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Tigers vs. flies: impact of official ranks on judicial trials in PRC's anti-corruption campaign

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Abstract
Corruption in People's Republic of China (PRC) has worsened and become widespread and deeply rooted at all levels of the government for decades. Since President Xi Jinping came to power, a new anti-corruption campaign has been waged against both 'tigers and flies', and many 'big tigers' have been brought down. The new campaign raises important questions about the efficacy of institutional management and regulations to control corruption. Yet, empirical studies on judicial trials and sentencing of corrupt officials in China are sparse. Based on a random sample of three corruption crimes (misappropriation of public funds, embezzlement, and bribe-taking) adjudicated in 2016, this study empirically examines potential impact of one's official rank on both judicial processing and sentencing. The results showed that one's official rank makes potential differences in embezzlement and bribe-taking. In general, higher official rankers are associated with prolonged judicial processing and harsher punishment, which lends support to an exemplary model official theory. This study shed significant light to our understanding of China's judicial campaign against corruption offenders.

Keywords Anti-corruption · Administrative ranks · Sentencing · China · Judicial trials

Introduction

Along with its economic development, China's corruption has continuously worsened over time and essentially permeated into almost all fields (including the judicial system, e.g., Li, 2012). Over the years, the Chinese government has enhanced its institutional capability to crack down on corruption, which yielded substantial increase in the number of officials charged with corruption. The anti-corruption

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efforts culminated with President Xi's new anti-corruption campaign since his first term, claiming to clamp down on both "tigers" (*laohu*, senior officials) and "flies" (*cangying*, low-ranking bureaucrats). The campaign is featured with "a major escalation of (anti-corruption) publicity in the Chinese press", during which many high-ranking cadres who committed embezzlement and graft made confession and self-criticism (Zhu et al., 2019, p.501). Given Xi's high-profile campaign, a crucial inquiry is on the potential effect of official ranks on judicial trials. In particular, to what extent is a cadre's ranking relevant to the formal judicial sanction? Are the tigers and flies treated equally? Is the legal punishment proportionate to official rankings?

Extant studies that address these empirical questions are scarce, thus raising the possibility of over- or under-estimating the direct effect of official rankings on judicial trials. Previous studies examined evolution and features of Chinese corruption over time (Deng et al., 2010; Gong, 1997, 2002; Guo, 2008; Ko & Weng, 2012; Lu, 2000; Sun, 2004; Wedeman, 2012), explored unique causes of Chinese corruption (e.g., impact of *guanxi*, Li, 2011; Zhan, 2012), and analyzed relationships between corruption and China's economic development (Ngo, 2008; Yao, 2002) and polity and governance (Gong, 2006; Ren, 2008; Sun, 2008). In comparison, English studies devoted to China's anti-corruption campaigns (Wedeman, 2005, 2008, 2009), strategies, and agencies (Guo, 2014; Li & Deng, 2016; Ma, 2008) are rather limited. In particular, only a few studies paid attention to judicial sentencing with discrepancies in research findings and interpretations (Cai, 2014; Gong et al., 2019; Liu et al., 1998; Lu & Gunnison, 2003; Zhu, 2015). While some held that higher-ranking officials are more likely to be exempted from harsh punishment due to the protection of the guanxi network in Chinese society (e.g. Liu et al., 1998), some argued that government officials are usually considered role models and thus tend to receive harsher punishment as their crimes fail to live up to the societal expectations (e.g., Cai, 2014). Few studies have systematically examined the effect of official ranking on both criminal trials and sentences across different types of corruption. Considering the heavy reliance on anti-corruption campaigns by the Chinese government to curb corruption, more attention should be given to the effect of such campaigns, typified by criminal trials and sentences.

Based on a sample of 1,956 corruption cases meted out in 2016, this study endeavors to examine the impact of official ranks on judicial trials and explore if administrative ranking carries an effect on both judicial processing and sentencing. Building upon previous efforts, this study makes significant improvement to this topic in three ways. First, our study ties empirical testing with viable theories in China's context, which help us understand the statistical outcomes and make sense of Xi's anti-corruption campaign. Second, our study emphasizes the importance of testing various corruption cases separately, due to different natures of these cases (e.g., embezzlement, bribe-taking). Third, in addition to judicial sentencing, our study explores potential impact of official ranking on judicial processing (measured by the length of different judicial phases from pretrial detention to final sentence), which is largely missing from past studies.

In the remainder of the article, we first briefly examine Xi's anti-corruption campaign, and then lay out viable theories and critically review the literature on judicial

sentencing on China's corruption. Next, we introduce data utilized in this study and present main findings. Lastly, we draw policy implications based on this study.

Xi's anti-corruption campaign

Since the 18th Congress of the Chinese Communist Party (CCP) held in 2012, President Xi and his primary aid Wang Qishan initiated a new round of anti-corruption endeavors. In January 2013, merely two months after taking the office, Xi announced during a meeting with the CCP Central Commission for Discipline Inspection (*zhongyang jilǚ weiyuan hui*, CCDI) that anti-corruption campaign should target both tigers and flies at the same time. The campaign promised zero tolerance of corruption by party officials and reached senior officials who had ties to retired Party leaders, cadres from People's Liberation Army, and leaders of state-owned enterprises (Yuen, 2014). Many claimed that the campaign is unprecedented in its length, scope, and intensity in the history of the People's Republic of China (Fu, 2015; Gong et al., 2019; Zhu, 2015). The effect was almost immediate: in 2013, it was reported that courts at all levels tried 29,126 crimes of abuse of power (*zhiwu fanzui*) involving 31,555 officials, 682 (2.2%) of the officials were ranked at the division-head level (*chu ji*)[1] or above (a 8.77% increase from 2012), and 7,277 (69.5%) of them received imprisonment of 5 years or longer (typically considered 'heavy penalty' in Chinese legal usage).[2] Moreover, in five years from 2013 to 2017, over 8,900 officials ranked at the bureau-director level and 63,000 officials ranked at the division-head level were investigated; over 3,400 corrupt officials who fled to other nations and regions were captured since 2014, involving a total illicit amount of 9.5 billion Chinese yuan (around 1.5 billion USD).[3]

As part of its effort, Xi's campaign visibly intensified its fight against big tigers in two important measures. First, to show the determination of the new administration, more big tigers were brought down as a result of the campaign. Since the CCP's 18th Congress in 2012, 117 provincial and ministerial level (*sheng bu ji*) officials were tried (Cai, 2019). 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" (*xing bu*

[1] The Chinese cadre system is composed of hierarchical grades (ji) of positions, ranging from no rank, to section-head levels (*ke ji*, e.g., township heads and CEO of state-owned enterprises), to division-head levels (*chu ji*, e.g., heads of offices of State Council ministries and chiefs of county governments), and to bureau-director levels (*ting ju ji*, 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.

[2] Information reported on the official website of the People's Courts (http://www.chinacourt.org/article/detail/2014/03/id/1225556.shtml, last visit 12/17/19).

[3] 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 https://news.qq.com/a/20171029/022008.htm (last visit, 12/17/19).

shang changwei) (Yuen, 2014). The message is clear: all corrupt officials are subject to punishment, regardless of their ranks.

