

*Ethnic Disparity in Chinese Theft Sentencing: A Modified Focal Concerns Perspective**

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Abstract

This article examines the ethnic disparity in Chinese sentencing. It argues that the dominant “focal concerns perspective” cannot be fully applied in the Chinese context because of the social control imperative rooted in Chinese politics. Despite the potential for Chinese judges to hold stereotypical views of minorities that may lead to discrimination against them, the need for social control tends to lead judges to favor ethnic minorities to cajole them into obedience. Furthermore, ethnic influence is heterogeneous. Group threat theory posits that sizable groups tend to be treated more harshly to preserve the existing social structure. Albeit this article agrees that sizable focal minority groups are treated differently in China, contrary to that theory it argues that because of the country’s Confucian and Marxist-Leninist-Stalinist heritages such groups actually enjoy greater leniency in sentences for non-separatist crimes such as theft. We retrieved data from the China Judgments Online website and compiled a dataset comprising 22,902 theft crime observations in China’s five autonomous regions. Using linear regression models, we found that focal minorities indeed enjoy preferential sentencing treatment. The results of this study will not only help researchers to understand ethnic issues in China, but will also benefit the larger community by offering an example of the localization of a Western-rooted theory.

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