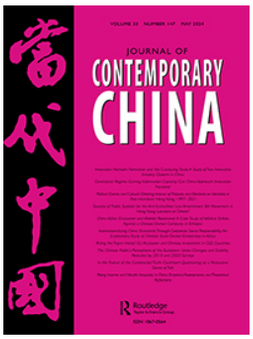

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The Dynamics of Anti-Corruption Campaigns in China: An Empirical Study of the Official Rank-Punishment Nexus in the Context of Political and Legal Changes

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ABSTRACT

Along with the escalating corruption problem in China comes the Chinese government's continuous effort to combat corruption. The increased intensity, duration and scope of anti-corruption campaign over time culminated with Xi's effort to fight both 'tigers' and 'flies' during his administration. Despite growing research interests, few empirical studies took a dynamic approach to compare the effect of Xi's campaign with that of his predecessors. Based on 2,034 cases, this study investigates judicial sentencing and its correlation with official ranking within a continuum of anti-corruption initiatives that spanned over several decades, incorporating the effect of both political changes (administration transition from Hu to Xi) and legal changes to the Criminal Law. The findings cast doubt on the claimed severity of Xi's campaign relative to that of Hu's but lend support to more visible and harsher punishment against the tigers than the flies. Our study sheds invaluable light to the ongoing debate about the relationship between official ranking and judicial punishment in the discussion of potentially effective strategies against corruption.

Introduction

It is well noted that corruption in the People's Republic of China (PRC) has worsened in the last four decades and essentially permeated into almost all fields.[1] To curb official corruption, the Chinese government has intermittently turned to anti-corruption campaigns over the decades, which have yielded a substantial increase in the number of officials charged with corruption crimes. The latest effort culminated with President Xi Jinping's ongoing anti-corruption campaign since he took office in 2012. Despite various political interpretations of Xi's motives,[2] many argued that Xi's anti-corruption campaign differs notably from that of his predecessors, particularly in terms of its duration and strength.[3]

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[1]Ting Gong, 'Forms and characteristics of China's corruption in the 1990s: Change with continuity'. *Communist and Post-Communist Studies* 30(3), (1997), pp. 277–288; Xiaobo Lü, *Cadres and corruption: The organizational involution of the Chinese Communist Party* (Stanford, CA: Stanford University Press, 2000); Xiaogang Deng, Lening Zhang, and Andrea Leverentz, 'Official corruption during China's economic transition: Historical patterns, characteristics, and government reactions'. *Journal of Contemporary Criminal Justice* 26(1), (2010), pp. 72–88; Yan Sun, *Corruption and market in contemporary China* (Cornell University Press, 2004); Andrew H. Wedeman, *Double paradox: Rapid growth and rising corruption in China* (Cornell University Press, 2012).

[2]See, for example, Kerry Brown, 'The anti-corruption struggle in Xi Jinping's China: An alternative political narrative', *Asian Affairs* 49(1), (2018), pp. 1–10; Ling Li, 'Politics of anticorruption in China: Paradigm change of the party's disciplinary regime 2012–2017', *Journal of Contemporary China* 28(115), (2019), pp. 47–63.

[3]See, for example, Melanie Manion, 'Taking China's anticorruption campaign seriously', *Economic and Political Studies* 4(1), (2016), pp. 3–18; Ting Gong and Tu Wenyan, 'Fighting Corruption in China', *China Review* 22(2), (2022), pp. 1–19.

Among others, one dominant feature of Xi's campaign is its visible clampdown on senior officials, labeled as 'tigers' (*laohu*). Albeit Xi's official slogan targeted both tigers and 'flies' (*cangying*, low-ranking bureaucrats), more media attention has been directed towards the tigers who were brought down during Xi's campaign, including mega-tigers such as Zhou Yongkang and others (see discussion below). Xi's high-profile campaign may well reflect China's struggle with worsening corruption over the years.[4] Wedeman,[5] for instance, pointed out that China's official corruption has witnessed qualitative changes since the 1990s, as cases involving senior cadres with greater amounts of corrupt monies increased sharply.[6] A significant proportion of tigers brought down during Xi's campaign started as middle-ranked officials during the years that preceded Xi's administration and rose up through the ranks over time.[7]

Nevertheless, many empirical questions remain unanswered. For instance, despite the increased number of captured tigers, did we witness harsher punishment (i.e. judicial sentences) in Xi's campaign compared to his predecessor Hu Jintao? Given the clampdown on senior officials, is there an effect of official ranks on judicial punishment? In particular, do senior officials face harsher punishment compared to lower-ranked officials in otherwise similar situations? Do we witness more visible rank-sentence effect during Xi's campaign, compared to Hu's? Western studies have long explored the relationship between power, status and sentence in the area of white-collar crimes,[8] and the classic conflict theory paradigm suggests that those with higher social status, prestige and power would receive more lenient sentences and favorable treatment by the criminal justice system.[9] Nevertheless, the results of empirical testing are mixed: while many studies found support for status leniency that aligns with the conflict perspective, others found no status effect or status liability when harsher penalty is found associated with higher social status (see review below). In the fight against Chinese official corruption, two competing theories have also been proposed. On the one hand, scholars have applied the conflict theory and argued that Chinese corrupt officials would take advantage of their positions to benefit from the criminal justice system (e.g. to cover up crimes, to manipulate investigation and to receive lenient punishment).[10] On the other hand, an *exemplary official model* theory has been proposed which argues that the Chinese Communist Party (CCP) has always placed great emphasis on role model officials and may turn to harsh(er) punishment against corrupt officials in order to regain public trust and legitimize its ruling.[11] An empirical testing of the official rank-sentence effect (in particular, the comparison between senior and lower-ranked officials) in different eras would provide critical evidence to theory-building as well as our understanding of the CCP's anti-corruption campaigns over time. Technically, besides the transition of administration (e.g. from Hu to Xi), one factor that complicates the assessment of these empirical questions is legal changes to China's Criminal Law (CL). In particular, the 9th Amendment of the CL adopted in 2015 readjusted the sentencing standards of major corruption crimes and has the potential of lessening judicial sentences (see review below). Testing judicial punishment over the years thus needs to account for such legal changes.

[4]Andrew Wedeman, 'Xi Jinping's tiger hunt: anti-corruption campaign or factional purge', *Modern China Studies* 24(2), (2017), pp. 35–94.

[5]Andrew Wedeman, 'The intensification of corruption in China', *The China Quarterly* 180, (2004), pp. 895–921.

[6]See also Yong Guo, 'Corruption in transitional China: An empirical analysis', *The China Quarterly*, 194, (2008), pp. 349–364.

[7]Andrew Wedeman, 'The dynamics and trajectory of corruption in contemporary China', *China Review* 22(2), (2022), pp. 21–48.

[8]For example, see review by Galvin, Miranda A. 'Substance or semantics? The consequences of definitional ambiguity for white-collar research', *Journal of Research in Crime and Delinquency* 57(3), (2020), pp. 369–399.

[9]See, for example, William Chambliss and Seidman Robert, *Law, Order, and Power* (MA: Addison-Wesley, 1971); Steven Spitzer, 'Toward a Marxian theory of deviance', *Social Problems* 22(5) (1975), pp. 638–651; Darnell F. Hawkins, 'Beyond anomalies: Rethinking the conflict perspective on race and criminal punishment', *Social Forces* 65(3) (1987), pp. 719–745.

[10]Jianhong Liu, Dengke Zhou, Allen E. Liska, Steven F. Messner, Marvin D. Krohn, Lening Zhang, and Zhou Lu, 'Status, power, and sentencing in China', *Justice Quarterly* 15(2) (1998), pp. 289–300; Hong Lu and Elaine Gunnison, 'Power, corruption, and the legal process in China', *International Criminal Justice Review* 13(1) (2003), pp. 28–49.

[11]Jianhong Liu, Dengke Zhou, Allen E. Liska, Steven F. Messner, Marvin D. Krohn, Lening Zhang, and Zhou Lu, 'Status, power, and sentencing in China', *Justice Quarterly* 15(2) (1998), pp. 289–300; Hong Lu and Elaine Gunnison, 'Power, corruption, and the legal process in China', *International Criminal Justice Review* 13(1) (2003), pp. 28–49; Ting Gong, 'More than mere words, less than hard law: A rhetorical analysis of China's anti-corruption policy', *Public Administration Quarterly* (2003), pp. 159–187.

Studies on Chinese corruption inspired growing research interests over time and covered a variety of topics, ranging from evolution and features of Chinese corruption,[12] unique causes of Chinese corruption,[13] to relationships between corruption and China's economic development and polity and governance.[14] In comparison, English studies devoted to China's anti-corruption campaigns, strategies and agencies are still limited.[15] In particular, only a few empirical studies paid attention to judicial sentencing with discrepant research findings and interpretations.[16] Considering the heavy reliance on anti-corruption campaigns by the Chinese government to curb corruption, more attention should be devoted to empirical examination of the effect of such campaigns.

Based on a sample of 2,034 corruption cases rendered in 12 years, this study endeavors to address two research questions: 1) How is judicial punishment of corruption cases under Xi's administration compared to Hu's administration? 2) What is the relationship between official ranking and sentencing outcomes? And how is this relationship potentially conditioned by both political changes (transition of administration) and legal changes to the CL? Building upon previous efforts, this study makes significant contribution to this topic in a few ways. First, our study represents the first effort to contrast judicial punishment of Xi's anti-corruption campaign with Hu's campaign. By examining Xi's campaign within the broader context of anti-corruption efforts spanning over several decades, our study incorporates both political shifts (administration transition from Hu to Xi) and legal amendments to the CL, thus allowing a more comprehensive understanding of the anti-corruption dynamics and characteristics of Xi's era. Second, our study ties empirical testing with viable theories in China's context (see review below), which helps us understand the statistical outcomes and make sense of Xi's clampdown on senior officials. Third, our study adds evidence-based analysis to the literature on status, power and punishment by exploring the official rank-punishment nexus in the context of political and legal campaigns against corruption. Being a distinct political regime, China's experience enriches our overall knowledge.

[12]Xiaobo Lü, *Cadres and corruption: The organizational involution of the Chinese Communist Part*, (Stanford University Press, 2000); Yan Sun, *Corruption and Market in Contemporary China* (Cornell University Press, 2004); Yong Guo, 'Corruption in transitional China: An empirical analysis', *The China Quarterly* 194, (2008), pp. 349–364; Xiaogang Deng, Lening Zhang, and Andrea Leverentz, 'Official corruption during China's economic transition: Historical patterns, characteristics, and government reactions', *Journal of Contemporary Criminal Justice* 26(1), (2010), pp. 72–88; Andrew Wedeman, *Double Paradox: Rapid Growth and Rising Corruption in China* (Cornell University Press, 2012); Kilkon Ko and Cuifen Weng, 'Structural changes in Chinese corruption', *The China Quarterly* 211, (2012), pp. 718–740.

[13]For example, the impact of *Guanxi*, see Ling Li, 'Performing bribery in China: Guanxi-practice, corruption with a human face', *Journal of Contemporary China* 20(68), (2011), pp. 1–20; Jing Vivian Zhan, 'Filling the gap of formal institutions: the effects of Guanxi network on corruption in reform-era China', *Crime, Law and Social Change* 58, (2012), pp. 93–109.

