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To cite this article: Ting Gong, Shiru Wang & Hui Li (2018): Sentencing Disparities in Corruption Cases in China, Journal of Contemporary China, DOI: [10.1080/10670564.2018.1511395](https://doi.org/10.1080/10670564.2018.1511395)

To link to this article: <https://doi.org/10.1080/10670564.2018.1511395>



Published online: 24 Sep 2018.



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Sentencing Disparities in Corruption Cases in China

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ABSTRACT

In China, the dramatic increase in the number of trials and convictions of corrupt officials leads to the question of how they were sentenced and by what criteria. The puzzle is, in particular, to what extent judicial discretion plays a role in sentencing corrupt officials and, if judicial discretion does exist, how the discretionary power is exercised. This article addresses these questions based on 7304 court judgments in 2014–15, which were obtained from the official website of the Supreme People's Court. The authors' analysis reveals strong evidence of the presence of a high level of judicial discretion and considerable inconsistency in court judgments. This article further explores the possible explanations for sentencing disparities in corruption cases to show how extra-judicial factors may influence judicial decisions.

China has engaged in a war against corruption for more than three decades. Since the onset of reform in the late 1970s, the central authorities have launched many top-down and harsh campaigns aimed at cleaning up widespread graft in the government. Few of these efforts, however, proved to be successful. Corruption continued to afflict the government apparatus,¹ to threaten social stability,² to cause huge losses to the state coffers,³ and even to undermine the regime's legitimacy.⁴ Since the 18th Congress of the Chinese Communist Party (CCP) held in 2012, the Xi Jinping government has significantly expanded its anti-corruption endeavors. This new and still unfolding campaign is unprecedented in its length, scope, and intensity in the history of the People's Republic of China (PRC). In the past 5 years, an increased number of government officials faced corruption charges and received custodial sentences. The working reports of the Supreme People's Court of the PRC state that a total of 263,000 corrupt officials were convicted and sentenced in the 4 years from 2013 to 2017, a figure which far exceeds the total number of convictions, 143,000, in the previous 5 years from 2008 to 2012.⁵ There has been a very large increase in the annual average of convictions from 28,600 before the 18th Party Congress to 52,600 in the post-18th Party Congress period.

The dramatic increase in the number of trials and convictions leads to the question of how the convicted corrupt officials were punished and by what criteria sentencing decisions were made. The search for an answer to this question in the context of an authoritarian regime where courts

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¹Andrew Wedeman, *Double Paradox: Rapid Growth and Rising Corruption in China* (Ithaca: Cornell University Press, 2012).

²Feng Chen, 'A subsistence crisis, managerial corruption, and labor protest in China', *The China Journal* 44, (2000), pp. 41–63; Andrew Wedeman, 'Corruption and collective protest in China', in Ting Gong and Ian Scott, eds, *Routledge Handbook of Corruption in Asia* (London: Routledge Publishers, 2017), pp. 179–195.

³Minxin Pei, 'The dark side of China's rise', *Foreign Policy* 153, (2006), pp. 32–40.

⁴James Leung, 'Xi's corruption crackdown: how Bribery and Graft threaten the Chinese dream', *Foreign Affairs* 94(3), (2015), pp. 32–38.

⁵See The Working Reports of the Supreme People's Court of PRC, 2013, 2014, 2015, 2016, 2017 and 2018.

generally do not have an independent status becomes even more difficult due to the influence of extra-legal forces.⁶ Scholars point out that in China the government's anti-corruption efforts are compromised by other considerations such as political loyalty, social stability, patron–client relations, and concerns about the ruling Party's legitimacy.⁷ In the criminal sentencing process, judges' discretionary power becomes the vehicle through which government policies influence the appraisal of criminal cases and sentencing choices.⁸

The puzzle is, nonetheless, to what extent judicial discretion plays a role in sentencing corrupt officials and, if judicial discretion does exist, how the discretionary power is exercised. This article addresses these questions based on 7304 court judgments in 2014–15, which were obtained from the official website of the Supreme People's Court. Its analysis reveals strong evidence of the presence of a high level of judicial discretion and considerable inconsistency in sentencing corrupt officials. The findings suggest, in particular, that discretionary power has often become unlimited and arbitrary due to the vague interpretation of 'circumstances' in the criminal law.

This study has two potential contributions. Practically, it provides a nuanced picture of what legal consequences face corrupt officials and how they are sentenced in light of the criminal law in China's anti-corruption drive. The study also has theoretical implications as it adds to the academic discourse on judicial discretion and explores how to reduce disparities in punishment in order to build a fair and just judicial system.

In the next section, the article first discusses the concept of judicial discretion and the contending approaches to it in the literature. This is followed by a description of the data and methods that the authors used to examine the empirical information. The article then presents the results of the data analysis and discusses their implications. The final section concludes and summarizes the importance of this study.

Discretion-based vs. rule-based sentencing decisions

Judicial discretion is a legal phenomenon 'related to jurisprudential questions about the boundaries of rules, and the type of reasoning required from judges when making decisions in legal disputes'.⁹ The concept of judicial discretion has provoked heated debates in legal and political studies on the question of whether sentencing decisions should be rule-based or whether discretionary power should take a central place. Generally speaking, legal decision-making has two fundamental goals: one is equal justice under the law, and the other is about individualized justice guided by society's moral principles and values.¹⁰ While both are indispensable, the two goals are often in conflict. Tension exists between specific or contextual considerations which lead to individualized justice and legal requirements for applying sentencing guidelines consistently and treating like cases alike. As a consequence, scholars are divided on how and to what extent judges should be allowed to exercise discretionary power beyond the rules.

⁶See, for example, Fenfei Li and Jinting Deng, 'The power and misuse of power by China's local procuratorates in anticorruption', *International Journal of Law, Crime and Justice*, (2015); Fenfei Li and Jinting Deng, 'The limits of arbitrariness in anticorruption by China's Local Party Discipline Inspection Committees', *Journal of Contemporary China* 25(97), (2016), pp. 75–90.

⁷Melanie Manion, *Corruption by Design: Building Clean Government in Mainland China and Hong Kong* (Cambridge, MA: Harvard University Press, 2004); Susan Trevaske, 'The shifting sands of punishment in China in the era of harmonious society', *Law and Policy* 32, (2010), pp. 322–61; Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2016), pp. 595–617.

⁸Susan Trevaske, 'China's death penalty: The Supreme People's Court, the suspended death sentence and the politics of penal reform', *British Journal of Criminology* 53, (2013), pp. 482–499.

⁹Yuval Sinai and Michal Alberstein, 'Expanding judicial discretion: between legal and conflict considerations', *Harvard Negotiation Law Review* 21, (2015), pp. 221–277.

