Smart courts, smart justice? Automation and digitisation of courts in China

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Chapter One: Introduction

1.1 Introduction

Over the past decade, the People's Republic of China (PRC) has rapidly digitised and automated its justice system. This development, called "judicial informatisation" (*sifa xinxihua* 司法信息化) and "smart court building" (*zhihui fayuan jianshe* 智慧法院建设), has seen Chinese courts quickly embrace and deploy advanced technologies involving big data analytics, algorithmic systems, and artificial intelligence (AI) across all aspects of their work (Xu 2017a). The Chinese judiciary's swift embrace is motivated by the appeal of positioning itself at the vanguard of global developments in the use of algorithmic systems and big data analytics in justice administration. Additionally, it is part of broader governance reforms that aim to strengthen centralised control and oversight through technology (Stern et al. 2021).

The Chinese Communist Party (CCP) has designated technological development as an important driver in the "modernisation of the national governance system and governance capacity" (*guojia zhili tixi he zhili nengli xiandaihua* 国家治理体系和治理能力现代化) (CCPCC 2013, 2019). In 2017, China's State Council published the country's strategy for developing AI: the *New Generation Artificial Intelligence Development Plan* (SC 2017). This strategy outlined China's goal of becoming the world leader in AI by 2030, monetising AI into a trillion-renminbi industry, and emerging as the driving force in defining ethical norms and standards for AI (Webster et al. 2017). It is clear that the Chinese government sees AI technologies as a key tool for overcoming various social, moral, and environmental challenges (Roberts et al. 2021: 65). Since then, Chinese local governments and courts have enthusiastically embraced advanced technologies, rapidly digitising and automating various aspects of their governance and judicial processes.

Beyond China, automation and digitisation in governance and adjudication have become a worldwide phenomenon. The majority of developed countries have made some progress in digitising and automating certain aspects of government and judicial services, such as the cloud-based judicial management system in Israel, Legal-Net (Reichman et al. 2020), the use of risk assessment tools in sentencing decisions (Coglianese and Dor 2021), and predictive analytics and pattern recognition tools in social care (Vogl 2021). Nonetheless, China stands at the vanguard of these developments in East Asia and the world. Many of its neighbouring countries in the region

have yet to progress beyond the digitisation of judicial services and are far removed from the comprehensive systems Chinese courts have established. Indonesia has recently set up its e-court system (Kharlie and Cholil 2020; Putra 2020), whereas Japan only began experimenting with digital courts in 2019 (Machimura 2020). In Vietnam, e-courts and online litigation were virtually non-existent before the COVID-19 pandemic (Nguyen 2021). Although these countries differ significantly in socio-economic development, it shows that compared to older and younger legal systems, China is ahead of the curve.

Jurisdictions in Europe and the United States (US) have been hesitant to integrate similar advanced technologies, primarily out of fear of their negative effects on principles such as procedural fairness and individual rights (Simmons 2018; Reiling 2020). Generally, it is argued that automated justice prioritises efficiency at the expense of fairness, compromises human decision-making, and undermines perceived human dignity in the judicial process (Hall et al. 2005; Roth 2016; Re and Solow-Niederman 2019). Although they also employ digital tools to boost efficiency and accessibility, the use of algorithms and AI is still far off (Reiling 2010; Coglianese and Dor 2021). Therefore, China presents an interesting and important case study of the automation and digitisation of justice. This dissertation aims to offer insights into the implications of automation and digitisation driven by interpretations and conceptualisations of law, justice, governance, and politics that are different from those in liberal rule of law countries.

Despite these important developments in China's judiciary, there is relatively little scholarship on smart court reform (SCR) compared to other manifestations of the Chinese government's drive to digitise and automate specific governance practices. For example, the academic literature on the social credit system (SCS) is vast while sharing the same ideological and normative foundations (see, e.g., Chen and Cheung 2017; Creemers 2018; Kostka 2019; Knight 2020; Knight and Creemers 2021).

Generally, the SCR scholarship relies on descriptive analysis to discuss the normative implications and challenges. For example, Xu (2017a) provides the first English-language analysis of two trial pilots of smart courts, examining elements of automated online dispute resolution (ODR). She identifies issues of transparency, conflict of interest, and fairness as potential bottlenecks to further development of online case resolution. Internet courts have been the primary focus of the scholarship because these provided early concrete case studies of what falls under the term "smart

court". Likewise, Guo (2021) examines China's Internet courts and discusses the general challenges of moving the judicial process online, such as procedural safeguards and their impact on civil jurisdiction. Meanwhile, Sung (2020) analyses them from the perspective of a single normative issue, asking whether Internet courts can promote access to justice. He argues that Internet courts substantially improve access to justice, especially for e-commerce, but numerous issues, such as due process and the validity of digital evidence, remain.