[14]Shuntian Yao, 'Privilege and corruption: The problems of China's socialist market economy', *American Journal of Economics and Sociology* 61(1) (2002), pp. 279–299; Yan Sun, *Corruption and Market in Contemporary China* (Cornell University Press, 2004); Ting Gong, 'Corruption and local governance: the double identity of Chinese local governments in market reform', *The Pacific Review* 19(1) (2006), pp. 85–102; Tak-Wing Ngo, 'Rent-seeking and economic governance in the structural nexus of corruption in China', *Crime, Law and Social Change* 49(1) (2008), pp. 27–44.

[15]Andrew Wedeman, 'Anticorruption campaigns and the intensification of corruption in China', *Journal of Contemporary China*, 14(42), (2005), pp. 93–116. Andrew Wedeman, 'Win, lose, or draw? China's quarter century war on corruption', *Crime, Law & Social Change*, 49, (2008), pp. 7–26. Ma, Stephen K., 'The dual nature of anti-corruption agencies in China', *Crime, Law and Social Change*, 49, (2008), pp. 153–165; Andrew Wedeman, 'Guilt and punishment in China's war on corruption', In Jean C. Oi, Scott Rozelle, and Xueguang Zhou (Eds.), *Growing pains: Tension and opportunity in contemporary China's transition* (pp. 117–142), (Washington, DC: Brookings Institute, 2010); Fenfei Li and Jinting Deng, 'The power and the misuse of power by China's local procuratorates in anticorruption', *International Journal of Law, Crime and Justice* 45, (2016), pp. 1–25; Guo, Xuezhi, 'Controlling corruption in the party: China's central discipline inspection commission', *Critical Readings on the Communist Party of China* 4, (2017), p. 1179–1214.

[16]Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2015), pp. 595–617; Ting Gong, Shiru Wang, and Hui Li, 'Sentencing disparities in corruption cases in China', *Journal of Contemporary China* (28)116 (2019), pp. 245–259; Yongshun Cai, *State and Agents in China: Disciplining Government Officials* (Stanford University Press, 2014); Xin Jiang, Shan Cui, Bin Liang, Honglei shuai, Jianhong Liu, 'Tigers vs. flies: Impact of official ranks on judicial trials in PRC's anti-corruption campaign', *Crime, Law and Social Change* 80(1), (2023), pp. 51–78.

Status, Power, Sentence and Political Environment

A question of great importance and interest in criminology and criminal justice is the relationship between status, power and sentence. Building upon the classic conflict theory paradigm which suggests that those with higher social status, prestige and power would receive more lenient sentences and favorable treatment by the judicial process,[17] a rich body of literature has examined the relationship between status and punishment in the area of white-collar crimes.[18] Empirical research on the sentencing of white-collar offenders reached its apex in the 1980s but did not produce a clear pattern.[19] While many studies found support for status leniency that aligns with the conflict perspective,[20] others found no status effect or status liability when harsher penalty is found associated with higher social status.[21] The results could depend on how white-collar crimes are defined and measured and what offenses are examined, besides variation of jurisdictions.[22]

In the context of China, rampant official corruption and intermittent governmental anti-corruption campaigns provide a unique case to test the linkage between one's power, status and punishment. To date, two competing theories have been proposed. On the one hand, scholars have explored the likelihood that the conflict theory might be applicable in the Chinese context.[23] Consistent with the status leniency hypothesis, the assumption is that Chinese officials would take advantage of their positions to benefit from the criminal justice system (e.g. to cover up crimes, make themselves less likely to be detected, convicted, sentenced, and/or more likely to receive more lenient punishment). Moreover, China's traditional culture (e.g. with little emphasis on 'equality before the law' historically) and its relatively weak modern legal system (e.g. lack of judicial independence) could leave ample room for extra-legal factors such as one's official clout to make a difference. On the other hand, an *exemplary official model* theory has been proposed. Culturally, the idea of social control through model behavior of officials traces back to Confucius' moral lessons and is viewed as a preferred means of governance over formal legal sanctions. In a similar vein, the CCP has placed great emphasis on role model officials since its inception. The exemplary behavior of Party members, especially cadres, is viewed critical to successful social control. As corruption becomes ubiquitous in modern-day China, the Party turns to harsh punishment for deterrence and regain

[17]See, for example, William Chambliss and Seidman Robert, *Law, Order, and Power* (MA: Addison-Wesley, 1971); Steven Spitzer, 'Toward a Marxian theory of deviance', *Social Problems* 22(5) (1975), pp. 638–651; Richard Quinney, *Class, state, and crime: On the theory and practice of criminal justice* (Vol. 6), (New York: D. McKay Company, 1977); Darnell F. Hawkins, 'Beyond anomalies: Rethinking the conflict perspective on race and criminal punishment', *Social Forces* 65(3) (1987), pp. 719–745.

[18]For example, see review by Galvin, Miranda A. 'Substance or semantics? The consequences of definitional ambiguity for white-collar research', *Journal of Research in Crime and Delinquency* 57(3), (2020), pp. 369–399.

[19]Sally S. Simpson, 'White-collar crime: A review of recent developments and promising directions for future research', *Annual Review of Sociology* 39 (2013), pp. 309–331.

[20]See, for example, John Hagan, Ilene H. Nagel, and Celesta Albonetti, 'The differential sentencing of white-collar offenders in ten federal district courts', *American Sociological Review* (1980), pp. 802–820; Michael L. Benson and Esteban Walker, 'Sentencing the white-collar offender', *American Sociological Review* (1988), pp. 294–302; Stewart J. D'Alessio and Lisa Stolzenberg, 'A multilevel analysis of the relationship between labor surplus and pretrial incarceration', *Social Problems* 49(2) (2002), pp. 178–193; Hilde Wermink, Brian D. Johnson, Jan W. de Keijser, Anja JE Dirkzwager, Joni Reef, and Paul Nieuwbeerta, 'The influence of detailed offender characteristics on consecutive criminal processing decisions in the Netherlands', *Crime & Delinquency* 63(10) (2017), pp. 1279–1313.

[21]See, for example, David Weisburd, Elin Waring, and Stanton Wheeler, 'Class, status, and the punishment of white-collar criminals', *Law & Social Inquiry* 15(2) (1990), pp. 223–243; Paul Skolnick and Jerry I. Shaw, 'Is defendant status a liability or a shield? Crime severity and professional relatedness', *Journal of Applied Social Psychology* 24(20) (1994), pp. 1827–1836; Robert Tillman, Kitty Calavita, and Henry Pontell, 'Criminalizing white-collar misconduct: determinants of prosecution in savings and loan fraud cases', *Crime, Law and Social Change* 26(1) (1996), pp. 53–76.

[22]Hagan, John, Ilene H. Nagel, and Celesta Albonetti, 'The differential sentencing of white-collar offenders in ten federal district courts', *American Sociological Review* (1980), pp. 802–820. Nagel, Ilene H., and John L. Hagan, 'The sentencing of white-collar criminals in federal courts: A socio-legal exploration of disparity', Michigan Law Review 80(7), (1982), pp. 1427–1465.

[23]Hong Lu and Elaine Gunnison, 'Power, corruption, and the legal process in China', *International Criminal Justice Review* 13(1) (2003), pp. 28–49; Jianhong Liu, Dengke Zhou, Allen E. Liska, Steven F. Messner, Marvin D. Krohn, Lening Zhang, and Zhou Lu, 'Status, power, and sentencing in China', *Justice Quarterly* 15(2) (1998), 289–300.

public trust and legitimize its ruling.[24] To some extent, the arguments of the exemplary official model would dovetail the status liability hypothesis of the white-collar crime literature: when meting out penalties to white-collar offenders, judges may find more blameworthiness due to greater social obligations associated with offenders' higher social status, especially when public trust is violated and one's crime is related to the nature of one's profession.[25] Official corruption fits neatly into this scenario: there is high expectation of officials' services for public goods, and when they breach such a trust, more blameworthiness might be attached. Both the Chinese cultural emphasis on virtuous officials and CCP's political demand could have heightened such expectations.

Empirical English studies on Chinese judicial sentencing on corruption cases are very sparse with great variations in sampling, research design and statistical measurements and produced mixed results regarding one's rank and the severity of judicial punishment. While earlier studies relied on crude measurements of occupation (e.g. occupations with high vs. low status) to reflect one's status, more recent studies focused on measures of official rankings. For instance, based on measures of different administrative rankings, studies by Zhu[26] and Gong, Wang and Li[27] found a nonlinear relationship between official ranking and criminal penalty, subject to influences of both official ranking and the amount of money involved in one's corruption. Most recently, Jiang et al'.s study distinguished three corruption crimes and found that one's official rank makes potential differences in embezzlement and bribe-taking cases only, in which higher official ranks were associated with prolonged judicial processing and harsher punishment, lending support to the exemplary official model theory.[28] These results were also confirmed by empirical studies published in Chinese.[29]

Another important factor to be considered is the potential impact of the political environment. Within the white-collar crime literature, the effect of the Watergate scandal was particularly noticed and tested. For instance, Wheeler, Weisburd and Bode examined the severity of sentences meted out to white-collar offenders convicted in seven federal courts from 1976 to 1978 and found that the probability of imprisonment rose with the occupational status of the offenders.[30] In understanding the results of 'status liability', they specifically discussed the historical timing of the study and suggested that the heightened sensitivity to white-collar crimes in post-Watergate scandal years might have led to an increased assessment of the damage done by such offenders. In contrast, Benson and Walker examined judicial sentences of white-collar offenders from one federal court between 1970 and 1980 and found that high-status offenders were no more likely to be incarcerated nor received longer sentences compared to low-status offenders.[31] Further, they failed to find an effect of the Watergate scandal and suggested that the finding of Wheel et al'.s study might be due to the contextual characteristics of federal districts examined by Wheeler et al. (i.e. large urban areas where judges might be more prone to the outrage toward white-collar offenders given the Watergate scandal effect).

[24]Hong Lu and Elaine Gunnison, 'Power, corruption, and the legal process in China', *International Criminal Justice Review* 13(1) (2003), pp. 28–49; Ting Gong, Shiru Wang, and Hui Li, 'Sentencing disparities in corruption cases in China', *Journal of Contemporary China* (28)116, (2019), pp. 245–259.

[25]Stanton Wheeler, David Weisburd, and Nancy Bode, 'Sentencing the white-collar offender: Rhetoric and reality', *American Sociological Review* (1982), pp. 641–659; Paul Skolnick and Jerry I. Shaw, 'Is defendant status a liability or a shield? Crime severity and professional relatedness', *Journal of Applied Social Psychology* 24(20), (1994), pp. 1827–1836.

[26]Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2015), pp. 595–617.

[27]Ting Gong, Shiru Wang, and Hui Li, 'Sentencing disparities in corruption cases in China', *Journal of Contemporary China* (28)116, (2019), pp. 245–259.

[28]Xin Jiang, Shan Cui, Bin Liang, Honglei shuai, Jianhong Liu, 'Tigers vs. flies: Impact of official ranks on judicial trials in PRC's anti-corruption campaign', *Crime, Law and Social Change* 80(1), (2023), pp. 51–78.

[29]Jiaheng Lin, 'An empirical analysis of factors that influence bribery sentencing: Based on 4,205 judgments in 2014', *Criminal Law Review* 39(02), (2016), pp. 260–288 [in Chinese]. Yong Guo and Songheng Li, 'An empirical study of criminal sentencing in corruption cases', *Comparative Economic & Social Systems*, 195(1), (2018), pp. 77–89 [in Chinese].

[30]Stanton Wheeler, David Weisburd, and Nancy Bode, 'Sentencing the white-collar offender: Rhetoric and reality', *American Sociological Review* (1982), pp. 641–659.

