

Applicability of Differential Association Theory to Crime in Chinese Society: A Study Based on the Mong Kok Riot in Hong Kong and a Fatal School Bullying Episode in Hebei Province

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Abstract

This article uses the Differential Association Theory to analyze the Mong kok riots in Hong Kong in 2016 and the murder of campus bullying in Handan City, Hebei Province in 2024. The purpose is to explore the applicability of the theory to Chinese society and its relationship with Chinese criminal law. According to this theory, criminal behavior is acquired through social interaction. This learning process is affected by the frequency, duration, time of occurrence and intensity of interaction between individuals and others. China's criminal justice policy considers the policy of tempering justice with mercy, which is in line with this concept. First-time offenders and minors are usually punished more lightly, which reflects their passive exposure to the definition of crime. On the other hand, repeat offenders are severely punished, which is consistent with their deep involvement in stable criminal networks. In terms of joint criminal responsibility, abetment can be regarded as actively establishing a relationship. The punishment for accomplices is lighter, which reflects their short contact time and low degree of participation. Case analysis shows that online communities and virtual intimate groups have become a new space for differentiated communication. However, the theory has limitations. It cannot explain why most people who are affected by the same environment do not commit crimes. It also ignores the structure of political opportunities, organizational silence and cultural background. The paper recommends establishing an assessment mechanism for the degree of differential association, with focused review of the source, duration, and coercive character of criminal definition acquisition in juvenile offender cases, thereby achieving differentiated criminal responsibility evaluation.

Keywords: Differential Association Theory, juvenile delinquency, Chinese criminal law

1. Introduction

Edwin Sutherland systematically expounded the Differential Association Theory. The theory is regarded as the basic framework of criminology and aims to explain how individuals acquire

criminal behavior through continuous social interaction. Its core idea is simple but far-reaching: crime is acquired, not inherited. When the social influence around an individual tends to support illegality rather than law-abiding, the

possibility of an individual committing deviant behavior increases (Sutherland & Cressey, 1974).

The structure of this article is divided into several steps. First of all, explain and critically review the Differential Association Theory, and pay attention to the long-term debate around the theory. Subsequently, the analysis turned to two cases: the Mong kok riots in Hong Kong in 2016 and the fatal campus bullying incident in Handan City, Hebei Province in 2024. This paper adopts the comparative analysis method to examine the applicability of the Differential Association Theory in these two cases. The uniqueness of this analysis is that it directly applies the normative views of Chinese criminal law. This article discusses the policy of tempering justice with mercy and introduces the theory of common criminal responsibility. These legal frameworks are integrated into the analysis. In this way, this article goes beyond the pure sociological explanation and thinks about the significance of these theories to criminal policy and criminal control practice.

2. Theoretical Overview and Critical Evaluation

From the perspective of the Differential Association Theory, criminal behavior is acquired through interaction. This kind of learning occurs especially in close and influential groups, such as families and peers. The learning process includes two different parts: skills and motivation. Individuals not only learn how to commit crimes but also absorb and internalize the reasons that make criminal behavior seem reasonable (Sutherland & Cressey, 1974).

The key is the balance of contact. A person will come into contact with the attitude and reasons to support illegal acts. The more frequently this happens, the more likely it is to accept criminal behavior. There are four factors that affect learning results: frequency, duration, priority and intensity. Each factor will affect whether you will eventually acquire criminal behavior.

Here is a specific example. A teenager lives in a social environment, and his older friends not only regard drug trafficking as a normal behavior, but also actively teach him how to trade drugs. But his parents didn't explicitly object. It is this lack of opposition that increases the likelihood of his acceptance of criminal behavior. Over time, teenagers may begin to feel that drug trafficking is no big deal. This change may not be noticeable at first. But in some cases, this idea will become stronger and stronger. In the end, drug

trafficking can not only be accepted but even become indispensable.

