

Wang Lijun

COMBATTING AND MANAGING ORGANIZED CRIME BY
THE BLACK SOCIETIES

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[Wang Lijun gained international notoriety in early 2012, when he sought (and was refused) political asylum in the American consulate in Chengdu, the capital of Sichuan province. Wang, police chief in of Chongqing, been a “special municipality” (equivalent to a province) in the upper regions of the Yangtze River, had long been the right-hand man to Bo Xilai, the visibly, indeed, aggressively ambitious son of the late Party elder Bo Yibo, who was then the Party secretary of Chongqing, in effect the lord of the city. Wang had broken with Bo among the fallout of the murder by Bo’s wife of an English friend of the family and the attempt to cover up the murder. Subsequently Bo himself was brought down, his purge eliminating the major threat to the supremacy of Xi Jinping, who became head of the Party later that year.]

[One of Bo’s major projects was a campaign against organized crime, something Chongqing had long been notorious for. Wang, of course, was responsible for the actual police operations. Bo’s targets seem well-chosen, but Bo was criticized inside China both for his personal grandstanding and his disregard for the niceties of due process. Bo’s anti-gangster campaign, whatever else it was, was directed in great part against the criminal and financial interests aligned with his predecessor as Chongqing boss (Wang Yang, then considered another rising star—whose fortunes so far have proven considerably better than Bo’s). Following Bo’s fall, it turns out that he also had his favored coterie of gangster pals, and, Wang was very much involved in their nurture.]

The irony and enduring interest of this essay attributed to Wang is

that he was engaged in the same sort of behavior that he attacks. Wang compares organized crime with capitalism (much as in the American film The Godfather, although the movie receives no mention), the development of the criminal gang recapitulating the Marxist theories of capitalist development. At its highest stage organized crime becomes enmeshed with both legal political authority and with legitimate business—and this, as it happens, certainly does seem to be true of Chinese organized crime. The author urges a rooting out of the causes of organized crime, although his notions of how to do this may be controversial: There is a need for the authorities to exercise “tight control over the market.” The state “must have absolute power of social management.” The state must also assure a fair distribution of resources, “making adjustments for those whose income is too high.” The political position implied is that of the “new left” (or “new conservative”—the terms in China are close to identical) critics of the liberalized market economy; and these two tendencies may reflect the major difference of opinion on policy within the Party. Wang’s approach has been followed as well by the Xi Jinping regime; how effective the approach is in general, of tightening the control of the state over economic activity, will depend upon the nature and aims of those who have control of the state.]

A huge problem facing international society is how, from a legal, social, and psychological perspective, to go about correctly resolving the issue of organized crime by black societies—seeking out a path for social control over such organizations and helping society to achieve peace and stability.

Organized Crime: A Social Phenomenon Whose Existence Cannot Be Denied

According to the sociology of crime, criminal activity involves the rejection and destruction of social rules.

As the division of labor and cooperation developed in ever greater complexity, the stronger and more precise became government control and management over the entire society. The traditional defiance of the rules of society by the isolated criminal individual became increasingly difficult and the commission of crime required ever increasing resources. Organized crime came about as an attempt to decrease the amount of resources required for criminal activity and to enhance its rewards. Criminal organizations rely completely on the local weaknesses of government controls, especially when general social conditions are undergoing rapid change and the new economic and social structures have not been completely consolidated. This is an opportune time for such groups to engage in primitive capital accumulation and develop into large-scale black societies. In *Capital*, Marx had a critique of the capitalist's pursuit of profit: for a profit of 50 percent, a capitalist will exercise a little prudence; but for a 100 percent profit he will dare trample on all the laws of man. It is completely appropriate to characterize the frantic pursuit of profits by black societies in this manner.

If we categorize the black societies as a cancer on contemporary society, in the search for a cure there are three layers of differing importance that determine our response. At the lowest level, if the tumor has already developed, it must be excised. At the middle layer, we must make the surrounding environment healthier in order to prevent the just-mentioned situation from developing. At the highest level, we need a full-scale analysis of the causes of the disease to prevent the same kind of thing from happening elsewhere. In other words, the field of law and order is the meeting place for all the contradictions in society. In order to fight black societies in an effective, timely, thorough, and enduring manner, we must root them out when they are small, arrange that society speak with one voice and move toward a single goal in a coordinated manner. We must take measures in the fields of politics, economy, society, and culture, working to strengthen

society's "immune system."

The Situation Allowing for the Existence of Black Societies— The Accumulation of Evolutionary Changes, Leading from Quantitative to Qualitative Change

The growth of black societies is a process of accumulation of evolutionary changes, so that changes in quantity become changes in quality. Whether or not they are able to penetrate into the institutions of public authority depends upon the cohesion of their organization, their style of violence, the scope of their influence, and the amount of wealth they control—these four factors. We may break down the evolution of black societies into stages: simple violence, parasitism, and the penetration of public authority. Naturally, under the right conditions they may leap over these stages and arrive at their goal by a single step. Although the conditions and environment for each of the three stages differ, the common goal in all three is the pursuit of economic advantage. The highest stage of development is when the black societies in their parasitic and public penetration stages become intermeshed with authoritative power.