[31]Michael L. Benson and Esteban Walker, 'Sentencing the white-collar offender', *American Sociological Review* (1988), pp. 294–302.

The impact of similar political scandals, as a new political environment, also occurred in other nations. For example, Hagan and Parker examined security violations in Ontario, Canada, from 1966 to 1983 and found that class position influenced both white-collar criminal behavior and punishment.[32] Regarding punishment, compared to workers, managers were more likely, but employers were less likely to be charged under the criminal code, reflecting the impact of their different class positions. Further, they tested the potential influence of the 'Watergate scandal' (due to the occurrence of an equivalent Canadian political scandal dubbed 'Harbourgate'). Again, the results were different for managers and employers: while employers were more likely to be charged with Securities Act violations that carried less stigma and lower sentences (most noticeable following the Watergate scandal), managers were more likely to be subjected to criminal code charges, thus the scapegoats of the heightened social movement against white-collar crimes.

These studies provided critical evidence of the potential influence of political environment in shaping the relationship between one's status and outcomes of punishment. In comparison, insufficient attention has been given to the impact of political environment on the relationship between one's status (e.g. official ranking) and sentencing outcomes among corruption cases in contemporary China, despite the acknowledgement that adjusted priorities of the Party's directives could lead to significant changes to criminal justice practices given the nature of China's one-party political regime.[33] Therefore, understanding corruption issues in China requires exploration of both the legal and political complications of corruption problems. Within such a context, one major gap in extant research is the absence of empirical comparisons regarding the impact of official ranking on judicial punishment across different eras characterized by political transitions and adjustments in political and legal frameworks. To address this limitation, our study focuses on corruption punishment under Hu's and Xi's administrations. By examining these different eras marked by political and legal changes, our study aims to deepen our understanding of the interplay between legal and political complexities in corruption issues in China.

Xi's Anti-Corruption Campaign

As soon as he took office in 2012, President Xi initiated a new round of anti-corruption endeavors. In January 2013, Xi announced during a meeting with the CCP Central Commission for Discipline Inspection (*zhongyang jilǚ weiyuan hui*, CCDI) that the anti-corruption campaign should target both tigers and flies. This 'zero tolerance' policy indicated the determination of the new administration to fight corruption without reservation. Many claimed that Xi's campaign is unprecedented in its length, scope and intensity in the PRC's history.[34] First, the campaign, still ongoing, has lasted through the entire years of Xi's administration. The official statistics boosted the campaign's effect almost immediately: in 2013, courts at all levels reportedly tried 29,126 crimes of abuse of power (*zhiwu fanzui*) involving 31,555 officials. Among these officials, 682 (2.2%) held ranks at the division-head level (*chu ji*) or above (an 8.77% increase from 2012), and 7,277 (69.5%) of them received imprisonment of 5 years or longer (typically considered 'heavy penalty' in the Chinese legal terminology).[35] From 2013 to 2017, the CCDI investigated 1.545 million corruption cases, a nearly 2.4 times increase compared to the period from 2007 to 2012,[36] and over 8,900 officials ranked at the bureau-

[32]John Hagan and Patricia Parker, 'White-collar crime and punishment: The class structure and legal sanctioning of securities violations', *American Sociological Review* (1985), pp. 302–316.

[33]Pitman B. Potter, 'The Chinese legal system: Continuing commitment to the primacy of state power', *The China Quarterly* 159, (1999), pp. 673–683.

[34]For example, Hualing Fu, 'Wielding the sword: President Xi's new anti-corruption campaign', In S. Rose-Ackerman and P. Lagunes (Eds.), *Greed, corruption, and the modern state* (Northampton, MA: Edward Elgar Publishing, Inc. 2015), pp. 134–157.

[35]Information reported on the official website of the People's Courts. Last modified December 17, 2019. http://www.chinacourt.org/article/detail/2014/03/id/1225556.shtml.

[36]Cited in Zongfeng Sun, Lin Zhu, and Xing Ni, 'How does anti-corruption information affect public perceptions of corruption in China?', *China Review* 22(2), (2022), pp. 113–143.

director level (*ju ji*) and 63,000 officials ranked at the division-head level were investigated.[37] The trend continued in recent years: in 2021, more than 631,00 cases were investigated and over 727,000 officials were disciplined, with both numbers higher than that of 2019 and 2020.[38]

Second, the scope of the campaign has deepened and broadened and reached party officials from all backgrounds including cadres from People's Liberation Army and leaders of state-owned enterprises.[39] Even retired cadres face potential investigation and punishment. Wedeman showed that the proportion of those charged with corruption who had retired prior to becoming suspects increased from negligible levels before Xi's crackdown to 10% in 2018 and to 20% in 2020.[40] In March 2015, the 'Operation Skynet (*tianwang xingdong*)' was officially launched to target corruption criminals who fled overseas. By October 2020, over 8,300 such criminals (including 2,212 government officials) had been captured from 120 nations and regions reportedly, with recovered assets worth of 20.8 billion Chinese yuan.[41]

Third, arguably the most visible feature of Xi's campaign is its intensity, especially against senior officials. Though no standard definition is provided regarding who would qualify as tigers, there is no dispute that more senior officials were brought down during Xi's campaign. From 2012 to 2019, 414 officials ranked at the vice-ministerial level or above (often called the 'centrally managed officials' (*zhongguan ganbu*)), 18000 officials at the department or bureau level (*ting ju ji*) and 137,000 officials at the county or division level (*xian chu ji*) were charged with corruption[42]; at least 117 officials at the provincial and ministerial levels (*sheng bu ji*) were tried.[43] To date, the biggest tiger brought down was Zhou Yongkang, a former Politburo Standing Committee member. As the first convicted official ranked at the highest level, i.e. premier level (*zheng guo ji*), Zhou was sentenced to life imprisonment in June 2015. His downfall broke a record that 'no criminal penalty [would be rendered] against Politburo Standing Committee members'.[44]

Harsh penalties were often meted out against senior officials, representing a measure of severity. Take for example the utilization of life imprisonment without the possibility of parole and sentence reduction (LWOP). To crack down on corrupt officials, the 9th Amendment of the CL in 2015 made the LWOP a legal option (Article 383). In October 2016, Bai Enpei, former Party Secretary in Yunnan province was the first LWOP recipient for receiving bribery of 246 million yuan. In 2017 and 2019, former Police Chief of Tianjin Public Security Bureau Wu Changshun and former deputy director of the Standing Committee of the People's Congress of the Inner Mongolia Autonomous Region Xing Yun were handed the LWOP for corruption crimes involving hundreds of million yuan respectively. In 2022 alone, four big tigers received the LWOP for corruption crimes, including Zhao Zhengyong (the former Party Secretary in Shanxi province), Fu Zhenghua (former Deputy Director of the Committee on Social and Legal Affairs of the National Committee of the Chinese People's Political Consultative Conference), Sun Lijun (former Deputy Director of the Ministry of Public Security) and Wang Like (former Party Secretary of the Political and Legal Commission of Jiangsu Province). Huge amounts of corruption monies involved in these cases signaled the severity of their crimes and played a critical role in their sentences. For instance, over 717 million yuan were involved in Zhao Zhengyong's crimes.

Similar to the effect of the Watergate scandal seen in the white-collar crime literature, Xi's high-profile anti-corruption campaign created a political environment in which fighting against official

[37]Information recorded in the Work Report of the CCDI delivered at the CCP's 19th Congress held in 2017. The full report is available at, last modified December 17, 2019. https://news.qq.com/a/20171029/022008.html.
[38]Information from last modified April 11, 2022. https://news.sina.com.cn/c/2022-03-29/doc-imcwiwss8830103.shtml.
[39]Samson Yuen, 'Disciplining the party: Xi Jinping's anti-corruption campaign and its limits', *China Perspectives* 3, (2014), pp. 41–47.
[40]Andrew Wedeman, 'The dynamics and trajectory of corruption in contemporary China', *China Review* 22(2), (2022), pp. 21–48.
[41]Last modified April 11, 2022. https://baijiahao.baidu.com/s?id=1686006321322743830&wfr=spider&for=pc.
[42]Ting Gong and Tu Wenyan, 'Fighting Corruption in China', *China Review* 22(2), (2022), pp. 1–19.
[43]Er Cai, 'Breaking new! Assets of 29 big tigers including Zhou Yongkang and Ling Jihua confiscated. Beijing Youth Daily', March 12, (2019) [in Chinese].
[44]Samson Yuen, 'Disciplining the party: Xi Jinping's anti-corruption campaign and its limits', *China Perspectives* 3, (2014), pp. 41–47.

corruption was significantly heightened.[45] Nevertheless, questions such as whether Xi's campaign leads to harsher penalties compared to his predecessor Hu and whether one's official rank is correlated with legal sanctions remain to be empirically examined.

Legal Changes: 9th Amendment of the Criminal Law

One complication in examining whether criminal sentences under Xi's campaign are harsher compared to penalties in previous eras is the changes made to China's CL. Merely 4 years after the 8th Amendment, the 9th Amendment was passed in 2015. Due to lack of information and the opaque lawmaking process, to what extent Xi's policies (especially his anti-corruption campaign) directly impacted the enactment of the 9th Amendment is unclear. The message seems to be mixed based on available open sources. On the one hand, the Resolution of the Central Committee of the Communist Party of China (CCCPC) on Major Issues Pertaining to Comprehensively Promoting the Rule of Law (*zhonggong zhongyang quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding*) adopted in 2014 during the 4th Plenary Session of the 18th CCCPC emphasized the importance of anti-corruption, which set the tone for key changes to the 9th Amendment.[46] Among 52 articles amended, six (11.5%) dealt with corruption crimes and changes to these six articles (measured by the total word count) represented 12% of all amended articles.[47] One specific change to corruption crimes, for instance, is more regulations and enhanced punishment on giving bribes (*xinghui*, e.g. changes to Articles 390–393 of the CL), which often received less attention compared to bribe-taking.[48] Ye suggested that this is an adjustment which answered Xi's call for 'zero tolerance' against corruption after the 18th CCCPC.[49]

On the other hand, the 9th Amendment exhibited some signs of moving towards more lenient punishment and decriminalization.[50] Take capital punishment for example: following the suit of the 8th Amendment in 2011 which made 13 previous capital offenses death-ineligible, the 9th Amendment made nine more capital offenses death-ineligible. Such efforts were consistent with the trend to limit the use of capital punishment in the twenty-first century.[51] Unfortunately, death sentences and executions are viewed state secrets and not publicly released, and the numbers of corrupt officials who were death sentenced and executed remained unknown. Anecdotal evidence, however, suggests that death sentences with immediate execution have declined against senior corrupt officials over time. For instance, prior to Xi's era, Chinese scholars counted four cases of officials ranked at the vice provincial and ministerial levels who were death sentenced and executed for corruption crimes (including Cheng Kejie and Hu Changqing in 2000, Wang Huaizhong in 2004 and Zheng Xiaoyu in 2007).[52] To date, only one official at this level, Lai Xiaomin, was death sentenced and executed in 2021 during Xi's reign. The adoption of the LWOP by the 9th Amendment, mentioned in the last section, is a deliberate effort to limit death sentences with immediate execution against corrupt officials and to address the concern that short of immediate executions, corrupt officials are not punished harshly enough as those who are sentenced to suspended death