¹⁰Barbara A. Koons-Witt, 'Equal justice versus individualized justice: discretion and the current state of sentencing guidelines', *Criminology & Public Policy* 8(2), (2009), pp. 279–283.

The rule-based approach puts emphasis on the importance of reducing or eliminating legal disparities and disputes by adhering to strict implementation of rules. The underlying idea may date back to Hayek who wrote that the rule of law

means that government in all its actions is bound by rules fixed and announced beforehand—rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances and to plan one's individual affairs on the basis of this knowledge.¹¹

Scholars believe that for a criminal justice system, consistency in sentencing is a fundamental requirement.¹² It is required by the nature of law that rules are designed to provide solutions to be applied to an unlimited number of cases in future.¹³ Thus, the court's role is mainly to apply rules to cases faithfully in accordance with the law.

On the other hand, the discretion-based argument holds that it is impossible for rules to be universally applied given the uniqueness of each individual case.¹⁴ In addition, sentencing decisions, as the symbolic keystone of a criminal justice system, should also take into consideration a society's moral standards and higher values.¹⁵ For many legal scholars, therefore, judicial discretion is simply an unavoidable and universal problem as the law's determinateness is limited. In some cases, certain decisions are prescribed; in others, certain decisions are prohibited. In still others, however, certain decisions are neither prescribed nor prohibited, and the judiciary is thus left to decide on the course of action.¹⁶ Under such circumstances, judges are expected to exercise their discretionary authority based on their understanding of the law, legal expertise, and professional experience.

Judicial discretion exists in all legal systems either as a *de jure* or a *de facto* phenomenon. However, as Sinai and Alberstein correctly point out, '[t]he dialectic between legal formality and other considerations is regulated differently within each legal system'.¹⁷ That is to say, the sources, contents, and mechanisms, as well as the extent of discretion, can be very different under different legal systems.

In China, judicial discretion is believed to be extensive.¹⁸ And it is not only permitted but also encouraged to satisfy national political goals. As noted by Trevaskes, for example, significant discretionary space has been created in decision-making on the death penalty. In 2007, the Supreme People's Court asked lower courts to use their discretion to recognize circumstances that would mitigate punishment to replace 'immediate execution' with a 'suspended death sentence' or 'life sentence'. The rationale for the more lenient use of the death penalty could be understood in the context of national political goals such as 'social stability' and 'harmonious society' at that time.¹⁹ Since then, the rate of the death penalty in criminal sentencing has indeed significantly dropped. No corrupt official has received a death penalty since the 18th Party Congress except in one case where the person also committed criminal homicide.²⁰

¹¹Friedrich A. Hayek, *The Road to Serfdom* (London: Routledge, 2001), pp. 75.

¹²Sean Mallett, 'Judicial discretion in sentencing: a justice system that is no longer just?', *Victoria University Wellington Law Review* 46, (2015), pp. 533–572.

¹³Yuval Sinai and Michal Alberstein, 'Expanding judicial discretion: between legal and conflict considerations', *Harvard Negotiation Law Review* 21, (2015), pp. 221–277.

¹⁴Herbert Lionel Adolphus Hart and Leslie Green, *The Concept of Law* (Oxford: Oxford University Press, 1994).

¹⁵Alfred Blumstein, Jacqueline Cohen, Susan E. Martin, and Michael H. Tonry, (eds.), *Research on Sentencing: The Search for Reform* (Washington, DC: National Academy Press, 1983), p.1.

¹⁶Matthias Klatt, 'Taking rights less seriously. A structural analysis of judicial discretion', *Ratio Juris* 20(4), (2007), pp. 506–529.

¹⁷Yuval Sinai and Michal Alberstein, 'Expanding judicial discretion: between legal and conflict considerations', pp. 234.

¹⁸Weidong Ji, 'The judicial reform in China: the status quo and future directions', *Indiana Journal of Global Legal Studies* 20(1), (2013), pp. 15–220.

¹⁹Susan Trevaskes, 'China's Death Penalty: The Supreme People's Court, the suspended death sentence and the politics of penal reform', pp. 483.

²⁰內蒙古政協原副主席趙黎平伏法 [Zhao Liping, the Former Vice Chairman of Inner Mongolia CPPCC Was Executed], *Wenhui Bao* [Wenhui Daily]. 11 May 2017, available at: <http://paper.wenweipo.com/2017/05/27/YO1705270014.htm> (accessed 7 August 2017).

Judicial discretion leads to sentencing disparities, although it is claimed that a proportional relationship between the sentencing outcome and the amount of money involved has largely been established in implementing the criminal law.²¹ This may be seen in some prominent corruption cases. In the period from 2013 to October 2016, four officials were sentenced to life imprisonment for bribe-taking. The total monetary value in each of the first three cases fell between 35 and 100 million RMB. However, in the last case, Wang Suyi, who was the former minister of the united front work department of the Inner Mongolia Autonomous Region, took bribes of about 10 million RMB, for which the sentencing was normally somewhere between 11 and 15 years. A life sentence for Wang was surprising particularly because he had voluntarily disclosed other corrupt activities which were unknown to the authorities. Many believed that his confession should have led to mitigated punishment. Wang's case is by no means a single occurrence. In what follows, the article presents the findings from the data analysis to map the extent to which judicial discretion exists in sentencing corrupt officials and to examine whether the sentencing decisions are rule-based or discretion-based. It also explores the possible explanations for sentencing disparities in corruption cases to show how extra-judicial factors may influence judicial decisions.

Sentencing corrupt officials in China

To get a nuanced picture of how corrupt officials were sentenced, the authors obtained the court judgments of 7304 corruption cases from the 'China Judgments Online' website.²² This website was set up in accordance with the 'Provisions of the Supreme People's Court on the Publication of Court Judgments on the Internet by the People's Courts' issued in November 2013. The Provisions requires that all judgments made by courts should be published on the website and made accessible to the public, except those involving state secrets, personal privacy, minors, settlements through mediation, and other cases that are considered not suitable for online release. As a result, most court judgments have been available since 1 January 2014.²³ It is certainly possible that not all court judgments have been submitted as required. Selective submission is likely when and where local judicial officials do not want to make all decisions available for public view for various reasons.²⁴ The dataset is not exhaustive, but it should not affect this research because the abuse of judicial discretion is more likely to take place in non-reported cases. Thus, if there is excessive judicial distortion and sentencing inconsistency in the dataset which consists of relatively transparent judgments, the empirical evidence of analysis is more robust.