Second, harsh penalties were meted out against many big tigers, representing a measure of severity. Take the utilization of life imprisonment without possibility of parole and sentence reduction (LWOP) for example. To crack down on corrupt officials, the 9th Amendment of the Criminal Law (CL) in 2015 made the LWOP a legal option (Article 383). To date, three senior officials were sentenced to the LWOP. In October, 2016, Bai Enpei (born in 1946), former Party Secretary in Yunnan province was the first LWOP receiver for receiving bribery of 246 million yuan (38.7 million USD); in May 2017, Wu Changshun (born in 1953), former Police Chief of Tianjin Public Security Bureau was handed the LWOP for convictions of embezzlement, bribe-taking, and misappropriation of public funds for a total amount of over 500 million yuan (78.6 million USD); in December, 2019, former deputy director of the Standing Committee of the People's Congress of the Inner Mongolia Autonomous Region, Xing Yun (born in 1952) was sentenced to the LWOP for receiving accumulatively 449 million yuan (70.6 million USD) of bribery in 21 years. In addition, courts frequently turned to criminal fines and asset confiscation per the amended CL. Among 117 big tigers brought down since the 18th Congress, the assets of 29 (including Zhou Yongkang) were confiscated, and criminal fines or partial asset confiscations were meted out against the other 88 (Cai, 2019).

Despite these high-profile cases, legitimate questions can be raised if criminal sentences under Xi's anti-corruption campaign are actually harsher compared to penalties in previous eras, mainly due to the adjusted sentencing standards of the 9th Amendment in 2015. Before the 9th Amendment, the old Article 383 used fixed amounts as thresholds for different levels of punishment (which was set by the 1997 CL). For instance, it stipulated a sentencing range from one to seven years if the illicit amount falls between 5,000 (786 USD) and 50,000 yuan (7,860 USD); if the amount falls between 50,000 and 100,000 yuan (15,720 USD), a minimum of five-year imprisonment be imposed; if the amount goes beyond 100,000 yuan, a criminal would face imprisonment of 10 years or longer (and potentially the death penalty). Realizing that these low thresholds are outpaced by China's economic development over time and the fact that illicit amounts involved in contemporary corruption cases would easily surpass the amounts stipulated in Article 383, the 9th Amendment dropped the conventional use of fixed amounts and replaced them with descriptive terms. The amended Article 383 now stipulates that a criminal shall be sentenced to imprisonment of not more than three years if the illicit amount is "relatively big (*jiaoda*)", and imprisonment is increased to three to ten 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 new 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 falǘ ruogan wenti de jieshi*) which significantly raised the fixed threshold amounts from the older version of the CL. Specifically, the *Interpretation*, binding on courts at all levels, sets the thresholds of a "relatively big amount", a "huge amount", and an "extremely huge amount" at 30,000 (4,720 USD), 200,000 (31,450 USD), and three million yuan

(471,780 USD) 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 (e.g., Zhang & Yu, 2018). For instance, an illicit amount of 200,000 yuan would now be facing a sentence ranging from three to ten years, but it would be facing at least 10 years of imprisonment or potentially the death penalty based on the old CL.

In addition, scholars questioned if Xi's anti-corruption campaign would be fundamentally different from that of his predecessors beyond the apparent crackdown on tigers (e.g., Fu, 2017). As pointed out, Xi's campaign is highly politicized in nature, aiming to strengthen Xi's leadership, gain public trust, centralize power, and fight political opponents (Biddulph et al., 2017; Fu, 2015; Yuen, 2014). Heavily relying on the Party's internal disciplinary mechanism (e.g., power being centralized in the hands of the CCDI), Xi's campaign may actually marginalize the roles of the legal system (Fu, 2015; Yuen, 2014). Indeed, pre-approval is still needed to bring down big tigers at the provincial and ministerial levels or above. In contrast, as Fu (2015) argued, legal authority would have a more meaningful role to play when flies are dealt with.

In short, Xi's anti-corruption campaign claimed to fight against both tigers and flies, but its visible punishment against the big tigers seemingly stood out. Nevertheless, whether one's official rank is correlated with legal sanctions remains to be examined empirically.

Theories and literature on judicial sentencing

A key question of great importance and interest in criminology and sociology is the relationship between prestige, status, power, and sentence. The classic conflict theory paradigm examines how economic and political structures influence the functioning of the criminal justice system, and suggests that those with higher social status, prestige, and power would receive more lenient sentences and favorable treatment by the judicial process (e.g., Chambliss & Seidman, 1971; Hawkins, 1987; Quinney, 1977; Spitzer, 1975). A rich body of literature that examines the relationship between status and punishment has been in the area of white-collar crimes, despite scholars' continued challenge in delineating the proper definition and scope of such crimes (e.g., see review by Galvin, 2020). Following the conflict perspective, one primary interest for scholars is the effect of white-collar offenders' status on punishment given their power and prestige. As reviewed by Simpson (2013, 321), empirical research on the sentencing of white-collar offenders reached an apex in the 1980s but did not produce a clear pattern. While many studies found support for status leniency (e.g., Benson & Walker, 1988; D'Alessio & Stolzenberg, 2002; Hagan et al., 1980; Nagel & Hagan, 1982; Wermink et al., 2017; Wheeler et al., 1988), plenty more found no status effect (Tillman et al., 1997) or status liability when harsher penalty is associated with higher social status (Rosoff, 1989; Skolnick & Shaw, 1994; Weisburd et al., 1990; Wheeler et al., 1982). The results could depend on how white-collar crimes are defined and measured (Galvin, 2020) and what offenses are examined (Nagel & Hagan, 1982), besides variation of jurisdictions

(Hagan et al., 1980) and political environment (e.g., the Watergate scandal effect, Hagan & Parker, 1985).

In this study, we focus on the impact of official rankings on judicial trials of corruption offenders in China. To date, two competing theories have been proposed in the exact literature. On the one hand, scholars explored the likelihood that the Western *conflict theory* might have played a role in the Chinese context (Liu et al., 1998; Lu & Gunnison, 2003). Consistent with the status leniency hypothesis in the literature of white-collar crimes, the assumption is that Chinese officials would take advantage of their positions to gain benefits from the criminal justice system. In particular, China's traditional culture (e.g., little emphasis on 'equality before the law' historically) and its relatively weak modern legal system (e.g., lack of judicial independence) seemingly leave ample room for extra-legal factors such as one's social position to make influence (e.g., Liu et al., 1998). The conflict theory, if it holds water, would suggest that because of their privileged position and power, Chinese high-ranking officials would be able to utilize their influence, resources, and connections to gain favor (e.g., cover up crimes, make themselves less likely to be detected, convicted, sentenced, and/or more likely to be sentenced to shorter terms), relative to low-ranking officials.

On the other hand, an *exemplary official model* theory has been proposed (Liu et al., 1998, 292). The idea of social control through model behavior of officials can be traced back to Confucius' moral lessons, and is viewed as preferred means of governance over legal sanctions traditionally. Consistent with the Confucian idea of virtuous officials, the CCP has placed great emphasis on role model officials since its inception. The exemplary behavior of Party members, especially cadres, is viewed a critical component of successful social control. As corruption becomes increasingly ubiquitous in modern day China, the Party turns to harsh punishment against tigers and flies not only for deterrence but also to regain public trust and legitimize its ruling. As Lu and Gunnison pointed out (2003), the concerns about morality of officials are more acute in corruption cases, as they breach public trust and weaken the image of the CCP. Within such a context, heavier sentences against tigers, relative to flies, would be an effective form of rhetoric, showing the Party's determination to discipline itself strictly and manage the country according to the law (Gong, 2003). Punishing corrupt officials harshly in high-profile cases and praising model cadres via propaganda thus forms the two sides of the same coin. To some extent, the arguments of the *exemplary official model* would be similar to the status liability hypothesis of the white-collar crime literature. For instance, studies of white-collar crimes that found empirical support for status liability suggest that judges in meting out harsher penalty to white-collar offenders may find more blameworthiness due to greater social obligations associated with offenders' higher social status, especially when public trust is violated (Wheeler et al., 1982). Evidence also shows that status liability is more likely to occur when one's crime is related to the nature of one's profession (Skolnick & Shaw, 1994). Corruption crimes by governmental officials fit neatly into this scenario: there is high expectation of officials' services for public goods. When they breach such a trust, more blameworthiness might be attached. In the Chinese context, both cultural emphasis on virtuous officials and the political demand by the CCP heightened such expectations. Note that Xi's slogan of fighting

both tigers and flies does *not* necessarily contradict with either theory above. While the slogan suggests all-around effort to fight against corruption, it does not imply equal treatment against officials at all levels. Rather, its visible punishment against big tigers seems to lend support to the exemplary official model theory. By any means, Xi's anti-corruption campaign provides a good case to test the impact of official ranking on judicial punishment theoretically.