[45]Ting Gong and Tu Wenyan, 'Fighting Corruption in China', *China Review* 22(2), (2022), pp. 1–19.
[46]Changdong Wei, 'Comment on legislation of bribery of the 9th Amendment of the Criminal Law', *East China University of Political Science and Law Journal* 2, (2016), pp. 27–35 [in Chinese].
[47]Xu Zhang, 'Also on revisions of bribery crimes of the 9th Amendment of the Criminal Law', *Contemporary Law Review* 1, (2016), pp. 3–11 [in Chinese].
[48]Zhixiang Wang and Ting Liu, 'Giving bribes under the purview of criminal justice policies: Reflection on the 9th Amendment of the Criminal Law', *Cognition and Practice* 4(4), (2015), pp. 44–52 [in Chinese].
[49]Liangfang Ye, 'A game analysis and empirical testing of the sentencing model of bribery: Also comment on Articles 44 and 45 of the 9th Amendment of the Criminal Law'. *Law Review* 195(1), (2016), pp. 108–116 [in Chinese].
[50]Bingzhi Zhao, 'The fundamental directions and steps of criminalization in contemporary China: Using the 9th Amendment of the Criminal Law as the main perspective', *Oriental Law* 1, (2018), pp. 38–43 [in Chinese].
[51]Bin Liang and Hong Lu (Eds.), The death penalty in China: Policy, practice and reform (Columbia University Press, 2016).
[52]Zhaosong Zhang, 'A study of sentencing standardization of high-ranked corruption officials: An analysis of criminal sentences of corrupt officials ranked at the provincial and ministerial levels between 2013 and 2017', *Research on Rule of Law* 2, (2019), pp. 88–103 [in Chinese].

sentences would be commuted to life imprisonment at the end of the 2-year suspension and further to limited terms of imprisonment.[53] Indeed, there have been calls to completely end capital punishment for corruption crimes within the circle of Chinese legal scholars.[54] In the aftermath of the 9th Amendment, for instance, Zhao Bingzhi, a prominent legal scholar, proposed a path to abolish capital punishment for corruption crimes and suggested using the suspended death sentences as the alternative (de fault) punishment.[55] Take Zhang Zhongsheng's case for another example. Zhang, the former deputy mayor of Lűliang in Shanxi province, was convicted of corruption crimes and sentenced to the death penalty with immediate execution in 2018, the first senior official who was death-sentenced with immediate execution after the implementation of the 9th Amendment.[56] Nevertheless, Zhang's death sentence was changed to the LWOP by the appellant court during his appeal in 2021.

Another key change of the 9th Amendment, of critical importance to our study, is the readjusted sentencing standards of major corruption crimes. Before the 9th Amendment, for instance, the old Article 383 used fixed amounts as thresholds for different levels of punishment (which was initially set by the 1997 CL) for bribe-taking. Specifically, it stipulated a sentencing range from 1 to 7 years if the illicit amount fell between 5,000 and 50,000 yuan; for an amount between 50,000 and 100,000 yuan, a minimum of 5-year imprisonment would be imposed; if the amount went beyond 100,000 yuan, a criminal face imprisonment of 10 years or longer (and potentially the death penalty). Nevertheless, these low thresholds were quickly outpaced by China's economic development and the corruption amounts involved in more recent cases easily surpassed the amounts stipulated in the law.[57] In practice, some local *gong-jian-fa* (the police, procuratorates, and courts) systems have already adopted their local standards to deal with the 'inflation problem' (e.g. raising the minimum 5,000-yuan threshold to 50,000 yuan),[58] which led to disparate judicial sentences across different jurisdictions.[59]

As a result, the 9th Amendment dropped the conventional use of fixed amounts and replaced them with descriptive terms for bribe-taking and embezzlement crimes. The amended Article 383 now stipulates that a criminal be sentenced to imprisonment of not more than 3 years if the illicit amount is 'relatively big (*jiaoda*)', and imprisonment is increased to 3 to 10 years if the amount is 'huge (*juda*)', and to 10 years or longer if the amount is 'extremely huge (*te'bie juda*)'. In April 2016, to comply with the requirements of the descriptive terms in the amended CL, the Supreme People's Court and the Supreme People's Procuratorate jointly issued the *Interpretation on Issues with regard to How to Handle Embezzlement and Bribe-taking Cases* (*guanyu banli tanwu huilu xingshi anjian shiyong falű ruogan wenti de jieshi*) which significantly raised the threshold amounts as new sentencing criteria. Specifically, the *Interpretation*, binding on courts at all levels, sets the thresholds of a 'relatively big amount',

[53]Xu Zhang, 'Also on revisions of bribery crimes of the 9th Amendment of the Criminal Law', *Contemporary Law Review* 1, (2016), pp. 3–11 [in Chinese].

[54]YeLiu Qian, 'An evaluation and projection of legislation of bribery: A perspective from the 9th Amendment of the Criminal Law', *Journal of Soochow University* (Philosophy & Social Science Ed), 6, (2015), pp. 96–102 [in Chinese]; Zhaosong Zhang, 'A study of sentencing standardization of high-ranked corruption officials: An analysis of criminal sentences of corrupt officials ranked at the provincial and ministerial levels between 2013 and 2017', *Research on Rule of Law* 2, (2019), pp. 88–103 [in Chinese].

[55]Bingzhi Zhao, 'The fundamental directions and steps of criminalization in contemporary China: Using the 9th Amendment of the Criminal Law as the main perspective', *Oriental Law* 1, (2016), pp. 38–43 [in Chinese].

[56]Zhaosong Zhang 'A study of sentencing standardization of high-ranked corruption officials: An analysis of criminal sentences of corrupt officials ranked at the provincial and ministerial levels between 2013 and 2017', *Research on Rule of Law* 2, (2019), pp. 88–103 [in Chinese].

[57]See, for example, Chaoran Sun, 'On "circumstances" of embezzlement and bribe-taking: An empirical analysis of sentencing factors among senior official corruption cases', *Political Science and Law* 10, (2015), pp. 45–60 [in Chinese]; Zengke He, 'Corruption and anti-corruption in reform China', *Communist and Post-Communist Studies* 33(2) (2000), pp. 243–270.

[58]Qin Li and Xiaoguang Wang, 'An empirical analysis of the sentence leniency for crimes of abuse of power: An examination of 210 judicial judgments from 34 courts in 24 districts', *Criminal Science* 4, (2014), pp. 120–126 [in Chinese].

[59]Jianbo Wang, 'An empirical analysis of regional sentencing disparity for bribe-taking', *China Legal Science* 4, (2016), pp. 245–265 [in Chinese].

a 'huge amount' and an 'extremely huge amount' at 30,000, 200,000 and three million yuan, respectively. A practical effect of the new CL and the *Interpretation* is lessened punishment for corrupt officials who would have faced harsher penalties if the old law were followed.[60] For instance, an offender with an illicit amount of 200,000 yuan would be facing a sentence ranging from 3 to 10 years under the new law, but it would have been at least 10 years of imprisonment under the old CL.

Research Questions and Hypotheses

Based on corruption cases collected over time, this study aims to empirically contrast the judicial sentencing of Xi's campaign with that of Hu's campaign. Specifically, we examine two research questions: 1) How is judicial punishment under Xi's administration compared to Hu's administration? 2) What is the relationship between official ranking and sentencing outcomes? And how is this relationship conditioned by political and legal transitions, represented by Hu's administration, Xi's administration and the enactment of 9th Amendment?

Theoretically, two factors affect our testing. The first is the transition of administrations (representing political change). The literature on Xi's anti-corruption campaign suggests a new political environment which could potentially produce harsher legal punishment. Nevertheless, as judges presumably make rulings based on the laws, the effect of Xi's campaign would carry an *indirect* effect on judicial sentencing. The increased detection, as indicated by the increased number of officials punished under Xi's campaign, only shows potentially the improved certainty of punishment, but not the severity of the punishment. Arguably, Xi's campaign could indirectly affect the odds of imprisonment, sentence length and rank-sentencing correlation (given its heightened punishment against senior officials). The second factor is the legal change, the 9th Amendment which carries a *direct* effect on judges' sentences as the governing law on judicial sentencing. It would have the effect of lessening the sentences for cases adjudicated under the new law compared to similar cases adjudicated prior to the adoption of the 9th Amendment.

Based on the combined effect of these two factors, we grouped our data into three different administrations, including Hu Jintao's administration (which covered cases between 2008 and 2012), Xi Jinping's administration before the 9th Amendment (which covered cases between 2013 and 2015) (Xi's 1st administration hereinafter) and Xi's administration after the 9th Amendment (which covered cases after 2016) (Xi's 2nd administration). In our statistical testing below, we utilized Xi's 2nd administration as the reference group which would allow comparisons to single out the effect of the administration transition and the change of the law. As we reviewed above, most empirical testing of judicial sentencing on corruption cases lent support to the exemplary official model theory. If this were true, we would expect harsher punishment for senior officials during all three administrations. Nevertheless, the 'rank-sentence' effect would be more visible and significant when the political environment moved towards less tolerance for corruption as witnessed in Xi's anti-corruption campaign. Accordingly, we propose the following hypotheses:

- Hypothesis 1: Compared to Hu's administration, (1a) imprisonment odds would have been increased during Xi's 2nd administration given the salience of Xi's campaign (indirect effect), but (1b) sentence length would have been lessened under the new CL (direct effect); and (1c) the rank-sentencing correlation would be more likely to be found given Xi's campaign (especially regarding senior officials);

[60]For example, Dongyang Hu, 'An empirical study of the "amount + circumstance" model for bribe-taking: A sample based on judicial judgments from 2016 to 2017 in J province', *Hubei Social Sciences* (10), (2017), pp. 131–137 [in Chinese]; Zhaosonng Zhang and Shuixing Yu, 'Solving the problems of sentencing justice of embezzlement and bribery crimes: Based on the empirical analysis of 100 judgements on embezzlement and bribery cases', *Journal of Zhejiang University of Technology (Social Science)*, 17(3), (2018), pp. 320–332 [in Chinese].

- Hypothesis 2: Compared to Xi's 1st administration, (2a) imprisonment odds would have been increased during Xi's 2nd administration given Xi's deepened campaign (indirect effect), but (2b) sentence length would have been lessened under the new CL (direct effect); and (2c) the rank-sentencing correlation would be more likely to be found given Xi's deepened campaign.

Data

Data utilized in this study were retrieved from the 'Open Law' website (http://openlaw.cn/). Founded in 2014 in Shanghai, 'Open Law' is administrated by a non-profit organization made of legal professionals (e.g. lawyers, judges, prosecutors, scholars) and aims to share resources and provide support for legal research. We retrieved cases of three major corruption crimes, including embezzlement (*tanwu*, Article 382 of the CL), misappropriation of public funds (*nuoyong gongkuan*, Article 384) and bribe-taking (*shouhui*, Article 385). Though the CL stipulated other corruption crimes (Chapter 8), these three are the most serious corruption crimes with the most severe punishment and are the most studied crimes in the literature. Given the design of this study, we retrieved all fully adjudicated cases (excluding any open or dismissed cases) by courts of first instance from 2008 to 2019, which covered Hu's administration and Xi's 1st and 2nd administrations.

Considering the large numbers of cases in each year, we conducted random sampling in two steps to obtain a more manageable dataset. First, 3 months were randomly selected (April, May and August) and cases were retrieved from these months in all years ($n = 3{,}691$ in April, $n = 5{,}682$ in May and $n = 8{,}932$ in August respectively). Second, in each month, we utilized systematic sampling without a predetermined sample size. Specifically, we arranged all cases by chronological dates in each month, drew a random number between 0 and 9, and included in the final dataset the randomly selected case and every 10th case afterward. For instance, if the random number is 5 in a month, cases of the 5th, 15th, 25th and so on would be included. We repeated this process for all three corruption crimes in all 3 months and all 12 years. Cases involving multiple defendants were coded separately. As a result, our final sample consists of 2,034 cases.