As has been frequently noted, the definition of corruption is rather broad in China. It covers various kinds of wrongdoing including not only bribery, embezzlement, and misappropriation of public funds but also neglect of duty and violation of social norms, which may not be regarded as corruption elsewhere and which are not necessarily associated with private gain. However, not all types of corruption are well defined in China.²⁵ For example, it is not easy to specify what immoral or unethical behaviors represent corrupt behavior because social and moral norms differ under specific circumstances.²⁶ To avoid conceptual confusion and misunderstanding, this study focuses on cases of embezzlement of public assets (*tanwu* 贪污) and bribery (*huiluo* 贿赂) which are the

²¹Wang Ruifeng, '死刑少了,生刑重了: 十八大后的反腐司法观察' ['Heavier punishment and less death penalty: judicial observations after the 18th Party Congress'], Nanfang Zhoumo [Southern Weekend], 4 October 2016, available at: <http://www.infzm.com/content/120172> (accessed 7 August 2017).

²²The official website of 中国裁判文书网 [China Judgments Online] is <http://wenshu.court.gov.cn/>, (accessed 5 July 2017).

²³Sherry Dong and Jun Wei, 'China to publish all court judgments, with some privacy protections', Hogan Lovells, available at: <http://www.hldataprotection.com/2014/01/articles/international-eu-privacy/china-to-publish-all-court-judgments/> (accessed 29 July 2017).

²⁴'中国裁判文书网开通3年访问量超过52亿次' ['Over 5.2 billion visits have been made in China in the past three years'], Fazhi Ribao [Legal Daily], 4 February 2017, available at: <http://legal.people.com.cn/n1/2017/0204/c42510-29057042.html> (accessed 29 July 2017).

²⁵Yan Sun, *Corruption and Market in Contemporary China* (Ithaca, N.Y.: Cornell University Press, 2004), pp. 36–52.

²⁶Kilkon Ko and Cuifen Weng, 'Critical review of conceptual definitions of Chinese corruption: a formal-legal perspective', *Journal of Contemporary China* 20(70), (2011), pp. 359–378.

only offences, the authors believe, that have relatively clear legal boundaries, as defined in the Criminal Law of the People's Republic of China. The Criminal Law, which was first enacted in 1979 and then amended in 1997, devotes a specific chapter to these two types of crime. It defines embezzlement in the following way:

Any person authorized by State organs, State-owned companies, enterprises, institutions or people's organizations to administer and manage State-owned property who, by taking advantage of his office, appropriates, steals, swindles the said property or by other means illegally take it into his own possession shall be regarded as being guilty of embezzlement.

In a similar vein, the Criminal Law's definition of bribery is:

Any State functionary who, by taking advantage of his position, extorts money or property from another person, or illegally accepts another person's money or property in return for securing benefits for the person shall be guilty of acceptance of bribes.

Any State functionary who, in economic activities, violates State regulations by accepting rebates or service charges of various descriptions and taking them into his own possession shall be regarded as guilty of acceptance of bribes and punished for it.

The authors obtained 23,022 corruption-related court judgments from the website. Based on careful screening, 4092 embezzlement cases and 3212 bribery cases were selected, making a total of 7304 valid observations. These judgments were made by people's courts at different levels in the period between January 2014 and May 2015 and became available in October 2015 from the website.

The dependent variable to be examined and explained in our data analysis is the length of sentence, which is measured by the number of months in jail. In the dataset of the 7304 cases, more than half of the offenders (58.7%) received a sentence less than or equal to 5 years and 21% had a jail time between 5 and 10 years inclusive. More than 8% fell between 10 and 15 years' imprisonment. Meanwhile, 16 cases obtained penalties greater than 15 years in jail, of which 13 got a life sentence and the remaining 3 were given a suspended death sentence. Of the 7304 cases, 11.6% or 849 received zero penalties. These defendants went free of charge under certain mitigating circumstances such as returning illicit gains, playing an accessory role in a crime or taking a minimal amount of bribe. A detailed discussion of data management is presented in [Appendix A](#).

Monetary value, circumstances and extra-legal factors

According to the Criminal Law, a key criterion for imposing sentences on bribery and embezzlement cases is the *monetary value* that a case involved. Generally speaking, the more bribes or public funds one takes, the greater penalty a corrupt official will receive. For instance, as stipulated in the 1997 Criminal Law, an offender stealing public funds or taking bribes for an amount below 50,000 RMB should be sentenced to between 1 and 7 years in jail; an amount of 50,000 RMB or more entails at least 5 years in jail; and 100,000 RMB or more leads to more than 10 years in prison or even a life sentence. The 2015 Amendments to the Criminal Law replaced the specific monetary categories by nominal ones such as 'large amount', 'huge amount', and 'extremely huge amount'. This may actually increase discretionary power. In 2016, the Supreme People's Court and the Supreme People's Procuratorate lifted the threshold for receiving criminal sentencing in corruption cases to 30,000 RMB.²⁷ Regardless of the changing threshold, the amount of money involved in a corruption case remains a key to understanding sentencing decisions.

Nevertheless, the relationship between the categorical representations of monetary value and the imposed penalties do not appear to be linear, as the authors have found. Corrupt officials

²⁷“两高”关于办理贪污贿赂刑事案件适用法律若干问题的解释 [‘The interpretation of the Supreme People's Procuratorate and the Supreme People's Court's application of law in criminal cases of corruption and bribery’], 检察日报 [The Procuratorial Daily], 18 April 2016, available at: http://www.spp.gov.cn/zdgz/201604/t20160419_116381.shtml (accessed 7 August 2017).

received different sentences although their cases involved the same amount of money. In the dataset, for instance, among the 2808 cases involving an amount between 10,000 and 50,000RMB, 891% or 31.7% of the offenders were sentenced to a jail time between 1 and 2 years. The penalties for the rest varied considerably: 660 offenders (23.5%) received a higher sentence of between 2 and 5 years in jail; a similar number, 634 (22.5%), were given much lighter punishments of less than a year in prison; and 548 (19.5%) offenders were released without a custodial sentence. It is even more surprising that in two cases from this group, the offenders received the extraordinarily high sentence of 10–15 years imprisonment. Sentences for cases in other money categories also varied remarkably, showing great discrepancies between the amount of money involved and the penalty received for a case (Table 1). This indicates that judges applied extensive discretionary power, which resulted in great inconsistencies between cases.