In addition, Peng and Xiang (2020) examine the legality and legitimacy of smart courts. They argue that the lack of consistent guidelines and legal basis for smart courts threatens to undermine the functioning of the judiciary. Zheng (2020) gives a comprehensive overview of SCR and contextualises the initiative as part of broader informatisation efforts and judicial reform in China. He is one of the few to recognise and argue that SCR is part of an explicit policy push to increase hierarchical control over courts and standardise adjudication through algorithmic-enhanced formalism. Zheng (2020) contends that China is moving towards an algorithm-empowered case-law system. In this, he shows the difference in the normative angles used by the scholarship. Other scholars, such as Stern et al. (2021) and Shi et al. (2021), frame the increase in hierarchical control as a negative externality. Zheng (2020) shows a better understanding of the ideological-normative context in which Chinese courts operate.

This difference becomes clear from the three normative concerns that Stern et al. (2021) make in their article. They discuss the effort and struggles of the SPC to digitise court decisions, which form the basis for data analytics and algorithmic adjudication. They illustrate how judicial disclosure, a prerequisite for good algorithmic decision-making, is difficult to achieve because of issues with compliance and legibility. Through their analysis, they make three normative points: First, they ask how the judiciary should consider weighing competing values. Moreover, they question whether standardisation through digitisation and automation equates to fairness and justice. Second, they argue that SCR is more about scoring political points for technological accomplishments rather than improving court administration. Third, they are concerned with how the perception of constant surveillance due to SCR will alter judicial behaviour. They frame smart courts as part of broader global trends related to the increase of algorithmic governance and the assault on judicial authority. Moreover, they are among the few to question the effectiveness of smart technologies in achieving more basic goals such as efficiency and compliance by judges.

In a series of publications, (Wang 2020b) and Wang and Tian (2022a, 2023) provide insight into the functioning and implementation of projects that fall under SCR. In contrast to Stern et al. (2021) and Sung (2020), they do not question the improvements in access to justice or efficiency and speed but focus on another series of concerns. Among others, there is the "black box" issue, referring to the fact that neither developers nor users can understand or interpret the outcomes and decision-making process of AI systems. In addition, they argue it is unclear how AI systems can incorporate legislative changes, how it will affect human accountability, and whether it will de-incentivise judges from dissenting with the algorithmic recommendation software. Although their concerns are warranted, much like Stern et al. (2021), they frame these consequences as negative externalities, failing to consider that they might be the intended goals of SCR. Lastly, Shi et al. (2021) also make this normative mistake: while they argue that SCR aligns with traditional values of a transparent, efficient, and people-centric judiciary, their main concern lies with the disruptive effect of algorithms and AI on judicial independence. They do not consider the place of judicial independence in China's political-legal system.

Overall, the scholarship provides a thick description of what SCR looks like and discusses the normative implications for numerous issues, such as access to justice, legal ethics, and judicial independence. The scholarship is characterised by reasonable scepticism and concerns about the future of Chinese adjudication. However, a crucial element is missing. The scholarship primarily employs pluralistic conceptions of norms in its evaluation, derived from liberal rule of law theories. These conceptions underscore democratic trust and accountability (Rawls 1999; Bell 2019). Although some discuss the drivers of SCR (Zheng 2020; Shi et al. 2021; Stern et al. 2021), the scholarship in general fails to recognise the underlying ideological and normative ideas that underlie China's political-legal system and how they drive and justify SCR.

The major limitation this dissertation intends to address is that most of the current scholarship on SCR maintains a Eurocentric notion of judicial values based on the rule of law and democratic trust when assessing SCR. For example, both Shi et al. (2021) and Stern et al. (2021) express concern for the effect of AI on judicial independence and the behaviour of judges without recognising that independence of courts and judges is not a priority in the PRC's political-legal system. In contrast, courts are firmly embedded in the political and administrative system and are considered an inherent part of the PRC's governance apparatus (Shapiro 1981; Ng and He 2017). In short, the

scholarship makes assessments based on normative values that are less important or not even part of the worldview of the Chinese party-state. In this sense, although their concerns are valid from a liberal rule of law perspective, their points might be less relevant from the Chinese state's perspective.