Unfortunately, empirical studies on Chinese judicial sentencing on corruption-related cases are very sparse (Gong et al., 2019; Liu et al., 1998; Lu & Gunnison, 2003; Zhu, 2015). Collectively, the past studies showed mixed results regarding one's rank and the severity of judicial punishment, and a great degree of variation exists in one's sample, research design, and statistical measurements. For example, in one pioneering study, Liu et al. (1998) failed to find a significant effect of "cadre", a variable introduced as an approximate measure of ranking (measured as "officials of the government or of governmental-owned enterprises") on judicial sentencing based on a sample of inmates in Tianjin, China in 1991. However, Lu and Gunnison's (2003) study of 1,554 corruption-related white-collar crimes in China suggested a correlation between power status and judicial outcomes of four stages, including pretrial-detention, acquittal or conviction, imprisonment division, and length of sentence. Their results indicated significant differences between corruption offenses and non-corruption offenses in offender and offense characteristics and in legal decisions.

The mixed findings may be attributed to the inaccurate and inconsistent measures of official rankings. To address this issue, Zhu (2015) adopted a direct measure of eight administrative ranks. Collecting 2,946 cases reported in the *Procuratorial Daily* from 1993 to 2010, Zhu found a nonlinear relationship between official rankings and criminal penalty. The probability of receiving a more severe punishment decreases first as the rank of the corrupt official increases; then, among officials whose administrative rank reached the *chu ji* or higher, the probability of receiving a harsher punishment increased as the rank became higher. Most recently, Gong et al. (2019) examined 7,304 embezzlement and bribery cases in 2014 and 2015 retrieved from the "China Judgments Online" website (http://wenshu.court.gov.cn/). Including a similar measure of administrative ranks, they found that among the low-profile cases (involving a monetary amount of less than 500,000 RMB), lower-ranking officials tended to be punished more harshly than higher-ranking officials, while higher-ranking officials were punished more harshly among the high-profile cases, dovetailing Zhu's findings to some extent.

Besides these four studies published in English, a number of studies published in Chinese focused on judicial sentencing of various corruption cases. Nevertheless, most of them mainly relied upon descriptive analyses and case comparisons and suffered from lack of theoretical frameworks and advanced technics (e.g., regressions). Two studies specifically examined the correlation between official ranking and sentencing severity. Based on analyses of 4,205 judicial judgments in 2014 collected from the "No litigation" website (*wusong an'li wang*, https://www.itslaw.com/bj) and the "China Judgments Online" website, Lin (2016) found a positive correlation between one's rank and sentence severity and one's likelihood of receiving a probation term: the higher one's rank, the longer the sentence and the higher

the odds of receiving a probation term. Guo and Li (2018) collected 2,796 judicial judgments from 1997 to 2014 from the Beida Law website (http://www.pkulaw.cn/) and the "China Judgments Online" website. They also found a significant correlation between one's administrative ranking and sentencing: the higher one's rank, the harsher the punishment; the impact was most visible when one's rank reached the bureau-director level or higher. Further, they found an interactional effect between one's administrative ranking and the monetary amount: when one's rank reached the bureau-director level or higher, the impact of monetary value on sentencing weakened.

A number of inadequacies are noticeable from this group of past studies. First, besides Liu et al. (1998) and Lu and Gunnison (2003), other studies failed to explain the statistical correlation (or lack thereof) between official ranking and criminal punishment with a plausible theory in the Chinese context. As suggested above, Xi's high-profile anti-corruption campaign against both tigers and flies provided a good case to test the effect of official ranking on judicial trials, in particular the exemplary official model theory given the heightened punishment against tigers. Second, most past studies failed to distinguish various types of corruption cases. For instance, Zhu (2015) controlled a number of corruption crimes in the pooled sample and a few of them such as embezzlement and bribery actually were significant statistically. Gong et al. (2019) also pooled embezzlement and bribery cases in their analysis on the grounds that both crimes are similarly stipulated by law and judicial sentencing guidelines (they did control crime type and found no significant differences in the results). We argue in this study that given different natures of various corruption cases, the potential impact of official ranking would be different, thus warranting separate examinations. Third, all past studies focused on final sentencing outcomes but ignored variations of judicial case processing. We argue that potential impact of official ranking on criminal processing is an integral part of the overall picture, which can reveal important messages. Theoretically, two key factors may influence judicial case processing due to the influence of offenders' administrative ranking: first, from the offender's perspective, higher ranking could be associated with more complexity of one's offense (e.g., greater power abuse, higher illicit amount). Second, from the state's perspective, different players are heavily involved at different stages of the case processing per law (e.g., Article 3 of the Criminal Procedure Law): while the public security (police) plays a key role from the detention of a criminal suspect to official arrest, the public procurator (prosecutor) controls the indictment process, and the court is in charge of the trial. It is likely that corrupt officials would be able to exercise their clout at different stages via their guanxi.

Research questions and hypotheses

In this study, aiming to improve on inadequacies of past studies, we examine the impact of official ranking on judicial trials, within the background of Xi's anti-corruption campaign. Specifically, we address two related research questions: (1) Do official ranks impact judicial processing? (2) Do official ranks impact judicial sentencing?

Given the results of the past studies and the visible punishment against big tigers in recent years, we hypothesize that (1) high-ranking officials would experience extended judicial processing (e.g., due to complexity and the influence of the cases) relative to low-ranking officials, and (2) high-ranking officials would face harsher punishment (e.g., more likely to receive prison terms and be incarcerated and sentenced for longer terms), relative to low-ranking officials.

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 including lawyers, judges, prosecutors, law professors, scholars and others, and aims to share resources and provide support for legal research.[4] As original judicial judgements we retrieved were not in a computer-ready format, we manually coded all cases to create our dataset. To avoid potential compounding effects (e.g., due to changes of laws in different years), we select only one year instead of multiple years in data collection. Given the amendment of the CL in 2015, in particular its change of sentencing standards in corruption crimes (see discussion above), we targeted 2016 cases. Specifically, in October 2017, we retrieved cases of three major corruption crimes as stipulated by the CL, including *embezzlement* (*tanwu*, Article 382), *misappropriation of public funds* (*nuoyong gongkuan*, Article 384), and *bribe-taking* (*shouhui*, Article 385), adjudicated in 2016 by courts of first instance (that is, with a court sentencing date that falls between January 1 and December 31, 2016). Albeit there are other forms of corruption crimes stipulated in the CL (Chapter 8), we focus on these three offenses in this study as they are the most serious corruption crimes that carry the most severe punishment by law and they are also the most studied crimes in the literature. All of these cases are *concluded cases*, thus without any open or dismissed cases. We ended up with 3,946 embezzlement cases, 8,335 bribe-taking cases, and 1,628 misappropriation of public funds cases.