The *circumstance of crime* (*fanzui qingjie* 犯罪情节) is another common, though rather subtle, term frequently used in legal documents including court judgments in China. It refers to the particulars or surrounding conditions of an offence. The Criminal Law requires circumstances to be taken into consideration in making judgments. There are generally two kinds of circumstances: those for mitigation of penalties and those for aggravation of penalties. Circumstances for mitigating punishment include, for example, repenting on one's transgression and returning illicit gains proactively (Article 383) and surrendering oneself to authorities and confessing a crime (Article 390). Other circumstances may aggravate punishment such as demanding bribes from others (Article 386).²⁸

Whether the circumstances of a crime have played a role in a sentencing decision is usually mentioned in the court judgment. Based on that information, the authors analyzed the extent to which circumstances caused mitigated or aggravated punishment in each category of the monetary amounts involved in our dataset. As Table 2 shows, in more than 90% of the cases, judges took into consideration certain circumstances, such as the offenders' willingness to surrender to authorities and to return illicit gains, to mitigate penalties. For example, in Case 4509, the offender was the spouse of a convicted corrupt official and had accepted more than 5 million RMB worth of bribes together with her husband. Because she was an accessory and also willingly returned all the money, which was a circumstance for penalty reduction, she was sentenced to 8 years in prison. In

Table 1. Inconsistency between money involved and penalty

Money involved	0	(0–0.5 yr)	(0.5–1 yr)	(1–2 yrs)	(2–5 yrs)	(5–7 yrs)	(7–10 yrs)	(10–15 yrs)	(15 yrs-)	Total
(0–5000)	36	7	22	2	8	0	0	0	0	75
(5000–10,000)	215	30	78	19	28	0	0	0	0	370
(10,000–50,000)	548	50	634	891	660	18	5	2	0	2808
(50,000–100,000)	37	10	44	249	1018	153	43	1	0	1555
(100,000–500,000)	12	2	13	27	423	488	473	225	0	1663
(500,000–)	1	0	0	6	64	154	216	376	16	833
Total	849	99	791	1194	2201	813	737	604	16	7304

Table 2. Circumstances of corruption cases

Money involved	Commutation	Aggravation	Normal	Total
(0–5000)	74	0	1	75
(5000–10,000)	346	0	24	370
(10,000–50,000)	2633	24	151	2809
(50,000–100,000)	1477	16	62	1555
(100,000–500,000)	1501	25	137	1663
(500,000–)	725	32	76	833
Total	6756	97	451	7304

²⁸Ministry of Foreign Affairs of PRC, Criminal Law of the People's Republic of China, 1 October 1997, available at: <http://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm> (accessed 7 August 2017).

Case 4438, the offender was sentenced to only 6 years in prison for taking 330,000 RMB worth of bribes, due to the circumstances that he turned himself in, returned all the bribes which he had accepted, and reported other people's wrongdoing. By contrast, in Case 2163, for taking a slightly lower amount, 310,000 RMB, the offender was sentenced to 11.5 years in prison because he was an active bribe-seeker and engaged in extortion.

However, the proportion of the cases receiving aggravated punishment was very small, accounting for only about 1% of the total 7304 cases. The remaining (about 6%) received sentencing without particular circumstances for mitigating or aggravating penalties. Two dichotomous variables representing the circumstances for punishment mitigation and aggravation respectively were included in our data analysis.

In addition to the monetary value and circumstances of a case, there may be other 'hidden' factors driving judicial discretion and causing cross-case inconsistency. This study has taken these factors into consideration, based on the assumption that if there was a close relationship between any of them and sentencing, it would mean that in addition to legally defined sentencing criteria, extra-legal factors may exist to shape judges' discretionary power and influence judicial decisions.

The *type of crime* may be a consideration when judges make sentencing decisions. In the corruption literature, it has been suggested that some kinds of corruption are more likely to be tolerated by people than others.²⁹ Heidenheimer *et al.*, for example, divide corruption into three types based on how people react to them: black, grey, and white corruption. A corrupt behavior is considered 'black' if people cannot tolerate it and hope that it will be punished. An act is 'grey' when, perceived as corruption, only some people want the misconduct to be punished and others consider it acceptable. If an act is regarded as corrupt, but no one thinks it should be punished, it may be called 'white' corruption.³⁰ Relevant to this study is the question of whether certain types of corruption may receive more leniency than others. In the data collection, the authors tried to reduce heterogeneity among observations by selecting cases of embezzlement and bribery only, because the official sentencing guidelines for these two types of crime are the same in the Criminal Law and the Interpretation by the Supreme People's Court and the Supreme People's Procuratorate in 2016. Article 386 of the Criminal Law, for instance, makes it clear that those who commit bribe-taking shall be punished in accordance with the same provisions of Article 383 about embezzlement. Moreover, the phrase 'embezzlement or bribe-taking' is used in each sentencing guideline throughout the 2016 Interpretation, indicating that the two types of crime are treated in the same way in sentencing corrupt officials. Nonetheless, the authors still included a dummy variable in the analysis to control for judgments in bribery cases which were systematically different from those in embezzlement cases.

The type of crime is also reflected in the number of people involved in a particular case, as corruption may be conducted individually or collectively. Collective corruption is a type of criminal venture where corrupt officials collude with each other or with business people to maximize private gains or to minimize the risks associated with corruption.³¹ An important indicator of the rampancy of corruption in China in recent decades has been the surge in this type of corruption.³² The Chinese government has vowed to crack down on this new and more harmful form of corruption. Thus, a dummy variable measuring whether an offender committed collective corruption with others was controlled for. Roughly 40% of the offenders were involved in cases of collective corruption.

²⁹Ting Gong, Shiru Wang and Jianming Ren, 'Corruption in the eye of the beholder: survey evidence from Mainland China and Hong Kong', *International Journal of Public Management* 18(3), (2015), pp. 458–482.

³⁰Arnold J. Heidenheimer, Michael Johnston, and Victor T. Le Vine, eds., *Political Corruption: A Handbook* (New Brunswick, NJ: Transaction Publishers, 1970).

³¹Ting Gong, 'Dangerous collusion: corruption as a collective venture in contemporary China', *Communist and Post-Communist Studies* 35(1), (2002), pp. 85–103.

³²Shieh Shawn, 'The rise of collective corruption in China: the Xiamen Smuggling Case', *Journal of Contemporary China* 14(42), (2005), pp. 67–91.

The *level of courts* which make the judgments may be another factor to consider. China's judicial system is hierarchical and complex. Given the fact that the courts at different levels have different jurisdictions and discretionary powers, it is interesting to know whether and to what extent the court level as a variable affects sentencing decisions. There are four levels of courts in China: the Supreme People's Court, the higher people's courts, intermediate people's courts, and primary people's courts. According to the Criminal Procedural Law of the People's Republic of China (amended in March 2012), the higher courts deal with the more salient and important cases. The Primary People's Courts have jurisdiction over ordinary criminal cases as courts of first instance; for the cases which endanger state security or involve terrorist activities and cases which are subject to life imprisonment or capital punishment, the Intermediate People's Courts act as courts of first instance; and the Higher People's Courts deal with major criminal cases at the provincial level. The Supreme People's Court as the country's highest court exercises the right of trial only in exceedingly important and special cases, with its main functions focusing on handling appeals or protests against trial decisions of lower or special courts and supervising the judicial practices of local courts at various levels. The dataset of this study does not have cases tried by the Supreme People's Court and includes only a few by the higher courts. The majority of cases were handled at the levels of primary courts (70%) and intermediate courts (29%). The variable of court levels was coded as '1', '2', and '3' to represent the primary, intermediary, and higher people's courts, respectively.

