Legality, discretion and informal practices in China's courts : a socio-legal investigation of private transactions in the course of litigation

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Chapter 1 Introduction

On 14 January 2010, a mystic criminal trial was scheduled in the Intermediate Court of Langfang, a satellite city 50km southwest to Beijing. The Grand Adjudication Hall, the largest trial room in the court, was made available one week ahead just for this event. The trial was treated with an unprecedented level of secrecy. The identity of the defendant was not revealed until the opening of the trial. Traffic blocks were set up 500m away in all streets leading to the court building, which kept away the media and any inquisitive audience. The trial lasted 10 hours unstopped. The following day, a standardized brief report was disseminated through the major press. Huang Songyou, the vice-president of the Supreme People's Court (SPC) was on trial in Langfang Intermediate Court. During the trial, Huang was prosecuted for bribe-taking of 3.9 million *yuan* while serving at the SPC and of embezzling 1.2 million *yuan* while serving as the president of the Intermediate Court of Zhanjiang City, Guangdong Province.[1]

Huang's trial revived the memory of the public when he was detained one year ago in 2008, which marked the climax of a series of actions taken by a special task force of the Central Committee of the Discipline Inspection Commission (CCDIC)[2]. Proceeding the detention of Huang was the detention of Yang Xiancai, former Director of the Enforcement Bureau of Guangdong High Court and five high-profile lawyers, all from Guangdong, one of the most prosperous provinces of the country.[3] Yang and the lawyers are suspected of having colluded with Huang in the alleged corrupt conduct mentioned above.[4]

As the highest judicial official who was removed from office and punished due to corruption since the establishment of the PRC, Huang's case has a significant impact on judicial development in China. It highlights the severity of the problem of corruption in the entire judiciary, which the SPC had long been reluctant to admit in public.[5] More importantly, as a judge with the highest rank in the judiciary, Huang's case poses as a strong challenge to the official explanation of the occurrence of judicial corruption, which is the moral decadence of the individual poorly-educated and undisciplined offenders.[6] Even if that were true for the 12,349[7] judges, who had been reportedly investigated and punished for corruption during the past decade, how would one explain the collusive

[1] http://www.dzwww.com/xinwen/guoneixinwen/201001/t20100102_5296556.htm
[2] As a part of the CCP organizational apparatus, the CDIC is the highest anti-corruption institution, which has both the investigative and sanctioning power. For more details, see Chapter 7.
[3] http://news.hexun.com/2010-01-15/122365094_1.html
[4] Ibid.
[5] Only after the exposure of Huang's case, the SPC for the first time admitted in public that judicial corruption is not an isolated or sporadic incident but a persistent and pervasive defect in the adjudicative process in China's courts. See "Fighting Judicial Corruption Tops Agenda," *China Daily*, 1 May 2009.
[6] See the annual working reports of the SPC.
[7] The total number of 12,349 is calculated according to the statistics provided in the annual SPC work report. The number covers 13 years between 1993 and 2007 (the statistics of 1997 and 2002 are missing). A break down of the number can be seen in Chapter 2.

corruption detected in, for instance, Shenyang Intermediate Court, Jilin High Court, Wenzhou Intermediate Court, each of which involves at least half dozen of judges. Also, how would one explain the resurface of corruption in the Wuhan Intermediate Court, Shenzhen Intermediate Court and Fuyang Intermediate Court after swift anti-corruption campaigns which had reportedly purged the "rotten apples"?[8]

Unlike the authorities, whose explanation is suspiciously blame-diverting, scholars instead paid attention to more structural factors. One representative group of such explanations can be summarized as the "resource insufficiency" argument. These insufficiency includes the lack of political power of courts *vis a vis* other state organs and the lack of financial and human resources of the judiciary.[9] However, this argument is directly confronted by Huang Songyou's case since serving as the standing vice-president of the highest judicial institution Huang had one of the most prestigious offices in the state machinery. Huang holds a doctoral degree of law and an appointment as a law professor in four reputable law schools in the country. How can one then explain the corrupt conduct of Huang who was *not* lacking political, financial or human capitals? Similarly, how can one use the "resource insufficiency" argument to explain, for example, the case of Tang Jikai, a "star" "expert judge" well-trained both in China and abroad, who not only took bribes from litigants during his term of office as vice-president of Changsha Intermediate Court but also offered bribes to his superior in exchange for promotion? How can one explain the conduct of Wu Zhenhan, an "erudite" judge, who took bribes of 6 million *yuan* from litigants and subordinate judges during his term of office as president of Hunan High Court?

