern Region. As a result, there was a rising migration trend toward the Middle and Western Regions. Hu et al. (2011) and Knight (2008) explained that migrants helped to reduce rural/urban inequality due to the fact that rural migrants earn more money in cities and send remittances back to the countryside. In their research, variables include the distance between the village and the township, the distance between the village and countryside, and the ratio of average local farm income to average net income of the village. Hu et al. (2011) found that those villages which were not economically active and were far from local economic centers were less attractive to return migrants, and thus had “push” effects in the decision to emigrate. They also found that whether migrants choose to return or not depended on individual or socioeconomic characteristics (such as individual education level and household wealth), as well as factors related to destination policies either supporting or against the rights of rural migrants.

## CHAPTER IV

### PROBLEMS OF RURAL TO URBAN MIGRANTS IN CHINA

There was a complicated relationship between Chinese central government and rural areas with regard to policy preferences towards urban versus rural. Before the establishment of the People's Republic of China (PRC), rural people were the major driving force for the victory of PRC. However, after the 1980's economic reforms, the PRC turned away from rural people and granted privileges to the urban residents as their interest group (Weigelin-Schwiedrzik, 2008). This resulted in benefits from the economic growth not being fairly distributed between urban and rural residents (Cheng & Wang, 2015; Gu et al. 2007; Lu & Song, 2016; Rosenbaum, 2004). Rural migrants earned less money, received far fewer benefits, had less upward mobility, fewer legal rights, and less legal protection. More so, rural residents were not eligible for public education, medical care, or housing compensation at both rural and urban areas; encountering many restrictions on employment, urban settlement, and hukou conversion, as well. Issues related to citizen rights, social exclusion, urban-rural income gap, and psychological issues were found empirically to be related to marginalized life of rural migrants in the cities (Feng, Zuo & Ruan, 2002; Li, 2006; Li & Chui, 2011; Lu & Song, 2006; Meng & Zhang, 2001; Yang, 1993; Akay, Bargain, & Zimmermann, 2012), as will be further discussed in the following section.

## **Citizenship and Human Rights of Rural Migrants**

According to Rosenbaum (2004), a full range of citizen rights should include social membership, community belonging, and the right of resource sharing. Rural migrants in China face significant challenges to realize all these essential aspects of the citizen rights in cities, even though they were the same national origin as the urban locals. Sollinger (1999) conducted research to compare the citizenship and human rights issue on migrant population in Germany, Japan, and China. He pointed out that the major issues related to rules of entry and stay in terms of who can enter the country and who can obtain residency of various kinds, civic and social privileges, and fair treatment of migrant workers were important to solve citizen right issues. His historical review specifically aimed to explain issues of rural migration under the Chinese context, a comparison between the illegal immigrants in the US and rural to urban migrants who do not have legal documents (Hukou registration in China) and certificates (working permits in China) to legally reside in the cities. Although the economic growth and urbanization demanded large amounts of laborers from rural areas, the procedure to obtain legal residency (both temporary and permanent) for rural migrants was both difficult and uncertain. These economic barriers further enlarged the rural-urban socio-economic disparity. Thus, rural residents received unfair treatment from the state, as China, since the 1980s, benefited greatly from an urban development strategy which provided cheap labor without providing sufficient social benefits for the contributors—especially the rural migrants—in return. Once again, the hukou system is the primary barrier for rural migrants

to achieve equal citizen rights (Cai, 2008; Feng et al., 2002; Liang et al., 2014; Mulloy, 2010).

The hukou system encompassed far more than simply controlling urban population and labor mobility. Rather, it was a social control mechanism and a main tool to exclude rural people from accessing state-provided goods, welfare, and entitlements (Chan, 2010). As Liang (2001) discussed, during the economic reform era, the state allowed rural people to work in the cities under conditions that they would present valid identifications allowing them to stay and work. All migrants were subjected to report their hukou status to local administrative authorities, especially the Public Safety Office (which is equivalent to the city police department in the US). For those who moved to urban cities temporarily (less than 6 month) and/or permanently, they had to present evidence of employment, school registration or a special permit granted by an urban hukou registration authority, such as a permit specific to seasonal migrants. Rural migrant workers without any forms of authorized documents would be considered “illegal migrants” and were subject to arrest and eviction.

Zhu and Lin (2013) suggested that China’s hukou system favored urban residents and left rural people out of social benefits and protection. People with a rural hukou were prevented from accessing all types of social benefits made available to urban residents. As a recent article in *The Economist* reported, “... it is far harder for a member of this group to gain official recognition as a city-dweller in his own country, with all the welfare benefits and access to public services that status confers, than to gain citizenship in America or Europe if he were to migrate there” (*The Economist*, 2014, April 19).



Nowadays, rural migrants still have difficulties accessing civil and social welfare only afforded to their urban local counterparts (Che et al., 2013; Sollinger, 1999; Weigelin-Schwiedrzik et al., 2004). Che et al. (2013) noted the lack of institutional protection within the working environment where rural migrants tended to be. Although the national Trade Union Law of 1992 demanded that all firms set up trade unions, the factories where rural migrant workers tend to work either have not established unions or their unions do not have sufficient protective policies for rural workers. As a consequence, problems such as low income, low participation of social security system, inadequate housing subsidies for rural migrants have not fundamentally changed. The Chinese government has made efforts to protect the rights of rural laborers in China, especially after multiple cases involving police brutality towards rural migrants. These efforts included new policies on social integration, a relaxed household registration system, and state connection and state sector employment opportunities (Che et al. 2013). However, the problem continues to exist, the fundamental civil rights for quality of life are not evidently granted to rural migrants.

### **Social Exclusion and Discrimination Towards Rural Migrants**

Kuitenbrouwer (1973) defined social exclusion as a state of relative deprivation and involuntary exclusion of an individual's participatory role in a society. In China, social exclusion continues to be a process of exclusion that prohibits rural migrants from participating in some areas of social life, and a continuing isolation and discrimination towards this disadvantaged group. Wong and Song (2007) identified three types of social exclusions towards rural migrants: 1) an involuntary exclusion from participation in one

or more spheres of life (e.g. socio-cultural, political, and economic); 2) a state of relative deprivation characterized by poor housing conditions, lack of opportunity for education, poor health conditions, inadequate access to improve income and employment opportunities; 3) a process of exclusion in areas of social life that are viewed as fundamental citizen rights in any given society. For instance, rural migrants rarely have the opportunities of being involved in political and/or government sectors. Huang and Yi (2014) conducted a qualitative research study which focused on rural migrants who stayed at a basement apartment in Beijing. Basement renting in Beijing is a common way of institutional exclusion to deny the rights of affordable and quality housing for rural migrant workers. The authors pointed out that the housing exclusion policy was due to three major modes of marginalization. Firstly, rural migrants were considered an inferior social class by urban residents and employment sectors in the cities; secondly, derogatory labeling towards rural migrants exacerbated the discrimination and social exclusion on both their rights of employment and rights of housing; thirdly, very few social policies addressed the needs and benefits of rural migrants.

Children of rural migrants are also excluded from main society, because their parents cannot afford their housing, food, and education in the cities. Recently, news media focused on the issue of these children of rural migrants, calling them "left-behind children" as they grew up in rural areas while their parents were away in cities working as rural migrant workers. The reasons vary as to why these migrant workers leave their children behind, but a major reason was that the children with rural hukou cannot attend the schools where they would reside (in the cities) and cannot get appropriate health care.

Thus, these children left behind without parental care could possibly experience tremendous psychological stress. A recent article, published in *The Economist* (2015, October 15), informed that “left behind children” and rural migrant children make up an estimated 40% of all Chinese children. Other than lack of parenting and appropriate education, these left behind children also reportedly experienced sexual abuse, physical abuse, and psychological disorders. As many researchers and commentators indicated, hukou registration and its restrictions on the benefits and privileges rural hukou holders are the primary causes of the "left behind children" problem.

A documentary film released in 2014, made by US journalist, Jocelyn Ford, *Nowhere to Call Home*, told a story of a female Tibetan farmer, torn between her traditional way of life and desires for her son to have a better future in the city. It explicitly demonstrated how discrimination from urban residents toward rural migrants had created devastating consequences. As the film portrayed, the important role of the rural migrants, as a social growing force, was not recognized. Rather, they were frequently criticized as a threat to social order and often associated with the increase in crime rates in urban cities. Experiences of social exclusion were associated with discriminations that rural migrants have received from urban locals. Rural migrants are also perceived as competing with unemployed urban residents and were labeled as “outsiders” and more derogatorily, labeled as “stupid” and “ignorant”. It is very common for them to be mistreated with verbal disrespect, deliberate avoidance, and experiences in the delay of payments from employers. As a consequence, the hostility toward rural migrants has furthered their marginalized life experiences in the cities. Guan and Liu

(2014) studied discriminations and social stigmatizations toward rural to urban migrants by measuring objective mechanisms (institutional discrimination and prejudice) from urban locals, and subjective mechanisms (perceived discrimination, subtle prejudice, discriminatory experiences) of the rural migrants. The study showed that urban residents tended to associate images of rural migrants with unattractive physical appearance, potential perils of disease or crime, and discredited places of origin.

Han (2010) studied administrative prejudices of the Chinese police force towards rural to urban migrants, and found that rural to urban migrants have been treated and continue to be treated and seen as a stigmatized social group. First and foremost, there were some biases towards rural migrants. Rural migrants have been seen as ignorant because of lower socioeconomic status, as well as their lesser resemblance to urbanites, and they have been assumed to commit more crimes. Because of these biased images, they encountered extreme discrimination and unfair treatment from the public safety sectors, especially the police force. In China, a special force of the law enforcement has been established since the 1990s in order to monitor and check the status of the rural migrants. Rural migrants were subject to being checked, harassed, and even arrested if they lacked any type of permit to stay in the cities where they worked. In fact, in recent years, there were multiple high profile cases of violent confrontations between public safety officers and rural migrants who were under suspicion of lacking the legal permits to stay in cities. It raised concerns in public discourse regarding migration, public safety, and police brutality issues, and ultimately the stability of society.

The status disadvantages of the rural migrants further deepened the socioeconomic gap from urban locals. This implicitly created a social stratification of the superiors (urban) and inferiors (rural). Under these social stigmas, rural migrants responded in different ways. Some of the migrants did not view themselves contemptuously and expressed positive feelings about their lives as migrants. In contrast, other migrants tended to respond to these discriminations in a negative way, including blaming fate, stigma reversal, and pursuit of self-efficacy by committing crimes (Han , 2010).

### **Economic Exclusion and Discrimination Experienced by the Rural Migrants**

Rural migrants were largely excluded from highly paid occupations and/or better working environments. Unlike urban residents, rural migrants were mainly concentrated in service and construction industry (Knight, Song, & Jia, 1999). Moreover, most migrant workers took physically demanding jobs as manual laborers, or as workers in textile, garment, and toy factories, etc. (Blum et al., 2001; Frijters et al., 2011; Golley & Meng, 2011; Lu et al. 2013; Xinhua & Kun, 2007). According to Li (1996), 80% of rural migrants worked at “dirty, heavy, and dangerous jobs”. Some jobs were state-owned work units with a short term contract—without providing regular staff housing or pension for their contractual workers. As Demurger et al. (2009) found, urban residents were given social privilege to work in formal and nation-owned sectors with stable contracts and comprehensive benefit packages. However, as rural migrants, at the bottom of social hierarchy, they had to choose work that might be risky, or depend on informal revenues, sometimes illegal, and still barely afford their lives in the cities.

In addition, rural migrants were also excluded from state recruitment avenues both at the pre-migration and post-migration stages. The majority of rural migrants found their jobs either through private recruiters or informal networks of their rural migrant friends which showed that the government had not provided sufficient settlement services to help rural migrants to relocate. For instance, in 2004, a study was conducted in a major rural migrant receiving city; Jian and Kun (2007) found that although employment services provided by governments have been improved, the informal employment information channels have been the major avenues rural migrants use to find jobs in the cities. In addition, they found that in the process of job searching, migrant workers could find jobs more quickly when facilitated by relatives, acquaintances, fellow townsmen, and by using other personal relations, than when not being facilitated by these personal ties. State assistants had no effect in helping them to find stable employment.

Because of the occupational disparity, the rural to urban income gap is becoming a major problem. Though the overall income has significantly improved between the rural locals and the rural to urban migrants over years, the income gap between the rural migrants and urban locals has widened. According to Knight and Ding (2012), the median wage of migrants was 54% of urban locals in 2012. In 2002, the average income per capita of rural to urban migrant households was not only higher but also nearly doubled that of rural households, although approximately 35% lower than that of urban households. According to Demurger et al. (2009), the annual earnings of urban residents in 2009 was 1.3 times higher than long term rural migrants (rural migrants who stayed in urban areas for more than 1 year or converted their rural hukou to urban) earnings.

Sicular and his associates (2007) studied the magnitude and trends of the urban-rural income gap between 1995 and 2002. They found that the rural-urban income gap was rising from the Western to the Middle Region though it declined in the Eastern coast. They concluded that spatial differences in prices and the cost of living were the major contribution of this rural-urban income gap. Meng and Bai (2007) pointed out that the income gap between rural migrants and urban locals was associated with labor immobility. Rural migrants have less education and less skills when they come into cities and as a result, most rural migrants tended to work in those industries having the lowest pay and least benefits.

The lack of legal protection and guaranteed social benefit toward rural migrants further demonstrated the economic exclusion that migrants experienced in the cities. According to The National Report on Rural Migrant Workers published by the Chinese Ministry of Labor, in 2015, the rate of delayed paychecks was slightly increasing compared to 2014, where the Eastern Region had the lowest rate of delayed paychecks, while the Western Region had the highest rate of delayed paychecks. In addition, of all the industries where rural migrant workers tend to work, the construction industry had the highest rate of delayed paychecks. Of all the other industries, the rate of delayed paychecks was also increasing. This resulted in an increase of 9,788 yuan of average delayed paychecks in 2015 (1 yuan = 6.86USD)<sup>12</sup>, based on the currency exchange rate dated December 3, 2016.

12 In 2015, the average monthly income of rural migrants in the Eastern region was 3,213 yuan, and 2,918 yuan in the Middle Region, and 2,964 yuan in the Western Region.

## **Psychological and Physical Health Issues with Urban Migrants**

Both psychological and physical health issues are becoming much more prevalent among young rural migrant workers. Concerns such as infectious diseases, mental health, occupational health, and women's health are emerging public health concerns related to migration (Mou et al., 2013). As previously mentioned, rural migrants experienced many social exclusion and discrimination in cities. Even worse, the psychological marginalization was most detrimental, preventing rural migrants from social integration and healthy urban growth. Research showed that the common factors that contribute to the psychological marginalization of the rural migrants were sleep disturbance, poor physical health, anxiety, depression, and social isolation (Wong & Song, 2007).

For male rural migrant workers, longer working hours, lower income, older age, and labor-intensive jobs were associated with a high risk of mental health issues. According to a study by Qiu et al. (2011), there has been a high prevalence of depressive symptoms among migrant workers who mainly engaged in labor intensive jobs. They found that proximal factors associated with depressive conditions included self-rated health, self-rated economic status, and city adaptation status. High income and increased use of social support resources were associated with reduced risk of poor mental health (Sullivan et al., 2011; Keung Wong et al., 2007; Li et al., 2014; Ng et al., 2014; Zhang et al., 2009; Akay, Bargain, & Zimmermann, 2012). Zhong et al. (2015) conducted research to examine the relationship between Major Depressive Disorder (MDD) and being rural migrant workers in Shenzhen, Guangdong. The research included 3,031 migrant workers from 10 manufacturing factories, and found that the risk factors for lifetime MDD



included: lower education, poor living condition, poor self-perceived physical health, early migration before adulthood (18 years), lack of emotional support, and working overtime.