Likewise, China's *regional diversity* may cause inconsistencies in legal judgments. Administratively, the country is divided into provinces, autonomous regions, centrally administrated municipalities, and special administrative regions. Each of them has its own jurisdictional rights as an administrative unit. Economically and politically, they have a rather different status in China's central-local relations. Coastal provinces are on average economically more advanced than inland provinces; some play a politically more important role in China's overall governance structure as seen in the cases of centrally administered municipalities. Different regional economic and political characteristics have judicial implications. For example, stealing a public fund of 10 million RMB may cause more damage to the local economy in a poor inland province than in an economically advanced coastal region. High-level corruption cases in Beijing or Shanghai can be politically more devastating. This is a likely explanation of why cases involving similar amounts of money received different penalties in different localities. Thus this study included multiple dichotomous measures to reflect regional differences with regard to where the offender committed corruption. In terms of administrative locations, 7.6% of the cases occurred in autonomous regions, 4.9% in centrally administered municipalities, and the rest (87.5%) in provinces; in terms of geo-economic locations, 43.6% of the cases took place in coastal provinces and the rest (56.4%) in inland provinces.

Scholars have warned against the tendency to neglect *sectoral differences* in search of corruption causes and anti-corruption strategies. They argue that the problem of corruption should be addressed by demands for reform on a sector-by-sector basis.³³ Sectoral differences affect people's attitudes toward corruption and institutional approaches to fighting corruption. The causes, forms, and consequences of corruption in the public sector may be different from those of the private sector. For example, corruption in the public sector is often seen as more detrimental to the state's coffers and public interests. Consequently, judges may use different discretionary formulas to sentence the corrupt in different sectors. It is therefore interesting to see whether the same sentencing guidelines have been applied to people in different sectors. Two dummy variables were included in the data analysis to compare the judgments reached on three types of corruption offenders—government officials, representatives of the government who worked at the grassroots levels (such as village officials and staff members of urban neighborhood committees) and people in the business sector (mainly state-

³³See Daniel Kaufmann, *Rethinking Governance: Empirical Lessons Challenge Orthodoxy*, (2003), <https://ssrn.com/abstract=386904> or <http://dx.doi.org/10.2139/ssrn.386904>, accessed 7 August 2017; Also See Bertram I. Spector, 'Fighting corruption', in *Fighting Corruption in Developing Countries: Strategies and Analysis*, ed. Bertram I. Spector, Bloomfield (CT: Kumarian Press, 2005), pp.1–12.

owned enterprises). The first two categories of people were included in the data analysis, while the third category was treated as the baseline for comparison. Before they were charged with corruption, offenders in 30% of the cases were from grassroots organizations, about 39% had worked in government agencies, and 31% came from state-owned enterprises.

Other than the economic, political, and administrative factors discussed above which may influence judgments on corruption cases, the *administrative rank* of an offender may also have an independent effect on sentencing decisions. Generally speaking, corruption conducted by higher-level officials tends to be less tolerated as it may cause more harm to the state and to public interests. When judges believe that a crime has more serious consequences due to the higher government position of the offender, they may give a longer sentence using their discretionary power. The authors divided the administrative rank into several levels based on the cases in the dataset: provincial leaders, prefecture leaders, county leaders, township leaders, township staff, village heads, village staff, staff members of other public institutions (e.g. public school teachers). A majority of the cases in the dataset were at the township or lower administrative levels. Approximately 4% of the offenders came from the county level or above. There were only a few 'tigers', for less than 0.5% of the offenders ($N = 25$) came from the prefectural level or above. Table 3 reports the descriptive statistics of all the variables mentioned above.

General findings

The scatter plot of the two variables of punishment and monetary value for all observations demonstrates an obvious curvilinear relationship. The effect of the monetary amount on the level of penalty is positive and strong, but it declines for the corruption cases involving a large sum of money (Chart 1 of Figure 1). The overall Tobit Model (Model 1, Table 4) indicates that both the variable of the monetary amount and its squared term are statistically significant.³⁴ Hence, a curvilinear relationship between the amount of money involved and the level of penalty is confirmed with great certainty in this overall model. It indicates that the greater the monetary amount is involved in a case, the higher penalty the offender gets, until a point is reached beyond which the positive trend declines. According to the predicted values, the peak point of log of the money involved is around 14.9, which means around 3 million RMB.³⁵ After the peak point, the influence of the amount of money over the level of penalty drops gradually.

As expected, circumstances for punishment mitigation are important factors causing the drop. They

Table 3. Descriptive statistics of all variables

Variable	Obs	Mean	Std. dev.	Min	Max
Penalty	7304	49.228	43.6433	0	360
Monetary amount	7302	332,633	1,833,932	0	73,841,372
Commutation of punishment	7304	0.92497	0.26345	0	1
Aggravation of punishment	7304	0.01328	0.11448	0	1
Bribery	7304	0.43976	0.49639	0	1
Collective corruption	7301	0.40447	0.49082	0	1
Autonomous region	7304	0.07626	0.26543	0	1
Directly administered municipality	7304	0.04901	0.21591	0	1
Coastal area	7304	0.43593	0.49591	0	1
Grassroots staff	7304	0.3023	0.45929	0	1
Government officials	7304	0.38609	0.48688	0	1
Court level	7304	1.29614	0.46432	1	3
Administrative rank	7198	2.3601	1.58921	0	10

³⁴To check the possible multicollinearity, especially since a number of dichotomous variables are included in the data analysis, the variance inflation factor (VIF) has been calculated among the independent variables. It turns out that all VIFs are lower than 2, and the mean VIF is 1.30, excluding the squared term of the monetary amount.

³⁵For instance, for an offender who comes from a coastal province, but not from a directly administered municipality, nor an autonomous region, who is a county level government official outside the railway system, and who takes public funds independently and is tried in an intermediate court, with some circumstances justifying a penalty commutation, he will be sentenced to around 162 months' imprisonment if he took 2.8 million public funds (at log-Penalty = 5.091244).