Variables

Table 1 provides a detailed description of all variables included in this study. Our primary inquiry is to examine the interactive effect of official ranking, transition of administrations and amendment of the CL on judicial punishment. Despite the ongoing debate in the literature regarding how sentencing outcomes should be modeled,[61] existing research primarily measures sentence severity in two separate though related decisions, including the imprisonment decision (i.e. the 'in/out' decision) and sentence length decision.[62] To follow suit, we included both measures as outcome variables. Specifically, we employed a dichotomous measure of imprisonment decision (1 = yes, 0 = no) to distinguish corrupt officials who were sentenced to prison from those who received non-imprisonment punishment (e.g. jail time (*juyi*), fines). Among those who were imprisoned, we employed a continuous variable that indicates the number of months that an individual was sentenced to prison, thus measuring sentence length. Due to the skewness in sentence length, we followed previous research and used the natural log of sentence length in our analyses.

Key independent variables of this study include official ranking, transition of administrations and amendment of the CL. The Law of the PRC on Civil Servants (*gongwuyuan fa*) classified administrative

[61] See, for example, Shawn D. Bushway and Anne Morrison Piehl, 'Judging judicial discretion: Legal factors and racial discrimination in sentencing', *Law and Society Review* (2001), pp. 733–764.

[62] See, for example, Cassia Spohn and David Holleran, 'The imprisonment penalty paid by young, unemployed black and Hispanic male offenders', *Criminology* 38(1), (2000), pp. 281–306; Jeffery Ulmer, Noah Painter-Davis, and Leigh Tinik, 'Disproportional imprisonment of Black and Hispanic males: Sentencing discretion, processing outcomes, and policy structures', *Justice Quarterly* 33(4), (2016), pp. 642–681.

Table 1. Descriptive statistics for all variables.

	Minimum	Maximum	Mean or %	Standard deviation	Sample size
Imprisonment	0	1	82.23%	0.38	1,902
Sentence Length (log)	0.69	5.19	3.32	0.91	1,660
Official ranking	0	3	0.57	0.73	1,614
Hu's administration	0	1	7.23%	0.26	2,034
Xi's 1st administration	0	1	29.94%	0.46	2,034
Xi's 2nd administration	0	1	62.83%	0.48	2,034
Gender	0	1	88.96%	0.31	1,675
Age	23	79	50.53	8.99	1,324
Ethnicity	0	1	91.22%	0.28	1,322
Confession	0	1	94.93%	0.22	1,836
Voluntary self-surrender	0	1	47.99%	0.50	1,842
Return of illicit gains	0	1	91.65%	0.28	1,809
Had an accomplice	0	1	41.40%	0.49	1,814
Had a prior criminal record	0	1	1.79%	0.13	1,400
Had a private attorney	0	1	80.95%	0.39	1,643
The amount of money (log)	0.69	5.28	2.53	1.18	1,930

ranks into 11 groups ranging from staff and clerk (no rank) to national leaders.[63] Though our overall sample size ($n = 2{,}034$) is quite large, the valid numbers of cases dwindle quickly when they are subdivided under three administrations and different ranks. As a result, we divided government officials into four categories, including all ranks below section-head levels, section-head levels (*ke ji*, e.g. township heads and CEOs of state-owned enterprises), division-head levels (e.g. heads of offices of State Council ministries and chiefs of county governments) and bureau-director levels (e.g. heads of bureaus of State Council ministries, departmental heads of provincial governments and chief executive officers of large state-owned enterprises) and above. Despite the media focus on 'tigers', there lacks consensus on at what (minimum) rank level government officials would qualify as senior officials. While some scholars set the threshold at the deputy provincial and ministerial level,[64] Wedeman suggested that 'senior officials' are those holding leadership positions at the division-head levels and above (note 3, p.137).[65] Administratively, officials at the division-head levels often serve as top county level leaders in rural areas, thus very powerful locally,[66] and there is ample room for their power abuse without proper supervision and/or checks and balances. Past studies also indicated that the division-head level might be an important rank above which differential treatments were witnessed.[67] In our data, 54.7% of all defendants were ranked below the section-head levels, 33.75% were ranked at the section-head levels, 9.59% at the division-head levels and mere 1.98% at the bureau-director levels and above.

As discussed, three dichotomous variables (1 = yes, 0 = no) were created to indicate different administrations under the old and new CL. As shown, 7.2% of all cases occurred during Hu's administration, about 30% occurred during Xi's 1st administration and nearly 63% occurred during Xi's 2nd administration. Such uneven distribution of cases reflected the reality of the 'Open Law' website, which collected more cases in recent years than older years.

To test the independent effect of administrative ranking in different periods, this study included a variety of sentencing correlates identified in the literature. First, we controlled for some demographic

[63]Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2015), pp. 595–617.

[64]Narisong Huhe, Jie Chen, and Yongguo Chen, 'Flies, tigers, and the leviathan: anti-corruption campaigns and popular political support in China', *Japanese Journal of Political Science* 23(3), (2022), pp. 193–208; Xuezhi Guo, 'Controlling corruption in the party: China's central discipline inspection commission', *Critical Readings on the Communist Party of China* (4). Brill, (2017), pp. 1179–1214.

[65]Andrew Wedeman, 'Guilt and punishment in China's war on corruption', in *Growing pains: Tension and opportunity in contemporary China's transition* eds. Jean C. Oi, Scott Rozelle and Xueguang Zhou (Washington, DC: Brookings Institute, 2009), pp. 117–142.

[66]Fenfei Li and Jinting Deng, 'The power and the misuse of power by China's local procuratorates in anticorruption', *International Journal of Law, Crime and Justice* 45, (2016), pp. 1–25.

[67]See, for example, Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2015), pp. 595–617.

Table 2. Imprisonment, sentence length and corruption amount by three administrations

	Hu's administration	Xi's 1st administration	Xi's 2nd administration	
Imprisonment (yes)	89.19% (99)	89.59% (413)	76.20% (733)	$\chi 2 = 41.60$***
Sentence length (log)	3.65	3.76	3.04	F = 98.67*** Tukey Comparison: 1 vs 3***, 2 vs 3 ***
The amount of money (log)	1.81	2.30	2.69	F = 40.88*** Tukey Comparison: 1 vs 2***, 1 vs 3 ***, 2 vs 3 ***

$^{+}p < 0.1$,*$p < 0.05$, **$p < 0.01$, ***$p < 0.001$.

variables including the offender's gender (1 = male, 0 = female), age, ethnicity (1 = Han, 0 = other ethnic groups). Second, we controlled for a number of variables that could influence the sentence length imposed by judges. Potential mitigating factors included one's confession (1 = yes, 0 = no), voluntary self-surrender (1 = yes, 0 = no), and disgorgement (return) of illicit gains (1 = yes, 0 = no). Other dichotomous variables (1 = yes, 0 = no) capture whether offenders utilize a private attorney, had a prior criminal record and had an accomplice when committing their crimes. As shown, the average age of offenders was 50.53 years, and the majority were males (88.96%) and members of Han ethnicity (91.22%); most offenders confessed their crimes (94.93%), returned their illicit gains (91.65%) and had legal presentation with a private attorney (80.95%). Lastly, we took into account the amount of money (in Chinese RMB) involved in one's corruption crimes, as it plays a dominant role in punishment pursuant to the laws as reviewed. To reduce distribution skewness, we utilized the natural log transformation of the illicit amount and also included the squared term in regression models to test if there is a nonlinear relationship between monetary values and judicial sentencing as suggested by the past studies.[68]

Analytic Strategy

We addressed our research questions through the following steps. First, we used bivariate analyses to describe and assess the relationship with respect to dependent variables and independent variables (Tables 2–table 4). Second, we used multivariate regression analyses to ascertain the impact of official ranking on punishment outcomes and how transition of administrations conditions the impact (Tables 5 and 6). Specifically, via a series of logistic and ordinary least squares (OLS) regressions after introducing demographic and other control variables, we assessed the independent and interactive effect of one's ranking and transition of administrations on the imprisonment and sentence length decisions. We utilized a multiple imputation procedure (via STATA) to handle missing data in our analyses.

Findings

We began with bivariate analyses by conducting Chi-square and ANOVA tests to determine whether there were differences in two dependent variables, imprisonment and sentence length, under three administrations. As shown in Table 2, there is relatively little variation in the imprisonment odds during Hu's administration and Xi's 1st administration. However, the imprisonment percentage decreased significantly to 76.2% during Xi's 2nd administration. A similar pattern is observed in terms of sentence length: while the mean sentence length remained relatively consistent during Hu's and Xi's 1st administrations, it decreased significantly during Xi's 2nd administration. Table 2 also displays the changes of the corruption amount over time, which showed consistent and significant

[68]See, for example, Ting Gong, Shiru Wang, and Hui Li. 'Sentencing disparities in corruption cases in China', *Journal of Contemporary China*, 28(116), (2019), pp. 245–259; Yong Guo and Songfeng Li, 'An empirical study of criminal sentencing in corruption cases', *Comparative Economic & Social Systems*, 195(1), (2018), pp. 77–89 [in Chinese].

Table 3. Imprisonment by ranking in three administrations

	Below section-head level	Section-head level	Division-head level	Bureau-director level and above	
	n (%)	n (%)	n (%)	n (%)	χ2
Imprisonment during Hu's administration					
Yes	54 (90.00%)	42 (87.50%)	16 (100.00%)	n/a	2.16
No	6 (10%)	6 (12.50%)	0 (0.00%)	n/a	
Imprisonment during Xi's 1st administration					
Yes	278 (89.97%)	147 (91.99%)	32 (91.43%)	6 (85.71%)	0.68
No	31 (10.03%)	13 (8.12%)	3 (8.57%)	1 (14.19%)	
Imprisonment during Xi's 2nd administration					
Yes	400 (72.20%)	292 (80.44%)	105 (90.52%)	23 (95.83%)	26.68***
No	154 (27.80%)	71 (19.56%)	11 (9.48%)	1 (4.17%)	

$^{+}p < 0.1$,$^{*}p < 0.05$, $^{**}p < 0.01$, $^{***}p < 0.001$.

Table 4. Sentence length (log) by ranking in three administrations

	Below section-head level	Section-head level	Division-head level	Bureau-director level and above		
	Mean (se)	Mean (se)	Mean (se)	Mean (se)	F	Tukey post-hoc paired comparison
Hu's administration	3.50 (0.66)	3.84 (0.77)	3.73 (0.67)	n/a	2.54^{+}	1 vs 0^{+}
Xi's 1st administration	3.54 (0.80)	4.04 (0.68)	4.28 (0.60)	4.38 (0.51)	18.68***	1 vs 0***, 2 vs 0 ***, 3 vs 0 *
Xi's 2nd administration	2.82 (0.90)	3.18 (0.93)	3.56 (0.75)	3.70 (0.74)	24.40***	1 vs 0***, 2 vs 0 ***, 3 vs 0 *** 2 vs 1 **

$^{+}p < 0.1$, $^{*}p < 0.05$, $^{**}p < 0.01$, $^{***}p < 0.001$.

increases from Hu's administration to Xi's administrations, reflecting the worsened nature of corruption crimes. What we found was that there were not many changes during Hu's administration or Xi's 1st administration. But in Xi's 2nd administration, fewer officials were incarcerated percentagewise and they were incarcerated for shorter terms. This occurred despite the reported increase of corruption amounts across the three administrations.