Because of the quality of their leadership, limitations on the resources available to the organization, or other factors, many black societies do not evolve beyond the stage of simple violence. Membership at that stage consists primarily of young people and the unemployed. Their level cultural development tends to be low and the scope of organization small. Their organization is relatively loose, with membership based upon locality, workplace, or kinship. They tend to be fairly violent, but with little ability to operate secretly. They tend to indulge in gunplay, gang fights, deliberate infliction of injury. They seek monopoly control over a relatively fixed set of industries having a close relationship with the population at large: building, transportation, food services, entertainment, so forth. Since they are in their initial stages, they do not yet have much money. If we examine the "anti-mafia"

records of the various countries of the world, the black society organizations at this basic stage are much given to violence and bloodshed.

From a comparative perspective, black societies build their capital in this initial stage of “primitive accumulation.” Once they have sufficient funds, they pursue even greater economic benefits. At the same time, their criminal activities diminish as they turn instead to “rent-seeking” through penetration of the political leadership. At this stage their organizational structure, economic power, and scope of influence is much better developed than in the primitive stage, and they become much less given to violence than before. Rather, they will use bribes, threats of violence, blackmail, and suchlike methods to corrupt the working personnel of the state, seeking a protective umbrella and weaving a network of relationships, inserting themselves as parasites so they are in a position to make use of public authority to reap economic advantage. This is their main trait. Criminal organizations put on the outer garb of companies, firms, and other economic organizations. They set up boards of directors, general managers, chief executives, and other kinds of professionals, using a legal cover to mask their illegal goals. All this begins to emerge at this phase.

As their economic power grows ever greater, criminal organizations are no longer content to be parasites on public authority. They begin to plan on switching from “carrying the umbrella for someone else” to “carrying their own umbrella.” At that stage the black societies have ample organizational funds, the organization itself is tight and cohesive, and there has been a dramatic increase in the scope of their influence. Non-violence or “cold” violence becomes increasingly prominent. They put their own representatives into the organs of public authority and, in their status as representatives of public opinion, join in the distribution of resources. They will use their influence to affect the government

and on judicial activities. At this stage the illegal activities are hidden and work largely through deceit, with the bosses having two different roles [one respectable, one criminal]. The sphere of criminal activity expands to high- tech and into high-value added financial activities such as the stock exchange, public enterprise, and international trade.

Social Change: A Hotbed for the Rapid Growth of Black Societies

From a comparative perspective, periods of social change often mean a lack of balance between economic freedom and the capacity of the state to intervene. There will be an expanding gap between the rich and poor. Arising from this gap, the mobile population becomes a reserve army for the black society organizations. Toward the end of the 19th century America underwent rapid industrialization and urbanization. Some of the fortune-seekers from Sicily, in Italy, fell into unemployment and bankruptcy and joined the mobile population. They quickly organized themselves into America's own special Mafia.

In periods of rapid social change there are many difficult to comprehend transformations in politics, the economy, society, and culture. These test the overall control that the government has over society. Periods of governmental transformation are marked by confusion and institutional defects, leading to an obvious gap between the capacity of governmental control and the development of social reality. The government loses its sense of what is going on at the lower levels of society. This provides space for the intrusion of black societies and there are localized breakdowns of law and order. At the beginning of the 20th century the capacity of the Italian government was very low and the Mafia quickly became a "state within a state" in Sicily.

Black societies are not merely an economic phenomenon. Nor can they be regarded simply as a consequence of weak government

control. They are also a product of cultural conflict. In transitional society the local culture, imported cultures, and traditional culture all mix together and collide, providing rich spiritual nourishment for black societies. In the 1960s Taiwan was in a period of dramatic transition. The culture of the society, which had been closed and monolithic, became opened up and pluralistic. The “Four Seas Gang” and the “Bamboo Union Gang” spread rapidly during that time.

Entering into the Concept of Organized Crime—an Urgent Task for China’s Criminal Law

The second article of the UN Convention on Combating Organized Crime has a specialized definition of organized criminal groups that is not limited simply to black societies. Our country’s criminal law has rules pertaining to those who participate in organized criminal activities, but these do not pertain to organized criminal activities that do not involve black societies. It is especially worth pointing out that organized criminal activities can be either violent or nonviolent. Our current criminal law stipulates that violence is a special feature of criminal black societies. But as the capacity of organized crime continues to grow, the role of violence in black society activities continues to diminish. The significance of this is that the criminal law must think about and make preparations for non-violent manifestations of black society activity. Therefore, the criminal law should change “participation in criminal activities of a black society nature” should be amended to “participation in organized criminal activities.” At the same time it made a distinction between “joining in black society-style organizations” to “joining black society organizations,” increasing the legal penalties, raising the amount of the punitive fines, meeting the needs of the Convention and suiting the demands toward “less use of violence and more use of wisdom” in the implementation of punishment. This allows a thorough, timely, and effective way to fight organized criminal behavior. It meets the current and future

needs of criminal law.