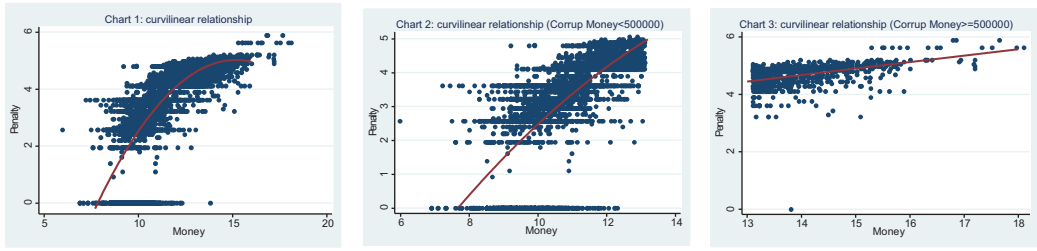


Figure 1. Relationships between corrupt money and punishment.³⁸

Table 4. Regression results of Tobit models

Dependent variable: Log_Months Imprisonment	Model 1: Overall model		Model 2: $M < 500,000$		Model 3: $M \geq 500,000$		Model 4: $M \geq 500,000$	
Log_Corrupt Money	3.352	0.096***	2.851	0.210***	-0.172	0.349	0.220	0.016***
Log_Corrupt Money2	-0.112	0.004***	-0.087	0.010***	0.013	0.012		
Commutation of punishment	-0.141	0.053**	-0.107	0.061	-0.260	0.043***	-0.263	0.043***
Aggravation of punishment	0.166	0.121	0.326	0.154*	-0.152	0.076*	-0.157	0.076*
Bribery	-0.022	0.032	-0.033	0.036	0.055	0.032	0.053	0.032
Collective corruption	-0.082	0.029**	-0.081	0.033*	-0.118	0.031***	-0.116	0.031***
Autonomous region	0.169	0.048***	0.176	0.053***	0.035	0.055	0.036	0.054
Directly administered municipality	0.043	0.059	0.031	0.070	0.010	0.046	0.006	0.046
Coastal area	0.162	0.026***	0.190	0.029***	0.003	0.025	0.004	0.025
Grassroots staff	0.404	0.035***	0.428	0.038***	0.018	0.054	0.012	0.054
Government officials	0.047	0.034	0.057	0.040	0.003	0.029	0.002	0.029
Court level	0.037	0.028	0.029	0.032	0.008	0.025	0.010	0.025
Administrative rank	-0.013	0.010	-0.021	0.012	0.018	0.008*	0.018	0.008*
_Cons	-19.976	0.564***	-17.610	1.134***	4.592	2.535	1.750	0.224***
/sigma	1.058	0.010	1.121	0.011	0.348	0.003	0.348	0.003
Number of observations		7193		6378		815		815
LR chi2	5391.64	(df. = 13)	4130.22	(df. = 13)	285.99	(df. = 13)	284.72	(df. = 12)
Prob > chi2		0.0000		0.0000		0.0000		0.0000
Pseudo R ²		0.205		0.1778		0.3172		0.3158
Log likelihood		-10,457.384		-9547.5454		-307.73941		-308.37384
Left-censored observations at penalty ≤ 0		839		838		1		1
Uncensored observations		6,338		5,540		798		798
Right-censored observations at penalty ≥ 276		16		0		16		16

Note: * $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq 0.001$.

could reduce the jail time by as much as 14%, holding other factors constant. Circumstances for punishment aggravation nevertheless do not necessarily lead to an increase in prison time in the judgment. Caution should be exercised in the meantime because the data show that the money amount and the stipulated circumstances are not the only predictors for punishment in the model. Rather, some extra-legal variables have statistically significant influences over judgments; that is, judges can exercise a great deal of discretionary power in making sentencing decisions based on some other factors.

For example, geographical locations matter to some extent and are statistically significant in relation to the penalties offenders received. Corruption in an autonomous region or a coastal province tends to be punished more harshly, whereas directly administered regions are not necessarily different from other locations. All else being equal, corruption taking place in an autonomous region tends to be penalized approximately 17% harsher than elsewhere; corruption in a coastal area tends to receive a punishment 16% greater than elsewhere. There may be some political and economic considerations behind the fact that corruption in autonomous regions and economically advanced coastal provinces results in harsher penalties. Maintaining a clean government image and hence social stability are particularly important in autonomous regions which are populated by ethnic minorities. In coastal

areas where attracting foreign capital has been a high priority, official corruption causes significant damage to the investment environment and can be economically more detrimental than in other areas. A harsher punishment is expected to help deter the future corruption in those areas.

Sectoral differences matter to some extent in determining the level of punishment. The variable of government officials is not statistically significant, compared to the baseline category. Thus, corrupt officials in government agencies would receive the same level of penalty as those from the business sector for the same crime. But those from the grassroots level government agencies are likely to be punished more harshly and tend to receive 40% longer time in prison for the same crime, everything else being equal. This suggests that judges probably used their discretionary power more often in punishing lower-ranking officials. Given that those working on village committees and urban residential committees at the grassroots level are not on the state budget, ex-post punishment might be one of the limited instruments for the state to keep them under control. By contrast, state officials on the national budget, whatever their ranks, tend to receive the same penalty for the same offence.

The findings also reveal that offenders who engaged in collective corruption tend to get 8% less imprisonment time than others, everything else being equal. In other words, engaging in collective corruption does not aggravate punishment as one would expect since the government has vowed to take firm action against it. Judges did not give significant consideration to the detrimental nature of collective corruption, no matter whether the cases involved bribery or embezzlement.

High-profile cases vs. low-profile cases

The findings from the overall Model 1 only tell a general story. The scatter plots in Charts 2 and 3 in [Figure 1](#) suggest more. Compared to Chart 1, the relationship between the monetary amount and the penalty level looks less curvilinear for corruption cases involving less than 500,000 RMB (Chart 2) and the relationship becomes linear for observations involving 500,000 RMB or more (Chart 3). Based on the observed difference, the authors take 500,000 RMB as a cut-off point and refer to the cases involving less than 500,000 RMB as ‘low-profile’ cases and those involving 500,000 RMB or more as ‘high-profile’ cases.³⁶ A comparison between the two subgroups shows some interesting differences ([Appendix B](#)).

The study finds that court judgments tend to give more consideration to mitigating circumstances in low-profile cases than they give to high-profile cases, although generally, judges consider mitigating circumstances more than aggravating circumstances for both groups. For example, as high as 93% of the low-profile cases had mitigating circumstances, whereas 87% of the high-profile cases had them. Aggravating circumstances were taken into consideration only in 1% of the low-profile cases, whereas 3.8% of the high-profile cases received aggravated punishments. This reflects that judges had the tendency to use leniency terms for cases involving less money and use aggravation terms for cases involving bigger sums in their judgments.

