

# Sixth amendment

Law



American versus Chinese criminal proceedings: The face-off 22 January

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Significant differences exist between Western and non-Western criminal procedures, especially because cultural differences impact the criminal justice model (Deflem & Swygart, 2001). Even among Western nations, they vary in their concept and goals of criminal justice, which have changed across the centuries (Deflem & Swygart, 2001). This essay compares and contrasts the Chinese criminal proceedings with the American jury system. It analyzes which is more superior and why. It argues that Chinese and American criminal proceedings differ, because of cultural differences and that each system has its own strengths that make them superior to each other; in particular, American proceedings are superior to the Chinese system, because it allows the masses to hear and to decide cases and it is less open to corruption, although the Chinese proceedings do have the advantage of expertise analysis.

Cultural differences impact how the criminal justice system is perceived and executed. Western courts, like the American courts, believe that justice is for the victim; the individual has rights that the state must defend and protect (Deflem & Swygart, 2001). As a result, the American proceedings use jury trials to ensure that a group of individuals protect their fellow individual's civil rights. The Chinese criminal system, on the contrary, is a communist system and it believes that the criminal justice system should serve the interests of the state (Deflem & Swygart, 2001). It has no jury trials, unlike the American system, and it uses a panel of judges (Dammer & Albanese, 2011, p. 131). The Chinese system also emphasizes the confession of the defendant than the testimony of the witnesses (Dammer & Albanese, 2011, <https://assignbuster.com/sixth-amendment/>

p. 131).

This essay believes that there is no superior court system, since people have cultural differences that would make them prefer one system to another; however, the American and Chinese court procedures have advantages that make them superior to each other. American proceedings are superior to the Chinese system, because it allows the masses to hear and to decide on cases. Unlike the Chinese court system, only judges hear the cases and if they come from the upper or middle class, they may be biased toward their own social classes. The American system is also less vulnerable to corruption. The Chinese government appoints the judges for its criminal justice courts and it can easily select judges who are partial to their interests. Still, the Chinese proceedings do have the advantage of expertise analysis. The jury, on the one hand, is not a seasoned panel of judges and they may be too vulnerable to their own biases. They may also lack investigative skills and legal knowledge to effectively perform their duties. Chinese judges may be impartial, on the other hand, and tend to have more investigative and communication skills.

The American jury system has its advantages of grassroots involvement and impartiality, which makes it less vulnerable to corruption, unlike its Chinese counterpart. The Chinese system, however, does have seasoned judges who may have the right skills and knowledge to determine truth and to serve justice. Both criminal systems have strengths and weaknesses and the question on superiority is hard to answer. Furthermore, cultural relevance can undermine the answer to superiority. A court system may be superior to its own people, but not to another race. People do have their own cultural beliefs, when it comes to justice and how it “ should” be achieved.

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## References

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Deflem, M. & Swygart, A. J. (2001). *Comparative criminal justice*. *Handbook of Criminal Justice Administration*, T. DuPont-Morales, M. Hooper, & J. Schmidt (eds.), 51-68. New York: Marcel Dekker Publishers.