In contrast to the above-mentioned factors, which do not seem able to explain the cause to the persisting and pervasive occurrence of corruption in China's courts, some other factors, such as the role of the Chinese Communist Party (CCP) in interfering court affairs, the lack of independence of the judiciary, the lack of accountability of judges, do seem to have a closer connection to the functioning or rather dysfunction of the judiciary and to the related malpractices.[10] Furthermore, some authors also pointed out that certain "cultural" factors, such as the indulgence of what has been named as "guanxi-practice",

[8] See news report at the following links http://blog.sina.com.cn/s/blog_4cd8a3a40100ilz7.html. http://news.sina.com.cn/c/l/2006-10-13/062711224922.shtml. http://news.163.com/06/0909/17/2QJJFTPT00011SM9.html.

[9] For example, see Keyuan Zou, "Judicial Reform Versus Judicial Corruption: Recent Developments in China," *Criminal Law Forum* 11 (2000). Xin He, "Zhongguo Fayuan De Caizheng Buzu Yu Sifa Fubai [Lack of Financial Funding and Judicial Corruption in China's Courts]," *ershiyi shiji (21 Century Bimonthly)*, no. 2 (2008). Yuwen Li, "Court Reform in China: Problems, Progress & Prospects," in *Implementation of Law in the People's Republic of China*, ed. Chen Jianfu, et.al. (Kluwer Law International, 2002).

[10] For example, see Ting Gong, "Dependent Judiciary and Unaccountable Judges: Judicial Corruption in Contemporary China," *China Review* 4, no. 2 (2004).

have also fueled corruption.[11] However, none of these studies has sufficiently investigated through which mechanism these factors have contributed to the corrupt practices that have been found in China. Instead, the causal relations between these factors and the occurrence of corruption are, in a frequent manner, only ambivalently, if not wrongly, assumed[12] and insufficiently treated.[13] The absence of a thorough investigation on these factors and their relation to corruption is not only because of the sensitiveness of the topic and of the issues concerned but also because of the lack of a comprehensive understanding of how corruption is carried out in the political, social and legal setting of China's courts. The necessity to gain such an understanding shall not be permissively ignored since it is the key to the many questions mentioned above which have been raised but not satisfactorily answered. To gain such an understanding will also enable a more precise diagnosis of the problem of judicial corruption and a more comprehensive evaluation of the roles of certain formal and informal practices associated with corrupt conduct. This is exactly where this thesis starts.

1.1. Main research questions

Different from most corruption literature, which delves directly into the question of why corruption takes place, this thesis firstly asks how corruption takes place. Therefore, the main question this thesis deals with is how corruption participants carry out corrupt conduct in the litigating process in courts and what factors in particular are attributable to their completion and success. Through the answers to the main question, this thesis will also discuss the root causes of corruption in China's courts and the reasons of its persistency and resiliency against concentrated anti-corruption investigations and severe sanctions.

1.2. Definitions

Corruption is broadly defined in this research as the abuse of entrusted/public power in exchange for private gain/benefit, a succinct definition adopted by the Transparency

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[11] For example, see Thomas Gold, et. al., "An Introduction to the Study of Guanxi," in *Social Connections in China: Institutions, Culture, and the Changing Nature of Guanxi* ed. Thomas Gold, Doug Guthrie, David Wank (Cambridge: Cambridge University Press, 2002).

[12] For example, in explaining the relation between the guanxi-practice and corruption, Mayfair Yang mistakenly assumed that corruption is impersonal, short-term oriented transaction while guanxi-practice is long-term oriented and personal. For more details, see Chapter 3.

[13] For example, a lot of scholars pointed out the connection between judicial corruption and the lack of judicial independency. However, explanation on how and why is rarely seen. For such literature, see for example Gong, "Dependent Judiciary and Unaccountable Judges: Judicial Corruption in Contemporary China." Keith Henderson, "The Rule of Law and Judicial Corruption in China: Half-Way over the Great Wall," in *Global Corruption Report 2007: Corruption in Judicial Systems*, ed. Transparency International (Cambridge: Cambridge University Press, 2007).