In the period of social transformation, China's legislative and judicial actions against organized crime must be foresighted, precise, and systematic. In criminal legislation, for example on matters concerning money laundering, how do we combat the ever increasing activities of criminal organizations in laundering money, organize special regulations to contain it, assure that those at the top of the chain come within the scope of the law, exercise the appropriate controls over financial institutions, establish clarity in the accounts indicating where the money comes from and what purpose it serves, confiscate profits derived from criminal activity?: all of this requires considerable thought and proper implementation. In terms of criminal justice, guarantors and "dirty guarantors" must be protected from those who would harm them. We will need a special group of detectives and paralegals to make the system operate properly.

Good Laws and Proper Governance for the Market Economy: Deprive Black Societies of Points of Purchase

The special trait and operating condition for black societies is their vast economic influence. Therefore, if a society in transition is effectively to deprive black societies of the conditions for their nurture and growth, it is necessary to adopt proper measures in the economic field. We must promote good laws and proper governance for a modern market economy. There must be tight control over the market economy system so that the black societies are deprived of points of purchase.

First, we need to strengthen economic legislation, assuring that the law is reliable from beginning to end. Legislation must march in pace with the development of the market. When the resources available for legislation are limited, we need to emphasize the main points, identifying areas most likely to be infected by organized crime: for example, real estate, transportation, dining,

amusement, and all sorts and kinds of specialized trades. We must enhance the transparency of governmental work. Next, we must elevate the quality of legislation. We must be especially wary of increasing the quantity of legislation to the neglect of its quality. In developing good laws we must act in accord with the objective demands of economic and social development, upholding civil rights and justice, keeping to the principle that the power and responsibility of state institutions must be in accord with each other. We must strictly adhere to legislative procedures, assuring that the law actually embodies the will of the state and the well-being of the broad mass of the people. The state must have absolute power of social management in order to keep a firm grip on all that relates to the people's welfare. Finally, we must assure that the law is implemented fairly. It is better to say that the law and those matters related to it are laid down rather than put into practice. In the process of implementing the law there must be effective controls to make sure that it meets the intentions of the legislation in all legal proceedings, especially for those that allow for some discretion.

Once organized crime takes the form of companies and firms, there must be special attention to grasping economic construction. Firms must be inspected closely to see that they meet the proper conditions and qualification. We must strictly supervise companies and firms to see that they do not depart from the proper track. We must be very precise about this. At the same time we need to fully develop the function of basic level firms and coops. In a timely fashion we must collect information concerning the actual condition of economic organizations, with special attention to whether the organized culture isn't developing into one congenial to organized crime.

Advance in the Same Step in Economic and Social Construction: Devise Policies that Will Stop up the Sources of Organized Crime

Effective management of organized crime in a transitional society also requires continued efforts in economic construction, increasing the general size of the social “cake.” We must speed up the promotion of the guarantees and improvement of the people’s welfare so that this cake is then properly divided, so that both economic and social construction advance in step with each other.

Social justice encourages people to understand and sympathize with the current social conditions. We need to deepen the moves to perfect the distribution system, finding those places where efficiency and fairness are compatible with each other. We need to control divisions between rich and poor that are the products of the system. We must strive for an efficient society that does not have great disparities of wealth. We must not limit ourselves to fairness in the outcome but even more should see to it that all levels of society enjoy equality of opportunity. The most basic way to achieve this is to assure a fair distribution of the resources and opportunity for education.

A rational social structure is a precondition for the control of crime, including organized crime. We must focus on China’s three great types of inequality: between different localities, between city and countryside, and between rich and poor. We must carry out the basic policy of “supplementing the low, broadening the middle, and adjusting the high.” We must set up a system that guarantees at least a minimal standard of living for both town and countryside and by reform of the taxation system make adjustments for those whose income is too high.

It is an objective demand of a transitional society that we promote within the framework of the law a multiplicity of subjective social management systems. Must correctly handle the three-cornered relationship among government, market, and society, making a reasonable stipulation of the role of government. At the same time, given the objective limitations on administrative resources, we must promote the development of social organizations,

strengthening the division of labor between the government and social organizations, seeking cooperation and mutual support among different social organizations. The key is the strengthening of basic-level governmental authority, keeping a firm hold on the management of society at the basic level, rooting out the sprouts of organized crime.

Virtue grows from a solid root when it is irrigated by culture from within. We must hold firmly to the construction of a core socialist value system. We must increase the scale of propaganda for advanced culture strengthening the influence of advanced culture and its understanding by the popular masses. By strengthening the mainstream culture, we must incorporate a pluralist value system into the subjective social value system. In this way we will control the development of a criminal psychology and inhibit the spread of criminal behavior. At the same time we must broaden controls over mass media and the cultural market place, preventing the spread of corrupt and reactionary cultural products.

Xin Hua Wenzhai, 5 August 2011