Compared with the previous criminological view, this theory has some obvious advantages. One of its advantages is that it explains why living in a specific social environment does not automatically make people criminals. A person must participate in the symbolic exchange of supporting illegal values to lead to crime (Sutherland & Cressey, 1974). One of its advantages is that the theory regards the frequency, duration, priority and intensity of crime as measurable factors. This enables it to explain the social structure distribution of crime, and at least in theory, it also makes empirical testing possible. The third advantage of it is that the theory integrates normative conflict, differential social organization and the process of differential association into one unified framework. This integration enables the theory to explore both individual crime and group crime rates within an explanatory framework (Matsueda, 1988). The fourth advantage is that the theory lays the foundation for the theory of social learning. The latter revises the concept of differential association and elaborates on the mechanism behind specific forms of deviation (Akers, Krohn, Lanza Kaduce & Radosevich, 1979). The fifth advantage is that it powerfully explains how criminal behavior is transmitted socially between individuals and groups (Warr, 2002).

However, there are still some problems with this theory. It cannot explain why some people take the path of crime while others do not, even if they come into contact with the same social circle. It does not explain the source of criminal values but only takes the problem of explanation a step back. The theory also cannot fully explain the criminal behavior that seems to occur without prior learning or symbolic interaction. These behaviors are spontaneous, impulsive or irrational. Another defect is related to the suspension of the crime. This theory cannot explain why some people later abandon these definitions and abide by legal norms after learning the definitions that are favorable to crime. The empirical test has always been difficult. One of the main reasons is that the core concept of too many definitions in favor of illegal behavior is difficult to accurately measure (Matsueda, 1988). The last question is that the theory is almost silent about the non-social factors in the causes of crime (Warr, 2002).

Personal choices and memories are completely ignored. The neuroanatomical basis and physiological basis of learning and memory have not been resolved (Barnes, Rocque & Posick, 2021).

In addition to being used to explain crime in criminology, differential association theory can also engage in dialogue with criminal law and judicial policies. The core of the policy of “leniency and strictness” in China’s criminal law is an institutional response to the subjective damage to differences in the process of differentiation. First-time offenders and minors are treated with leniency. This leniency is based on the understanding that their acquisition of the definition of crime is often accidental and reversible. On the other hand, repeat offenders and recidivists are severely punished. This severe punishment reflects a different reality. These people have been deeply involved in a stable criminal network. Their definition of crime is so highly internalized that it is difficult to correct it.

In the domain of joint criminal liability, the essence of instigation can be understood as the active manufacture of differential association. The instigator systematically transmits criminal definitions to the instigated party through both verbal and behavioral channels. Criminal organizations, for their part, constitute relatively closed systems of differential association. Within such structures, members acquire criminal techniques and subcultural orientations at high frequency and with considerable intensity. The mitigation of punishment for accomplices under criminal law can likewise be explained by reference to shorter contact duration, weaker intensity, and correspondingly shallower levels of acquisition. The introduction of this normative perspective furnishes the theoretical groundwork for criminal law evaluation in the case analyses that follow.

3. Case Analysis

3.1 Case 1: *The Mong Kok Riot in Hong Kong*

In 2016, during the Lunar New Year holiday, a dispute broke out in Mong Kok over how to enforce rules against street vendors. Radical localists responded by calling for a “protection of stalls”. This call then turned into street violence. There were assaults on police officers and acts of arson as well. The police labeled the event an “organized riot”. More than one hundred people got hurt in the incident, and dozens were arrested (Legislative Council, 2016).

An application of Differential Association Theory to this case reveals several mechanisms at work. First, political communities and online platforms furnish the spatial conditions for differential association. They simultaneously reinforce criminal definitions that are anti-establishment and anti-authority in character. Hong Kong’s radical native groups and individual activists who support independence often use online media and blogs for political propaganda and online mobilization. Platforms such as Local News and Facebook have evolved into a space for ordinary netizens to publish articles and gradually gain the status of opinion leaders (Liu, 2017). These platforms and communities regularly publish political content. Through this continuous output, they encourage participants to regard violent resistance as a reasonable or even necessary behavior. This process has reshaped the definition of crime. Legitimacy no longer comes from the law itself but comes from people’s belief that it is legitimate to resist the unjust system.