Given the large numbers of cases, we decided to do random sampling and work with a more manageable dataset. Instead of doing 'simple random sampling' based on a predetermined sample size, we utilized systematic sampling without a predetermined sample size stratified by months. Given our cases all came from one single year, our approach guaranteed representations from all months of the year. Specifically, we arranged cases by chronological dates in each month, drew a random number between 0 and 9, and included in the final data set the randomly selected case and the every 10^{th} case afterward in the month. For instance, if the random

[4] Besides "Open Law", another most popular source of court cases is the "China Judgements Online", the official publication website of the Chinese judiciary. There is little difference between the two in terms of case inclusion, as "Open Law" often takes cases directly from the "China Judgements Online". In this project, we turned to "Open Law" because of its (more) user-friendly features, including easy access, search and downloading functions.

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 types of cases in each month. As a result, our final sample consists of 1,956 cases, including 251 misappropriation cases, 999 embezzlement cases, and 907 bribe-taking cases respectively. As some offenders ($n=69$) were charged with multiple crimes (e.g., embezzlement and bribe-taking), the sum of three types of crimes exceeded the actual total number of cases.

Variables

Dependent variables

This study aims to test the impact of official ranking on both judicial processing and sentencing. To examine the former, we measured court processing length at different stages, ranging from pretrial detention, arrest, indictment, to sentence. We calculated the length of these four stages (in weeks): including the length from one's detention to arrest, from arrest to indictment, from indictment to sentence, and finally the overall length from detention to sentence.

Past studies on judicial sentencing often test two key measures: on the decision of imprisonment (the 'in/out' decision) and the length of one's prison sentence (e.g., Galvin, 2020; Lu & Gunnison, 2003). To follow suit, we turned to a number of variables to test the impact of official ranking on judicial sentencing, including three dichotomized measures of case outcomes: whether the offender received no punishment[5] (*1=yes, 0=no*), whether the offender received mere jail[6] time and/or fines (*1=yes, 0=no*), and whether the offender was sentenced to a prison term (*1=yes, 0=no*). Finally, among those who were sentenced to prison, we measured the length of one's imprisonment (in months). Because the distributions of prison length (in three offenses) are skewed, natural log transformation was applied.

Independent & control variables

Our primary variable of interest is the administrative ranking of convicted officials. The *Law of the People's Republic of China on Civil Servants* (*gongwuyuan fa*) put administrative ranks into 11 categories ranging from staff and clerk (no rank) to national leaders (Zhu, 2015, 603). As shown in Table 1, instead of dichotomizing official ranks into two groups (tigers vs. flies), we measure official ranking in 7 categories after combining some groups. Specifically, they range from *no rank*, to *section-head levels* (*ke ji*), to *division-head levels* (*chu ji*), and to *bureau-director levels* (*ting ju ji*) *and above*. This approach, consistent with past studies (Gong et al., 2019; Zhu, 2015), would allow the reader to see fuller information on the potential impact of ranking.

[5] As shown in Tables below, a decent proportion of offenders in our sample received no criminal punishment, which is a valid option per the CL (Article 37) when the circumstances of a case are trivial.

[6] Jail (*juyi* in Chinese) is reserved for short-term incarceration (no more than 6 months or one year with multiple crimes) by Chinese law.

Note that there lacks consensus on qualifications of tigers, i.e., at what ranks do government officials have to be in order to qualify as tigers? For instance, Wedeman (2009) suggested that "senior officials" are those holding leadership positions at *chu ji* and above (note 3, p.137; see also Li & Deng, 2016, p.2). In contrast, Guo (2008) set the threshold at the deputy provincial and ministerial level (*sheng bu ji*, e.g., public officials at or above the levels of vice-ministry or vice-province) (see also Shen, 2019). In this study, we adopt the lower rank, that is, *chu ji* as the threshold rank of tigers due to two primary reasons: first, quantitative data on high-ranking officials (especially at the *sheng bu ji* or above) are often limited, and our data set (see below) contained a very small number of such cases indeed. Second, administratively, officials at *chu ji* often serve as top county level leaders in rural areas, thus very powerful locally (Li & Deng, 2016), and without proper supervision and/or checks and balances, there is ample room for them to wield their power. Past studies also indicated that *chu ji* might be an important rank above which differential treatments were witnessed (e.g., Zhu, 2015). In contrast, we reserve another popular term "big tigers (*da laohu*)" to officials at the *sheng bu ji* or above.

To test the independent effect of administrative ranking, this study included a variety of correlates identified in the literature. First, we took into account some demographic variables including the offender's gender (*1 = male, 0 = female*), age, and ethnicity (*1 = Han, 0 = other ethnic groups*). In addition, we coded where convicted officials worked and dichotomized the locations into either economically developed cities (*1*) and other developing and less developed cities (*0*)[7] (Sun, 2008). Second, this study controlled a number of variables that could potentially influence judicial sentencing. Potential mitigating factors included one's confession (*1 = yes, 0 = no*), voluntary self-surrender (*1 = yes, 0 = no*), disgorgement (return) of illicit gains (*1 = yes, 0 = no*), and Communist party membership (*1 = yes, 0 = no*). In addition, we included two other variables to measure if the offender had an accomplice in committing crimes (*1 = yes, 0 = no*) and the amount of money (in Chinese RMB) involved in one's crimes. To reduce distribution skewness of the amount of money involved, we utilized natural log transformation and included also squared values in regression models below to test if there is a nonlinear relationship between monetary values and judicial punishment as suggested in the past studies (Gong et al., 2019; Guo & Li, 2018). Another common variable, one's prior record, is *not* included due to lack of variations given the nature of corruption crimes.

Analytic strategy

Our analyses proceed as follows. We first utilize univariate and bivariate analyses to describe select characteristics of corrupt officials in the overall sample and across three crime types. Second, we examine the impact of official ranking on different phases of the litigation process. Third, we investigate the impact of official ranking

[7] Specifically, cities that belong to first-tier cities in China are labeled 'economically developed', and others 'developing and less developed'. More information is available at https://en.wikipedia.org/wiki/Chinese_city_tier_system.

on case outcome variables (in particular the imprisonment decision), and then the effect of one's ranking on the length of one's prison term. In particular, via a series of ordinary least squares (OLS) regressions after introducing demographic variables and other control variables step by step, we assess the independent effect of one's ranking on the length of imprisonment. We utilized a multiple imputation procedure (via STATA) to handle missing data in our analyses.