In this sense, the current scholarship on smart courts displays the same issues that have plagued the broader scholarship on China's legal system for decades (Clarke 2003, 2020): it has little consideration for the ideological and normative ideas that shape and influence the nature and purpose of law and courts as part of governance in the PRC. It makes little effort to understand SCR within the context of the dual nature of Chinese courts, the paradoxes of perpetual judicial reform in a one-party authoritarian state, and the importance of Marxist-Leninist ideology in China's political-legal system. These elements are crucial to generating a comprehensive and nuanced understanding of SCR in China and its drivers and intended goals. Therefore, this dissertation places Chinese ideological and normative ideas at the centre of its analysis of SCR.

1.2 Research Question

To study China's judicial and smart court reform within its own ideological-normative context, this dissertation asks: *to what extent do ideological and normative ideas about law and courts in governance shape the goals of smart court reform, and to what extent does smart court reform perpetuate these normative ideas?* I argue that judicial reform in China is inherently limited in achieving independent adjudication and procedural justice resembling judiciaries in rule of law states due to the CCP's ideological and normative ideas grounded in Marxism-Leninism. Nonetheless, their ideological and normative ideas also hinder the functioning of the judiciary as an impartial arbitrator of legal disputes. Therefore, the judiciary is attempting to leverage the power of technology to overcome these barriers without upending the ideological-normative context in which they operate. In this sense, SCR is meant to enhance other judicial reforms happening in parallel.

I also argue that the CCP's ideological and normative ideas about the role of law and courts in governance open a conceptual space for automation in adjudication and governance. Because of how the ruling party sees the world and justifies its own position in it, automation is considered a pathway to reinforce and perpetuate this worldview. Therefore, the goal of this dissertation is to

explicate existing state-sponsored normative and ideological ideas, examine how these ideas shape the purpose and functioning of smart courts "as intended by those in charge" (Creemers 2020: 33), and, finally, explain how this allows for automation to perpetuate these ideas about the functioning of law and courts.

1.2.1 Some Ground Rules

The existing literature briefly reviewed above illustrates that studying China's political-legal system and how courts operate in this system is often a challenge when one does not recognise inherent differences in the function and purpose of law and courts in China (Clarke 2003, 2020). Therefore, I want to establish a few ground rules to study China's political-legal system and courts.

First, this dissertation uses the term "political-legal system" to describe the group of bureaucratic institutions that together deal with broad tasks the political leadership wants to perform. These are the courts, procuratorate, police, and party political-legal committees. Their relationship is that of collaboration rather than checking and balancing (Clarke 2020). This dissertation focuses on courts and recognises their embeddedness within this political-legal structure (Ng and He 2017).

Second, this dissertation pays attention to Marxist-Leninist ideology and its relationship to law. The Chinese party-state is an activist state with its own ideology that "[…] is intrinsic to the logic of legal rules, actions, and decisions: therefore it permeates all aspects of law and is, in essence, the architectural scaffolding within which law [and courts] operate[s]." (Creemers and Trevaskes 2020a: 3). This means that law and courts are merely part of the party-state's toolbox to achieve its ideological goals. Recognising these instrumental conceptions is crucial in better understanding their role (deLisle 2017).

Third, by consequence, the driving principle of China's political-legal system is to achieve the collective goals of the nation, currently expressed in the slogan of National Rejuvenation of the Chinese People (*Zhonghuaminzu Weida Fuxing* 中华民族伟大复兴) (Creemers 2020: 36). Therefore, the political-legal system's primary function is to maintain the socio-political stability that is required, proactively transform state and society to achieve those goals and protect the party-state against real and imagined threats (Sapio 2010; Trevaskes et al. 2014a; Clarke 2020).

Fourth, norms and rules play a valuable role in China's political-legal system (Smith 2018, 2021). However, the ideological conception of party leadership over law is irreconcilable with a full

commitment to legal rationality (Creemers 2020: 48). Instead, legality has an important yet bounded role in social governance. In this sense, courts play a dual role: they must be loyal agents of the party-state while also functioning as impartial adjudicators that resolve disputes between individuals on the one hand and between individuals and the state on the other hand, based on law (Fu 2019). Their political role conditions and permeates their legal role in a systemic and comprehensive manner across all subject matters (Li 2023). This is not necessarily a uniquely Chinese characteristic (see, e.g., Shapiro 1981; Moustafa 2014), yet it is crucial in understanding the function and purpose of law and courts in the PRC.