Compared to older migrants, younger migrants may have lower levels of social support and weaker social networks. This is because the younger rural migrants tended to have a shorter time of stay in cities, thus lacking time and opportunity to form local friend groups. More so, the discrepancy between pre-migratory expectation and post-migratory reality may lead to a sense of loss, which could negatively impact mental health amongst young migrants. Additionally, rural migrants could be vulnerable to discrimination and stigmatization from many social and political actors; they could also become stressed over an inability to find work, places to stay, or affordable health care (Gong et al., 2012). In conclusion, research found various indicators associated with psychological and physical health of amongst Chinese migrant workers, such as working and living conditions, economic status, social support, experiences of being stigmatized or discriminated, and unrealized expectations.

## CHAPTER V

### RURAL MIGRATION AND CRIME

#### **Rural to Urban Migration and Crime in China**

According to Nielsen and Smyth (2008), crimes skyrocketed in China between the late 1980s and 1990s, and have increasingly become a major concern for public safety. Between 1988 and 1995 homicide conviction has increased by 71%. Assaults, robbery, and serious theft have increased 171%, 351%, and 237%, respectively (Guo, 1996). Madsen (2012) also found that since 1978 the crime rates in China have risen by 300%. Not only have crime statistics indicated this surging crime trend, Chinese citizens also expressed their concerns toward crime increases. For example, a 1991 national survey asked respondents about their concerns of public safety, and two-thirds of the respondents rated very high concerns regarding crime and social instability. It is worth noting that during the time when crime rates were increasing was the same time period of the first wave of migration, as well as the economic reform in China. Research indicates that there is a relationship between crime and urbanization, especially considering the continuing growth of migrants (Dutton, 1997).

#### **Rural Migrants Overrepresented in Criminal Offenses in China**

Official data and scholarly research have indicated that migrants are overrepresented as offenders in contemporary urban China. The relationship between rural migration and crime is referred to as the “three high[s]”—high crime rates, high arrest rates, and high incarceration rates (China Daily, 2014). Peng and Long (2010)

stated that in 2008, the rural migrant defendants made up at least 70% of the total criminal defendants of the entire nation. From 2006 to 2010, the crime rate of rural migrants increased 21.7% compared to 2001-2005 (The China Broadcast, 2012). Rural Migrant and Crime—Research and Report (2014)<sup>13</sup> showed that rural migrants tended to commit serious crimes, such as robbery, burglary, aggravated assault, forcible rape, and sex trafficking, as well as gang related crime. Guo (2011) found that rural migrants were likely to commit both property related and violent crimes, with theft and robbery being the most prevalent crimes committed by rural migrants. Chen (2008) studied substance abuse issues among rural to urban migrants in China, and found that substance use among rural migrant workers varied across workplaces. The top four tiers of business having above-average use of alcohol, tobacco, and illegal drugs were construction companies, night clubs, massage parlors, and hair salons. In addition, gender played a significant role in substance abuse. Female migrant workers who worked at construction companies or night clubs have higher rates of substance use, especially illegal drug use.

According to the same report, crimes were particularly prevalent in the major rural migrant receiving cities. By the end of 2014, Guangdong had a total population 13,085,000 with a migrant population of 7,360,000. There were a total of 55,499 criminal defendants between 2008 and 2010, of which migrant defendants were 43,418 (78.23%). In 2008, the convicted population was 18,159 and the migrant defendants were 14,449 with 79.57% of the entire convicted population; in 2009, the convicted population was 20,158 in total and the migrant defendants were 15,673; and in 2010, the convicted

13 The China University of Political Science and Law, a leading legal education and research institute, teamed up with their collaborators and published the report.

population was 17,182 in total and migrant defendants were 13,296. The conviction rate of migrant defendants was 77.5% for both 2009 and 2010. The average conviction rate of migrant defendants during 2008 to 2010 was 79.57%<sup>14</sup>. In Guangzhou and Shenzhen, two of the largest economic centers of the Guangdong province, migrants made up 80% to 90% of crime offenders (Guangzhou Police Bureau Research Team, 2002).

The total migrant population in Tianjin is 5,003,500 which was approximately 80% of entire population (2015 The Tianjin Census Survey)<sup>15</sup>. Zhang (2014) addressed the prevalence of rural migrant offenders in Tianjin. By rates of criminal offense, migrants were made up of 25% in 1993 and 28% in 1994; from January to April of 1995, the convicted migrants reached 31% of the entire criminal conviction population. From 2003 to July, 2008, the total number of arrested migrants was 30,200; a 30% annual increase. In 2011, the convicted migrant defendants had risen as high as 87.67%.

Shanghai is also on the high crime list. Han et al. (2014) studied a total of 6,887 offenders from 1997 to 2006 in Shanghai. Based on their research, most of the migrant offenders came from four tiers of major emigration regions. The first tier is the western areas where have criminal offender under 100 people in total. Xinjiang, Heilong, Jiang, and Guangxi are the three provinces with the highest number of migrant offenders from the first tier region. The second tier includes provinces such as Jiangxi, Zhejiang, and Henan in which the total number of criminal offenses committed by migrants are between 100 and 400 in total. The third tier includes provinces like Jiangsu and Sichuan, in which the total number of migrant offenders is between 700 and 800 in total, which represents a

14 The Guangzhou Inferior and Intermediate courts.

15 The Tianjin Census Survey is one part of the record from “Administration and Management of Migrant Population in Tianjin” from the Tianjin Public Safety Office.

22.31% of the entire sample population. The fourth tier is Anhui Province which has a total 2,330 migrant offenders, and represents 33.83% of the entire sample population.

There was no other replication or reexamination on this subject matter, but the findings are definitely suggestive of who would be likely to be charged as criminal offenders.

### **Characteristics of the Rural Migrant Offenders**

Chang and Li (2014) found that the majority of the rural migrant offenders, in 2013, were between 18 and 49, but the national average peak age ranged between 18 and 29. In addition, rural migrant offenders tended to have low education backgrounds. In their study, 70% of them have middle school or lower education. The Guangzhou Inferior and Intermediate Courts (2010) reported that rural migrants were more likely to commit serious offenses. For example, in 2008, the total number of rural migrant defendants who committed these crimes was 939 out of 1,193 cases. Among these serious offenses, most were reportedly committed under the heat of passion, such as anger, jealousy, or feelings of being mistreated. Gao (2011) found most crimes committed by rural migrants were for money, curiosity, brotherhood, or revenge. Guo (2011) studied the characteristics of the rural migrant offenders and summarized the following key features of them. First, rural migrant offenders tended to be new generation migrants who were working in a temporary positions in manufacturing (45.8%) and the service industry (36.5%). Second, the locations of the offenses have also been systematically distributed at street corners, rented houses, hotels and internet cafes. Third, crimes against locals were 58% versus 23.1% against other rural migrants. Fourth, rural migrants were more likely to commit crimes with co-defendants, who came from the same rural areas.

The characteristics of the rural migrant offenders have also been studied extensively by legal institutions in China. In a study conducted by Beijing Political and Legal University and Criminal Offenses and Recourse Center (2015), 191 cases and 151 migrant defendants was collected from the legal services records from legal firms in Beijing, Shanxi, Henan, Jiangsu, Inner Mongolia, Ningxia Special District, Shandong, Hebei, Qinghai, Tianjin and 10 more provinces and municipalities in China. The study aimed to examine the characteristics of the criminal offenses, the causes of crime, the causes of victimization, and the criminal court procedures, as well as to offer suggestions on prevention and protection of the marginalized population.

In this legal report, variables related to characteristics of the rural migrant were age, gender, educational background, and current employment status. In addition, criminal offenses from high to low were categorized as ordinal variables, including: robbery (34 people), theft (30 people), assault (14 people), rape (6 people), sex trafficking (5 people), and traffic law violations (8 people). Most of the rural migrant defendants (78.26%) did not have prior criminal records. Twenty people had prior criminal records and represented 17.36% of the entire sample. Some of the explanations of the criminal intentions related to economic deprivation, disputes in the working place, personal disputes with victims, and lack of legal consciousness. The prevalence of sex related criminal offenses largely committed by the new generation rural migrants was another major finding from this report. For instance, in a total of 115 migrant defendants, 10 out of 12 people accused of sex offenses were new generation migrants. According to the researchers, lacking sex and moral education were the leading criminal factors. Organized

crime was another highlight from the report, where 70 out of 115 defendants (60.87%) were involved with organized crimes.

The legal report also addressed issues related to criminal procedures and legal services available to rural migrant defendants and victims. The criminal investigation and prosecution period typically lacks sufficient legal supports for rural migrant workers. When looking at the data of criminal conviction, rural migrant workers were more likely to receive imprisonment than non-imprisonment sentences. For example, of the 115 total criminal defendants, only 24 (20.87%) received sentences equivalent to probation. Sixty-six people received imprisonment sentences of 3 years and below, whereas 25 people received 3 years and above for imprisonment, life sentences, or the death penalty. All in all, the prison sentence is as high as 79.13% while non-imprisonment sentences presented 20.87%.

Studies based on surveys from other cities have also offered possible explanations. Li (2004) studied the characteristics of crime and rural migration in Gulou district in Nanjing, China, and concluded that the major crimes rural migrants committed were property related crime. As Li described, the Gu Lou district is becoming a central business and entertaining center for both locals and newcomers. Although Li didn't specify what types of migrants (urban to urban or rural to urban) are more likely to commit crime, he did address multiple characteristics which match the description of rural migrants in literature of migration and crime in China. In his study, a total of 360 theft and burglary cases were examined in 2004. The migrant population committed or up to 62% of these crimes. An interesting finding from his research is that among the crimes

which are non-property related, the migrant population committed only up to 47% of the crimes. Li and Chui (2011) suggested that crime is a form of resistance for the rural migrants against China's policy on rural to urban migration. The study found that the social policies had very minimal effects on improving the overall quality of life of rural migrants in the cities. As a consequence, forms of resistance, especially crimes, have been resorted to by rural migrants as ways of expressing anger and injustice. Studies (Lu & Chui, 2011) also showed that rural migrants were often treated poorly by their employers, including delay of salary payment, occupational discriminations and no protection of workers' rights. When some rural migrants were unable to receive their salary or deserved benefits, they committed crimes such as theft, property damage, or even more serious types of offenses, such as assault and murder (Han & Yu, 2008; Huang, 2010). Other studies demonstrated how stress and desperation lead many rural migrants to deviant and criminal behavior. Chen (2008) found that female workers who worked in places of entertainment and personal services involving prostitution were highly likely to experience risk for stress and depression, which caused higher substance usage rates. In Lee & Zhao's (2017) study, a survey was carried out in a coastal city prison for people who committed property related crimes. Within the incarcerated population, two-thirds out of 233 rural migrant defendants possessed only several hundred yuan (at the time of the research, 1 yuan was equal to approximately 7.1 US dollars) when they arrived in cities. Most of them reported that the main reason for committing crime was because of disparity, such as lack of money for food or places to stay. The majority of the



respondents reported that they could not find a job for a long time, or were not paid on time by their employers.

Different from previous research, which focused on the characteristics of the rural migrants, researchers also studied the legal response of the criminal justice system. Zhao (2000) suggested that the overwhelming number of criminal convictions of the rural migrants only reflected a biased system on crime prevention and city regulations. Therefore, it was not the overall criminal offenses that had increased over decades of rural to urban migration, but the legal policy on detaining and controlling rural migrants emphasized by the Chinese government which led to more arrests and convictions. Lu and Drass (2002) studied the judiciary biases towards rural migrants and the relationship between crime and rural migration. Lu and Drass suggested that there were significant differences in pretrial detention and imprisonment of transients (migrants) and residents (pretrial detention involved 92% of the transients versus 62% of the local residents). In fact, transient populations had fewer administrative and criminal records than local offenders. Factors closely related to socioeconomic status determines the probability of pretrial detention and lengths of the imprisonment. Education, employment, and confession shortened the pretrial detention. However, the severity of the offense and legal representation lengthened the detention. Lu and Drass suggested although rural status might directly affect sentencing outcomes, it indeed led to the intermediate decision-pretrial detention.

Lu and Durass (2002) suggested the effect of migration in the Chinese context operates similarly with that of immigration in the West. Migration symbolized instability,

dislocation and lack of dependence, leading to a lack of informal social control and social organization. The research also showed that rural migrants were more likely to be convicted with serious criminal charges because they lacked appropriate identification to protect their status in terms of the rights of legal representation and legal compensation. Thus, as Lu and Drass recommended, legal reform should aim to reduce the arbitrariness and disparities in legal decisions and restore procedural justice for the defendants.

### **Rural to Urban Migration and Victimization**

Literature indicated that rural migrants have their unique experiences as crime victims. Luo and Chen (2005) studied the psychology of rural migrant victims and their responses before, during, and after personal violence. They found that rural migrants were more likely to be involved with physical violence when they were lacking de-escalation skills. Rural migrants who have higher level of fear and less social support and coping skills were more likely to experience repeated victimization. Other than personal violence, rural migrants have become more likely to get involved with civil lawsuits. In 2011, Binhai New District, one of the satellite cities of Tianjin, had a total 33,428 judicial cases, of which the civil lawsuits against company or employers from the rural migrants were about 20% out of the total civil lawsuits.

Female and adolescent rural migrants were more likely to become victims of sex crimes. Liu (2012) studied the factors associated with female migrant workers' involvement with prostitution. Childhood sexual abuse, previous partner abusive relationships, patriarchal family values, poverty, limited skills and education were strong predictors of female and adolescent prostitution. Liu and Frinkenauer (2010) studied

prostitution and sex trafficking since 1980s in China. In their research, findings showed increasing rates of sex crime corresponded to the growing number of rural migrant workers. Rural migrant workers who possess lesser skills and education were more likely to get involved with the sex industry. In addition, female migrant workers who engaged in sex industries were more likely to become the victims of human/sex trafficking. Chan (2009) confirmed the prevalence of the victimization among female migrant workers. He found that approximately 8% of women in rural areas had experienced sexual abuse before their migration, considerably higher than the 2.8% reported by women in cities. Chan also found that the lack of legal and social support for victims made it difficult for victims to disclose victimization. Depending on the local policies, non-urban hukou status might prevent rural migrants from being able to appeal effectively for their rights and interests, and hence, to effectively safeguard their rights in social and legal realms. With a rural hukou, rural migrants were not only ineligible for any social service and protections available in cities, but also were subject to being bullied and arrested by the local law enforcement. All of these experiences might prevent them from pursuing further legal protection. According to Lu and Song (2006), victimization negatively affects migrants' assessment of their quality of life in the urban city. In their study, about 20% of migrant respondents in Lu and Song's research stated that they had been victims of crime in the past, and the most frequent criminal victimization was fraud. Therefore, adequate public safety protections afforded to migrants are extremely important in reducing victimization.

Cheung (2013) explored the relationship between victimization, local and trans-local ties, and mental health of the rural adolescent migrants. Cheung found that migrant

adolescents encountered more victimization than their urban native counterparts. In addition, victimization was the strongest predictor of poor psychological health among migrant adolescents. Cheung suggested that to maintain trans-local friendship ties was important for migrant adolescents. It indicated that the migrant respondents who experienced a high level of victimization but had more local ties with teachers/friends and more trans-local ties with relatives/friends had a higher level of psychological wellbeing, when other variables were controlled.