Results

Univariate and bivariate analysis

Table 1 shows the characteristics of officials convicted of various corruption offenses. A majority of the officials in our sample, regardless of corruption types, were males (89%) and Han ethnicity (92%), and confessed about their crime(s)

Table 1 Descriptive statistics of all variables

Variables	Total		Misappropriation		Embezzlement		Bribe-taking	
	N	P/mean	N	P/mean	N	P/mean	N	P/mean
Official ranks								
1) No rank	572	0.39	33	0.26	407	0.58	78	0.12
2) Below section-head level	191	0.13	14	0.11	75	0.11	100	0.16
3) Vice section-head level	233	0.16	17	0.14	72	0.10	139	0.22
4) Section-head level	288	0.19	38	0.30	83	0.12	185	0.29
5) Vice division-head level	80	0.05	7	0.06	22	0.03	53	0.08
6) Division-head level	101	0.07	26	0.12	36	0.05	61	0.10
7) Bureau-director level and above	19	0.0	1	0.01	6	0.01	14	0.02
Judicial sentence								
1) No punishment			34	0.14	177	0.18	82	0.09
2) Jail/fine			13	0.05	58	0.06	36	0.04
3) Imprisonment			201	0.81	750	0.76	775	0.87
Prison length (in months)			243	22.62	856	28.04	832	41.17
Monetary value (RMB, in thousands)			249	1,5601	990	308	892	587
Male defendant	1,550	0.90	176	0.80	800	0.90	620	0.93
Age	1172	48.58	127	46.08	462	49.35	509	48.38
Han ethnicity	1,239	0.92	136	0.88	537	0.91	509	0.94
Location	1,975	0.12	248	0.09	999	0.11	908	0.15
Confession	1,845	0.97	194	0.92	790	0.98	795	0.98
Self-surrender	1,838	0.44	194	0.48	806	0.44	775	0.45
Disgorgement of illegal gains	1,828	0.91	194	0.92	780	0.91	793	0.91
With accomplice(s)	1,452	0.50	224	0.27	757	0.65	429	0.30
Prior record	995	0.04	74	0.03	530	0.05	475	0.03
Party membership	797	0.90	110	0.81	448	0.91	324	0.94

(97%) and disgorged illegal gains (91%). On average, the officials were in their late forties. An overwhelming majority of them were sentenced to prison terms (76–86% across three offenses) and the average prison length ranged from 22 months in misappropriation of public funds to 41 months in bribe-taking. Regarding the administrative ranking, 38% of offenders had no official ranking; among officials with ranking, those at the section-head level had the largest representation across the board: 19.41% of all cases, 30.40% of misappropriation of public funds cases, 11.84% of embezzlement cases, and 29.37% of bribe-taking cases respectively. Officials at vice section-head level had the second largest representation, while corruptions for officials at the division-head levels and above were relatively low. Based on our definition of tigers (*chu ji* and above), corruptions committed by flies made up more than 87% of all crimes in our sample. A few differences stood out via comparisons across three offenses: compared to offenders in the other two groups, a much higher percentage of embezzlement offenders had no official ranks (58%), received no criminal punishment (18%) and had accomplice(s) (64%). In addition, the average monetary value for embezzlement offenders (308,000) was much lower. All of these differences likely reflected different natures of these crimes.

Next, as shown in Tables 2, 3, and 4, we compared mean differences in the length of each phase of the litigation procedure (in weeks) and the monetary values involved in one's crime(s) across administrative rankings in three crimes in One-way Analysis of Variance (ANOVA) models. As our sample only includes 19 officials ranked at the bureau-director levels or higher, we combined them with the division-head levels in these tables (and in Tables 5 and 6). While no significant differences were found for misappropriation of public funds cases, some significant differences were found for bribe-taking and embezzlement cases. For bribe-taking (Table 4), there were significant differences across the six rankings in phases from one's arrest to indictment ($F = 2.17$, $p < 0.05$) and from indictment to sentence ($F = 3.59$, $p < 0.01$). Tukey tests further indicated that the differences across the rankings in phases from indictment to sentence can be mainly attributed to the differences between division-head level and above and lower rankings. Overall, the data showed that the processing time was prolonged when one's official rank was higher (particularly so when the ranks were at the section-head level or above). For instance, from one's arrest to indictment, on average, it took 25.52 weeks to process cases involving officials at the division-head level and above, compared to 24.42 weeks and 22.79 weeks for officials at the vice division-head level and the section-head level respectively; from one's indictment to sentence, on average, it took 68.37 weeks to process cases involving officials at the division-head level and above, compared to 63.10 weeks and 56.81 weeks for officials at the vice division-head level and the section-head level respectively. A similar pattern was detected for embezzlement cases (Table 3) processed from arrest to indictment ($F = 3.24$, $p < 0.01$) and from detention to sentence ($F = 4.93$, $P < 0.001$). Tukey tests indicated that the differences across the rankings in phases from arrest to indictment and from detention to sentence can be mainly attributed to the differences between division-head level and above and lower rankings. Again, it took the longest to process cases involving officials at the division level

Table 2 ANOVA tests for case processing (in weeks) and monetary value (RMB, in thousands) by official ranks (misappropriation of public funds)

Official ranks	No rank		Below section-head level		Vice section-head level		Section-head level		Vice division-head level		Division-head level and above		Prob > F for 6 groups
	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	
Detention to arrest	14	4.00 (1.08)	9	8.44 (5.95)	11	2.18(0.12)	28	2.36 (0.11)	8	2.25(0.25)	10	2.50 (0.17)	F = 1.59
Arrest to indictment	11	19.45 (4.72)	3	26.67(4.91)	7	24.14(4.68)	21	20.48 (2.87)	5	28.80(5.31)	8	24.13(5.69)	F = 0.50
Indictment to sentence	19	96.32 (39.59)	11	65.54 (11.32)	12	64.83(12.11)	36	64.53 (5.99)	8	65.25(7.60)	13	82.46 (18.30)	F = 0.44
Detention to sentence	32	22.25 (4.53)	10	21.80 (7.83)	12	20.33(4.23)	33	26.12 (3.12)	5	27.40(4.91)	14	29.79 (5.56)	F = 0.43
Monetary value	36	719.36 (210.07)	18	2,019.62(1238.70)	18	616.22(183,59)	43	1,731.98(717.23)	9	436.62(94.25)	17	3,681.78(2162.74)	F = 1.32

* $p < .05$; ** $p < .01$; *** $p < .001$ (two tailed)

Table 3 ANOVA tests for case processing (in weeks) and monetary value (RMB, in thousands) by official ranks (embezzlement)

Official ranks	No rank		Below section-head level		Vice section-head level		Section-head level		Vice division-head level		Division-head level and above		Prob > F for 6 groups
	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	
Detention to arrest	132	3.96 (0.57)	41	6.421(2.18)	48	2.27(0.08)	53	3.74 (1.09)	16	3.62(1.36)	29	6.24 (2.20)	F = 1.56
Arrest to indictment	115	19.01(1.12)	31	17.97 (1.53)	32	19.41(2.15)	37	25.78 (2.61)	12	22.58(4.89)	21	27.81 (3.27)	F = 3.24**
Indictment to sentence	169	53.85(1.79)	50	55.92 (4.02)	54	51.67(3.41)	62	58.23 (3.61)	19	70.63(13.65)	32	63.19 (5.56)	F = 1.93
Detention to sentence	409	25.61(1.02)	69	31.75 (2.94)	51	27.61(2.66)	60	26.62 (2.73)	19	39.11(5.50)	30	42.20 (6.24)	F = 4.93***
Monetary value	476	168.27(28.74)	85	300.89(104.07)	85	365.51(73.48)	93	489.76(166.49)	26	511.51(135.69)	44	1,488.76(509.88)	F = 14.53***

* $p < .05$; ** $p < .01$; *** $p < .001$

Table 4 ANOVA tests for case processing (in weeks) and monetary value (RMB, in thousands) by official ranks (bribe-taking)