As expected, high-profile cases tend to involve higher-ranking officials more than lower-ranking staff members, as the former have more opportunities to access larger amounts of money than the latter. The data show that whereas one-third of the offenders were grassroots cadres in the low-profile cases, only 6.5% of the high-profile offenders were at that level. By contrast, in the high-profile cases, 56.3% of the offenders formerly held government positions above the grassroots level, but only 36.3% of those in the low-profile cases had above-grassroots government positions. The average administrative rank of offenders in the low-profile cases (2.2) is also lower than that in the high-profile cases (3.4). However, this does not mean that offenders in the low-profile cases are all from low ranks, and vice vice. As a matter of fact, government officials and staff members in the

³⁶Based on a series of tests, we believe that 500,000 RMB is an appropriate cut-off point. The Pseudo R^2 reaches its peak ($R^2 = 0.3158$) at this cut-off point in the analysis of the high-profile cases, compared to cut-off points lower and higher than 500,000 RMB. In the meantime, at this cut-off point, likelihood ratio tests confirm that the model for the low-profile cases is curvilinear and that for the high-profile cases is linear.

state-owned business sector at the township level are the bulk of the offenders in both groups, accounting for about half of the low-profile cases and more than 60% of the high-profile cases. Nor does it mean that all higher-ranking officials necessarily deal with big bucks or obtain a harsh penalty. Of the 25 government officials and staff members in the state-owned enterprises at the prefectural level or above, 6 of them (24%) belong to the low-profile group. More than half of them (52%) obtain a sentence equal to or less than 10 years.

Columns 2 and 3 of Table 4 present a comparison of the Tobit estimations on the two subgroups of observations against the results from the overall Model 1. Because Chart 3 in Figure 1 suggests a linear relationship between punishment and monetary value, Model 4 drops the squared term of the monetary amount and results are reported in Column 4. For low-profile cases, the statistical results do not change much from those in the overall model. The monetary value involved in corruption is in a curvilinear relationship with the punishment, although the peak at more than 14 million RMB (at $\log\text{-Money} = 16.5$) comes much later than that in Model 1, according to the predicted values.³⁷

For high-profile cases involving 500,000 RMB or more, however, the situation is significantly different. As the results in Model 3 confirm, there is no curvilinear relationship between the amount of money involved and the punishment received. Column 4 in Table 4 reports the analysis of Model 4 excluding the squared term of the monetary amount. The results are similar with those in Model 3 except the variable of the monetary amount involved in a case. Model 4 illustrates that there is indeed a statistically significant linear relationship between the punishment and the amount of money in a case. Each 1% increase in monetary value yields approximately 0.22% rise in penalty, all else being equal. This indicates that judges tend to assign punishment proportionally to the money value in the high-profile cases.

The variable that measures circumstances for punishment mitigation becomes less statistically significant in Model 2 ($p = 0.079$) and turns even more significant in Models 3 and 4 ($p < 0.001$) than in Model 1. Thus its effect on the received punishment is less certain for low-profile cases and much more evident for high-profile cases where circumstances for punishment mitigation reduce penalties by more than one quarter for the same crime.

The variable measuring circumstances for penalty aggravation stands statistically significant in the regressions on the two subgroups. Holding other factors constant, recognizing the circumstances for penalty aggravation by the judge would increase the punishment level by about 33% in low-profile cases. This means that circumstances play a much more important role both statistically and substantively in aggravating sentences when the amount of money involved is less than 500,000 RMB. Interestingly, there is a negative correlation between the circumstances for punishment aggravation and the penalty received for high-profile cases in Models 3 and 4 at the 0.05 statistical significance level. It means that the circumstances which should have led to aggravated punishments actually reduce imprisonment time by about 16% in high-profile cases, indicating that when the monetary amount goes beyond a certain level, judges often do not aggravate punishment even if aggravating circumstances do exist.

The effects of regional and sectoral differences on punishment appear slightly stronger for low-profile cases when Model 2 is compared with Model 1. In an autonomous region, jail sentences are approximately 18% longer than elsewhere. There is a chance to get a 19% longer sentence for

³⁷For instance, for an offender who comes from a coastal province instead of a directly administered municipality or an autonomous region, who is a county level government official outside the railway system, and who takes public funds individually and is tried in an intermediate court, with some circumstances justifying a penalty commutation, his penalty will be a bit more than 374 months imprisonment if he took 14 million public funds (at $\log\text{-Penalty} = 5.925712$).

³⁸According to the Criminal Law and the 2016 Interpretation by the Supreme People's Court and the Supreme People's Procuratorate, the criminals sentenced to suspected death penalty will serve 2 years on probation before their punishment is reduced to life imprisonment. After another 3 years, their punishment can be generally reduced to 25 years imprisonment. Therefore for the sake of demonstration, the three observations with suspected death penalty are coded as 360 months imprisonment for the dependent variable in Figure 1.

committing a crime in a coastal province. Staff members of grassroots government organizations are likely to be punished with 43% longer imprisonment, holding other factors constant.

In the meantime, the effect of an offender's administrative rank becomes more significant both statistically and substantively than that in Model 1, but failing to pass the 0.05 threshold for statistical significance ($p = 0.089$). Thus, higher-ranking officials in low-profile cases tended to get lower penalties, according to the results in Model 2, with a relatively high degree of certainty.

For high-profile cases, the impact of regional and sectoral differences on penalties does not seem to be strong, as seen in Model 4. In contrast to Model 2, however, some individual characteristics such as the administrative rank of an offender become positively correlated with punishment. That is, for high-profile cases involving a monetary amount of 500,000 RMB or more, a higher administrative rank tends to lead to a harsher punishment. For each level increase in the administrative rank, the penalty increases by about 2%, when the amount of money involved and other factors are the same. This means that when judges make sentencing decisions on high-profile cases, they tend to pay more attention to the characteristics of individual offenders, while in low-profile cases geographical locations and the sectors where a case occurred are of greater significance. High-profile cases usually attract great media coverage and public attention, causing more 'social impact'. For example, a higher-ranking official taking many bribes or embezzling public funds tends to trigger more public discontent than a lower-ranking official does. It is understandable, thus, that sentencing decisions on the former are usually harsher.

Comparing the statistical results in Models 2 and 4 reveals a pattern of sentencing disparities. That is, in the low-profile cases, lower-ranking officials tend to be punished more harshly than higher-ranking officials. By contrast, in the high-profile cases, higher-ranking officials are often punished more harshly than their lower-ranking counterparts. This observation is summarized in Table 5.

Overall, the findings indicate that money amounts and circumstances are critical to court judgments in corruption cases. However, extra-legal factors are equally if not more influential in corruption trails. Other than monetary value and circumstances, some structural factors such as regional and sectoral differences of corruption cases seem to matter more in low-profile cases. Besides the structural factors, the administrative rank of offenders may also influence court judgments, leading to a paradoxical result that a high administrative rank may help reduce the offender's penalty in a low-profile case but will cause harsher punishment in a high-profile case.