### **Rural to Urban Migration and Fear of Crime**

The relationship between immigration and fear of crime has been extensively studied in many developed countries. Studies have demonstrated how social disadvantages and community context might translate to a perceived risk of disorder. Individuals who have a higher perception of disorder are more likely to have a higher level of fear of crime (Hur & Nasar, 2014; Lane & Meeker, 2004; Liu et al., 2009; Riccato, Russim, & Vieno, 2011; Sampson, 1994; 2012; Sampson & Raudenbush, 2004; Scarborough et al., 2010). Both Sampson (1994) and Sampson and Raudenbush (2004) suggested that neighborhoods with socioeconomically disadvantaged groups influenced the perceptions of neighborhood disorder for both neighborhood residents and nonresidents. These signs of disorder translated to a “weakened system of friendship, kinship, and acquaintanceship networks” (Sampson, 2012). Neighborhood disorders (“incivilities” such as abandoned storefronts, graffiti and street panhandling) determined the degree of fear of crime because these factors indicated weakened traditional norms and local social control. These perceptions, in turn, were associated with fear of crime

(fear of being a victim of crime). Riccato et al. (2011) conducted a survey in Italy and found that both direct victimization and perceived disorder of community predicted a higher level of fear of crime. When the perceived disorder decreases, the level of fear of crime also decreased.

Scarborough et al. (2010) also confirmed the positive relation between perception of community disorder and fear of crime after personal characteristics (e.g. gender, age, race, and education) were controlled. Other studies showed that minority communities might have a higher level of fear due to their socioeconomic status and lack access to social supports and resources (Lane & Meeker, 2004). Gender was another powerful predictor of fear of crime. Women tended to express substantially higher levels of fear (Bennett & Flavin, 1994; Donnelly, 1989; McGarrell et al., 1997). Empirical research associating victimization with fear of crime has produced mixed results. Some studies found victimization experiences exerted little influence on fear of crime (Donnelly, 1989; McGarrell et al., 1997) because of individual varied ways of coping with these victimization experiences, while others found such an association because of post-traumatic effects (e.g., Bennett & Flavin, 1994).

Hunter et al. (2009) pointed out the degree of fear of crime might relate to length of stay after migration among long-term residents, boom migrants, and post-boom migrants in boomtowns. Their research found that boom migrants expressed greater fear of crime than longer-term residents or post-boom migrants. These boom migrants lacked the social connection and informal social control in the residing areas. Overall, whether there was a relationship between perceived risk of victimization and being a rural migrant

closely related to personal and environmental contexts. People who lack social connection and support, and stay in a disorganized neighborhood, are more likely to perceive a higher risk of victimization.

The relation between perceived disorder and victimization has also been empirically studied in post-reform China. Chinese rural migrants have an overall moderate level of fear of crime. The frequency of police contact has had a positive effect on fear of crime. The more frequent the contact with the police, the more positive attitudes the rural migrants are likely to have to them, and, in turn, there is less reported fear of crime (Lu & Song, 2006). Liu et al. (2009) also conducted research to measure the relationship between perceived disorder of a neighborhood and fear of crime in China. Their study added social change as a variable into their equations and found that social change might alter the traditional belief on the relation between perceived social disorder and fear of crime. They found that the young and well-educated were more likely to associate community disorder with crime. In contradiction to findings in Western literature, Zhuo et al. (2008) found that none of the neighborhood structural factors—poverty, residential instability and rural migrant concentration—yielded any significant effect on burglary risk. Zhuo and colleagues explained that rural migrants tended to live in factory dorms where they were less likely to be the target of property crimes. However, Zhuo and colleagues proposed that rural migrants were more likely to become victims of physical violence, and the perpetrators were likely to be other rural migrants.

## **Other Indications Between Crime and Migration**

Most studies on immigration (migration) and crime in the United States emphasized a structural level analysis. Immigrants have various difficulties in terms of sociological, economical, and psychological aspects of their experiences. It inevitably created barriers to achieve good quality of life. In addition, lack of local connection and social support also created greater challenges when they were trying to locate resources.

In China, studies focused on rural migration and crime, also highlighted similar structural barriers for rural migrants' integration into local communities and presented unique findings. Rural migrants were overrepresented as criminal offenders in China during the last decades, especially in those major rural migrant receiving cities. In terms of types of offenses, they also tend to commit property and personal offenses. Age and gender play significant roles in predicting criminal behavior. For rural migrants, they tend to have lower educational background and lack of legal cognition. Financial situations, such as poverty, make them find alternatives, often leading to crimes that subsidize their expensive city living. Delayed monthly payments created tensions between rural migrants and their employers. For instance, in China, there are various incidents where rural migrants committed crimes against their employers due to either delayed payment or unfair treatments (Han & Yu, 2008; Huang, 2010).

Research also found that criminal activities as life alternatives help migrants to seek excitement and self-efficacy (Chang & Li, 2014). Rural migrants also tend to commit *crimes against the person* due to disputes or conflicts with people they know. In addition, rural migrants tend to become co-defendant with other criminal-prone

individuals or groups. For instance, some crime incidents showed that due to rural migrants having fewer local ties and closer friends in their destination cities, they were more likely to get involved with individual or groups that were likely to take advantage of them, and lured them to committing crime. Rural migrants tended to move often and their “mobile” status became an opportunity to commit crime. Rural migrants’ temporary status makes them easier to get away with crime due to lack of their local registration information. It also increases the difficulties of criminal investigation. Lastly, other than focusing on the criminal behavior and characteristics of the rural migrants, literature also presents the legal response of the criminal justice system in China toward migrants. The legal system held biases toward rural migrants when it comes to arrest, prosecution, and conviction.



## CHAPTER VI

### DATA AND METHODS

#### **Data**

The researcher primarily uses “China Judgments Online”, a nation-wide database that was established pursuant to a series of Supreme Court rulings since 2000 in response to the lack of transparency, quality, and public access to judicial decision/procedures<sup>16</sup>. In 2010, the Supreme Court<sup>17</sup> mandated all lower courts should upload their judicial decisions into a nationwide database. On July 1, 2013, the China judgment Online website first went live. In November, 2013, the database became a unified online addition to each court’s own database. In 2015, the Supreme Court ruled that upper level courts are responsible for supervising their direct lower courts in maintaining and updating the national database. Judges should designate and supervise a special unit that would be responsible for preparing and uploading cases within seven days (2015). Already published cases can only be removed with a Judge’s written report and the approval of an upper level court. By the end of 11/1/2015, there were 11,650,000 judicial decisions accessible and available online (Supreme Court, 2016).

The online database provides the only large scale and publicly available information regarding crime and punishment in China. It allows the current researcher to

16 At the time, there were three major ways to access judicial documents. First and foremost, according to the 2000 Supreme Court of PRC decision, high profile cases (e.g. Corruption of the Government Officials) can be found in two major legal journals —“People’s Daily” and “Legal’s Daily”. Secondly, judicial decisions made by higher courts can be used as precedents and should be published at People’s Courts Newspaper. Thirdly, all judicial decisions available should be accessible to the public through documented court records or internet databases. At this phase, all courts were only recommended but not required to do so.

17 Issues relate to Courts and online access of judicial decisions (Supreme Court , 2010)

examine information pertinent to the characteristics of defendants, including, but not limited to, age, gender, migrant status, socioeconomic background, education, criminal record, alleged offense, offense of conviction, and legal representation. In addition, the database allows the researcher to arrange cases by year, location, criminal offense, and level of court from 2000 to 2016.

### **Completeness of the Online Database**

Before examining the completeness of the online database, a few concerns should be addressed. First, a time lag exists between the day a judicial decision is made and its online publication. This time lag can vary from 20 days to several months. As a result, recently decided cases do not appear in the dataset. In addition, cases which will go to appellate courts are not posted until the appellate trial decisions have been made. Lack of information on all judicial decisions from courts of original jurisdiction impairs our understanding of judicial procedures.

Delays in uploading cases also appeared for the first couple of years after the establishment of the database. Although all levels of courts in China had begun to upload their judicial decisions to the database by the end of 2013 (Zhou, 2015); the uploading of a large volume of cases did not start until February, 2014. From January to August, 2012, 214,098 criminal cases were available online (Supreme Court, 2015). By the end of August 14th, 2014, there were 791,475 judicial decisions in criminal cases available online, as the researcher noted.

In addition to the time lag, certain cases are exempted from online publication. Commonly occurring cases that the Supreme Court has said should not be published

include, cases related to National Intelligence, personal privacy<sup>18</sup>, juvenile offenders, and cases under Mediation (Supreme Court, 2015)<sup>19</sup>. Other cases that are exempt from publication include those that would involve information that might affect other cases. Finally, the Supreme Court allows parties to petition for the removal of a case that they feel was inappropriately published in violation of the exceptions. In addition to the incompleteness of the database, there is some redundancy. Under certain circumstances, both the initial and the appellate decision for the same case exist in the database.

Despite the various concerns mentioned above, the total number of online judicial decisions has increased significantly after the establishment of the online database. In 2013, there were 1,707,773 judicial decisions available online (Zhou, 2015), which was only 13.18% of the total judicial decisions made in that year (according to the Annual Report of the Supreme Court, 12,956,716 judicial decisions, both criminal and civil, were made in 2013). However, in 2014, 5,110,880 criminal and civil decisions were published online, 37.02% of the total judicial decisions (13,806,882) made in that year (Zhou, 2016). Zhong et al, (2013) assessed the performance of the courts in publishing their cases online by city. Results are listed below:

Examining Table 1, it can be seen that many cities significantly improved their percentage of online cases. It is also noteworthy that cities that receive a large number of migrants (Tianjin, Beijing, Guangzhou, and Shanghai) have dramatically increased their

18 According to the provisions published by the Supreme Court of P.R. China, information that is considered private includes: 1) Citizen's name, image, home address and contact; 2) any personal background statement that the person does not consent to publish, with the exception of cases related to business, tax and corruption issues where financial statements might be important evidence; 3) family members' information; 4) other private information not related to the charges and judicial decisions.

19 According to the 2015 Supreme Court provision, the Supreme Court of People's Republic of China's decisions on all People's Court should publish their judicial decisions online (2015).

online case availability. Comparing 2014 to 2013, Beijing had a 354.56% increase; Shanghai increased its online case availability by 23.63%; Tianjin increased its online cases by 1035.28%; Guangzhou had a 237.76% increase. Among migrant receiving cities, Tianjin and Guangdong stood out as having the highest percentage of published online cases with 34.07% and 30.66% respectively.

	Online		Total		Percentage	
	2013	2014	2013	2014	2013	2014
Zhejiang	241742	380303	1076000	1119000	22.47	33.99
Shandong	109669	413306	981700	1033000	11.17	40.01
Jiangsu	103660	496570	1063965	1165234	9.74	42.62
Beijing	20376	92621	404022	448246	5.04	20.66
Guangdong	91615	336113	1003900	1096100	9.13	30.66
Shanghai	127283	157355	475400	545000	26.77	28.87
Fujian	26158	291559	537761	537949	4.86	54.20
Anhui	43159	276014	463970	541210	9.30	51.00
Hebei	80377	266089	534050	491975	15.05	54.09
Tianjin	6540	74247	206436	217955	3.17	34.07

*Table 1: Judicial Decision Online by City*

### **The China Census and its Definitional Changes**

Another important dataset in the current research is the 2015 China Census. The China Census allows the measurement of dynamics in population, as well as economic and social life for the entire nation. However, it is very important to address definitional changes of “rural”, “urban”, and “migrant” population that took place across waves of the Census. These definitions directly influence the quality of the current research.

One thing that could happen in the China Census is that a rural migrant can be counted as urban. Under the 1982 Census, the urban population is defined as those who had lived for one year or more in a city, or those who had resided within the official boundary of a city or town for less than one year but had been absent from their place of hukou registration for one year or more. Therefore, all people with urban hukou plus

those with rural hukou but living within an urban boundary for one year or more will be considered urban. Therefore, it is very important to note that the urban population includes not only people with urban hukou but also people with rural hukou staying in a city for a longer period of time.

The definition of “migrant population” has also changed over time and it significantly changed the way rural migrants have been counted. In the 2000 Census, survey officials recorded migrants at their “usual residence”. In other words, individuals who were away from their hukou place for more than 6 months would be recorded at their physical location, and migrants who had been away for less than 6 months would be recorded at the location of their hukou (Chan, 2003). This physical location orientated numeration mechanism was likely to underestimate the total number of rural migrants.

However, in the 2005 Census, residents of each household were defined as “current resident plus absent resident”. At the hukou origin, family members were instructed to list all individuals who had their hukou registration linked to the household but were currently residing elsewhere. At the destination, individuals filled out the standard census questionnaire and reported their hukou of origin if it was different from their place of residence. This enumerating mechanism greatly improved the accuracy of the population count, although limitations still existed. For instance, enumerators were more likely to miss migrants residing in work sites and ungated neighborhoods. Additionally, some “illegal” migrants might try to avoid meeting with enumerators.

## **Guangdong as the Sample Province**

Guangdong is a China's largest migrant receiving province. Li and Zahniser (2002) found that Guangdong had the highest rates of migration in the 1995 Chinese Household Income Project (CHIP--1995). In 2000, the total population of Guangdong at the time of the census was 86,420,000, of which the migrant population was 15,060,000. This represented 17.4% of the population in the entire Guangdong province (Census, 2000)<sup>20</sup>. In Guangdong, the migrant population also has increased quickly within recent decades. In 2005, Guangdong's population was 91,940,000; by the end of 2009, the population had increased to 96,380,000; by the end of 2013, the population was 106,440,000 (Guangdong Census, 2005-2014). Between 2009 and 2013, the number of local rural migrants increased from 7,900,000 to 10,480,000 with an average of 645,000 more migrants in each year (Guangdong Population and Society Institution, 2014; China Economic and Business Daily, 2015). In 2012, the population coming from outside (rural to urban and urban to urban population) of Guangdong province was as high as 77% of the entire province.

In addition to its prominence as a receiving province for migrants, Guangzhou is the only city of the four major migrant receiving cities (Tianjin, Beijing, Shanghai, Guangzhou) that established a policy regarding online judicial transparency one year prior to the establishment of the Supreme Court's online database (Liang & Lu, 2006). He and Wen (2014) praised the transparency of all levels of courts in Guangzhou and published a report titled "Guangdong is continuing to establish the most transparent and comprehensive online judicial decision platform" (2014). As the report states, in order to

20 The 5th China Population Census (2000)

enforce the transparency and efficiency of the publication of judicial decisions, the Guangzhou Superior Court ruled that all levels of courts in city of Guangzhou shall make their judicial decisions available online for public access within 7 days (with certain exceptions). Guangdong Superior Court also set up a mechanism to review and evaluate how each court in Guangzhou enforced the ruling. According to the same report, in October 2013, Guangdong ruled that each court shall upload judicial decisions online; by the end of March, 2014, 241,300 copies of judicial decisions (criminal, civil, and special court decisions) were available online.

The author also cursorily examined the quality of the judicial decisions from these major rural migration receiving cities in addition to the available literature. By looking at the criminal cases tried by all levels of People's Court in 2015 from these provincial/capital cities, the author made the following conclusions:

1. Guangdong has the highest number of criminal cases available online. Specifically, Guangdong has 69,879 cases available online; Shanghai has 19,696 cases available online; Tianjin has 9,291 cases available online; Beijing has 10,277 cases available online.
2. The judicial decisions made in Guangdong are comprehensive and informative compared to the other provinces. Out of the variables pertinent to the current research, Guangdong has all the information that the author could use to operationalize important variables, such as

gender, migrants' status, types of crime, and criminal intent.

In addition, the author also compared the informational content of cases in terms of criminal investigation procedures, interrogation, legal search, and eyewitness testimony. Guangdong province has well written and complete records for all these key variables.