Tables 3 and 4 focused on the correlations between official ranking and sentencing outcomes during three administrations. The results in Table 3 show that the bivariate association between ranking and imprisonment decision was not significant during either Hu's administration or Xi's 1st administration. That is, during Hu's and Xi's 1st administrations, an official's rank didn't affect their chances of going to prison. However, in Xi's 2nd administration, higher-ranked officials were more often sent to prison compared to those with lower ranks. We observed a significant association during Xi's 2nd administration ($\chi 2 = 26.69$, $p = .000$). Specifically, corrupt officials with higher ranking were more likely to receive imprisonment than those with lower ranking: while 72.20% of corrupt officials with a rank below section-head levels received imprisonment, the percentages increased to 80.44%, 90.52% and 95.83% at the next three levels respectively.

In Table 4, we performed one-way ANOVA tests with Tukey's post hoc test to assess whether sentence length varied significantly across rankings in each period. We found that the association between ranking and sentence length was significant across all three administrations, especially during Xi's administration. During Xi's 1st administration, officials at higher ranks received significantly longer sentences compared to those below the section-head level ($F = 18.68$, $p = 0.001$). A similar pattern was observed during Xi's 2nd administration, with the sentence length increasing

Table 5. Logistic regression predicting imprisonment ($N = 1,534$)

	Model 1		Model 2		Model 3	
Variable	b (se)	Exp(b) (se)	b (se)	Exp(b) (se)	b (se)	Exp(b) (se)
Official ranking	0.31**	1.36	0.40***	1.49	−0.13	0.88
	(0.11)	(0.15)	(0.12)	(0.18)	(0.14)	(0.12)
Hu's administration	1.10***	3.02	1.26**	3.51	2.47***	11.84
	(0.33)	(0.99)	(0.41)	(1.46)	(0.45)	(5.34)
Xi's 1st administration	1.04***	2.83	1.23***	3.42	1.85***	6.35
	(0.18)	(0.51)	(0.21)	(0.73)	(0.24)	(1.52)
Gender	0.62*	1.86	0.61*	1.84	0.75**	2.12
	(0.24)	(0.45)	(0.24)	(0.45)	(0.27)	(0.57)
Age	0.00	1.00	0.00	1.00	0.01	1.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Ethnicity	0.21	1.24	0.20	1.22	0.17	1.18
	(0.31)	(0.38)	(0.31)	(0.38)	(0.41)	(0.48)
Confession	−0.20	0.82	−0.20	0.82	−0.26	0.77
	(0.14)	(0.12)	(0.14)	(0.12)	(0.17)	(0.13)
Voluntary self-surrender	0.26	1.30	0.26	1.30	0.13	1.14
	(0.41)	(0.53)	(0.41)	(0.53)	(0.46)	(0.53)
Return of illicit gains	−1.02**	0.36	−1.03**	0.36	−0.80	0.45
	(0.36)	(0.13)	(0.36)	(0.13)	(0.42)	(0.19)
Had an accomplice	−0.14	0.87	−0.14	0.87	−0.16	0.85
	(0.16)	(0.14)	(0.16)	(0.14)	(0.18)	(0.15)
Had a prior criminal record	−0.06	0.94	−0.06	0.94	0.15	1.16
	(0.56)	(0.52)	(0.56)	(0.52)	(0.59)	(0.69)
Had a private attorney	1.33***	3.76	1.33***	3.77	0.54*	1.72
	(0.19)	(0.72)	(0.19)	(0.72)	(0.24)	(0.41)
Ranking × Hu's administration			−0.32	0.73	−0.21	0.81
			(0.49)	(0.36)	(0.51)	(0.41)
Ranking × Xi's 1st administration			−0.44^{+}	0.64	−0.29	0.75
			(0.25)	(0.16)	(0.29)	(0.22)
The amount of money					2.12***	8.34
					(0.37)	(3.10)
(The amount of money)^2					−0.14^{+}	0.87
					(0.08)	(0.07)
Constant	0.10	1.11	1.57*	1.06	−3.44***	0.03
	(0.73)	(0.80)	(0.68)	(0.77)	(0.89)	(0.03)

Ref. group for the variables of administration is Xi's 2nd administration.
$^{+}p < 0.1$, $*p < 0.05$, $**p < 0.01$, $***p < 0.001$.

as the official's ranking rose ($F = 24.40$, $p = 0.001$). Notably, officials at the division-head level received significantly longer sentences compared to officials at lower levels. Moreover, the sentence length was significantly longer for those ranked at the division-head level ($M = 3.56$) than those at the section-head level ($M = 3.18$). These findings highlight the important role of official ranking in shaping sentence length, particularly during Xi's era, where it played a more pronounced role in determining sentencing outcomes.

To further explore these relationships, we used regression models to estimate the independent and interdependent effects of ranking and administration on the odds of imprisonment and sentence length after controlling other variables. Tables 5 and 6 present the results. In each table, we tested three models. In model 1, we entered variables of official ranking and administrations (with Xi's 2nd administration as the reference group) in the baseline model along with control variables (including respondents' demographic variables, confession, self-surrender, disgorgement of illicit gains, utilization of a private attorney, having a prior record and having an accomplice when committing crime). Next, we entered the interactions of ranking and administration in model 2 to assess potential interaction effects of ranking and administration. Lastly, model 3 added to the equations the monetary value as a crucial determinant of judicial sentencing.

Table 6. Linear regression predicting sentence length ($N = 1,326$)

	Model 1		Model 2		Model 3	
Variable	b	se	b	se	b	se
Official ranking	0.31***	(0.03)	0.32***	(0.04)	0.09**	(0.03)
Hu's administration	0.66***	(0.09)	0.82***	(0.11)	1.23***	(0.09)
Xi's 1st administration	0.75***	(0.05)	0.71***	(0.06)	0.97***	(0.05)
Gender	−0.10	(0.09)	−0.11	(0.09)	−0.07	(0.07)
Age	−0.01**	(0.00)	−0.01**	(0.00)	−0.01*	(0.00)
Ethnicity	−0.16	(0.10)	−0.17	(0.10)	−0.16*	(0.08)
Confession	−0.16**	(0.05)	−0.15**	(0.05)	−0.21***	(0.04)
Voluntary self-surrender	−0.12	(0.11)	−0.14	(0.11)	−0.08	(0.08)
Return of illicit gains	−0.47***	(0.09)	−0.48***	(0.09)	−0.32***	(0.07)
Had an accomplice	0.07	(0.05)	0.07	(0.05)	0.05	(0.04)
Had a prior criminal record	−0.23	(0.22)	−0.24	(0.22)	−0.07	(0.16)
Had a private attorney	0.57***	(0.07)	0.58***	(0.07)	0.21***	(0.05)
Ranking × Hu's administration			−0.25*	(0.12)	−0.16^{+}	(0.09)
Ranking × Xi's 1st administration			0.06	(0.07)	−0.01	(0.05)
The amount of money					0.72***	(0.07)
(The amount of money)^2					−0.04**	(0.01)
Constant	3.72***	(0.23)	3.76***	(0.23)	2.06***	(0.21)

Ref. group for the variables of administration is Xi's 2nd administration.
$^{+}p < 0.1$, $*p < 0.05$, $**p < 0.01$, $***p < 0.001$.

As imprisonment is a dummy variable, we utilize logistic regressions in Table 5 which shows the odds ratios from logistic regressions that predicted the imposition of imprisonment. The results in model 1 indicate that both ranking and administration had an independent effect on imprisonment, net of control variables. The higher an official's rank, the more likely they were to be incarcerated, especially during Hu's administration and Xi's 1st administration. For example, holding others constant, one unit increase in ranking increased the odds of imprisonment by 36%. Regarding the change of administrations, holding others constant, the odds of imprisonment were roughly 2 times higher during Hu's administration and 1.8 times higher during Xi's 1st administration compared to Xi's 2nd administration. Model 2 includes the interactional terms: the interaction between Xi's 1st administration and ranking was negative and significant, which was consistent with our one-tailed test hypothesis. These interaction effects were particularly evident during Xi's 1st administration, suggesting that the effect of ranking on imprisonment was stronger in Xi's 2nd administration than

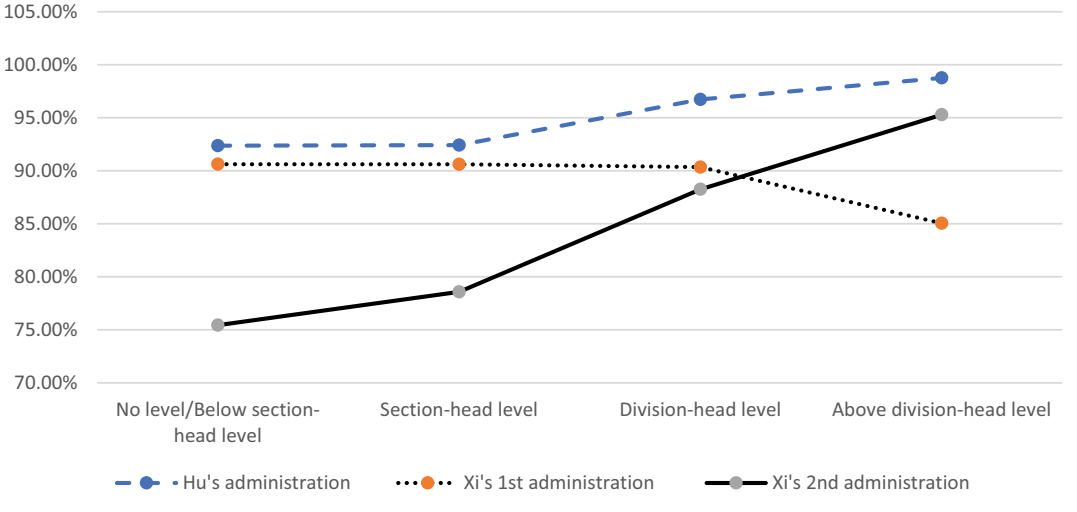

Figure 1. Predicted probability of imprisonment by official ranking and by administration.

Xi's 1st administration. To provide a clear picture of these relationships, the interaction findings from Model 2 are displayed graphically in Figure 1, which shows the predicted probabilities of imprisonment by ranking across three administrations. The graph shows that, although the probability of imprisonment for officials during Xi's 2nd administration was mostly lower (compared to Hu's and Xi's 1st administrations), the differences in imprisonment rates across ranking became more substantial in Xi's 2nd administration (with projected increases of predicted imprisonment as ranking increases). In model 3, the amount of money was added into the equation and statistically impacted the odds of imprisonment (the higher the amount, the higher the odds). Official ranking and the interaction of Hu's and Xi's 1st administrations no longer remained significant. Among other tested variables, gender (being male) and having a private attorney were significantly associated with (higher) imprisonment odds. In the meantime, the odds of imprisonment remained significantly higher during either Hu's or Xi's 1st administration compared to Xi's 2nd administration in model 3.