Official ranks	No rank		Below section-head level		Vice section-head level		Section-head level		Vice division-head level		Division-head level and above		Prob > F for 6 groups
	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	N	Mean(sd)	
Detention to arrest	37	5.43 (1.83)	73	3.15 (0.81)	108	3.84(0.85)	153	2.83 (0.40)	47	2.34(0.11)	62	3.00 (0.63)	F = 1.25
Arrest to indictment	30	22.67(2.14)	56	19.59 (1.16)	76	20.53(1.21)	117	22.79 (1.22)	33	24.42(2.40)	50	25.52 (1.76)	F = 2.17*
Indictment to sentence	46	52.46(3.05)	81	56.14 (2.78)	122	55.38(2.25)	167	56.81 (1.68)	50	63.10(4.29)	67	68.37 (3.79)	F = 3.59**
Detention to sentence	75	28.75(2.39)	87	32.44 (2.61)	113	32.27(2.16)	148	33.43 (1.50)	41	35.76(3.15)	63	35.44 (2.70)	F = 0.94
Monetary value	82	177.43(33.26)	106	326.14(71.72)	155	367.25(66.78)	194	564.52 (88.53)	61	558.64(114.83)	80	2,065.25(442.76)	F = 15.57***

* $p < .05$; ** $p < .01$; *** $p < .001$)

Table 5 Judicial sentencing by official ranks and crime types

Official ranks	No rank		Below section-head level		Vice section-head level		Section-head level		Vice division-head level		Division-head level and above		
	N	P /mean(sd)	N	P/mean(sd)	N	P/mean(sd)	N	P/mean(sd)	N	P/mean(sd)	N	P/mean(sd)	
Misappropriation of public funds													
No punishment	36	0.06	17	0.18	18	0.22	42	0.17	9	0.00	16	0.13	$\chi2=4.59$
Jail/fine	36	0.11	17	0.00	18	0.06	42	0.02	9	0.00	16	0.06	$\chi2=4.49$
Imprisonment	36	0.83	17	0.82	18	0.72	42	0.81	9	1.00	16	0.81	$\chi2=2.06$
Prison length (in months)	35	17.51 (3.32)	16	30.25 (8.27)	18	21.11(7.01)	41	27.88(4.41)	9	17.78(3.70)	16	35.38(9.95)	$F=1.33$
Embezzlement													
No punishment	474	0.19	84	0.23	75	0.12	90	0.14	26	0.19	44	0.07	$\chi2=7.35$
Jail/fine	474	0.06	84	0.12	75	0.03	90	0.02	26	0.00	44	0.02	$\chi2=12.53^{*}$
Imprisonment	474	0.75	84	0.65	75	0.85	90	0.83	26	0.81	44	0.91	$\chi2=17.83^{**}$
Prison length (in months)	406	20.81 (1.16)	75	24.24(3.61)	69	36.68(4.51)	83	33.23(4.07)	21	29.90(5.57)	41	53.22(6.99)	$F=12.48^{***}$
Bribe-taking													
No punishment	81	0.10	110	0.10	153	0.11	193	0.06	60	0.13	78	0.05	$\chi2=4.65$
Jail/fine	81	0.12	110	0.04	153	0.04	193	0.03	60	0.00	78	0.04	$\chi2=15.31^{**}$
Imprisonment	81	0.78	110	0.86	153	0.85	193	0.91	60	0.87	78	0.91	$\chi2=10.53^{*}$
Prison length (in months)	76	16.54 (1.82)	100	30.79(3.02)	139	32.37(2.70)	184	39.03 (2.53)	53	43.83(4.68)	74	54.51(5.25)	$F=11.70^{***}$

* $p<.05$; ** $p<.01$; *** $p<.001$

Table 6 OLS regressions on prison length (in months) by official ranks and crime types

Variables	Misappropriation of public funds ($N=224$)						Embezzlement ($N=854$)						Bribe-taking ($N=825$)					
	(1)		(2)		(3)		(1)		(2)		(3)		(1)		(2)		(3)	
	B	SE	B	SE	B	SE	B	SE	B	SE	B	SE	B	SE	B	SE	B	SE
Official rank	-0.04	0.08	-0.03	0.10	-0.11	0.11	0.16***	0.0	0.20***	0.04	0.01	0.04	0.18***	0.02	0.31***	0.04	0.08**	0.03
Age	-0.01	0.01	0.03*	0.01	-0.04*	0.02	0.01	0.01	-0.00	0.01	0.00	0.00	0.01	0.01	0.01	0.00	0.00	0.00
Han Ethnicity	-0.43	0.36	-0.10	0.30	-0.46	0.30	-0.04	0.15	-0.02	0.16	0.13	0.12	-0.21	0.20	-0.08	0.18	-0.06	0.13
Male	0.31	0.24	0.25	0.34	0.45	0.29	0.22	0.14	0.17	0.15	0.19	0.13	0.02	0.16	-0.07	0.17	-0.12	0.13
Location	-0.07	0.42	-0.07	0.45	-0.06	0.48	0.17	0.16	0.05	0.14	0.05	0.13	0.07	0.12	0.06	0.09	0.06	0.09
party membership			0.05	0.41	0.02	0.37			0.57**	0.18	0.56**	0.17			0.64*	0.26	0.19	0.14
Confession			-0.28	0.42	-0.23	0.37			0.16	0.29	-0.11	0.23			-0.22	0.23	-0.03	0.18
Self-surrender			0.14	0.21	0.04	0.19			-0.03	0.08	-0.08	0.07			-0.39***	0.07	-0.24***	0.05
Disgorgement			-0.95*	0.44	-0.46	0.39			-0.55***	0.15	-0.25*	0.12			-0.33*	0.13	-0.98**	0.09
With accomplices			0.05	0.21	0.13	0.18			0.11	0.08	0.05	0.06			0.10	0.08	0.08	0.06
Monetary value (logged)					0.40	0.56					-0.19	0.15					1.18***	0.21
(Logged monetary value)^2					0.01	0.02					0.03***	0.01					-0.03**	0.01
_cons	2.87***	0.81	1.90*	0.90	0.22	3.87	2.15***	0.34	2.37***	0.43	1.86	1.01	2.14***	0.29	2.46**	0.60	-6.95***	1.34

Standard errors in parentheses; * $p<0.05$, ** $p<0.01$, *** $p<0.001$

and above from arrest to indictment (27.81 weeks) and from detention to sentence (42.20 weeks). Significant differences in monetary values across administrative rankings were also found in embezzlement ($F = 14.53$, $p < 0.001$) and bribe-taking ($F = 15.57$, $p < 0.001$): as one's official position ranked higher, the monetary value became larger in general, and officials ranked at the division-head level and above profited the most illegal gains in these two crimes. Supplementary analysis (results now shown but available upon request) further showed that the mean differences in the length of each phase of the litigation procedure across administrative rankings mostly remained when monetary value was controlled. The result suggests a significant relationship between rankings and litigation process that is independent of monetary value.

Next, we compare the differences in case outcomes (i.e., no punishment, jail/fine, and imprisonment) and the prison length across six rankings (Table 5). We performed a Chi-square test to compare three case outcomes across rankings. Significant differences were observed for embezzlement and bribe-taking. For embezzlement, the Chi-square analysis indicated that officials in lower rankings were more likely to receive jail/fine ($\chi 2 = 12.53$, $p < 0.05$), while officials in higher rankings tended to receive imprisonment as punishment ($\chi 2 = 17.83$, $p < 0.01$). For example, 11.90% of officials below the section-head level received jail/fine and 65.48% of them received imprisonment. In contrast, only 2.27% of officials at the division-head level and above received fine/jail, but 90.91% of them received imprisonment. A similar pattern was observed for bribe-taking in jail/fine ($\chi 2 = 15.31$, $p < 0.01$) and imprisonment ($\chi 2 = 10.53$, $p < 0.05$) outcomes: for instance, significantly higher percentages of officials in higher rankings received imprisonment compared to those in lower rankings. As for the length of imprisonment, we conducted ANOVA tests to compare the differences across six rankings. Group differences were found in embezzlement ($F = 12.48$, $p < 0.001$) and bribe-taking ($F = 11.70$, $p < 0.001$) again: the imprisonment length tended to increase as officials' ranking increased. For example, the average imprisonment length was the lowest for those with no rankings (20.81 months for embezzlement and 16.54 months for bribery) but the highest for those at the division-head level and above (53.22 months for embezzlement and 54.51 months for bribery).