In Guangdong province, there are two vice-provincial cities (Guangzhou and Shenzhen), 19 prefecture-level city courts, 33 county-level city courts, and 3 autonomous county courts, as well as the High People's Court of Guangdong and the Patent Special Court of Guangdong. As of April 27th, 2016, the available online criminal judicial decisions in Guangdong provinces included a total of 1,643,313 cases from 2006 to 2014. In 2014, 111,489 criminal judicial decisions were available in the online database. Among these, 72,594 were from the first trial, 7,825 cases were from a first appellate court appearance, and 59 judicial decisions were from a second appellate court appearance.

### **Research Questions**

As previously discussed, a great deal of literature has found a relationship between crime and rural migration in China. However, many of these studies have utilized data sets that are not open to public access. The results of these studies are therefore incapable of replication and confirmation. The current study will use the online judicial decisions dataset which is the first publicly available individual level dataset on crime and criminals in China. As described earlier, the dataset provides rich information on characteristics of offenders, including migration status, employment, age, sex, charged



offense, and characteristics of the judicial proceedings. It allowed the researcher not only to examine the relation between rural to urban migration and appearance in court records, but also to offer theoretical analysis, and recommendations for future research. The following questions will be explored in the current study:

Question 1: How do rural migrants differ from the rest of the sample in terms of personal characteristics?

Question 2: Are rural migrants disproportionately represented in the publicly available criminal courts records for the sample province in 2015?

Question 3: Are rural migrants more likely to commit violent offenses for the sample province in 2015?

Question 4: Are rural migrants more likely to receive a harsher sentence in the current study?

### **Sample**

The current sample is drawn from the China judgments online database. The sampling frame is the published criminal judicial decisions made in 2015 by the Intermediate Court of Guangdong Province. The reason for choosing the Intermediate Court is because the researcher is interested in relatively common, yet serious, criminal offenses. The Intermediate Court is where such cases are most likely to be found, since the Basic Court tends to deal with minor cases, and the High Court, while dealing with serious cases, only sees very rare cases as a court of original jurisdiction (e.g. governmental corruption).

For 2015, there were a total of 23,801 cases published online for the Intermediate Court of Guangdong province. A systematic sampling procedure was used, incorporating a power analysis with a confidence level of 95% and a confidence interval of 5. A sample size of 378 was suggested.

In order to produce the current sample, the researcher arranged the judicial decisions in 2015 from the newest to oldest (the website itself provides this function), to which the researcher appended a case number from 1 to 23,801. Using the total population size 23,801 divided by 378 cases, the result is around 63. Therefore, the researcher selected every 63rd case to create the current sample. The final sample ended up consisting of 378 cases.

<b>Title of the Case (Number of the case)</b>
<b>(Name)_____Offense_____Number of the trial</b>
<b>The name of the Court</b>
<b>(Original jurisdiction of the case)</b>
<b>Paragraph 1:</b> Name_____, from_____, hukou status, current migrant or resident status at the time of the offense, gender, age, employment status at the time of offense, prior criminal offenses, and current placement;
<b>Paragraph 2:</b> The narrative of the offense: Time_____, place_____, any co-defendants, defendant’s recorded state of mind, consequences of the criminal conduct, information about any victim(s);
<b>Paragraph 3:</b> Charges;
<b>Paragraph 4:</b> Narrative describing the criminal investigation;
<b>Paragraph 5:</b> Statement from the criminal defendant attorney, victim statement, and mitigating circumstances;
<b>Paragraph 6:</b> Court’s decisions, any sentence;
<b>Paragraph 7:</b> Notes on criminal appeal procedure;
Signature of the person who wrote the document
Date of preparation of the current document

Figure 3: Case Brief Template

## **Variables**

In order to identify what variables are available for analysis, a random selection of 10 judicial decisions from the Intermediate People's Court of Guangdong province in 2015 were selected and examined. The typical organizational structure of a judicial case appears below:

While the majority of the cases conformed to the above structure, it is important to note that some cases deviated from this organizational structure. For instance, there were some cases that had more than one paragraph to describe the criminal incident.

By examining the narrative information of the case file, variables of interest to the relationship between crime and migration can be extracted. Each case in the sample was examined, with the information relevant to the current study's variables coded according to the following scheme.

### **Information on Crime**

**Time of day.** Each case provided a brief description of when the criminal offense occurred. However, due to the potential chronological complexities of criminal events, the time of offense was narrowed down to two categories: time of the day (AM, PM). Therefore, the variable was measured as categorical and was coded as Daytime = 0; Nighttime = 1.

**Ongoing criminal enterprise.** In the Judicial Online Dataset, some offenses had taken place as a singular incident while other offenses had taken place over a longer period of time. As a result, the author coded this type of offense as follow: continuing offense = 0; singular incident = 1.

**Types of Criminal offenses.** There is no difference between the crime that is charged and the crime of conviction in the online judicial database. Offenses were coded as a categorical variable. Each offense category was coded as follows: 1 = homicide/manslaughter; 2 = aggravated assault; 3 = rape; 4 = sex trafficking (e.g. alluring adolescents to engage in the sex industry, selling women and/or young children into sex trade); 5 = abduction; 6 = robbery; 7 = occupational crime (e.g. embezzlement, corruption, public officials receiving money in exchange for favors); 8 = drug offenses; 9 = endangering public safety (e.g. gang related crimes, public fights involving more than 3 people and resulting in extreme public disturbance); 10 = interrupting law enforcement (various behaviors that aim to interrupt law enforcement investigation and arrest); 11 = fraud; 12 = theft (larceny and burglary); 13 = copyright violations; 14 = firearm crimes (possession and/or selling of firearms); 15 = illegal business (e.g. business that was prohibited by law, such as, prostitution, gambling, and cannabis shop). For analytical purposes, the author also recoded the “types of offense” variable into a number of different categorical variables. The first recode created a new “*crimes against the person*” variable with homicide, aggravated assault, rape, sex trafficking, abduction, and robbery coded 1, and all other offenses coded 0. Then a “*crimes against property*” variable was created that recoded fraud, theft and copyright violations as 1, and all other offenses coded 0.

**Co-defendant.** Each case also provided information on whether the defendant had co-defendant(s). Therefore, the co-defendant variable was coded as a dummy variable with no co-defendants = 0, and the presence of one or more co-defendants = 1.

## **Characteristics of criminal defendants**

**Age.** The Online Judicial Database includes each defendant's age at the time of the offense, and will be coded as a continuous variable.

**Ethnicity.** In the People's Republic of China, there are 56 governmentally recognized ethnicities. Among them, "Han" is identified as the majority ethnicity. The remaining 55 ethnicities are identified as minorities. As a result, the ethnicity of offenders is coded as a dichotomous variable where minority = 1 and majority = 0.

**Gender.** Gender was coded as male = 1 and female = 0.

**Educational background.** The Online Judicial Dataset includes the educational background of defendants. It was coded as an ordinal level variable with illiterate = 0; primary school = 1; middle school = 2; high school = 3; undergraduate degree and above = 4.

**Hukou status.** As previously discussed, in China there are three types of hukou: rural, urban and rural-urban converts. Therefore, this variable was coded as urban = 0; rural = 1; and rural to urban convert = 2.

**Migrant status.** The Online Judicial Dataset specified the hukou status of each defendant. Those who had migrated from rural areas are considered rural migrants. Those who grew up in urban areas are considered urban. The typical way of delivering this information is starting out with the name of the defendant, followed by their hukou status and if they were rural migrants (there will be a status called "农民工" (rural migrants) immediately following the hukou status). Therefore, rural migrant status was coded by

whether, at the time of the offense, the defendant was a rural migrant or not. The variable was coded as rural = 1 and urban = 0.

**Employment status at the time of the offense.** Occupation was coded as a categorical variable with the following categories: unemployed = 1; construction worker = 2; factory worker = 3; day laborer = 4; non-governmental white collar worker = 5; governmental official = 6; and farmer = 7.

**Prior sentences involving incarceration.** The Online Judicial Dataset provided information on the prior criminal convictions for each defendant that involved incarceration. For those defendants who had any previous convictions, the researcher coded it = 1 and for those defendants who had no previous conviction, the researcher coded it = 0.

**Defendant's recorded state of mind.** Criminal intention is included in the narrative in each case. Based on Gao (2011) and the Guangzhou Inferior Court, common criminal motivations include anger, jealousy, feelings of being mistreated, being under pressure for money, curiosity, a sense of brotherhood and revenge. Based off of unsystematic observations while reading the case summaries, the author believes that the sample cases were following the same pattern. Therefore, recorded criminal intention has been coded using the following five categories: greed (贪图金钱利益) = 1; anger = 2; excitement and curiosity = 3; jealousy = 4; revenge = 5; under pressure for money (图财心切) = 6.

**Sentence.** Sentence was coded as an interval level variable. In the narrative for each case, the fixed year sentences to prison are stated in years and months. For ease of

analysis, the author transformed each fixed year sentence from year and month to the equivalent of months. In addition, life sentences have been coded as 888 and the death penalty has been coded as 889.

**Conviction.** This variable was originally coded as guilty = 1 and not guilty = 0. In the later analysis, the variable was excluded from analysis since all offenders in the current sample were convicted of a crime.

### **Characteristics of Victims**

**Victim-offender relationship.** Each court case describes whether the defendant knew the victim(s). As discussed earlier, there are exceptions to the disclosure of possible relationships between victims and offenders (e.g. if the disclosure might have harmful consequences for victims), in which case this information is subject to removal by the court. Thus, the researcher cannot collect information on all cases. Nonetheless, where the information was available, victim-offender relationship is coded as a dichotomous variable with 0 = the victim and offender did not know each other prior to the offense, and 1 = the victim and offender knew each other.

## CHAPTER VII

### ANALYSIS

This chapter includes a presentation of research findings from the current study. First, offenders' characteristics for the current sample are provided. Second, the researcher compares the descriptive statistics for the current study with the extant literature on rural migrants and crime to examine whether there are any similarities or differences. Finally, a restatement of the research questions and the results for each question are presented.

#### **Preliminary Analysis: Quality Assurance**

Prior to any statistical analyses, a Chinese native checked a random sample of 37 (10%) cases for accuracy of the author's coding. One mistake<sup>21</sup> and two discrepancies<sup>22</sup> were found. The author then randomly selected every tenth case of the entire sample to match with the original narrative data source. Each narrative element and corresponding coding was reviewed to ensure they were free of error.

**Univariate analyses.** Table 2 presents characteristics of the offenders in the current sample data. It includes fifteen variables<sup>23</sup> in the current study—ethnicity, migrant status, gender, time of the offense, ongoing vs. singular offense, hukou registration, type

21 Date of birth of one of the offenders.

22 The first discrepancy is related to the recoding of types of offense, regarding whether illegal business is property crime or other. The researcher decided the illegal business will be categorized as other type of crime. The second discrepancy is whether a crime that is originally stated as motorcycle drag and steal was robbery or theft. The research confirmed it as robbery.

23 The "conviction" variable was excluded from analysis since all offenders in the current sample were convicted of a crime. In addition, whether the case was original or appellant has also been excluded due to the inconsistency of the information and possible missing data.



of offense, age of the defendant, state of mind, educational background, occupation, offender-victim relationship, co-defendant, prior conviction, and sentence.

In the current sample, as shown in Table 2, criminal defendants are overwhelmingly of China's majority (Han) ethnicity (90.2%). Rural migrants are disproportionately represented in the current sample (62.4%) compared to urban offenders (37.6%). The hukou registration variable is consistent with the migrant status variable; 61.4% of the sample population has a rural hukou, with an additional four people (1.1%) being hukou converters. The vast majority of the sample population (95.5%) is male. Among all crimes, the majority of offenses (66.1%) were committed at night. Singular offenses, as opposed to ongoing criminal enterprises, are the most frequently occurring (75.4%). The most common age for the sample (44.4%) is between 26 and 35 years of age; this might indicate that those tried as an adult for more serious crimes in the Intermediate Courts in Guangdong province are typically older. Among the sample, the majority (53.2%) are unemployed, and 11.9% are day laborers, which shows that most of the defendants in the current sample have no steady employment at the time of the offense. Regarding educational background, defendants in the current sample are most likely to have a middle school or lower education.

Regarding types of offenses, the most frequently occurring crime is aggravated assault (24.9%). The second most frequently occurring offense is robbery (16.4%). Following robbery, theft (11.6%) is the third most frequently occurring offense. Homicide/Manslaughter (11.4%) is the fourth most common offense committed by the current sample. When examining state of mind attributed to offenders, greed and pressure

for money were reported as the most common motivations for criminal offenses with 25.9% and 23.3%, respectively. Nearly half of the offenders reportedly knew their victims (48.9%). The majority of offenses (59%) were committed by one offender alone. In addition, the majority (64%) of the offenders had no prior criminal record. In terms of fixed term sentences, the average sentence for an offender is 111.41 months. The minimum fixed sentence for an individual was 8 months, and the maximum fixed term of imprisonment for a person was 240 months. There was a total of 50 offenders sentenced to life imprisonment and 35 offenders were sentenced to death.

Descriptive of the Entire Sample			
Ethnicity		N	%
Majority		341	90.2
Minority		37	9.8
Migrant Status			
Rural		236	62.4
Urban		142	37.6
Gender			
Male		361	95.5
Female		17	4.5
Time Committed Crime			
Daytime		128	33.9
Nighttime		250	66.1
Ongoing vs. Singular Offense			
Ongoing		93	24.6
Singular		285	75.4
Hukou Registration			
Urban		142	37.6
Rural		232	61.4
Rural Converter		4	1.1

*Table 2: Characteristics of the Offenders*

Descriptive of the Entire Sample		
Type of Offense	N	%
Homicide/Manslaughter	43	11.4
Aggravated Assault	94	24.9
Rape	6	1.6
Robbery	62	16.4
Occupational Crime	16	4.2
Drug Dealing	41	10.8
Endanger Public Safety	13	3.4
Interrupt Law Enforcement	3	0.8
Fraud	20	5.3
Theft	44	11.6
Copyright	3	0.8
Possession of Firearm	4	1.1
Illegal Business	15	4.0
Sex Trafficking	5	1.3
Abduction	9	2.4
Age of the Defendants		
16-25	86	22.8
26-35	168	44.4
36-45	86	22.8
46-55	27	7.1
56-65	7	1.9
Unknown	4	1.1
State of Mind		
Greed	98	25.9
Anger	72	19.0
Excitement	31	8.2
Jealousy	50	13.2
Revenge	39	10.3
Under Pressure for Money	88	23.3
Educational Background		
Primary	105	27.8
Middle	226	59.8
High	16	4.2
Undergraduate Above	22	5.8
Illiterate	8	2.1
Occupation		
Unemployed	201	53.2
Factory worker	31	8.2
Day Labor	45	11.9
White Collar	31	8.2
Governmental Officials	3	0.8
Farmer	27	7.1
Self-employed	19	5.0
Construction Worker	19	5.0
Offender-Victim Relationship		
Unknown	114	30.2
Known	188	48.9
Victimless	76	20.9
Co-defendants		
No	223	59.0
Yes	155	41.0
Prior Conviction		
No	242	64.0
Yes	136	36.0
Sentence		
Less than 24 months	31	8.2
More Than 24 months	262	69.3
Life	50	13.2
Death	35	9.3

Table 2 (cont.)

**Bivariate analyses.** A series of bivariate analyses were conducted to begin examining the relationships between migrant status and characteristics of the offenders. Statistical relationships between migrant status and some key variables are highlighted in the following descriptions. A Chi-square test of independence was used to examine how migrant status is correlated with characteristics of the offender that are categorical, such as hukou registration, gender, types of offenses, and employment status. A Spearman's rho correlation was used to examine the relationship between migrant status and educational background.