International,[14] World Bank[15] and widely accepted in corruption literature.[16] The definition does not exclude conduct such as embezzlement or misappropriation of public fund; however, the typical corrupt conduct falling into this definition is bribery, a concept that is sometimes used almost interchangeably with "corruption".[17] As the most salient, resilient and damaging form of corrupt conduct,[18] bribery remains the main focus in this thesis except in Chapter II, which provides an overview of various forms of corrupt conduct, not exclusive to bribery. To be more specific, bribery, in this thesis, refers to the offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties, regardless of whether it constitutes a crime. For the sake of simplicity, "corruption" is often used as being synonymous with "bribery" unless it is specified otherwise. Throughout the thesis, the term "bribery" is inter-exchangeable with the term of "corrupt exchange".

1.3. Methodology

To answer the questions mentioned above, this thesis collected empirical data from the following sources, which are classified into three groups. The first group consists of officially reported (and thus often punished) corrupt conduct. These reports concern a total number of 398 judges of various ranks served in various divisions of courts. This dataset covers all administrative regions and all levels of courts in China, from the lowest people's tribunal to the Supreme People's Court. All these cases were collected between 2005 and 2009 by regularly screening the legal sections of major internet news outlets and newspapers or magazines focusing on legal affairs and corruption issues[19]. A

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[14] The terms "entrusted power" and "private gain" are used by the Transparency International. See http://www.transparency.org/news_room/faq/corruption_faq

[15] The terms "public power" and "private benefit" are used by the World Bank. See Vito Tanzi, "Corruption around the World: Causes, Consequences, Scope, and Cures," *IMF Staff Papers* 45, no. 4 (1998). p.564.

[16] For more definitions, see Arvind K. Jain, "Corruption: A Review," *Journal of Economic Surveys* 15, no. 1 (2001). Robin Theobald, *Corruption, Development and Underdevelopment* (Duke University Press, 1990).

[17] For example, see Robert Klitgaard, *Controlling Corruption* (University of California Press, 1988). Peter Graeff, "Why Should One Trust in Corruption?," in *The New Institutional Economics of Corruption*, ed. J.G.Lambsdorff et. al. (London and New York: Routledge, 2005). Diego Gambetta, "Corruption: An Analytical Map," in *Corrupt Histories*, ed. Emmanuel Kreike, William C. Jordan (University of Rochester Press, 2004).

[18] According to the recent researches, the significance of bribery has been increasing both in terms of its occurrence and the volume of the bribes involved. Qinghua Meng, *Shouhuizui Yanjiu Xin Dongxiang [New Trends and Implications of Research on Bribery]* (Beijing: Fangzheng, 2005). pp.3-10. Yong Guo, "Corruption in Transitional China: An Empirical Analysis," *The China Quarterly* 194, no. June (2008). p.357.

[19] These sources include the legal sections of www.sina.com and www.xinhuanet.com, Fazhi Ribao (Legal Daily), Jiancha Ribao (Procuracy Daily), Jiancha Fengyun (Procuracy Affairs), Nanfang Zhoumo (Southern Weekly), Caijing Magazine and Minzhu yu Fazhi (Democracy and Rule by Law) and

supplementary number of cases have been located by using the popular PRC domestic search engines *baidu* and *google*.[20] Twenty-one of these cases are supported by court judgments, the procuratorate's statements or the defense's statements. Also included in this group of data are surveys and assessment carried out by other legal academics concerning corrupt activities in China. This first group of data, from officially reported cases, also includes 100 cases concerning corruption in anti-corruption institutions spanning from 1985 till 2009. This dataset is analyzed in Chapter 7 on corruption in anti-corruption institutions. These cases concern mainly the procuratorators and agents of the internal party discipline inspection commissions rather than judges. Information concerning these cases comes from media reports of court-trials or press releases from courts or related investigative bodies, principally the party discipline inspection commissions and the procuratorates.[21] In Chapter 3 on the "performance" of bribery, I also employed cases concerning corrupt conduct of officials in public institutions outside of the justice system.

The second group of data consists of personal account of unreported corrupt conduct. It includes over 100 hours' formal and informal focused interviews about details of corrupt practices. I conducted these interviews during 2005-2008. I interviewed 12 lawyers in various parts of the country. Some of the interviews were one-off. But with some lawyers, I was able to do follow-up interviews intermittingly through face-to-face meetings, phone calls or emails at different stages of the research. Apart from the 12 lawyers, I also conducted interviews with 2 judges, 2 procuratorates and 2 officials in the legislatures. I found that attempts to interview judges on the topic of judicial corruption are difficult. Even with judges, whom I went to law school with, the mere reference to the topic made them nervous. Their knowledge about my affiliation with a foreign institute made them even less hesitating in rejecting my request for interview. I also conducted rather informal interviews with people of all walks of life whoever I happened to meet and could strike a conversation with. Due to the confidential nature of this group of data, information of these interviews is not exhaustively applied in the thesis. However, they are critical in helping me to develop an "intimate" understanding of the corrupt behavior and to choose the proper perspective for my investigation. Finally, this group of data, about personal experience of corruption, also includes numerous blog posts and bulletin board

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Anti-corruption Weekly published on Zhengyi Wang, an internet-based magazine run by the Supreme Procuratorate.