Multivariate regression analysis

The bivariate results indicated an association between administrative ranking and the prison length for embezzlement and bribe-taking in particular. To assess the independent effect of official ranking on the length of sentence, a series of OLS regression models were performed. Table 6 presents coefficients of the predictor (i.e., administrative ranking) and control variables for three offenses. In model 1, we entered administrative ranking and socio-demographic variables, including age, ethnicity, gender, and location. Similar to the bivariate results, a significant positive relationship between ranking and the prison length was found for embezzlement and bribe-taking: as one's ranking becomes higher, the prison length gets longer for embezzlement ($b = 0.16$, $p < 0.001$) and bribery ($b = 0.18$, $p < 0.001$). Model 2 entered control variables including party membership, one's confession,

self-surrender, disgorgement of illegal gains, and existence of accomplice(s) and aggravating circumstances, to test if the association between ranking and prison length persisted. As shown, the coefficients of ranking for embezzlement and bribery did not change. That is, the inclusion of the control variables did not attenuate the effect of one's ranking on prison length. Finally, model 3 added to the equations the monetary value which plays an important role in judicial sentencing per stipulation of the law. To test a potential non-linear relationship between the monetary value and the prison length as suggested by the literature, a squared term of monetary value was also entered. As shown, for both embezzlement and bribe-taking, there was a curvilinear relationship between the amount of money involved and the prison length. The results indicate that when a larger amount of money was involved in a bribe-taking case, a longer sentence was fixed until a certain point was reached, beyond which the positive association trend declined. For embezzlement, the regression coefficient of official ranking decreased by 93.75% (from $b=0.16$ to $b=0.01$) and was no longer statistically significant. For bribe-taking, in contrast, the inclusion of the monetary value did not make the net effect of official ranking insignificant. However, it reduced the coefficient of official ranking from 0.18 ($p<0.001$) to 0.08 ($p<0.01$). In other words, although the effect of official ranking continued to be robust, it was attenuated to a large extent by the addition of the monetary value. Regression coefficient equality test further indicated that the coefficients of official ranking for the sentence length were significantly different from each other (results available upon request).

Supplementary analysis

Our data set contained merely 19 officials ranked at bureau-director level and above: the 1% representation was significantly lower than data (21.4%) in Zhu's study (2015) but similar to Gong et al.'s data (2019), likely due to different nature of samples. Similar to ours, Gong, Wang and Li turned to judicial judgments publicized online by one popular website in China. Zhu utilized cases published by one prominent newspaper. As Zhu admitted, cases publicized by newspapers likely over-reported major cases in which high-ranking officials were involved (2015, p. 613).

Among 19 senior officials in our data set, one was convicted of misappropriation of public funds, seven were convicted of embezzlement, and 15 were convicted of bribe-taking. In terms of case features, this subset exhibited similar characteristics compared to the full data set: 16 of them (94%) confessed to their crimes, 9 (53%) self-surrendered, 15 (88%) disgorged their illegal gains, and two (16.67%) committed their crimes with accomplices. Consistent with findings above, the harsher penalty effect against higher-ranked officials continued with these senior officials: 18 of them (94.7%) received imprisonment with an average length of 72.4 months (that is, six years). Both the imprisonment rate and the average length exceeded the corresponding numbers witnessed at lower ranks reported in Table 5. Only one of the 19 officials was ranked at the provincial and ministerial level, thus a big tiger: Wang Hanchen was convicted of bribe-taking in Shan'xi province and sentenced to 11-year imprisonment in addition to a 1-million-yuan criminal fine (his bribery amount reached 7.9 million yuan (1.24 million USD).

Discussion and conclusion

Although corruption exists in most societies, it is more prevalent in developing and transitional countries (Cai, 2014; Zimring & Johnson, 2005). It is widely acknowledged that corruption in contemporary China has worsened as the nation underwent economic reforms since the early 1980s (Deng et al., 2010), and the number of corrupt senior officials and the amount of corrupt monies quickly rose since the late 1990s (Wedeman, 2004). The intensification of corruption raises important questions about the efficacy of institutional management and regulations to control official corruption.

In this study, we inquired the role of official ranking in explaining variations in legal sanctions of corrupt offenders based on a sample of 1,956 corruption cases adjudicated in 2016. Two competing theories were proposed in the literature, the conflict theory and the exemplary official model theory. As reviewed above, although Xi's highly publicized anticorruption campaign claimed to fight against both tigers and flies, more efforts were visibly made to bring down big tigers. In such a context, we hypothesized that more judicial scrutiny (via prolonged legal processing) and tougher sanctions (via official punishment) would be meted out against high-ranking officials compared to low-ranking officials, consistent with the exemplary official model theory.

Our hypotheses were largely supported in two of three corruption offenses, that is, bribe-taking and embezzlement. For both offenses, significant differences were found in two critical phases of the judicial process, from one's arrest to indictment and from indictment to sentence (Tables 3 and 4). The data showed that the processing time was prolonged when one's official rank was higher, likely due to the increased complexity of the cases when high-ranking officials were involved. Significant differences in monetary values offered another proof: as one's official position ranked higher, the monetary value became larger in general.

The results in Tables 5 and 6 showed the effect of official ranking on judicial sentencing. Although high-status officials could be exempted from investigation for criminal responsibility (Cai, 2014), high-ranking official status did not work in one's favor once cases reach the judicial stage in our data. Instead, the results showed that officials with higher rankings were more likely to receive longer sentences for bribe-taking, even after controlling for a number of demographic and legal variables, consistent with the exemplary official model theory.[8] This finding is consistent with Western studies of white-collar offenders that found empirical support for status liability (Rosoff, 1989; Skolnick & Shaw, 1994; Weisburd et al.,

[8] A few studies suggested a curvilinear relationship between official ranks and legal punishment (Gong et al., 2019; Zhu, 2015), as mid-tier officials were able to use their clout locally to gain favor. Data in Table 5 seems to suggest a rather linear relationship: for both embezzlement and bribe-taking, one's likelihood of being incarcerated and the incarceration length increased with the increase of one's rank in general. Two possible answers might help explain the linear results here: one is the likely effect of Xi's anti-corruption campaign against tigers, and the other is the more centralized campaigns which dealt with potential local protectionism (Deng, 2018; Zhu, 2015). Both could potentially prevent the leverages by mid-tier officials who might have benefited previously.

1990; Wheeler et al., 1982). Besides more blameworthiness attached to offenders' high status when they breach public trust as suggested in the Western literature, the results here have much to do with Xi's campaign (as political environment) and the dual strategy of tolerance and discipline in the institutional management of officials by the central authority in China (Fu, 2015, 2017). Legal punishment of high-ranking officials usually involves a series of costs such as termination of cadres' political careers, lost investment in training these officials, and challenges to the state's interests in an authoritarian regime. Thus, non-legal disciplines (e.g., criticism, education, demotion and forced resignation) could be adopted to minimize costs induced by legal punishment (Cai, 2014). However, officials are subject to legal punishment when other types of disciplines are insufficient (Cai & Zhu, 2013). As state supervisory and Party disciplinary authorities turn the cases over to the judicial system, punishment for high-ranking corrupt officials tend to be harsher as legal punishment is considered an effective way of defending the Party's political will to curb corruption and therefore enhance its ability to control public behavior (Liu, et al., 1998; Lu & Gunnison, 2003; Zhu, 2015). Theory-wise, the results of our study lent support to the effect of the exemplary official model theory. Further, albeit lack of empirical studies, given the rampancy of official corruption with its aggravating nature, it is highly doubtful that the presumed deterrence of harsh punishment works in curbing corruption in contemporary China. Thus, the symbolic meaning of high-profile anticorruption campaign is likely what matters more to the regime (Fu, 2015).