First, there is a perfect positive relation between migrant status and hukou registration. In other words, hukou status and migrant status are ultimately measuring the same concept. Therefore, the researcher decided to only use the "migrant status" variable in future analysis. Second, there is a significant positive association between the "migrant status" variable and the "type of criminal offense"<sup>24</sup> variable,  $\chi^2 (2, N = 378) = 15.029, p < .001$ . This positive association reflects the coding scheme used in the current research, with rural migrant status coded as 1 and urban status coded as 0; while *crimes against the person* was coded as 2, and other types of offenses was coded as 0. This positive association between "migrant status" variable and the "type of offense" variable shows that when an offender is a rural migrant, crimes that he or she committed are more likely to be *crimes against the person*. Other statistically significant correlations with migrant status are also found, including ongoing vs. singular offense  $\chi^2 (1, N = 378) = 15.690, p < .001$ , and the victim-offender relationship  $\chi^2 (1, N = 378) = 14.663, p < .001$ .

24 Researcher recoded the types of criminal offenses into property, *crimes against the person* and other

According to the dataset, the majority of the defendants were reported to have committed crimes while experiencing one of the following three types of mindsets: greed (25.9%), pressure for money (23.3%), or anger (19%). This researcher, therefore, is interested in exploring the relationship between migrant status and these descriptions. Therefore, the researcher recoded the variable state of mind into three new variables: “pressure for money”, “greed”, and “anger”. For “pressure for money”, the original variable state of mind was recoded into a dichotomous variable with pressure for money = 1 and others = 0. For “greed”, the original variable was recoded into another new dichotomous variable with greed = 1 and others = 0. For “anger”, a new dichotomous variable was created with anger = 1 and others = 0. Chi-square tests of independence were used to examine the relationship between migrant status and state of mind: pressure for money, greed, and anger respectively. None of these three new variables indicate significant correlation between migrant status.

A Spearman’s rho correlation was utilized to determine the relationship between migrant status and educational background. There was a strong, negative correlation between migrant status and educational background (which was statistically significant  $r_s(377) = -.293, p = .01$ ). These findings indicate that when a defendant is a rural migrant, it is less likely that he or she had received a higher education. Although there was a significant relationship among rural migrants, many urban offenders also had low levels of education. Specifically, an approximate 80% of urban defendants had an educational attainment at middle school level or below (comparable to approximately 92% of the rural migrants). Only 13.4% of the urban defendants had degrees at or above an

undergraduate degree level (compared to 1.3% of the rural migrants). This demonstrated that the majority of the urban defendants in the current study were just like their rural migrant defendant counterparts, who had a relatively low educational degree in the current dataset.

In conclusion, in the current dataset, rural migrant offenders were more likely to commit *crimes against the person*. They are more likely to have committed crimes against victims they knew; they more likely engaged in a singular criminal enterprise; and, they have lower levels of educational attainment than their urban counterparts.

In order to better demonstrate these correlational findings, the researcher presents case briefs that are consistent with these findings. All case briefs as they are presented here reflect the material that appears in the online narrative—the researcher is not vouching for the objective accuracy of the narratives, merely trying to provide a sense of the pictures they paint. The typical profile of a rural migrant offender in Guangdong province is a young man between the ages of 20 and 35, with relatively little education, and without employment at the time of the offense. Violent crimes are common, with most crimes likely to occur against someone the offender knew, and often escalating from a simple argument. Jealousy and revenge are also the predominant reasons for violent crimes among rural migrant offenders. It is worth noting that these criminal behavior patterns, while typical, are not exhaustive of the offenses that rural migrants were charged with in the current sample

## **Selected Case Samples**

**Yu and Zhu aggravated assault appeal.** In 2014, Yu and Zhu and a group of friends went to a club and had a confrontation with Qiao and Ya. Yu and Zhu intended revenge and asked some other friends to come over and scare Qiao and Ya. Qiao and Ya also called some friends and a group fight ensued. Qiao was stabbed and died at the scene; Ya was badly injured. The Forensic Lab reported that the victims had used heroin. According to the police report, both Yu's and Qiao's group were anonymously reported by local people as "trouble". The local police department had verbally warned these two groups to stop showing up at the public place. According to an informant's statement, Yu and Qiao were in conflict with each other's group for a long time and both of them had planned for a fight. At the time of the offense, both Qiao and Yu were underemployed and often hung out with a group of "fellow" friends at the night market.

**Jia premeditated murder first trial.** Jia and Zeng were both homeless and lived in the tunnel of a parking lot. One night, Zeng accused Jia of having stolen his mega electric devices charger, which was considered a trendy item at the time. Zeng confronted Jia, and threatened him with a fruit knife. Jia was infuriated and told Zeng that if he kept doing this, he would fight back. Jia took Zeng's knife and stabbed him ten times which resulted in Zeng dying at the crime scene.

**Mao aggravated assault appellate court case.** In this case, the accused, Mao, quarreled with a few friends while eating out at a night market. Mao was aggravated because he thought Zhou (the victim) and his group of friends were cheating at a poker game. Mao argued with Zhou and the two ended up fighting. Mao grabbed a fruit knife

on the side table and stabbed Zhou which resulted in Zhou's injury. According to witness accounts, Mao indicated that Zhou was a coward and tended to play games to win. Other verbal insults involved an incriminating statement about how Zhou stole his boss's property when he was a driver for a construction company, as well as commenting on his cheating girlfriend's behavior. The witnesses believed that all of these verbal insults and physical confrontation aggravated the reported incident.

### **Research Questions**

**Question 1:** How do rural migrants and urban residents differ in their personal characteristics?

Table 3 provides descriptive statistics for the sample by migrant status. According to Table 3, both rural and urban offenders in the current sample are more likely to be male and Chinese's majority (Han) ethnicity. However, rural migrants have a higher proportion of minority population than the urban residents of Guangdong province. Given the fact that most minorities in China typically reside in rural areas, the higher percentage of minorities as rural migrants (14.4% vs. 2.1%) should be expected. As seen in Table 3 rural migrant offenders were more likely to commit *crimes against the person*. They are more likely to have committed crimes against victims they knew; they more likely engaged in a singular criminal enterprise; and, they were largely without a previous criminal history. In Table 3, it was shown that urban offenders were more likely to engage an ongoing crime compared to rural offenders (35.9% vs. 17.8%), while rural migrants were more likely to engage in singular offenses compared to urban offenders (82.2% vs. 64.1%). Another difference shown in Table 3 is that although there were more college



degrees among urban offenders, the majority of offenders in this study (both rural and urban) were unemployed and undereducated.

With regard to state of mind, as previously discussed, there were no significant differences by migrant status for these states of mind. Nonetheless, some interesting trends do present themselves. There are more urban offenders accused of committing crime because of greed, while more rural migrant offenders were accused of committing crime because of pressure for money. This finding indicates that offenders in the current sample committed crimes that are primarily economically driven, regardless of whether or not they are migrants. The motivations, however, were subtly different. This finding indicates that offenders in the current sample committed crimes that are primarily economically driven, regardless of whether they are migrants or not. The motivations, however, were subtly different, based on a sense of case briefs. Urban offenders seemed more likely to be reported as “greedy” as if they were insatiable, while rural offenders seemed more likely to be portrayed as “frustrated” because of a lack of money. As for occupation, compared to urban offenders, rural migrants, if they were regularly employed, worked primarily as farmers and construction workers. Urban offenders, on the other hand, had greater access to quality education and better job placement. Therefore, the proportion of urban offenders who held white collar jobs (15.5%) is greater than the percentage of rural offenders who held white collar jobs (3.8%).

It must now be determined how the type of offenses that rural and urban offenders commit differ. For example, rural migrants committed many more violent crimes while urban offenders committed many more occupational and illegal business offenses. In

many cases, rural migrants were more likely to occupy poorly paid and low social status positions at the time of the offense. These findings not only indicate differential opportunity structures between rural and urban offenders but also suggest that people who have no stable employment, lower education, and financial frustrations have a greater tendency to get involved with criminal offenses in the Guangdong sample.

Descriptive of the Entire Sample		Urban		Rural	
		N	%	N	%
Ethnicity					
	Majority	139	97.9	202	85.6
	Minority	3	2.1	34	14.4
Gender					
	Male	132	93.0	229	97.0
	Female	10	7.0	7	3.0
Time committed crime					
	Daytime	45	31.7	83	35.2
	Nighttime	97	68.3	153	64.8
Ongoing vs. Singular Offense					
	Ongoing	51	35.9	42	17.8
	Singular	91	64.1	194	82.2
Age of the Defendants					
	16-25	27	19.0	59	25.0
	26-35	53	37.3	115	48.7
	36-45	36	25.4	50	21.2
	46-55	18	12.7	9	3.8
	56-65	5	3.5	2	0.8
	Unknown	3	2.1	1	<0.0
State of Mind					
	Greed	46	32.4	52	22.0
	Anger	25	17.6	47	19.9
	Excitement	12	8.5	19	8.1
	Jealousy	24	16.9	26	11.0
	Revenge	11	7.7	28	11.9
	Under pressure for money	24	16.9	64	27.1
Types of Offense					
	Crimes Against the Person	66	46.5	153	64.8
	Crimes Against Property	27	19.0	40	16.9
	Other Crimes	49	34.5	43	18.2
Educational Background					
	Primary	26	18.3	79	33.5
	Middle	87	61.3	139	58.9
	High	9	6.3	7	3.0
	Undergraduate Above	19	13.4	3	1.3
	Illiterate	1	0.7	7	3.0
Occupation					
	Unemployed	75	52.8	126	53.4
	Factory worker	9	6.3	22	9.3
	Day Labor	14	9.9	31	13.1
	White Collar	22	15.5	9	3.8
	Governmental Officials	3	2.1	0	0.0
	Farmer	3	2.1	24	10.2
	Self-employed	14	9.9	5	2.1
	Construction Worker	0	0.0	19	8.1

*Table 3: Descriptive Statistics of Sample by Migrant Status-  
Personal Characteristics*

In addition, the average age of the offenders in the current sample is older when compared to the age-crime curve that is well-known in the criminological literature. More specifically, the average age of the urban offenders is 35, and the average age of rural migrants is 31 (see Figure 4a and 4b).

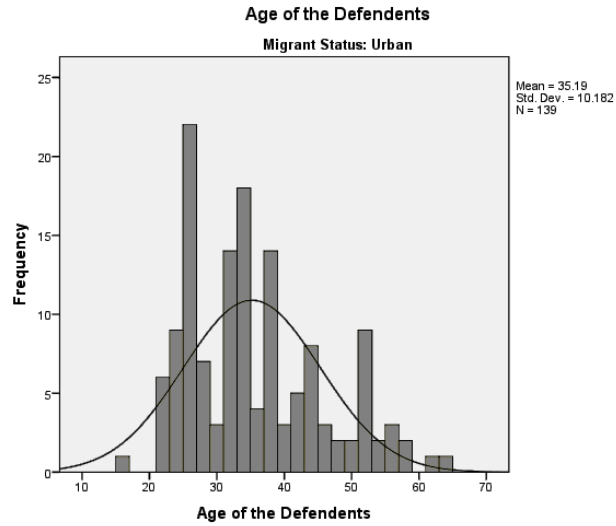


Figure 4a: Age of the Defendants (Urban)

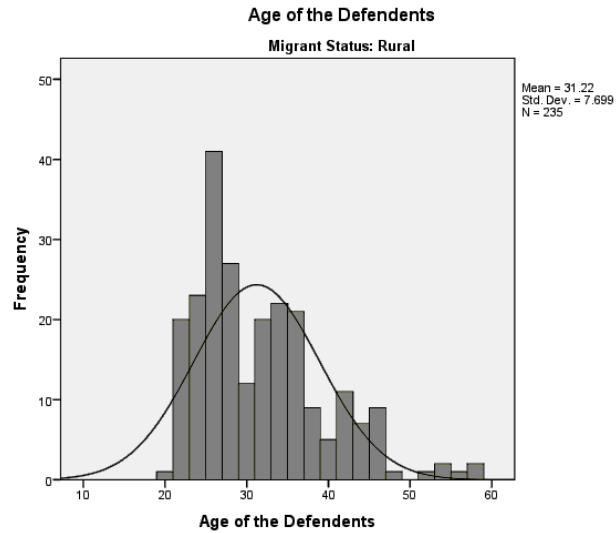


Figure 4b: Age of the Defendants (Rural)

Overall, the majority of rural criminal defendants in the current study have low education and were unemployed at the time of the offense. For those rural migrants who were employed at the time of offense, they were less likely to have high-status positions; they were more likely to be farmers or construction workers. As will be discussed in the next chapter, social inequality, social disorganization, and differential opportunities are all important to understanding rural migration and crime in China.

### **A Comparison of the Characteristics of Rural Offenders in the Current Sample and other Literature on Rural Migrants and Crime in China.**

When compared against the extant literature on rural migrant offenders in China, the current sample demonstrated some differences and similarities. In the current study, nearly half (48.7%) of the rural migrant defendants were between the ages of 26 and 35. Another study by Chang and Li (2014) using a national representative sample showed that rural migrant offenders are typically between 18 and 49 years of age. In contrast, some other studies, such as Jiang and Yang (2015)'s study on rural migrant offenders in Guangdong, found that the rural migrant offenders were predominantly younger than 26.

Regarding types of offenses, there are discrepancies between the current study and other migrant literature in terms of the ratio of *crimes against the person* and *crimes against property*. In the current study, more than half (64.8%) of the offenses that rural migrants committed were *crimes against the person*, including aggravated assault, robbery, homicide, sex trafficking, abduction, and rape. The rates of *crimes against the person* in the current study is much higher than other literature on migration and crime in China. For example, Chang and Li (2014) found that 25% of offenses were *crimes*

*against the person*. Jiang and Yang (2015) found 81% of rural migrant offenders in their sample committed property crimes, with 51.44% of property offenses involving physical coercion, such as robbery and motorcycle robbery. One cause of these discrepancies may be due to variation in population frameworks. For example, the sample population Jiang and Yang studied in their study was drawn from all levels of courts in Guangdong province. In contrast, the sample population in the current study was drawn from the Intermediate level Court in Guangdong province. As a result, the characteristics of the sample populations should be expected to vary. Another cause for the discrepancies might be due to differences in the operationalization of “types of offense”. Notice in Jiang and Yang’s study, robbery was considered a property crime rather than *crimes against the person*. As Jiang and Yang mentioned in their research, the sole purpose for this categorization is to distinguish various criminal motivations. Therefore, if re-categorized, “property crimes with physical coercion” (51.44%), into “*crimes against the person*” (52.44% plus 25%, as stated in Jiang and Yang’s study), it can be concluded that the current findings are similar to other literature.

Some similarities between the current study and the extant literature concern employment status and state of mind. Both the current study and other literature found that rural migrant offenders were commonly unemployed at the time of the offense. For example, in the current study, 53.4% of the rural migrant offenders were unemployed at the time of the offense. Other studies, such as Jiang and Yang’s (2015) study on migrant offenders, found that most of their rural migrant defendants had migrated to Guangzhou

without job placement, and this condition of unemployment had been ongoing for at least six months.

Regarding state of mind, both the current research and other literature (Jiang & Yang 2015) found the most prominent reasons for committing crime included pressure for money, anger, and jealousy. For example, 49.1% of the rural migrant offenders in the current study committed offenses because of greed and pressure for money. Although government officials are the primary source for these statements, they nonetheless tells us how the court views the motivation of the offenders.

Overall, the characteristics of the offenders in the current study are generally consistent with the available literature, although some discrepancy exists. As will be seen, rural migrant offenders in the Intermediate Court of Guangdong province were younger than mid-30s, and they were more likely to commit crimes because of anger and jealousy. In addition, rural migrant offenders were more likely to be unemployed at the time of the offense. Offenses were typically taking place during the nighttime, were violent in nature, and were against someone the offender knew.