Secondly, social media applications such as Telegram have become a channel for spreading criminal skills and Defense. In this way, they form the so-called virtual intimate groups. During the Mong Kok riots, Telegram was used as the main platform for organizing protests and sharing resistance skills. These platforms are not only used to issue emergency action instructions, but also to convey practical knowledge. This knowledge includes how to fight the police, set up roadblocks and use weapons. Telegram’s end-to-end encryption and read-and-burn functions create an atmosphere of digital brotherhood. Members get emotional support and verbal justification for violent behavior through continuous interaction. This coincides with the mechanism of virtual intimate peer groups proposed by the Differential Association Theory. Participants gain identity and emotional strengthening from collective actions. Therefore, the legitimacy of violent acts has been further strengthened.

But some things still can’t be explained by this theory. The theory can explain how violent behavior is acquired, but it cannot explain why some people in the same group choose not to participate. One of the participants described himself as follows: “My classmates gathered together and threw bricks, but I didn’t. I just stood there and watched... I was afraid of causing the death of others, and I was even more afraid of

leaving a criminal record” (Fang, 2017). Among the young people gathered in the same Telegram group, there was a clear difference between those who threw objects and those who did not. Differential Association Theory cannot explain why some people refuse to use them after learning the same violent techniques.

In addition, Wikipedia records show that after the police raised the red alert flag at 0:40 a.m. that night, the crowd increased from 300 to 900 in just seven minutes. Many of them were just passing by citizens who were buying fish balls. They had not learned throwing skills before but just imitated the behavior of others when they were very nervous. This model of acting on the spot without planning is beyond the scope that the theoretical gradual learning model can explain.

3.2 Case 2: *The “March 10” School Bullying Fatality in Handan City, Hebei Province*

On March 10, 2024, three 13-year-old seventh graders of Jiudian Middle School in Feixiang District, Handan City lured their classmates Wang to go to the vegetable greenhouse on the grounds of asking for money. After arriving, they beat Wang to death and buried his body (Yi, 2024). All three suspects are under 14 years old. The case sparked a nationwide discussion on the age of criminal responsibility and school violence.

An application of Differential Association Theory to this case illuminates several interconnected mechanisms. First, the perpetrators had long formed a small-circle group that operated according to a hierarchical structure of elder brothers and younger followers (Phoenix News, 2024). Within their daily lives, they accomplished internal socialization through beatings, bullying, and extortion. They also exchanged accounts of routine violent conduct through online platforms such as QQ groups. This process happens to reflect the combination of frequency, duration, priority and intensity emphasized by the theory. Interactions occur frequently, last for a long time, and begin in childhood (a small circle formed in the first year of junior high school). There is a deep emotional connection between them. In this small circle, bullying classmates is regarded as a test of group loyalty.

Secondly, violence is given positive meanings such as masculinity and gang loyalty. In this way, the definition of supporting crime has become the mainstream. This small circle will establish authority through beatings and maintain the

redefinition of brotherhood as a sign of masculinity and gang loyalty. Betraying one’s brother is considered shameful. Long-term bullying of students is not only rationalized but also given the value of identity. In addition, the behavior of the three suspects to bury the bodies shows that the criminal skills have become very specific and can be taught in small circles. This coincides with the skill learning part of the differential communication theory. Police records show that the division of tasks is clear: who is responsible for digging the first shoven soil, and who is responsible for filling it back. These technologies have become standard practices within the gang and have been passed down by word of mouth.

From the perspective of China’s criminal law norms, although the behavior of the three juvenile offenders in this case has caused very serious consequences, it is still necessary to consider the particularity of the differential relationship when assessing their criminal liability. Under the guidance of the policy of tempering justice with mercy, underage offenders are treated with leniency. This lenient treatment is based on the concept that the differential association of juvenile offenders is often characterized by passive and environmental pressure. The three suspects formed a bullying gang in the first year of junior high school. They came into contact with the definition of crime before they reached the age of criminal responsibility, and this contact process lasted for a long time and was very closed. The formation of their subjective harm is not based on free choice, but on the shaping effect of the environment. This passive learning is completely different from that of adult offenders actively seeking criminal contact, which should be reflected in the assessment of their criminal responsibility.