Another important finding of this study is that the offense type matters. Western literature on white-collar crimes showed clearly that the status effect varies greatly dependent upon specific offenses examined (Galvin, 2020; Nagel & Hagan, 1982; Wheeler et al., 1982). Unfortunately, extant studies of Chinese corruption often failed to distinguish different types of corruption in empirical testing. This study found significant differences across three types of offenses. Misappropriation of public funds appears to be rather different by nature and no significant effect of official ranking was found in our tests. In comparison, the results for embezzlement and bribe-taking largely paralleled each other, indicating potential significant effect of official ranking on both judicial processing and punishment. Nevertheless, an independent effect of official ranking was found for bribe-taking cases only, after the amount of money involved was taken into account (Table 6), consistent with past studies in which officials whose case involves a larger amount were found more likely to be severely punished (Gong et al., 2019; Wang et al., 2008). The results suggest a strong association between official ranking and the severity of fraudulent appropriation of public property (i.e., embezzlement). Higher-ranked positions have a direct bearing on officials' access to power and resources, enabling their embezzlement of larger public funds and property, which is considered more blameworthy and results in harsher sentencing. In comparison, the amount of bribes does not fully intervene the relation of bribe-taking and the sentence length in our data. Note that bribery has become the most common and damaging type of corruption in China in recent years (Guo, 2008), and there are signs that the central authority has become less tolerant of bribery due to more costs associated with it (Fan et al., 2010). Higher ranking thus appears to be an independent predictor of harsh sentence besides the

amount of bribes. The results of our study echoed a few recent studies published in Chinese (Chen, 2019; Mei & Xu, 2018) that called for adjustment in lawmaking to distinguish embezzlement from bribe-taking, as the CL still treats both similarly in punishment (Article 383). For instance, Chen (2019) collected 2,097 embezzlement and bribe-taking cases in 2017 and found significant empirical differences in judicial sentencing (harsher punishment for embezzlement). Chen differentiated the auto-corruption nature of embezzlement (prompted by one's self-initiation) from the transaction nature of bribe-taking (often allured by bribers) and called for harsher punishment in legislation. Again, consistent with our results in this study, different corruption crimes given their different natures warrant separate analysis in the future.

The above findings, however, may be tempered by several potential weaknesses of this study. First, we retrieved data from one major website and covered only one year. As the CL was amended rather frequently in recent years (four times from 2011 to 2020), we utilized data from 2016 only to avoid compounding effect of legal changes. Granted, data from other years (and other venues) could result in different outcomes. Moreover, it is difficult to assess the representativeness of cases retrieved from the "Open Law" website. Cases are uploaded based on discretions of court administrators at various levels. The more sensitive the cases are, the more potential restrictions of publications. Given the sizeable samples of cases we managed to retrieve and the Chinese administration's zeal to fight corruption, we would expect little general restrictions on publishing corruption cases, although certain individual cases might be still viewed 'sensitive' to publish. Though we cannot vouch for the 'representativeness' of cases we retrieved, data from the "Open Law" provides one of the best avenues for our research. Similar results from past studies that relied upon other sources (websites or newspapers) lend us confidence in our discussion. Second, this study does not provide a complete picture of rank-sentence nexus due to a limited number of senior officials in our sample (around 1% ranked at bureau-director level and above). We treated official rank as a linear variable in our statistical analyses with an assumption that the relative difference between ranks is always equal. Given the assumption, for instance, the change from no rank to below section-head level should have the same effect on punishment as section-head level to vice-division-head level. Indeed, a few recent studies demonstrated a non-linear relation between one's official rank and the severity of imposed penalty, with the likelihood of receiving a harsher punishment increases more steeply among the officials whose administrative ranks are at the highest levels (e.g., Zhu, 2015). As shown, we ran some supplementary analyses based on the small number of senior officials in our sample and the results dovetailed with the overall pattern, which lends more confidence in our discussion. What we cannot tell, unfortunately, is whether the 1% representation of senior officials in our data is close to their true representation in all corruption cases in reality.

Third, data in this study was retrieved from official judicial judgments, which do not allow us to delve into how factors *not* documented in the judgments might have affected the influence of official ranking. For example, guanxi, as a social networking practice in China, governs almost all social interactions within Chinese society (Harding, 2014). It is unlikely for a Chinese official to be promoted to a high-ranking

position in absence of political connections to upper-level officials (Cai, 2014). On the one hand, guanxi may to a large extent protect high-ranking officials from criminal investigation and legal sanctions (Liu et al., 1998; Lu & Gunnison, 2003). On the other hand, determination by the central authority to discipline corrupt senior officials may entail efforts to annihilate guanxi in certain cases (e.g., to bring down a group of connected officials). Additional research would be necessary in the future to examine the role of guanxi in sentences of high-ranking officials. Further, lack of information on investigation and prosecution decisions in judicial judgments prevented us from exploring how high-ranking officials might have influenced early actions before cases reached the judicial stage. For example, the low representation of the officials at *sheng bu ji* level may be an indicator of the ways in which power and privilege shapes who are subject to criminal punishment.[9] It is likely that resources associated with high official status might influence decisions that lead to criminal investigation and punishment in the first place. Again, data retrieved from judicial judgments cannot answer such questions. Instead, we only tested the effect of official ranking on judicial processing and punishment *after* cases entered the judicial stage.

Despite these limitations, this study sheds significant light on potential impact of one's official rank on judicial punishment. Along with the results of past studies, this study lent little support to the argument of the conflict theory in the context of China. Rather, it indicated harsher treatment and punishment against high-ranking officials once cases enter the judicial process, consistent with the predictions of the exemplary official model theory. It should be noted that neither the CL nor other legal documents (e.g., the 2016 *Interpretation*) stipulated that one's official rank be considered as a legal factor in judicial sentencing, though a few scholars have explicitly called so (e.g., Lin, 2014). Nevertheless, the results of this study suggest that Chinese legal authorities are still willing to consider one's official ranking in meting out harsher penalty in certain corruption crimes such as bribe-taking and embezzlement. Likely, Xi's anti-corruption campaign waged against big tigers helped validate such stiffer punishment against senior officials, despite its slogan to fight both tigers and flies.

The findings of this study also have some general implications for research on the nexus of status, power and punishment. It lent support to the feasibility of status liability suggested by the literature of white-collar crimes: when corrupt officials take advantage of their position and breach public trust, more blameworthiness could be assigned by judges to enhance punishment. This study also raises many questions pending answers: for instance, could the exemplary official model be true in other countries, in particular non-Western countries where there is significant cultural expectation of virtuous officials? What about polity? Would the effect of the exemplary official model be more salient in countries without strong support of rule of law, thus subject to influence of political environment such as anti-corruption campaigns? All of these questions warrant more studies in the future.

[9] We'd like to thank the anonymous reviewer for raising this important point.

Data availability The authors declare that the data and materials support their published claims and comply with feld standards

Declarations

Conflict of interest The authors declare no potential conflict of interest with respect to the research, the authorship and/or publication of this article.

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