[20] A considerable proportion of the cases was initially posted at "tanguan dangánguan", a web-blog hosted by Zhang Hongjian, a procuratorator in Heilongjiang Province, whom I owe thanks to.

[21] These sources include the legal sections of Fazhi Ribao (Legal Daily), Jiancha Ribao (Procuracy Daily), Jiancha Fengyun (Procuracy Affairs), Nanfang Zhoumo (Southern Weekly), Caijing Magazine and Minzhu yu Fazhi (Democracy and Rule by Law) and Anti-corruption Weekly published on Zhengyi Wang, an internet-based magazine run by the Supreme Prosecutorate. They also include the legal channels of two major internet news websites in China: www.sina.com and www.xinhuanet.com.

discussions concerning individuals' personal experience of corrupt practices in courts, which I collected regularly during the period of this research.

The last group of data used for this thesis consists of information indicating the formal and informal practices concerning adjudicative conduct in China's courts. The data includes regulations of the Chinese Communist Party (CCP or the party) and policies and internal directives including opinions, instructions and guidelines issued by the Supreme People's Court (SPC), the Supreme People's Procuratorate (SPP), and the Central Committee of the Discipline Inspection Commission (CCDIC). Also included in this group of data are internal regulations of individual courts investigated, memorandum, personal accounts or official reports written by legal practitioners, including lawyers and judges. All empirical data mentioned above are in the Chinese language.

1.4. Analytical framework

To answer the question how corruption participants carry out corrupt conduct in the litigating process in courts and what factors in particular are attributable to their completion and success, this thesis developed the following framework to analyze the above-mentioned empirical data. This framework treats corruption as a contracting process, which includes four phases: 1) initiation of the exchange; 2) negotiation of the exchange; 3) contractual performance; and 4) enforcement of the contract in case of non-performance. By dissecting corrupt conduct into these four phases, the framework helps to break down the complexity of the conduct into several recognizable parts, each of which has different yet inter-relating functions in completing the corrupt conduct concerned. Such a framework is a valuable analytical instrument to extract and assemble dispersed empirical data from discursive narrations, case-reports and other sources as mentioned in the previous section so as to provide a more complete scene of corruption in China's courts. Applying such a framework will not only offer a close-up portrait of how a secretive practice such as corruption is carried out in China's courts in reality but also provide the basis for a more precise diagnosis of what factors have enabled, facilitated and/or proliferated such practices in which phase and how.

Apart from the "four-phase" framework, which guides and links different chapters of the thesis, other existing theoretical findings on corruption developed by different scholars from various disciplines are also employed to advance the analyses in different chapters of the thesis. Since each chapter has provided space for more elaborate introduction of these theoretical findings, here I will only introduce those, which have an overall influence of the thesis.

The first and foremost is the institutional economics of corruption, which has influenced the thesis most. The institutional economics of corruption considers corruption as "a form of contracting amenable to analysis from the viewpoint of transaction-cost economics".[22] "Trust", "opportunism", "risk" and "transactional cost" are among the key analytical instruments of this body of scholarship. In his seminal work, Husted was the first to point out that "corruption can be conceived as the transferal of a service between the bribe donor the bribe recipient", which covers both the "according-to-rule" transactions and "against-the-rule" transactions.[23] According to Husted, three behavioral assumptions of transaction-cost economics are applicable to corruption.[24] The first is bounded rationality, which refers to the unpredictability of where and to whom a bribe shall be provided. This unpredictability makes *ex ante* planning difficult for the bribers. The second is opportunism, which rises when simultaneous performances of the exchange parties are difficult. The third assumption is asset specificity. Asset specificity refers to the difficulty of redeploying assets to their next best alternative use without a significant sacrifice in value. For example, if a litigant fails to deliver the bribe to a judge after the judge has delivered the agreed corrupt service to the litigant by rendering a decision in the litigant's favor, the judge cannot redeploy the asset, namely the court decision, to other uses. In other words, the asset under exchange is deprived from and is valuable only in specific circumstances. This type of assets is considered to have "idiosyncratic attributes".[25] Transactions involving such assets require different safeguard mechanisms, for example, incentive alignment, private ordering and trading regularities, in order to prevent opportunism.[26]