Fifth, "smart court" is an umbrella term. As I will explain in chapter 3, *the* prototype of a smart court does not exist. Based on my research, I have developed a simple working definition to create a common departure point of analysis. Simply put, a smart court is a court where judicial officers use technological applications to facilitate their work and provide better judicial services to the public. It can be any physical or online court where the judicial process is conducted on a digital platform that is integrated with advanced applications driven by algorithms, AI, and big data analytics to automate specific tasks in the judicial process. Specific examples are covered in chapter three, six, and seven.

1.3 Data and Methods

1.3.1 Losing Access to the Field

This dissertation was initially meant to include a multi-site ethnographic component, intending to investigate the implications of digitisation and automation on the work of court personnel (i.e., judges, clerks, court presidents, and so forth), and, more specifically, how the use of digital and automated tools would shape and influence the decision-making of judges during the handling of cases. Therefore, the focus of my initial research design was much more centred on the effect of automation on human decision-making.

The political-legal system and the current climate in China under Xi Jinping, General Secretary of the CCP and China's current President, is not very welcoming to foreign researchers. The act of speaking to foreign academics can reflect badly on Chinese judges' and academics' careers and is therefore avoided. Only through long and multiple physical research visits in association with a local research institute that allows the researcher to build a personal network of informants and

people who can vouch for the integrity and trustworthiness of the researcher is it possible to gain access to relevant people, especially insiders of the political-legal system, such as bureaucrats and judges. This is a long, slow, and arduous process (see, e.g. Fu 2017). In short, because of the closed context of China's official state bureaucracy, doing fieldwork there is challenging (Janenova 2019).

Unfortunately, soon after the start of this dissertation, the COVID-19 pandemic began and access to China was lost. After some attempts to conduct online fieldwork, i.e., messaging and calling Chinese lawyers and researchers, I decided to abandon this option. The situation simply made the difficult research climate worse, and my contacts slowly stopped responding to my messages. Very late into my research in 2022, and thanks to people who had personal connections with judges (e.g., former colleagues or classmates), I managed to distribute a short and simple survey questionnaire with open-ended questions among a few judges across the country. Only one judge responded. The only impression that I could derive from their answers is that this judge merely saw SCR as a purely technical approach to technical problems in the judiciary. Questions about more fundamental values, such as the fairness of automation, were avoided or answered from a technical perspective. I also discovered from my contacts why other judges had refused to answer my questions: they were not given permission by their superiors based on my affiliation with Leiden University (my employer at the time). The reason why my affiliation with the university caused problems is unknown.

Even though my experience cannot reveal much about ethnographic research in Chinese government institutions as a whole, it does illustrate how China has become more closed-off over the years. A trend that has been accelerated and exacerbated by the COVID-19 pandemic (Tan et al. 2023). Moreover, my experience is not unique; senior Chinese academics with decades of research experience in Chinese courts have personally told me that even their presence has become problematic despite their decades-old personal relationships with judges.

While getting access to the field is always difficult (see, e.g., Johnson 2003; Reny 2016; Morgenbesser and Weiss 2018; Janenova 2019), I believed it to be more fruitful to focus exclusively on written documents. With this, my dissertation is positioned within the tradition of classic Sinology. This field maintains that any fruitful analysis of Chinese politics and policy can only be achieved by surveying "… industrial quantities of the most indigestible stuff [of Chinese official documentation] … akin to munching rhinoceros sausage, or to swallowing sawdust by the

bucketful" (Leys 1990). In this sense, the exclusive focus on written documentary sources is not unusual.

Given the methodological constraints, I also had to change my research focus and questions. That is how I started thinking about smart courts and judicial reform in a more abstract and normative sense. The inherent contradictions in China's legal system, judicial reform, and the automation of justice were particularly intriguing. In addition, SCR was still in its early stage of development. I believe it was, therefore, more fruitful to examine what drove China's judiciary to digitise and automate its courts so rapidly. The question arose what made technologies of automation so appealing to the Chinese party-state. Therefore, my research focus shifted from a single actor within the judicial process to the broader underlying ideological and normative ideas about law and courts, as well as justice and governance that justified automation. It allowed me to conduct my research exclusively with documentary sources. I do not focus on the perception and influence of smart courts by those who operate within the system or come into contact with it. Nor do I focus on the actual state of SCR in the PRC. Instead, I focus on state or state-adjacent conceptualisations, justifications, and rationalisations of SCR, as well as how the state and judiciary want digitisation and automation to work for them ideally. State concepts are important in Chinese policy-making and -implementation. They signal priority issues and demarcate the boundaries of how government bureaucracies can think and talk about the policy as well as how to implement it. Therefore, studying these concepts and justifications provides crucial insight into the norms, drivers, and intended goals of reforms in China (Snape 2019; Kato 2021).