**Question 2:** Are rural migrants disproportionately represented in the publicly available criminal court records for the sample province in 2015?

Before proceeding to answer the research question, a clarification regarding how the China Judicial Online dataset defines rural migrants is crucial. As previously stated, the correlation between migrant status and hukou registration is significant at  $\chi^2(1, N = 378) = .991, p < .001$ . Therefore, the author concluded that in the current sample, a rural migrant is defined as an individual who has a rural hukou status at the time of the offense.

However, as discussed in Chapter VI, China's Census used a different enumeration mechanism to count the rural migrant population. According to the Census, an individual who possesses a rural hukou can be counted as "urban" once they have remained in the city for over a year.

According to the Guangdong Census 2016, the total population of rural migrants in Guangdong is approximately 26,000,000 out of a total population of 108,700,000. In the current sample there are 236 (62.4%) rural migrants and 142 (37.6%) urban offenders. In other words, approximately two in three offenders in the current sample population is a rural offender.

In the current study, rural migrants made up 64.2% of the defendant population, while constituting 23.9% of the general population. Therefore, it can be concluded that the migrant population in the current sample is overrepresented compared to the total migrant population in Guangdong province. However, this conclusion should be interpreted with caution because the definition of rural migrant differs between the Census and the current dataset. In a sense, there is a high possibility that the Census of Guangdong might have underestimated rural migrant population in Guangdong province. Even though this might be the case, it is unlikely that rural migrants represented 64.2% of the people in Guangdong province in 2015. Therefore, the author is confident in concluding that in the current sample, rural migrants are disproportionately represented in the China Judicial Online dataset.

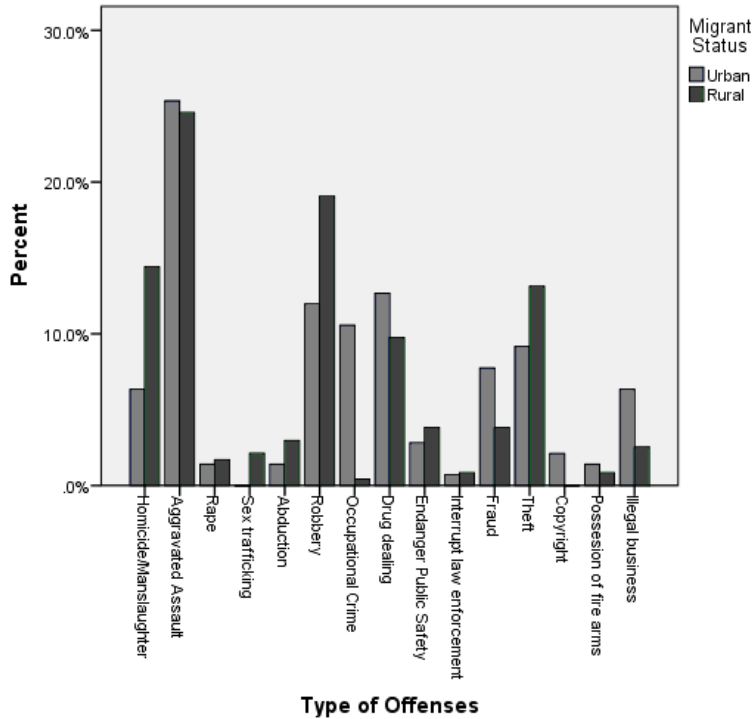


Figure 5: Types of Offenses by Migrant Status

**Question 3:** Do rural migrants differ from the rest of the sample in terms of the offense they are charged with for the sample province in 2015?

Figure 5 provides information on all types of offenses between rural and non-rural offenders. Examining Figure 5, it can be seen that rural migrants committed many more homicide/manslaughter offenses compared to urban offenders. Robbery, theft, and sex trafficking were also perpetrated by rural migrants at frequencies disproportionate to their sample representation compared to urban offenders. Urban offenders, on the other hand, were more likely to be convicted of occupational crime, drug dealing, fraud, and illegal business offenses. Other types of offenses in the current dataset, such as copyright infringement, rape, possession of firearm, abduction, interrupting law enforcement, do



not indicate noticeable differences between rural and urban offenders. This may be due to several reasons, including small numbers of each category.

	Urban			Rural	
	N	%		N	%
Aggravated Assault	36	25.4	Aggravated Assault	58	24.6
Drug Dealing	18	12.7	Robbery	45	19.1
Robbery	17	12.0	Homicide/Manslaughter	34	14.4
Occupational Crime	15	10.6	Theft	31	13.1
Theft	13	9.2	Drug Dealing	23	9.7
Fraud	11	7.7	Endanger public safety	9	3.8
Illegal Business	9	6.3	Fraud	9	3.8
Homicide	9	6.3	Abduction	7	3.0
Endanger public safety	4	2.8	Illegal Business	6	2.5
Copyright	3	2.1	Sex trafficking	5	2.1
Rape	2	1.4	Rape	4	1.7
Possession of Firearm	2	1.4	Possession of firearm	2	0.8
Abduction	2	1.4	Interrupt Law enforcement	2	0.8
Interrupt Law enforcement	1	0.7	Occupation Crime	1	0.4
Sex Trafficking	0	0.0	Copyright	0	0.0

*Table 4: Ranking Of All Types Of Crimes Committed By Rural And Urban Offenders*

Corresponding to Figure 5, Table 4 presents a ranking of all types of crimes committed by both urban and rural offenders. By looking at the top 5 offenses committed by both rural and urban offenders, it can be seen that rural and urban offenders vary in the types of offenses with which they are charged. The second most frequently occurring offense among urban offenders is drug dealing, while it is robbery for the rural migrant population. Urban offenders committed far more occupational crime, which is ranked as fourth among their group. Once again, our findings confirmed that there are differences regarding crime patterns between rural and urban offenders. Rural migrants were more likely to be convicted of “street crimes”, such as robbery, murder, and aggravated assault. However, urban offenders were more likely to be ranked higher for their conviction of “white collar” crime, such as occupational crimes, fraud, and illegal business.

This study also collapsed various types of offenses into a broader classification scheme. The three categories here are *crimes against the person*<sup>25</sup>, *crimes against property*<sup>26</sup>, and other crimes<sup>27</sup>. This analysis was used as a tool to examine certain theoretical assumptions regarding an individual’s tendency to commit a violent or a property offense. As shown in Table 5, in the current sample, rural migrants have committed many more violent crimes relative to their overall number of crimes than their urban counterparts (64.8% versus 46.5%). Urban offenders, however, committed other types of offenses, such as illegal business and occupational crimes, at higher levels relative to their overall number of crimes. These findings indicate a pattern of differential opportunities between rural and urban offenders, which the author will discuss in detail in a later section.

	Urban		Rural	
	N	%	N	%
Crimes Against Property	27	19.0	40	17.0
Crimes Against the Person	66	46.5	153	64.8
Other	49	34.5	43	18.2
Total	142	100.0	236	100.0

Table 5: Type of Offense by Migrant Status

Since the findings show that rural migrants were accused of committing many more *crimes against the person*, the author would like to further examine what factors better predict the probability that an offender will commit *crimes against the person* by utilizing a logistic regression model. The model contained 11 independent variables (ethnicity, gender, offense time, migrant status, state of mind, education, age, employment status, victim-offender relationship). The dependent variable “type of

25 Homicide, aggravated assault, rape, sex trafficking, abduction, robbery.

26 Fraud, copyright, and theft.

27 Occupational crime, drug dealing, endanger public safety, interrupt law enforcement, possession of firearms, and illegal business.

offense” was recoded into a new dichotomous variable with “*crimes against the person*” = 1 and “all other types of crime” = 0. The state of mind variable was recoded as a new dichotomous variable with anger triggered offenses =1 and non-anger triggered offenses=0. So in fact, the state of mind variable really measures whether anger is the purported state of mind that triggered the offense or whether some other state of mind triggered the offense. Education was recoded into a new dichotomous variable measuring whether offenders either had middle school or lower education, or whether they have education above the middle school level. The categories illiterate, primary school, and middle school are coded as 1; a high school education or above is coded as 0. The occupation variable, which really measures employment status, was also recoded as a dichotomous variable with unemployed = 1 and other occupations = 0. Victim-offender relationship was recoded with two categories: known to victim = 1 and others (unknown or victimless) = 0. The full model containing all predictors was statistically significant,  $\chi^2(11, N = 378) = 146.189, p < .001$  indicating that the model was able to distinguish between an offender who has or has not committed *crimes against the person* in the current sample.

As shown in Table 6, four independent variables made a unique, statistically significant contribution to the model (gender, migrant status, state of mind – with scale towards anger, and victim-offender relationship). This result indicated that when a offender is male, the likelihood of committing *crimes against the person* increases 4.473 times. Migrant status is another strong predictor for *crimes against the person*. When an

offender is a rural migrant, the likelihood that the individual will commit *crimes against the person* increases 1.899 times.

Independent Variables	b	Odds Ratio	
Ethnicity	0.073	1.076	
Gender	1.498	4.473	*
Time Committed Crime	-0.188	0.828	
Migrant Status	0.641	1.899	*
State of Mind (Anger/Other than Anger)	1.535	4.639	**
Age	-0.027	0.974	
Education (Below High School/At or Above High School)	0.032	1.032	
Employment (Unemployed/Employed)	-0.544	0.580	
Victim-Offender Relationship (Known/Unknown to Victim)	1.893	6.639	**
Co-Defendant	-0.848	0.428	
Prior Conviction	-0.240	0.786	
Constant	-0.752	0.471	

Table 6: Logistic Regression of Variables on Violent Offense with control variables. Note: b=Logistic regression coefficient; N = 378 \*p < .05; \*\*p < .001

Whether a defendant was angry while committing a crime is a stronger predictor for this type of offense. Specifically, being angry increases the likelihood of committing *crimes against the person* by 4.639 times, after controlling other factors in the model. The strongest predictor for whether offenders were charged with *crimes against the person* was whether they knew their victim, according an odds ratio of 6.639. This indicated that by knowing the victim, the likelihood of the offender committed *crimes against the person* increased approximately 7 times, after controlling for other factors in the model.

In the current study, rural migrants differ from the rest of the sample when considering the types of offenses with which they are charged. Rural migrants are overrepresented in *crimes against the person* offenses in the current study. These are typical street crimes as identified in the criminological literature. In contrast, urban offenders are more likely to be arrested and convicted of corruption, drug dealing, fraud, and illegal business, most of which are typically referred to as “white collar” crimes. This

finding is likely due to the fact that urban offenders are more likely to have a higher social status and better employment opportunities compared to rural migrant offenders. Therefore, the findings likely indicate a difference in opportunity structures between rural and urban offenders.

**Question 4:** Based on the current study, are rural migrants more likely to receive a harsher sentence?

In the China Judicial Online dataset, rural migrants are disproportionately represented as criminal defendants in Guangdong province in 2015. One possible explanation is that rural migrants have committed more crimes than urban offenders. An alternative explanation is that rural migrants in Guangdong province may have experienced certain types of enforcement bias in the justice system. In order to examine these propositions, the researcher decided to examine whether rural migrants were more likely to receive a harsher sentence compared to urban offenders. The idea here is that differential sentencing might indicate bias in the justice system.

Sentence Length (Months)	Urban	Rural
N	142	236
Mean	99.34	119.66
Median	84	132
Mode	84	180
S.D	55.339	65.332
Min.	8	12
Max.	216	240

*Table 7: Sentence in Months by Urban and Rural Offenders*

Firstly, the researcher decided to examine whether there is a significant difference for fixed term sentences between rural and urban offenders. Table 7 introduces descriptive statistics on those who were sentenced to a fixed term sentence, regardless of

offense. There were no obvious outliers within either rural or urban offender groups. The minimum and maximum fixed term sentences between rural and urban offenders do not appear to differ too drastically, yet it does seem that rural migrants received longer sentences. Based on Table 7, rural migrants receive, on average, longer sentences ( $M = 119.66$ ) than urban offenders ( $M = 99.34$ ).

Since aggravated assault is the only type of offense that has a relatively large number of cases for both rural and urban offenders, the researcher utilized an independent sample t-test to compare average months of a sentence for both rural and urban offenders who committed aggravated assault. There was a significant difference in scores for rural ( $M = 157.75$ ,  $SD = 37.331$ ) and urban ( $M = 137.44$ ,  $SD = 41.570$ ;  $t(68) = -2.098$ ,  $p = .040$ , two-tailed) subsamples. The magnitude of the differences in the means (mean difference = 20.3, 95% CI: -.39.638 to -.985) was of moderate effect size (eta squared = .0625). The results show that for aggravated assault, there is a statistically significant difference in fixed-term imprisonment between rural and urban offenders. On average, rural migrants have been incarcerated approximately 20 months more than urban offenders for aggravated assault offenses.

Sentence Types (Life sentence/Death)		Urban		Rural		Total
		N	%	N	%	N
	Life	9	18	41	82	50
	Death	14	40	21	60	35
	Total	23	27	62	73	85

*Table 8: Sentence in Life and Death Penalty*

Secondly, the researcher examined whether there is a significant difference for life sentences and sentences to death between rural and urban offenders. Table 8 provides information on the imposition of life sentences and the death penalty for rural and urban

offenders. As previously discussed, approximately 60% of the people in the sample are rural migrants while the remaining 40% are urban offenders. Here it can be seen that rural offenders who were sentenced to life in prison are disproportionate high (82%) in their representation in the current sample. Conversely, the percentage of rural migrant offenders who were sentenced to death is proportionate to their sample representation, with 60% of rural migrants receiving the death penalty.

It is worth noting that many types of crimes, such as rape, sex trafficking, occupational crime, interrupting law enforcement, and copyright infringement, have numbers too small for statistical interpretation. Tables 9 and 10 are included to demonstrate sentencing differences between urban and rural offenders, when controlling for type of offense, which exclude offenses have very low numbers. As can be seen in Table 9, rural migrants are more likely to receive a longer sentence for aggravated assault, robbery, and drug dealing compared to urban offenders.

	Urban		Rural	
	N	Average Months	N	Average In Months
Homicide/Manslaughter	1	180.00	15	183.47
Aggravated Assault	27	137.44	41	157.76
Robbery	17	113.65	37	133.22
Occupational Crime	12	123.83	0	0.00
Drug Dealing	16	65.31	15	105.13
Fraud	11	52.55	9	44.56
Theft	13	37.69	31	37.10

*Table 9: Sentence in Months by Crimes and Migrant Status*

Table 10 provides information on life imprisonment and death penalties for selected crimes. It details whether a defendant will receive a life sentence or the death penalty depending on their migrant status, when controlling types of offenses and excluding those who received fixed term sentences. Take homicide as an example; among

urban offenders who have committed homicide, between a life sentence and the death penalty, approximately 38% of them were sentenced to life in prison, while 63% were sentenced to death. For rural offenders charged with homicide, however, between a life sentence and the death penalty, approximately 63% were sentenced to life and 37% were sentenced to death. For homicide, then, urban offenders were more likely to receive the death penalty than rural migrants when excluding those from either category who received a fixed term sentence. Similarly, with respect to aggravated assault, between a life sentence and the death penalty, urban offenders received a higher proportion of death sentences compared to migrant offenders (55.5 to 35.3). Once again, these results only indicate the likelihood of an offender receiving a life sentence or death penalty for the same type of offense when considering their migrant status.