Further analysis from the perspective of common criminal responsibility, this case has a typical hierarchical structure of differential association, and there is a clear division of labor between the three suspects. This forms a relationship between incitement and being incited in real life. Through daily bullying, the main offender passed on the definition of the crime of solving the problem by violence to the other two. This is consistent with the view that agitators are regarded as active participants in differentiated interactions. The skill-based division of labor in the process of burying the body shows that the gang has

acquired some characteristics of a criminal organization and has formed a relatively closed differentiated communication system. It is worth noting that the provisions of the criminal law on the light sentence of accomplices can be understood in this case as reflecting that some members have been exposed to the definition of crime for a relatively short time and the degree of participation is relatively shallow. This differential treatment is not only in line with the principle of “crime, criminal responsibility and punishment should be proportional”, but also in line with the theory, that is, the frequency and intensity of contact will affect the degree of acquisition of behavior.

However, this theoretical framework still cannot explain certain phenomena. One of them is the school in mainland China. It is generally believed that schools should be places that strongly emphasize opposition to violence. However, in this case, teachers and parents have failed to notice the extortion behavior for a long time. They always put the admission rate above disciplinary supervision, resulting in silence within the school. The second phenomenon involves a cultural discourse, that is, family shame should not be publicized, and private affairs should be solved with money. This discourse provides an external buffer for the definition of violent behavior, and also strengthens the legitimacy within the group. After the incident, local rumors kept claiming that it was just children’s play and could be solved privately with money. This relabeling practice transforming extreme violence from public crime to family scandal (Yi, 2024), shows that the theory of differential association ignores the cultural background. It is this cultural background that makes the perpetrators believe that even if there is a problem, it can be solved privately. This feeling, in turn, strengthens the understanding of the legitimacy of violence in the small circle. The third phenomenon is that the theory cannot explain why most students in the same class did not participate in it. In a class of more than 40 students, only three students joined the campus bullying gang. Although most other students are aware of the violence, they do not imitate the perpetrators.

In a word, the Mong kok case and the Handan case jointly confirm the process described by the Differential Association Theory. This process includes the definition, acquisition and implementation of illegal interests. At the same

time, these two cases also exposed the same blind spot of the theory. When political opportunity structures, organizational silence or collectivist culture weaken the definition of extreme crime, the theory cannot explain why most people still choose not to act. These people are also influenced by the same factors.

4. Conclusion

Combining theoretical analysis with case studies, the following insights can be drawn:

Community structures such as poverty, racial diversity and residential instability will weaken social control. These factors make it easier for individuals to be exposed to criminal traditions in an environment without regulation and to be involved in lawless subcultural groups (Taylor, 2001). People should pay close attention to the definition of extremist ideas in cyberspace. Critical thinking training in civic education needs to be strengthened. This kind of training can prevent individuals from being assimilated by extremist political subcultures.

People acquire criminal skills and motivations by interacting with derailment groups. This acquisition is especially obvious in places where institutional control is weak (Downes, Rock & McLaughlin, 2016). We must break the silent culture surrounding campus violence. An effective mandatory reporting and referral mechanism should be established for anti-bullying intervention. These measures will prevent differential associations from breeding in institutional loopholes.

The Differential Association Theory points out that intimate groups are the key places for criminal learning. However, the theory does not limit the forms that these groups can take (Downes, Rock & McLaughlin, 2016). We should go beyond the traditional definition of intimate groups and take into account the multiple influences of digital society, institutional structure and cultural background. Through this integration, researchers can build a more explanatory extended differential association model.

At the level of criminal justice, a mechanism for assessing the degree of correlation of differences should be established. For cases involving juvenile offenders, it is necessary to focus on examining the source, duration and mandatory characteristics of their criminal definition. Through differentiated treatment measures, the policy of “easing justice with benevolence” can

be concretely implemented. In joint crime cases, it is necessary to distinguish the roles of the abettor, the main offender and the accomplice in the differential association system. A graded criminal responsibility assessment system should be implemented. The system imposed heavier penalties on those who actively created criminal contacts and lighter penalties on those who were passively involved in criminal networks. At the same time, for repeat offenders and recidivists who have formed a stable criminal network, their differentiated interaction should be regarded as a foregone deal, and the law should severely punish them to block the intergenerational transmission of criminal subculture.

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