After Husted, Lambsdorff took the flag of the institutional economics of corruption. His catch-phrase - "contracting in the shadow of the law" represents the key attribute of corrupt conduct.[27] In this article, Lambsdorff made a convincing analysis about how corruption participants strive to overcome the barriers of illegality and secrecy and also to minimize transactional costs in the contracting process. In particular, Lambsdorff identified three sequential stages of the corruption contracting process, where transaction costs arise. The first is contract initiation, including partner seeking and determination of contract conditions. The second stage is contract enforcement, in which transaction costs are generated to prevent opportunism, which is particularly conspicuous in corrupt

[22] B. W. Husted, "Honor among Thieves: A Transaction-Cost Interpretation of Corruption in Third World Countries," *Business Ethics Quarterly* 4, no. 1 (1994). p.17.
[23] Ibid. p.19. Also, Philip Oldenburg, "Middlemen in Third-World Corruption: Implications of an Indian Case," *World Politics* 39, no. 4 (1987).
[24] The rest of this paragraph is a summary of Husted, "Honor among Thieves: A Transaction-Cost Interpretation of Corruption in Third World Countries." pp.17-27.
[25] Ibid. p.20.
[26] Ibid.
[27] J.G. Lambsdorff, "Making Corrupt Deals: Contracting in the Shadow of the Law," *Journal of Economic Behavior & Organization* 48 (2002). This is also the reference of the summary in the rest of this paragraph.

contract due to its illegality and the lack of legal protection. The third stage is what Lambsdorff calls "aftermath", which refers to the risk of denunciation and extortion after the completion of the contract. By identifying the significance of transactional costs entailed in corrupt transactions, Lambsdorff explained why middlemen take an important role in corrupt transactions and why corrupt transactions are often grafted with legal exchange. In one of his later works in collaboration with Mathias Nell, Lambsdorff explored the effectiveness of "asymmetric penalties and leniency", proposing to impose "asymmetric" punishment on bribers and the bribed so as to "destabilize" the contracting relations as an alternative anti-corruption policy.[28]

The "four-phase" framework developed in this thesis is built on and adds to what has been developed by the above-mentioned pioneers of institutional economics of corruption. Unlike Lamsdorff's framework, which has a chosen focus on the impact of transactional costs on initiating and enforcing a corrupt deal, the framework developed by this thesis instead examines the full cycle of the contracting process. It included the negotiation phase and in particular the contractual performance phase, which is quintessential in the contracting process of corruption even though transaction cost is not a major concern in this phase. By including all the four phases and completing the full cycle, the framework is able not only to identify precisely which factors have facilitated the contracting process in which phase but also to demonstrate the structural relations among these factors. Such a demonstration will help to explain the dynamics, persistence and resilience of the corrupt activities under investigation.

Apart from the institutional economics of corruption, the analysis of this thesis, as a whole, is also greatly influenced by two other conceptual frameworks. The first is the principal-agent-client model, which was firstly proposed by Klitgaard and has since then been widely adopted in corruption studies as a definitional framework of corruption.[29] Indira Carr summarized the model most succinctly, which I quote in full below.

"Based on the principal-agent-client model, corruption occurs when an agent betrays the principal's interest in pursuit of his own by accepting or seeking a benefit from the service seeker, the client. The conditions for corruption present themselves when the principal is in a powerful position and the agent to whom the principle has entrusted to carry out the services has an element of discretion in administering the services and there is a lack or near lack of accountability."[30]

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[28] Johann Graf Lambsdorff, Mathias Nell, "Fighting Corruption with Asymmetric Penalities and Leniency," in *CeGE Discussion Paper* (Georg-August Universität Göttingen, 2007).
[29] Klitgaard, *Controlling Corruption*. pp.22-4. 74.
[30] Indira Carr, "The Principal-Agent-Client Model and the Southern African Development Community Anti-Corruption Protocol," in *The Selected Works for Indira M. Carr* (University of Middlesex, 2007).

In the context of judicial corruption, the bribed judges are the agents; their constituents are the principals and the bribing litigants, their representatives or other court-users are the clients. The framework is highly illustrative in helping us to understand the structural relations among the main participants of corruption. This understanding underpins the analysis of the entire thesis even though it is not expressively addressed in each chapter.