We utilize OLS regressions on sentence length (a continuous ratio variable) in Table 6 which reports the OLS regression results. The results of model 1 confirmed the independent effect of ranking and administration: holding else constant, corrupt officials with higher rankings and those whose cases were processed during Hu's and Xi's 1st administrations received significantly longer sentences, compared to officials with lower rankings and whose cases were processed during Xi's 2nd administration. In model 2, the interactional term between ranking and Hu's administration is negative and significant, suggesting that the effect of ranking on sentence length was stronger in Xi's 2nd administration than Hu's administration. Figure 2 illustrates this interaction effects by comparing changes in sentence length across official ranking in three administrations. The figure highlights a positive relationship between ranking and sentence length for all three administrations: among those officials whose ranking are below sectional level, the shortest sentence length was predicted during Xi's 2nd administration, whereas the longest was predicted during Hu's administration; however, the difference in sentence length between these two periods was much smaller among the higher-ranked officials. In other words, the graph indicates that the gap in sentence length between Hu's administration and Xi's 2nd administration narrowed as official ranking increased. When the monetary value was added in model 3, the interaction between ranking and Hu's administration remained significant, suggesting that the conditional effect of ranking on sentencing length operated independently of the monetary value. In addition, a number of other variables (including age, ethnicity, confession, return of illicit gains, having a private attorney) were significantly associated with sentence

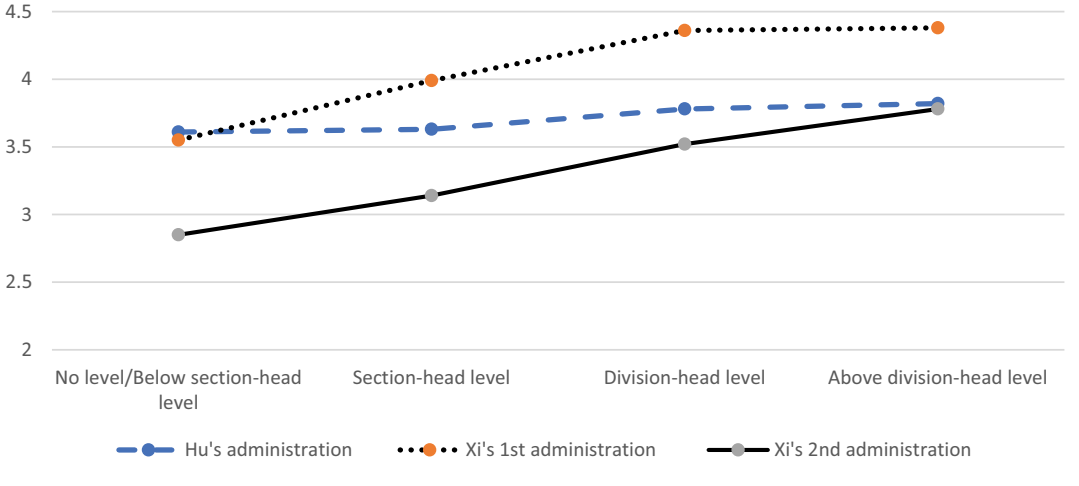

Figure 2. International effect of ranking and administration on sentence length.

length in model 3. Again, the statistical significance of the independent effect of both ranking and administration remained in model 3.

Discussion

There is little doubt that Xi's anti-corruption campaign has been one of his hallmarks since his assumption of power. Though it is pointed out that his campaign is a continued effort from his predecessors,[69] many claimed that Xi's campaign differs notably from his predecessors', particularly in terms of its duration, scope of coverage and strength as reviewed above. To our best knowledge, very few studies empirically compared Xi's campaign with his predecessors',[70] and none examined comparisons of judicial punishment. In this study, based on 2,034 cases collected over time, we empirically examined judicial sentencing and its correlation with official ranking across Hu's and Xi's administrations. To capture the effect of legal changes due to the 9th Amendment of the CL, we separated Xi's administration into two segments and used Xi's 2nd administration as the reference group to pinpoint the effect of both political and legal changes. We hypothesized that the new political environment under Xi's administration would have heightened the anti-corruption effect which could have indirectly impacted judicial punishment, but the legal change of the 9th Amendment would have a direct effect on judicial punishment in lessening sentence length. We also hypothesized that the official rank-sentencing relationship would be conditioned by the political and legal changes and be more salient during Xi's campaign.

The results of our analyses partially supported our hypotheses. The bivariate results in Table 2 showed that despite worsened corruption situation over time (indicated by the increased corruption amount), the imprisonment odds during Xi's 2nd administration actually decreased, compared to that of Hu's and Xi's 1st administrations, contrary to our hypotheses. The sentence length was lessened as we predicted due to the direct impact of the 9th Amendment. Tables 3 and 4 further examine the official rank-sentencing relationship: Table 3 shows that at three lower rank levels, the imprisonment odds during Xi's 2nd administration was lower than that of either Hu's or Xi's 1st administration; however, the imprisonment odds of the highest rank level (that is, bureau-director level and above) during Xi's 2nd administration increased about 10% from Xi's 1st administration, likely reflecting the impact of heightened crackdown on tigers during this era (note that the very small numbers of valid cases here caution our interpretation). In addition, the official rank-sentencing correlation was statistically significant only during Xi's 2nd administration. Table 4 confirms the finding about sentence length from Table 2: at each rank level, sentence length was shortened during Xi's 2nd administration compared to either Hu's or Xi's 1st administration. The rank-sentencing relationship was statistically significant for all three administrations. Collectively, results from Tables 3 and 4 confirmed our hypotheses on lessened sentence length and a stronger rank-sentencing correlation during Xi's 2nd administration.

The bivariate results were further tested in multivariate analyses after we introduced other variables in Tables 5 and 6 , and the results largely confirmed the net, independent effect of official ranking and administration on imprisonment odds and sentence length. Table 5 shows that after controlling for other variables, higher-ranked officials were significantly more likely to receive imprisonment, and the odds of imprisonment were significantly higher during Hu's and Xi's 1st administrations compared to Xi's 2nd administration. Table 6 shows that after holding other variables constant, corrupt officials with higher rankings and those whose cases were processed during Hu's and Xi's 1st administrations received significantly longer sentences, compared to officials with

[69]Firdaus Syam and Ummi Fatia, 'Corruption eradication policy in China during Xi Jinping era', *Journal of Social Political Sciences* 3(1), (2022), pp. 72–89; Ting Gong and Tu Wenyan, 'Fighting Corruption in China', *China Review* 22(2), (2022), pp. 1–19.

[70]See, for example, Jingnan Liu, 'Supreme leaders, provincial leaders, and factional competition in China's anti-corruption enforcement: Regional-and city-level evidence', *Journal of Chinese Political Science* 27(1), (2022), pp. 133–153; Narisong Huhe, Jie Chen, and Yongguo Chen, 'Flies, tigers, and the leviathan: anti-corruption campaigns and popular political support in China', *Japanese Journal of Political Science* 23(3), (2022), pp. 193–208.

lower rankings and whose cases were processed during Xi's 2nd administration. The amount of corruption money played a significant role in judicial sentencing: once it was introduced to the regressions, official ranking no longer exerted a net, independent effect on imprisonment odds, but change of administration remained significant (Table 5); both official ranking and change of administration retained a significant net and independent effect on sentence length (Table 6), even after the corruption amount was controlled for.

Overall, the results of our analyses showed that the effect of Xi's anti-corruption campaign is much more complicated than what the official propaganda claimed to be. While more and more corrupt officials (that is, an increased number of such officials) were exposed, netted and punished under Xi's campaign (which may indicate an improved certainty of punishment), the decreased imprisonment probability and shortened sentences during Xi's 2nd administration (compared to Hu's and Xi's 1st administrations) indicated lessened severity of punishment. After the classical theorists proposed deterrence theory which emphasized elements of certainty, severity and celerity,[71] numerous studies have tested the effectiveness of deterrence. As Nagin summarized, '… evidence in support of the deterrent effect of various measures of the certainty of punishment is far more convincing and consistent than for the severity of punishment'.[72] In the context of China, Wedeman pointed out that the Chinese government's efforts to deter corruption suffered from the low rates of detection during the 1980s and 1990s.[73] Nevertheless, without knowing how many corrupt officials actually existed during each era, the number of exposed and arrested officials was an imperfect measure of certainty of punishment at best. The increased number of corrupt officials swept by Xi's anti-corruption campaign may indicate an improved certainty of punishment, but it may merely indicate the worsened situation of China's corruption.[74] Albeit our data do not offer conclusive evidence regarding certainty, it does offer strong evidence that the punishment severity level of Xi's anti-corruption campaign during his second term actually declined (measured by the decreased imprisonment probability and shortened sentences) compared to his first term and Hu's administration. This finding may be counterintuitive to the lay public, especially when Xi's anti-corruption campaign seemingly gained so much steam and drew significant media attention.

Granted, the direct effect of legal changes (especially the 9th Amendment) may have negated the intention and effect of Xi's 'get-tough' campaign. As reviewed above, it is not clear to what extent Xi's anti-corruption campaign directly impacted the 9th Amendment, although there were signs that the 9th Amendment tried to answer Xi's calls for a more comprehensive campaign with a promise of 'zero-tolerance'. The effect of the readjusted sentencing standards for major corruption crimes, however, was evident in our data: the sentence length was significantly shortened based on the new law during Xi's 2nd administration. The interpretation of this finding could be twofold: from a legal perspective, Chinese judges seemingly played their role and followed the law when they meted out sentences. This might be one of the few silver-linings of China's unique system of the 'rule of law'. On the other hand, from a political perspective, the lessened severity of punishment might not be what Xi envisioned, as it sends out contradicting messages to his hallmark anti-corruption campaign. It is also possible, however, that Xi's anti-corruption campaign is not designed to punish corrupt officials more heavily than his predecessors; nor is the campaign aimed to capture and punish all corrupt officials. Rather, Xi may have deliberately utilized his campaign as a rational strategy to show his capability of reining in any corrupt officials both politically

[71]Cesare Marchese di Beccaria, *An essay on Crimes and Punishments* (Albany: W.C. Little & Co., 1872); Benson, Michael L., and Esteban Walker, 'Sentencing the white-collar offender', *American Sociological Review* 53, (1988), pp. 294–302.
[72]Daniel S. Nagin, 'Deterrence in the twenty-first century', *Crime and Justice* 42(1), (2013), pp. 199–263.
[73]Andrew Wedeman, 'Anticorruption campaigns and the intensification of corruption in China', *Journal of Contemporary China* 14(42), (2005), pp. 93–116.
[74]Andrew Wedeman, 'Xi Jinping's tiger hunt: anti-corruption campaign or factional purge', *Modern China Studies* 24(2), (2017), pp. 35–94.

(via Party discipline measures) and legally (via criminal sanctions).[75] Regarding this possibility, albeit our data cannot offer any evidence, some recent studies showed that Xi's anti-corruption campaign has been expanded over time for the purpose of Party discipline and loyalty and consolidation of Xi's power.[76]

Despite the lessened severity, our data does show that one aspect of Xi's anti-corruption campaign was intensified, i.e. its fight against senior officials. As discussed, a central tenet of Xi's campaign was his commitment to targeting both 'tigers' and 'flies', which is believed to serve as a powerful deterrent. While some studies on China's corruption preceding Xi's administration supported the notion of status leniency by showing that higher-ranked officials exploited their positions to receive more lenient punishment,[77] Xi's campaign stands out for its focus on harsher punishment for senior officials. Our analyses lent support to the status liability theory for almost all three administrations, showing harsher punishment (increased imprisonment odds and extended sentence length) for higher ranked officials (e.g. Figures 1 and 2). However, there is complexity: we found that the interaction between official rank and imprisonment is notably more pronounced in Xi's 2nd administration compared to Xi's 1st administration, and that the interaction between official rank and sentence length is more substantial in Xi's 2nd administration compared to Hu's administrations. This suggests that, even with the introduction of the 9th Amendment, the sentence length faced by higher-ranked officials during Xi's 2nd administration was significantly longer than their lower-ranked counterparts, a disparity more salient compared to that of Hu's administration. Additionally, while ranking had a stronger predictive influence on imprisonment odds in X's 2nd administration relative to his first, the relationship weakened when the corruption amount was accounted for. In Xi's 2nd administration, the severity of punishment aligned more with the illicit amount involved. However, the monetary value did not fully account for the disparity in sentence length by official ranking. The findings speak for the dominance of the exemplary official model in Xi's 2nd administration, suggesting harsher punishment received by officials with higher ranking. To put it differently, Xi's campaign promise on cracking down on tigers is evidently delivered in judicial sentencing.