Conclusion

This study has attempted to investigate to what extent and under what conditions discretion is used in sentencing corruption cases. Drawing on a dataset of 7304 court judgments of embezzlement and bribery cases, it obtained interesting and significant findings. First, the money amount involved in corruption cases is an important determinant of the level of punishment. The monetary value imposes a great substantive effect in a curvilinear relationship with punishment for low-profile cases that involve an amount of less than 500,000 RMB. When the amount of money involved goes beyond the threshold of 500,000 RMB, its relationship with the dependent variable becomes linear, instead. Thus, although money matters, it is not the only factor that matters. There

Table 5. Pattern of sentencing disparities

	Low-profile Cases (<500,000RMB)	High-profile Cases (≥500,000RMB)
Lower-ranking officials	Harsh punishment	Lenient punishment
Higher-ranking officials	Lenient punishment	Harsh punishment

is considerable room for judges to exercise discretionary power, which leads to sentencing disparities.

Second, although circumstances are stipulated by law as determining factors for mitigating or aggravating punishment, they do not always have an expected impact on sentencing decisions. Thus, when circumstances are taken into consideration, some sentencing decisions still cannot be fully understood. This indicates that judges have great leeway in exercising discretionary power. The analysis shows that circumstances for mitigation have worked to reduce penalties in high-profile cases, but their effect on low-profile cases is statistically and substantively less significant. On the other hand, although circumstances for aggravation have increased punishment in low-profile cases, albeit in a statistically lesser degree, they have demonstrated an opposite effect on high-profile cases by lowering penalties.

Third, inconsistency in exercising discretionary power is also manifested in the findings that structural factors have a decisive impact on judgments in low-profile cases but not in high-profile cases. For low-profile cases, corruption behavior in an autonomous region or a coastal province tends to be punished more harshly than otherwise. Even more interesting is the fact that administrative ranks have opposite effects on low- and high-profile cases. The data analysis shows that staff members in grassroots government agencies are more likely to be punished more harshly than their counterparts at the higher levels of the government or in the business sector if the amount of money involved is below 500,000 RMB. For high-profile cases involving 500,000 RMB or more, however, higher-ranking officials tend to be punished more harshly than lower-ranking ones.

Finally, yet importantly, the statistical analysis suggests that the discretionary power possessed by judges may reach such a level that they do not even have to follow official discourse. Involvement in corruption collectively, an important circumstance which should have led to aggravated punishment according to the official rhetoric, receives less penalties instead in all the models.

This study contributes to a better understanding of how Chinese judges exercise discretionary power when making judicial rulings over corruption cases. The findings reveal inconsistencies in sentencing decisions and illustrate how punishment disparities may occur as a result of judges' discretionary authority. This research also contributes to the debate in the literature on the rule-based vs. discretion-based sentencing decisions by pointing to the consequences of unregulated or under-regulated judicial discretion, while the current literature has acknowledged the existence of discretionary but paid inadequate attention to its potentially damaging effects. This study has practical implications for China's ongoing battle against corruption. The analysis shows discrepancies between what the government has intended or vowed to do in punishing corrupt officials and what has actually happened as a result of sentencing disparities. Contrary to the official rhetoric, corrupt officials who colluded with each other in corrupt activities were punished less harshly than otherwise. Only in high-profile cases involving more than 500,000 RMB do higher-level government officials tend to be punished more harshly than their lower-ranking counterparts. On the other hand, the grassroots level officials tend to receive harsher penalties in low-profile cases involving less than 500,000 RMB. These practices deviate greatly from the equal justice principle and are detrimental to the rule of law (*fazhi*), which China has aspired to. The excessive discretionary power in sentencing corrupt officials can cause a great damage to the intensified efforts launched by the Chinese government to combat corruption. China will still have a long way to go in its endeavor for effective corruption control if corrupt officials do not receive just and fair punishments.

Acknowledgments

The authors would like to thank Ian Scott, Fuling Fu and Hanyu Xiao for their comments on an earlier version of this article.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

The research was supported by the grants from the Research Grants Council of Hong Kong (No. 9242104; No. 9042596), City University of Hong Kong (No. 6354020) and the National Social Science Fund of China (NSSF, Grant No.18BZZ071).

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Appendix A. Data management

In order to reduce the skewedness of the distribution of the dependent variable, a log transformation is taken. As punishment has some zero values, penalty in months is transformed using the function $\ln(x_i + 1)$ where x_i represents the value of each observation. The transformed distribution of the dependent variable is much closer to the normal distribution. The variable of monetary value ranges from zero to more than 73 million RMB. A log transformation is also applied to this variable in the same formula as used to the dependent variable to reduce the spread of the data.

In the dataset, the dependent variable is coded '0' when one serves no time in jail without further differentiation of the circumstances. Thus the data are probably left censored. Furthermore, it is difficult to determine the actual prison time for those who were sentenced to life imprisonment ($n = 13$) or suspended death penalty ($n = 3$) because their sentences may be commuted in a few years. Thus the dependent variable is censored at both ends. The Tobit model was therefore used in data analysis to conduct the maximum likelihood estimation to produce consistent estimates.

The observed maximum penalty in the dataset is 15 years, namely 180 months' imprisonment. According to the Criminal Law, criminals who are found guilty of misconduct in office and receive a life sentence can have a commutation of punishment after serving 3 years in prison. Their punishment can then be commuted down to 20 years' imprisonment. The punishment of criminals with the suspended death penalty due to serious misconduct in office can be commuted to 25 years imprisonment after serving 5 years in prison. Hence in our data analysis, while 0 is set as the threshold for left-censoring, 23 years is set for right-censoring, for the minimum actual jail time for the 16 offenders who obtain the life sentence or suspected death penalty is 23 years.

Appendix B. Low-profile cases and high-profile cases

Variables	Low-profile Cases		High-profile Cases	
	Means	Standard deviations	Means	Standard deviations
□				
Commutation of punishment	0.932	0.252	0.870	0.336
Aggravation of punishment	0.01	0.100	0.038	0.192
Bribery	0.411	0.492	0.666	0.472
Joint crime	0.422	0.494	0.265	0.442
Autonomous region	0.079	0.270	0.054	0.226
Directly administered municipality	0.044	0.206	0.084	0.278
Coastal area	0.428	0.495	0.498	0.500
Grassroots staff	0.333	0.471	0.065	0.246
Government officials	0.363	0.481	0.563	0.496
Court level	1.276	0.452	1.454	0.526
Administrative rank	2.221	1.488	3.449	1.904