	Urban				Rural			
	Life	%	Death	%	Life	%	Death	%
Homicide/Manslaughter	3	37.5	5	62.5	12	63.2	7	36.8
Aggravated Assault	4	44.4	5	55.5	11	64.7	6	35.3
Rape	1	100	0	0	2	100	0	0
Sex Trafficking	0	0	0	0	2	50	2	50
Robbery	0	0	0	0	5	62.5	3	37.5
Occupational Crime	1	33.3	2	66.7	1	100	0	0
Drug Dealing	0	0	2	100	7	87.5	1	12.5
Endanger Public Safety	0	0	0	0	1	50	1	50

*Table 10: Life Sentence by Migrant Status for Selected Crimes*

In the current sample, these findings, with regard to life sentences and sentences to death, do not clearly indicate a consistent bias based on the migration status of the offender. However, it should be noted that the total number of people who received either of these two types of sentences is relatively small, therefore, any differences based on our observations may merely be due to chance. In conclusion, the current study shows that there is a significant difference in fixed-term sentence between rural migrants and urban



offenders when able to control for offense type. However, there is no significant association between migrant status and the likelihood of receiving a life sentence or death penalty.

So far, it seems that rural migrants received on average longer fixed term sentences. However, it should not yet be drawn as a conclusion that migrant status is the sole factor in determining who is likely to receive a longer sentence. The criminological literature on felony sentences suggests that severity of the offense, prior criminal history, aggravating circumstances of an offense, and the consequences of an offense all play significant roles in determining the severity of the sentence (Blumstein et al., 1983; Lu and Kelly, 2008). Although a primary research interest of the author is whether rural migrants are likely to receive a harsher sentence when controlling for type of crime, rural migrants and urban offenders differ in gender, age, occupation, education, and victim-offender relationship. Therefore, it is important to examine how migrant status, along with other variables, may affect sentence difference, when controlling for type of offense.

One challenge for the researcher is that there are no readily available sentencing guidelines in China that specify breakpoints in the sentencing structure distinguishing less severe from more severe sentences. As a result, the researcher divided all types of sentences for aggravated assault into 3-quartile divisions, and created 3 new categorical variables; the lenient sentence quartile (lowest 25% of sentences for offenders charged with aggravated assault versus all others), the medium range sentence quartile (division of sentences at the median point for aggravated assault), and the harsh sentence quartile

(most severe 25% of sentences for offenders charged with aggravated assault versus all others), as Table 11 indicates.

The variable “sentence” was originally coded as an ordinal level variable beginning with the shortest fixed term sentences in months, moving toward maximum sentences, including life imprisonment and the death penalty. A logistic regression model was utilized to examine what factors might impact sentencing severity when controlling for type of crime. Three binary logistic regression models were run, one model using each of the new quartile variables. For each regression, the dependent variable “sentence”

Types of Sentences	Aggravated Assault	Cumulative Frequency	
60	3	3	
72	2	5	
84	2	7	
96	3	10	
108	1	11	
120	6	17	
123	1	18	
132	4	22	<b>(Lenient Sentence Quartile)</b>
144	10	32	
156	6	38	
168	6	44	<b>(Medium Sentence Quartile)</b>
180	14	58	
192	7	65	
216	2	67	
240	1	68	
Life Sentence	15	83	<b>(Harsh Sentence Quartile)</b>
Death	11	94	
<b>Total</b>	<b>94</b>	<b>94</b>	

*Table 11: Sentencing Severity Division by Three Sentence Quartiles*

was recoded into a dichotomous variable. For the lenient sentence quartile, the “sentence” variable was recoded into “less than 132 months” = 0, and “132 months or more” = 1. For the medium sentence quartile, the “sentence” variable was recoded into “less than 168 months” = 0, and “168 months or more” = 1. Lastly, the harsh sentence quartile was

recoded into a new variable with “fixed term sentence” = 0, and “life sentence or death penalty” = 1. Migrant status, offender’s state of mind (anger-triggered/non-anger triggered); education background of the defendant (less than high school/more than high school); occupation of the defendants (unemployed/ employed); defendant known to victim; co-defendants; prior conviction; age of the defendant; gender; and, ethnicity of the defendant are the independent variables. The researcher aims to utilize the new sentencing variable to examine if rural migrant status matters in terms of the severity of the criminal punishment, when controlling for a variety of variables including type of offense.

Independent Variables	b	Odds ratio	
Migrant Status	1.015	2.758	**
Ethnicity	-0.314	0.731	
State of Mind (Anger/Other than Anger)	-0.007	0.993	
Gender	0.009	1.009	
Age	-0.005	0.995	
Education (Below High School/At or Above High school)	0.219	1.245	
Employment (Unemployed/Employed)	-0.093	0.911	
Victim-Offender Relationship (Known/Unknown to Victim)	0.895	2.448	**
Co-Defendant	-0.395	0.674	*
Prior Conviction	-0.513	0.599	
Constant	-0.750	0.472	

*Table 12: Logistic Regression of Variables on Medium Sentence Quartile. Note: b=Logistic regression coefficient; N = 94 \*p < .050 \*\*p < .001*

After examining these three binary regression models, the “migrant status” variable was significant ( $p < .001$  with odds ratio of 2.758, see Table 12) only when the medium sentence (below 168 months or above) is the dependent variable. In other words, migrant status was only statistically significant when examining sentences that fall either below or above the median. This finding indicates that when an offender is a rural

migrant, the likelihood that he or she will receive a sentence longer than the median of 168 months is approximately 3 times that of an urban offender.

The current findings indicate that compared to urban offenders, rural migrants were more likely to receive sentences above the median range of 168 months for aggravated assault offenses. None of the other variables pertaining to the offender or offense characteristics influenced whether an offender received a harsher sentence in aggravated assault cases. These findings indicate that for the same type of offense, rural migrants have a higher chance of receiving a longer sentences compared to urban offenders.

## CHAPTER VIII

### DISCUSSION

The current research aimed to explore the post-reform era of China—a country whose history makes it an excellent case study for examining the relationship between rural migration and crime. As a research piece that is exploratory in nature (but theoretically driven) the author aims to offer some theoretical insights that are comprehensive, but not exhaustive, on the characteristics of rural migrant offenders in Guangdong Province.

As noted in the current study, rural migrants are disproportionately represented in the Online Judicial Dataset in Guangdong Province. Most of these rural defendants were undereducated and underemployed. They were more likely arrested because of *crimes against the person*, such as aggravated assault, robbery, homicide, and sex trafficking; crimes that are traditionally referred to in the criminological literature as “street crimes”. However, urban (native) offenders committed nearly all occupational crime, such as corruption. In addition, compared to urban defendants, rural defendants appeared to receive longer fixed-term sentences, when controlling for the same type of offense. These findings indicate possible correlations between socioeconomic disadvantages that rural migrants have experienced in Guangdong Province. They also provide important information on how Chinese criminal justice officials, urban policies, public opinions (towards crime and punishment), and social discrimination towards rural migrants, directly or indirectly, may have influenced the criminal behavior and dispositions of rural migrant offenders in China.

## **Crime Type and Differential Opportunity Theory**

As previously noted, rural migrants in Guangdong Province were more likely to have been arrested and convicted of “street crimes”. These findings are consistent with differential opportunity theory. Differential opportunity theory proposes that individuals from a lower social class confront several barriers to access both legitimate and illegitimate opportunities. For instance, if an individual is not eligible to become a governmental official (i.e. because they are a rural migrant), it would be impossible for them to commit related crimes, such as those involving governmental corruption.

The authors of differential opportunity theory (Cloward & Ohlin, 1960) originally stated that lower class adolescents are most likely to be deprived of legitimate (educational and occupational) opportunities for success, placing them at greater risk of experiencing frustration and anger. Therefore, engagement in a delinquent subculture may develop in the absence of legitimate opportunities. Delinquent subcultures emerge from socially disorganized communities that cannot provide sufficient legitimate opportunities for success and are unable to control the youths’ behavior. For the youths involved in this subculture, violence is used as an alternative way to gain peer recognition, as well as deal with their anger and frustration.

Although Cloward and Ohlin primarily focused on the deviant behaviors of juveniles, the relevance of their research to the current study is still significant. Note that differential opportunity theory maintains that access to the illegitimate opportunity structure is also limited. The type of illegal activities available to someone experiencing frustration is dependent upon the structure and opportunities provided by their immediate

environment, such as their occupation. As much of the literature confirms, rural migrants have experienced various socioeconomic barriers and psychological stressors in Chinese society that are very similar to what juvenile offenders experienced in Cloward and Ohlin's study. Their experiences associated with financial frustration and psychological turmoil might create an antagonistic attitude toward society in general. When legitimate means become largely inaccessible to disadvantaged groups, the chances of developing illegitimate ways of survival are relatively high. In our current study, rural migrants are more likely to be underemployed or work at low-paid positions at the time of their offense. As Cloward and Ohlin's work would predict, rural migrants are also more likely to commit common "street crimes".

In contrast, urban (native) offenders appeared to have more opportunities for organized and white collar crimes. For instance, crimes such as copyright violation, corruption, and running an illegal business are committed by urban (native) offenders, and indicates their higher social status when compared to rural migrant offenders. Differential opportunity theory might explain that opportunities for corruption are only readily available to urban offenders and not to rural migrants. In other words, not only does legitimate access to monetary success have socio-economic foundations, but access to illegitimate opportunities do as well.

Limitations still exist in the current hypothesis. Although, a large number of rural migrants were found to have committed "street crimes" in the current study, it cannot be concluded that rural migrants only commit "street crime". Future research should collect a much broader sample from all levels of court in Guangdong Province and determine

whether this assumption still stands. Self-report research might also allow us to examine differential opportunity theory's application to rural migrant populations in China.

### **Concentrated Socioeconomic Disadvantage in Rural Migrant Communities**

Another important observation, along with our discussion of social changes in China, is how urban social environments impact individual behavior. Since the 1990s, the priorities of urban spaces in China focused on economic growth and production. As China underwent extremely fast economic development since the introduction of the "Open-Market" policy, China has prioritized the industrial use of its territory (Cartier, 2001). This over-emphasis on industrialization brought with, many of the problems that have traditionally accompanied rapid urbanization. In particular, there was an unintentional creation of overcrowded urban enclaves where rural migrant populations were concentrated in low-quality housing in mega-cities. Research has shown that the distribution of resources and opportunities in China has not been equally enjoyed by all social groups (Cartier, 2001). Moreover, the unequal distribution of resources and opportunities can be geographically observed. Urban residents were more able to afford the price of real estate and had access to more preferred neighborhoods. In contrast, rural migrants' enclaves were typically identified as poor, as well as socially and economically segregated from urban residents' neighborhoods. These enclaves where rural migrants ended up were either company prearranged dormitory complexes or neighborhoods with housing that workers of low socioeconomic status could afford. For migrant workers, these compounds often provided the only viable place to live (Wong et al., 2008). Importantly, these locations have highly transient populations.



Another thing that should be noted here is that rural migrant, who have not been provided housing by their employers or cannot afford to rent a place in the city are generally forced to stay in villages located on the outskirts of the city, which are normally referred to as a “migrant village”. Even though the vast majority of these villages are not walled or gated, their temporary, unorganized, and underdeveloped form distinguish them from their city surroundings; this separates rural migrants from urban residents and further hinders their social integration. Rural migrants have, for a long period of time, been segregated from city society. It is important to know that this segregation was not only because of the high cost of housing in urban China (that rural migrant workers cannot afford), but also because the household registration policies hinder their full entry into urban life.

As seen throughout the study, there is a relationship between the massive rural migration and the continuing increase of crime in the cities. In urban areas, factors such as community disorganization, low socioeconomic status of the residents, and the lack of informal social controls in neighborhoods may facilitate crime and victimization. These empirical observations are consistent with criminological literature that focuses on the relationship between immigration and concentrated disadvantages—a cluster of problems including poverty, high child mortality rates, single mother households, and crime—within certain neighborhoods (Kasarda & Janowitz, 1974). These theories were heavily influenced by Shaw & McKay’s (1942) work on social disorganization, and consider factors including both neighborhood characteristics and informal social controls as they relate to juvenile delinquency and crime (Sampson, 2012).

Social disorganization is defined as “the inability of a community to realize the common values of its residents and maintain effective social controls” (Bursik 1988; Kornhauser 1978). The theory holds that these social controls will be more effective in neighborhoods with greater residential stability, and more ethnic and normative homogeneity (Steenbeek & Hipp, 2011). In contrast, social disorder and crime are more likely to occur in the central zones of cities which are characterized by high levels of residential mobility and weak social controls. These conditions are more common where housing is cheap and physically deteriorating; such locations attract the most economically disadvantaged populations who, for a variety of reasons, are the most highly mobile.

However, as was seen in the literature, rural migrants in China are often culturally and economically marginalized from city life (Wong et al., 2010; Akay et al., 2012). Moreover, while they are not necessarily members of any ethnic-racial minority, their social status is closely associated with their “hukou” status and they are treated as a “race-like” social group.

Since its introduction, social disorganization theory has been reworked into the theory of collective efficacy. Collective efficacy is a combination of shared expectations within a community and a willingness to exercise responsibilities for the well-being of the community. This theoretical construct has been elaborated in systemic terms, that is, the local community is viewed as a complex system of friendship, kinship and acquaintanceship networks, as well as associational ties rooted in family life and ongoing social processes (Bursik & Grasmick, 1993; Kasarda & Janowitz, 1974). It is these

ongoing social and cultural relations and mutual expectations that constitute the community, and act as controls on the behavior of the community's members. Of course, consistent with social disorganization theory, these networks cannot exist where residential mobility is high.

Sampson has shown the utility of collective efficacy to explain the willingness of community members to act upon their common problems for their mutual well-being and to reduce violence and delinquency (Sampson, 1997). Other empirical studies, such as Armstrong, Katz, and Schnebly (2010) found that neighborhoods with a higher level of informal social control and stronger social ties have lower rates of crime and delinquency when controlling for the poverty level of each community. Browning and Cagney (2002) also found that neighborhoods that have a high level of collective efficacy report better self-rated physical health when individual-level demographic and health backgrounds are controlled.

Other than the theoretical and empirical discourse from the western criminological tradition, research from other post-Communist societies also sheds light on the relationship between migration and crime, as well as on how collective efficacy may reduce the effects of economic disadvantages within neighborhoods on crime. A Russian scholar, Elina Treyger (2013), examined the relationship between migration and violent crime from both the Stalinist and Post-Stalinist eras. Her study showed that migration that was more heavily regulated by the state (i.e forced migration) had caused more social disorders and crimes than migration with lesser constraints by the state (i.e. voluntary migration) (Treyger, 2013). As Treyger concluded, migration was likely to

destroy social networks both in the rural areas and in the receiving cities, which resulted in diminished social capacity for informal social control. However, for those migrant communities with well-established social networks, the violent crime rates were very low to none compared to communities without these social networks. This finding is particularly insightful for the current research as both countries were communist for much of the twentieth century.

Social disorganization and collective efficacy provide important theoretical insights and policy implications for the current study. Due to limitations of the current study, the level of disorganization of neighborhoods where rural migrants resided cannot be directly measured. Systematically examination of whether the rural migrants who appear in the current study were more likely to reside in disorganized communities compared to their rural and urban counterparts who are not offenders in the current study was not possible. However, consistent with social disorganization theory, what the current study does show is that the rural migrants who appear in the Online Judicial Database have socioeconomic disadvantages that they bring to their lives in Guangdong. In the current study, rural migrant offenders are underemployed and undereducated. It must also be recognized that “migrant villages” exist in Guangdong Province. It is highly possible that some or many of the rural migrants in the current study have lived in neighborhoods that would be characterized as disorganized and lacking collective efficacy.