The other conceptual framework that has an overall influence of this thesis is the one on social exchange, which was originated from the late prominent sociologist George Homans and advanced by other social scientists in a wide range of disciplines.[31] According to Peter Blau, "Processes of social association can be conceptualized … as an exchange of activity, tangible or intangible, and more or less rewarding or costly, between at least two persons…Social exchange can be observed everywhere once we are sensitized by this conception to it".[32] Concepts, such as, reciprocity, gift, favor, reputation, exchange and power and exchange and cooperation, that are intensively investigated in these studies,[33] are found most useful in understanding corruption as a form of exchange. Since these studies generally do not have a specific focus on corruption, they are therefore not expressively engaged in the rest of the thesis. However, these studies are most enlightening in helping me, especially at the early stage of this research, to theorize my empirical understanding of corruption in the frame of exchange, and hence deserve to be mentioned here.

1.5. Limitation

The most significant research obstacle of this thesis is the access to empirical data due to the evidently sensitive nature of both the investigated conduct and of the habitat where the conduct takes place. In a highly politicalized legal system, certain court statistics are

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[31] L. Cosmides, "The Logic of Social Exchange: Has Natural Selection Shaped How Humans Reason? Studies with the Wason Selection Task," *Cognition* 31, no. 3 (1989). L Cosmides, J Tooby, "Cognitive Adaptions for Social Exchange," in *The Adapted Mind: Evolutionary Psychology and the Generation of Culture*, ed. L Cosmides, J Tooby (Oxford University, 1992). L. D. Molm, "Structure, Action, and Outcomes: The Dynamics of Power in Social Exchange " *American sociological review* 55, no. 3 (1990). Walter Nord, "Adam Smith and Contemporary Social Exchange Theory " *American Journal of Economics and Sociology* 32, no. 4 (1973). John; Michael J. Lovaglia Skvoretz, "Who Exchanges with Whom: Structural Determinants of Exchange Frequency in Negotiated Exchange Networks," *SOcial Psychology Quarterly* 58, no. Sep (1995). B.F. Meeker, "Decisions and Exchange," *Americal Sociological Review* 36, no. Jun (1971). Toshio et. al. Yamagishi, "Network Connections and the Distribution of Power in Exchange Networks," *The American Journal of Sociology* 93, no. Jan (1988).

[32] Peter M Blau, *Exchange and Power in Social Life* (John Wiley & Sons, 1964). p.88

[33] George Caspar Homans, *Social Behavior: Its Elementary Forms* (New York: Harcourt, Brace & World, Inc., 1961), Blau, *Exchange and Power in Social Life*, Richard M. Emerson, "Social Exchange Theory," *American Review of Sociology* 2 (1976). J. Thibaut, Kelley, H. H., *The Social Psychology of Groups* (New York: Wiley, 1959). Robert Axelrod, "The Evolution of Cooperation," *Science* 211, no. 4498 (1981). L. C. Becker, *Reciprocity* (1990). Rajiv Sethi, E. Somanathan, "Understanding Reciprocity," *journal of Economic Behavior & Organization* 50, no. 1-27 (2003).

protected as state secrets, especially those concerning corruption of judges. Court judgments concerning judicial corruption are not provided in public case databases. The most important form of court case file (*fujuan*), which records the decision-making process in the adjudicating process, is classified and kept away even from the litigants and their representatives, let alone researchers. Although I have exhausted all alternative means to collect data, which is sufficient enough to allow me to re-enact the events of corruption for the purpose of this research, the data set could be better sampled and more systematic to permit more rigorous analyses. The impact of this limited access to data varies depending on the specific task set for different chapters, which will be specified in the introductions of each chapter.

1.6. Structure

This book is structured into eight main chapters. After the introduction, Chapter 2 provides an overview of corrupt conduct in China's courts, its various forms of presence, the salience of different conduct in different group of judges in different groups of courts. Chapter 3 presents the main analytical framework, namely "corruption as a contracting process". By analyzing patterns of the four phases identified in the contracting process, I conclude that the initiation phase and the phase of contractual performance on the part of the bribed are of critical importance to the successful completion of the contracting process. Correspondingly, the initiation phase is closely investigated in Chapter 4 and the contractual performance on the party of the bribed is examined in Chapter 5 and 6. Chapter 7 probes into anti-corruption measures and practices, especially corruption in anti-corruption institutions from a micro perspective. Chapter 8 presents the conclusion. Since all the main chapters are designed as self-standing articles, their self-contained form and structure are mostly preserved in this thesis.