The harsher penalty faced by senior officials could be interpreted again both legally and politically: from a legal perspective, the relative harsher penalty received by senior officials is consistent with the tenet of the law. Given the fact that the death penalty with immediate execution is rarely utilized these days against corrupt officials,[78] the 9th Amendment adopted the LWOP as a feasible punishment, tailor-made for corruption crimes only (especially reserved for big tigers). Unfortunately, our data contained no cases of officials who were sentenced at this level (a limitation we discuss below). While the 9th Amendment downgraded the significance of the illicit corruption amount in judicial sentencing, the amount, being a strong indicator of the severity of one's corruption crime, still plays a huge role as we witnessed in our empirical testing (Tables 5 and 6). Interestingly, although official ranking is *not* legally stipulated as a factor for judicial sentencing in the law, official ranking had a significant impact on sentence length independent of the corruption amount (Table 6), lending support to the status liability theory based on Western white-collar crime literature and the exemplary official model theory in the context of China. Indeed, some scholars have called to amend the CL and make official rank a legal factor to be considered in judicial sentencing of corruption cases.[79] However, strategically, whether the presumed deterrence works for the tigers is far from clear. Without empirical studies to test the deterrence effect, both anecdotal

[75]We'd like to thank one anonymous reviewer for this insight.
[76]Christopher Carothers and Zhu Zhang, 'From Corruption Control to Everything Control: The Widening Use of Inspections in Xi's China', *Journal of Contemporary China* 32(140), (2023), pp. 225–242; Ling Li, 'Politics of anticorruption in China: Paradigm change of the party's disciplinary regime 2012–2017', *Journal of Contemporary China* 28(115), (2019), pp. 47–63.
[77]See, for example, Peng Wang, 'Extra-legal protection in China: How guanxi distorts China's legal system and facilitates the rise of unlawful protectors', *British Journal of Criminology* 54(5), (2014), pp. 809–830.
[78]Bingzhi Zhao, 'Legislative restrictions on the death penalty for embezzlement and bribery and its abolition in China: From the perspective of the 9th Amendment to the Criminal Law', *Modern Law Science* 38(1), 2016, pp. 3–13 [in Chinese].
[79]For example, see Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2015), pp. 595–617.

evidence and limited empirical testing (such as this current study) cast doubt on the effectiveness of such deterrence, especially when the emphasis of punishment is placed on severity instead of certainty and celerity. What is the effect of punishing tigers (more) harshly on curbing corruption by flies is also unknown. Politically, the harsher penalty received by senior officials boosted the image of Xi's campaign and the downfall of mega-tigers such as Zhou Yongkang vindicated his fight that 'no one is above the law'. Ultimately, Xi's campaign is highly politicized in nature, aiming to serve multiple purposes such as strengthening Xi's leadership, gaining public trust, centralizing power and fighting political opponents.[80] As Lu pointed out, CCP's fight against corruption was never limited to the criminal justice system historically, and Xi's anti-corruption campaign is no exception.[81] During his reign, criminal sanctions of corrupt officials are intertwined with Xi's efforts to discipline CCP cadres and members via internal regulations such as 'eight-point code' *(baxiang guiding)*.[82] Officials who enter the criminal justice system thus merely represent an unknown portion of all CCP cadres and members who receive investigation and Party discipline. Even after the official investigation kicks off, differential treatment for high-ranked officials is readily evident and practiced.[83] Indeed, pre-approval and special handling is needed to investigate big tigers at the provincial and ministerial levels or above.[84] In contrast, legal sanctions play a bigger role when 'flies' are dealt with.[85] The existence of such dual tracks suits the unique system of China's political and legal system but further marginalizes China's legal system in its fight against official corruption.[86] It may serve political functions in the short term but adds more complication in figuring out the best strategies of fighting corruption in the long run.

We'd like to acknowledge some major limitations of our study. First, our analysis is limited to a general measure of corruption without further classifying various corruption offenses. Within the context of China's CL, bribery and embezzlement are considered more serious than other offenses such as misappropriation of public funds, and the effect of anti-corruption campaigns might vary depending upon the specific corruption crimes examined.[87] Unfortunately, the number of valid cases within each subgroup of corruption offenses, when further divided into three administrations, is simply too small to ensure statistical stability in model estimation. Future research is warranted to gather more cases and include measures of specific corruption offenses to assess accurately the impact of anti-corruption programs across various offenses. Second, the subsample size of high-ranking officials in our data is relatively low, with only 1.98% of all officials being ranked at bureau-director levels and above. This scarcity may be attributed to restricted access to senior officials at such rank levels. It remains unclear whether the representation of senior officials in our data (1.98%) is similar to their true representation among all corruption cases in reality. Third, again due to the limitation of data, we acknowledge that the absence of

[80]Sarah Biddulph, Elisa Nesossi, and Susan Trevaskes. 'Criminal justice reform in the Xi Jinping era', *China Law and Society Review* 2(1), (2017), pp. 63–128.
[81]Xiaobo Lü, *Cadres and corruption: The organizational involution of the Chinese Communist Part* (Stanford University Press, 2000).
[82]Zongfeng Sun, Lin Zhu, and Xing Ni, 'How does anti-corruption information affect public perceptions of corruption in China?', *China Review* 22(2), (2022), pp. 113–143.
[83]Kainan Gao and Margaret M. Pearson, The role of political networks in anti-corruption investigations', *China Review* 22(2), (2022), pp. 81–111.
[84]Junyang Wang, 'The political limits of China's anti-corruption reform: An institutional analysis of the new supervision commission', *Journal of Contemporary China* 33(145), (2024), pp. 151–172.
[85]For example, Hualing Fu, 'Wielding the sword: President Xi's new anti-corruption campaign', in *Greed, corruption, and the modern state* eds. S. Rose-Ackerman and P. Lagunes (Northampton, MA: Edward Elgar Publishing, Inc. 2015), pp. 134–157.
[86]Samson Yuen, 'Disciplining the party: Xi Jinping's anti-corruption campaign and its limits', *China Perspectives* 3, (2014), pp. 41–47; Hualing Fu, 'Wielding the sword: President Xi's new anti-corruption campaign', in *Greed, corruption, and the modern state* ed. S. Rose-Ackerman and P. Lagunes (Northampton, MA: Edward Elgar Publishing, Inc., 2014), pp. 134–157. Junyang Wang, 'The political limits of China's anti-corruption reform: An institutional analysis of the new supervision commission', *Journal of Contemporary China* 33(145), (2024), pp. 151–172.
[87]Lin Zhu, 'Punishing corrupt officials in China', *The China Quarterly* 223, (2015), pp. 595–617; Xin Jiang, Shan Cui, Bin Liang, Honglei shuai, Jianhong Liu, 'Tigers vs. flies: Impact of official ranks on judicial trials in PRC's anti-corruption campaign', *Crime, Law and Social Change* 80(1), (2023), pp. 51–78.

a number of factors in the data may have affected the rank-punishment relationship, such as the impact of guanxi and investigation and prosecution decisions *prior to* one's trial and sentencing. In other words, our study only focuses on judicial punishment after cases enter the judicial system. Future research should endeavor to examine factors that may have influenced decision-making at other stages of the criminal justice system. Fourth, to test the effect of Xi's campaign more fully with Hu's administration (2002–2012) and even with Jiang Zemin's administration, data that cover a longer period of time (e.g. back to the 1990s) would be necessary. Unfortunately, systematic data on judicial cases are not available in China. For example, the China Judgements Online (https://wenshu.court.gov.cn/, *zhongguo caipan wenshu wang*), the official case publication website for the China judiciary was not launched until 2013. Cases prior to 2013 are thus often missing (i.e. unpublished and unavailable). In this study, we turned to the 'Open Law' website and only managed to compare Hu's second term (2008–2012) with Xi's administrations. Future studies, once data become available, should aim to extend such comparisons in order to fully compare Xi's era with his predecessors'.

Despite these limitations, our study makes significant contribution to the literature of corruption, particularly those related to China's ongoing anti-corruption campaign, by providing a nuanced analysis of how political environment interplays with official ranking in shaping judicial sentencing outcomes in contemporary China. The massive anti-corruption campaign launched by Xi since 2013 requires timely research to assess its effectiveness on curbing corrupt behaviors of Chinese officials. Rather than isolating Xi's campaign, our study places it within a continuum of anti-corruption initiatives spanning over several decades, incorporating both political changes (from Hu's administration to Xi's) and legal changes to the CL. This approach allows a more comprehensive understanding of anti-corruption dynamics and highlights the distinct features of Xi's era (especially his crackdown on senior officials). Furthermore, our study adds evidence-based analysis to the debate on the relationship between official ranking and judicial punishment, exploring the rank-punishment nexus in the ongoing discussion of potential effective strategies against corruption. While a broader research canvas is necessary to fully capture the impact of the expanding campaign worldwide, our findings emphasize that official ranking is an essential factor to consider within China's anti-corruption framework when the aim is to control the abuse of power and privilege by government officials. Theoretically, lending support to the feasibility of status liability suggested by the Western literature of white-collar crimes and the exemplary official model originated in the Chinese context, this study also raises many questions from a comparative perspective, such as the applicability of the exemplary official model in other countries where there might be significant cultural expectation of virtuous officials and how a different polity (e.g. one built upon strong support of the rule of law) might be able to defend and resist potential influence of political and legal campaigns in fighting corruption. All of these questions are pending further inquiries and answers in the future.

Disclosure Statement

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Appendices

Appendix 1. Predicted Probability and Confidence Interval of Imprisonment by Official Ranking and by Administration

	Hu's administration		Xi's 1st administration		Xi's 2nd administration	
Ranking	Probability	95% CI	Probability	95% CI	Probability	95% CI
No level/Below section-head	0.9237	[0.8610 0.9864]	0.9062	[0.8725 0.9398]	0.7544	[0.7132 0.7956]
Section-head	0.9242	[0.8721 0.9746]	0.9061	[0.8560 0.9562]	0.7858	[0.7380 0.8337]
Division-head	0.9673	[0.9321 1.00]	0.9035	[0.7962 1.00]	0.8825	[0.8158 0.9493]
Above division-head	0.9876	[0.9602 1.00]	0.8505	[0.5674 1.00]	0.9529	[0.8612 1.00]

Appendix 2. Predicted Log Sentence Length and Confidence Interval by Official Ranking and by Administration

	Hu's administration		Xi's 1st administration		Xi's 2nd administration	
Ranking	Sentence length	95% CI	Sentence length	95% CI	Sentence length	95% CI
No level/Below section-head	3.61	[3.39 3.84]	3.55	[3.45 3.65]	2.85	[2.77 2.93]
Section-head	3.63	[3.21 4.04]	3.99	[3.85. 4.13]	3.14	[3.04. 3.23]
Division-head	3.78	[3.31 4.29]	4.36	[4.07 4.66]	3.52	[3.36. 3.69]
Above division-head	3.82	[3.32 4.41]	4.38	[3.84. 4.92]	3.78	[3.41 4.14]