With regard to the case of China specifically, this hypothesis regarding the relationship between social disorganization and/or collective efficacy and crime does have some empirical support. According to Wu et al. (2007), as introduced in Chapter II,

the “hukou” system of household registration categorizes people as rural or urban workers; rural migrants are excluded from such urban amenities as schooling and health care. Migrants cluster in neighborhoods where rents are low, including urban villages, neighborhoods built prior to 1949, factory compounds, and privatized work-units. These living spaces, however, are typically associated with high residential turnover rates and concentrated poverty. Strycker et al. (2008) conducted research focused on how rural workers perceive the collective efficacy and overall neighborhood environment where they work. Their findings suggest that rural workers residing in close-knit neighborhoods tended to have more positive views than those who resided elsewhere. While some rural workers did live in cohesive communities, those rural migrants who worked in less well-paying jobs tended to rate their neighborhoods as less socially cohesive and more problematic than other workers. The creation of urban enclaves further isolated rural migrant from the rest of society.

### **Social Change, Anomie and Crime**

Setting aside, for the moment, the fact that rural migrants and urban residents were likely to experience differential opportunity structures that makes it more difficult for rural migrants to achieve their social and economic goals through legitimate means, it is worth noting that Guangdong Province is one of the most vibrant in China—it has one of the fastest growing GDPs and one of the largest migrant populations in China. The overall crime rate in Guangdong province has increased drastically over the years (Wong, 2009). Specifically, there is an association between fast economic growth and increased crime rates. This observation is consistent with Durkheim’s Anomie theory, as it

thematically proposes that drastic social changes could be the cause of a state of normlessness, precipitating crime and deviance. While Durkheim's work was concerned with the societal level, the theoretical use of the concept of anomie has occurred at the individual level. According to Robert Merton, who adapted Durkheim's concept of anomie, the greater the difficulties in achieving economic success, the greater the degree of individual level "strain". This strain leads to the increased likelihood that an individual will commit a crime. In the following section, an overarching theoretical framework for understanding the current study's findings will be presented. First, the author will introduce the original Anomie theory by Emile Durkheim. Following this, a revised version of Anomie Theory by Robert Merton will be discussed. Finally, Robert Agnew's general strain theory will be presented. All of these theories are complementary to each other and provide an overall picture of how social changes and individual level strains may affect the fluctuation of crime rates, and who commits crime.

Anomie Theory is unique among explanations of crime and deviance because it is composed of two related, although not identical, levels of analysis for norm-violating behavior. It focused at macro-level structural and micro-level individual sources of anomie which provide motivation for crime and deviance.

The classic Anomie Theory that was created by Emile Durkheim (1897) begins with the idea that healthy societies function best when they effectively control the behavior of their members. However, an extreme sense of normlessness should be expected during a fast social and economic transition, when a society is less capable of exerting behavioral and moral regulation on its citizens. From Durkheim's perspective,

anomie is defined by the existence of social conditions that disrupt society's ability to regulate the behavior of its members effectively. In his Anomie theory, crime was not his primary concern. Durkheim believed that a certain amount of crime in a society is normal and healthy, having the capacity to provide positive functions for society and its members. His greater interest focused on understanding what societal changes would make anomie or normlessness develop, and its impact upon people's behavior. In *The Division of Labor in Society* (1893) and *Suicide* ([1897]1951), Durkheim established the foundation for a sociologically based theory of anomie. He envisioned anomie as a macro level problem tied to fluctuations in a society's division of labor and their overall development. He maintains that external societal controls, such as the enforcement of laws, are necessary for regulating individual behavior, which ensures that each person is in harmony with his or her condition, and desires only what that person may legitimately hope for as the normal reward for his or her activity.

Durkheim stated that anomie develops when societal controls over individual behavior become ineffective, causing a breakdown in moral guidance. People's goals, wants, and desires become unregulated, and in this condition of deregulation the incidence of crime and deviance may increase. While Durkheim suggested that there are various ways that social changes can lead to a state of anomie, what is important for our purposes is that Durkheim recognized the role that industrialization and urbanization might play. As Lewis Coser (1984) explains in his introduction to *The Division of Labor in Society*, Durkheim is asking, "[w]hat were the consequences of a complex and advanced system of the division of labor on the cohesion and solidarity of societies?"

Similar to the European Industrial Revolution during which Durkheim was working, China has gone through accelerated economic change in the past three decades. Different in pace from the Industrial Revolution, however, China's economic reform has had an unprecedented developmental speed that surpassed that experienced by the European countries during the 18th and 19th centuries. If China is undergoing a state of anomie during this period of social and economic change, coupled with the lack of sufficient and timely formal social control mechanisms, crimes rate should be expected to increase, which has been widely confirmed by the literature (Bakken, 2000; Dai et al., 2013; Lu & Messner, 2001; Xu, 2009). However, Durkheim did not explain how social fluctuations or anomie differentially influence individual behaviors in a more specific manner. For instance, why are some people more likely to commit crime than others? In particular, with respect to the current study, why are rural migrants overrepresented in the Online Judicial Dataset? Robert Merton (1938) also employed the concept of anomie by developing a theory designed to show how some social forces exert a differential pressure upon persons in the society to engage in nonconformist conduct.

Merton's theory of anomie focuses upon the culturally defined goal of American society and the means used to attain it. He identified financial success as the primary goal embraced by American culture, and it was expected that all members of society would try to attain this goal. Simultaneously, according to Merton, society defined the legitimate means people can use for attempting to achieve financial success. These avenues for success are said to be institutionalized as they are socially defined and enforced, even though not everyone has equal access to these legitimate means. Thus, Merton describes



anomie as a structural condition brought about by a disjunction between the culturally defined goal of American society and the legitimate means for attaining it, which may lead to crime and deviance. While Merton was concerned in his work with American society, his theory provides insight for our current study. As China has moved from a collective orientation to a more market-driven and self-interested society, economic achievement has become one of the leading measures of success. Most importantly, Merton described situations in which people were denied access to the legitimate means to achieve wealth (e.g. limited education, insufficient resources, lack of social influence networks, discrimination). With relation to our current study, it must be acknowledged that rural migrants have typically experienced economic hardship after migrating (e.g. unemployed or working in unstable, low wage jobs) and these inequalities and marginalized social experiences represent well what Merton would call a denial of access to legitimate means.

In order to bridge the macro-level anomie to micro-level anomie, Merton defined five possible “modes of adaptation” to the experience of anomie based on a person’s orientation toward society’s means and goals. Innovation is the mode of adaptation that closely pertains to this study and is the most significant contributor to the current findings. According to Merton, innovation is a prevalent deviant adaptation and produces the majority of criminal behavior. Individuals who innovate continue to accept the legitimacy of the cultural goal of wealth acquisition, but reject the approved means for achieving that goal. In essence, they attempt to achieve financial success through

alternative, often illegal, avenues such as theft and robbery. This mode of adaptation might explain the relation seen between rural migration and crime in Guangdong.

In the early 1990s, a popular Chinese slogan was “to get rich is glorious” (Deng & Cordilia, 1999). Deng in a 1992 speech in the Pearl Delta Region, famously said, “Increased gross domestic product and household income nationwide are the ultimate goals to improve quality of life. We have to let a small number of people get rich first, and then everyone is getting rich.” Unfortunately, Deng’s vision did not turn into reality. Although the pursuit of economic success became extremely prominent, the actual achievement of wealth was limited to only certain groups of people because of their social status, educational background, and occupational opportunities. For a long time, rural migrants have been left behind in the progress toward financial success. As shown in our current study, rural migrants are often at a disadvantage in terms of education and had no steady employment at the time of the offense. As seen in Chapter III, financial success is vitally important to rural migrants and is the single largest motivation for their move to urban locations. It can be safely assumed that this is true of Guangdong’s rural migrants as well. Unfortunately, Guangdong’s rural migrants, like most in China, are socially and economically disadvantaged. Faced with a lack of legitimate opportunities to acquire the wealth they desire, Merton would not be surprised that Guangdong’s rural migrants turn to crime at higher rates than their more well off urban counterparts.

In conclusion, based on Anomie and Strain theories, anomie is the cause of the norm-violating behavior. At the societal level, anomie theories focus upon structural breakdowns, a state of deregulation creating pressure for certain categories of people to

engage in deviance to achieve satisfaction. Thus macro level theories deal with the way particular groups of people deal with the introduction of societal pressures. This macro-level Anomie theory is well manifested in the current study. As noted in Chapter III, in general, rural migrants in China have experienced and are continually experiencing social, economic and cultural barriers. In this sample, rural migrants have also demonstrated multi-faceted disadvantages at both the social and economic level. For instance, characteristics of the rural migrant offenders can be summarized as three ‘lows’: low education, low employment rate, and low social status. Crimes that these rural migrants committed are those typically considered “street crimes”. If macro-level Anomie theory is applied to the current findings, it may be concluded that there exists a structural level anomie that exerts extra pressures for rural migrants during their post-transitory period. If legal opportunities cannot be provided, criminal behaviors should be expected as potential alternative means for these people to survive.

At the individual level, Anomie theory identified the strains that individuals experience or perceive, thereby creating the pressures which motivate them to engage in acts of crime and deviance. Consistent with this micro perspectives of anomie and strain theories, in the current study, rural migrants have very low education, are underemployed, or worked only as day laborers. The majority of crimes that rural migrants committed were offenses of violent and property-driven nature. It is not difficult to imagine these individuals, who are residing in one of the biggest migrants-receiving city, find it difficult just trying to survive, let alone, thrive. When the disjunction between aspiration and achievement, as Merton discussed, is such that there are nearly no other opportunities to

achieve a better life, crime may become the only viable solution. However, one caveat for the current study is that there is an inability to measure whether strain is the primary reason why rural migrants have committed crimes. There is no variable in the current dataset reflecting the level of strain each individual experienced. Future research should design surveys to examine whether rural migrants in Guangdong Province who committed criminal offenses are more likely to experience strain.

### **Conflict Theories and Biases within the Criminal Justice System**

As seen when discussing the relationship between crime and the socioeconomic disadvantages that rural migrants tend to experience, the current study indicated that rural migrants were disproportionately represented as criminal defendants in the Guangdong Province. When the sample is divided at the median point for fixed term sentences, rural migrants received longer sentences for aggravated assault than urban (native) offenders. It is possible that rural migrants, rather than committing more crime, might simply be experiencing biased treatment within the Chinese justice system. This hypothesis is somewhat supported by the scholarly literature and news media accounts discussed in Chapter II. In order to clarify this hypothesis, the author will discuss group conflict theory and culture conflict theory.

Conflict theories primarily focus on the way in which the law serves the interests of those persons or groups who are powerful enough to control the creation and enforcement of the law. George Vold (1958) and Willem Bonger (1969) produced two of the earliest group conflict theories in the criminological literature. As stated by George Vold, “the whole political process of law making, law breaking, and law enforcing

becomes a direct reflection of deep-seated and fundamental conflicts between interests groups and their general struggles for the control of police power of the state” (1958, p. 205). Those who could produce legislative majorities won control over police power and could dominate the policies that decide whose behavior will be defined as a violation of the law. Willem Bonger (1969) saw crime as the product of capitalism, which promotes egoistic competition among and within classes while denying to the lower class opportunities to achieve socioeconomic success by legal means (e.g., social structure and anomie). Bonger hypothesized that crime is produced by the “capitalistic organization of society”. All classes are affected by the egoism and greed created by capitalism, but since the bourgeoisie controls the law, it is the egoistic actions of the proletariat that are defined as criminal. The cause of crime in all classes, therefore, is the capitalist mode of economic organization. But, those who control the means of production will have the final say on the law. As for the theoretical relevance of Bonger’s work to China, he would expect that as Chinese society moved from “socialism” toward a market society, crimes committed by lower social classes should be expected to occur as classes are created and citizens begin to adopt the egoistic mindset cultivated by capitalism.

The idea of “social threat” plays a significant role in conflict theory regarding the formation of law and the operation of the criminal justice system. According to the conflict perspective, the greater the perceived threat represented by members of minority groups, the poor and rural citizens, the greater will be the emphasis on controlling these populations using the criminal law. In fact, a question likely to be posed by a conflict theorist is, “to what extent is the widespread fear of the ‘dangerous classes’ created and

fueled by the powerful?” At any rate, the perceived threat posed by the powerless may result in institutional and systemic changes regarding more restrictive laws and criminal justice system processes. Conflict theorists also contend that the political threat presented by the underclasses also affects the discretionary decision making of individual criminal justice officials—from arrest decisions of police officers to harsher sentences imposed by judges.

Relating to the current study, “hukou” was designed to function as both a political and economic control mechanism. People who have a rural hukou have been prevented from receiving many of the same social benefits that urban hukou holders enjoyed. These barriers and exclusions reinforce the urban-rural social class divide. Those with a rural hukou are routinely marginalized by political, economic, and cultural forces that identify and process them as inferior and criminal. As the Chinese Academy of Social Science reported in 2015, the high rate of urban crime associated with a new generation of rural migrants may be a result of their experiences in marginalization, the limited access they have received to occupational and educational opportunities, and the disparity in income between rural and urban residents, etc. Regarding economic and civil rights, rural migrants tend to have little or no social protection and access to welfare benefits, and are, thus, more likely to experience cultural and psychological maladaptation during the post-migratory stage (Hu, 2012). Rural migrants, especially those who have stayed in cities for a relatively short period of time (while without stable jobs and local connections) are highly likely to be seen as a threat to social stability and safety. As seen in Chapter II, that perceived threat can result in the mistreatment of rural migrants by the Chinese police. In

the current study, most of the rural migrant offenders had no job at the time of arrest and have a very low-level of education. It is possible that this group of rural migrants is subjected to more arrests and charges, not because they committed any more criminal offenses, but because they are more likely to be watched and therefore arrested.

Beyond group conflict theories, cultural conflict theory focuses on clashes that occur between social groups over social values, interest, and norms. Thorsten Sellin (1938) argued that cultural conflict is a disagreement over cultural norms. In his classic analysis of the relationship between immigration and crime, Sellin argued that crime is the product of culture conflict between groups with different “conduct norms”, in which normative behavior of the less powerful groups is defined as “criminal”. As cultures become more complex within a given society (e.g. when members of rural groups migrate to urban areas), it is likely that these migrant groups may come into opposition with urban group cultural norms. In conclusion, according to both group conflict and culture conflict theorists, crimes are nothing but either direct or indirect results of ideological clashes between people belonging to different social groups (categorized by political, ethnic, or religious differences). Thus, according to the conflict perspective, the reason that rural migrant offenders are disproportionately represented in the current study is because they are marginalized by political, economic, and cultural forces that result in their inferior social status in China. However, whether conflict theories have policy relevance is at issue only if it can be empirically measured against the proposed theories. Future studies should measure this assumption based on an in-depth analysis of legal

procedure and opinions from key personnel involved in the criminal justice policy and decision-making process.

Of course, other than socioeconomic disadvantages and strains, discrimination from the criminal justice system in China, there is a third interpretation of the over-representation of rural migrants in the Intermediate Level Courts in Guangdong Province. That is, socioeconomic disadvantages and individual level strains that rural migrants experience, as well as bias from the Chinese criminal justice system, together affect the disproportionate representation of rural migrants in the current study. Both literature and the current research confirm that rural migrants disproportionate representation in the criminal defendant population in Guangdong Province, as well as the types of offenses they have committed, directly relate to their disadvantaged social status. Moreover, urban citizens, law enforcement officers, and the judicial system are all sources of discrimination and marginalization that rural migrants experience in urban China. Comparatively speaking, rural migrants in China have confronted, and are continuing to face, the same types of challenges as African-Americans in the United States. Much of their experience with the criminal justice system is largely influenced by their employment and educational background, in addition to socioeconomic barriers they face every day. The goal of the current study is to help bring to light to the criminal justice experiences of rural migrants in China, and to raise public awareness, to help rural migrants to better adapt to their urban life by providing equal opportunities for employment, education, health care, and social recognition.



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