1.3.2 Introducing the Data

To this end, I analysed a variety of documentary sources that I collected between 2019 and 2023. The first category of sources that I use are Chinese language academic publications. I consider the Chinese language scholarship not as secondary literature but as primary data. These sources are important because they function as a channel of political participation. Therefore, engaging with Chinese scholarship helps clarify official discourse that is used in policy-making as well as generates a better understanding of underlying normative ideas (Snape 2019; Kato 2021).

The second category of documentary sources are all relevant court and policy documents, primarily documents issued by the Supreme People's Court (SPC), the highest judicial organ in the PRC. In a centralised and unitary legal system, the SPC wields substantial power over the development path

of its local counterparts. To achieve this, it regularly publishes numerous types of judicial documents (Finder 2020a). Moreover, the documents are aimed at an internal audience and are meant to result in actionable measures. In this sense, they are transparent about smart courts' nature, function, and purpose. Hence, they provide valuable insights into how normative concepts shape policy development and how central authorities conceptualise smart courts.

I distinguish different types of documents within this category: First, Opinions (*yijian*, 意见) and Guiding Opinions (*zhidao yijian*, 指导意见) make up the bulk of my documentary sources. These documents create and transmit new or updated judicial policies and establish new legal guidance that directs lower courts but may not be cited. In addition, they are linked to important party-state strategies or initiatives. Opinions can also consolidate rules or guidance found in disparate documents and guide and steer the behaviour of lower-ranked courts. They can be considered a type of SPC "soft law", i.e., norms that affect the behaviour of related stakeholders, even though the norms do not have the status of formal law (Finder 2020a).

Second are Rules (*guize* 规则 and *tiaoli* 条例). These Rules, adopted by various SPC Offices or SPC Judicial Committees, are primarily used for internal court rules and procedural matters. These Rules are legally binding (Finder 2020a).They constitute the procedural framework around smart courts.

Third are Five-Year Developments Plans and white papers (*baipi shu* 白皮书) issued by the SPC. Development Plans push for broader judicial reforms and signal priorities for the next five years. White papers summarise and evaluate past reform experiences and provide an outlook for future reform.

The third category of documentary sources is research reports on smart court initiatives from the 2020, 2021, and 2022 China Court Informatisation Development Report. The research offices of different local courts write these research reports. The annual Report itself is compiled by the Chinese Academy of Social Sciences, a central state research institute and think tank for the government (see, e.g., Sleeboom-Faulkner 2007). The practice of "summarising experiences" has a long history in communist policy-legal rhetoric since the establishment of the PRC. It is meant to unite disparate practices into a unified national approach to court work (Trevaskes 2007a). These research reports evaluate the status quo and summarise experiences and achievements of different

court initiatives across the country. They are the most up-to-date official reports on the development of smart courts. They are written by and for court officials. Therefore, these reports are insightful objects of analysis because they give us an accepted official reading and evaluation of the status quo and lay out the path for future developments. Moreover, many case studies of specific digital and automated systems or applications in courts are now more widespread and used across all levels of courts nationwide. Therefore, these case studies are "model cases" meant to contribute their experience to future SCR. In this sense, they provide an important documentary resource for analysis.

Finally, I have also drawn on news articles, official court press releases, websites, books authored by court leaders (i.e., court (vice-) president, division (vice-) chief), and informal discussions with various experts on Chinese courts and judicial reform to supplement the analyses.

To analyse these sources, I draw on practices from narrative and systematic literature review methods (Hagen-Zanker and Mallett 2013) qualitative content analysis (Prior 2008; Charmaz 2014), legal analysis, and case study analysis (Flyvbjerg 2006; Simons 2014). I discuss these methods in more detail in their respective chapters.

Table 1: Overview of data and methods per chapter

Chapter	Methods	Types of data
2	Legal analysis of judicial, policy, and regulatory documents	1) SPC Opinions 2) Court Implementation Measures 3) International Scholarship
3	Legal analysis of judicial, policy, and regulatory documents, analysis of case studies	1) Five-year Plans 2) SPC Opinions 3) SPC Work Reports 4) Case studies 5) Rules 6) White Papers

4	Narrative literature review; Systematic literature review	1) 120 Chinese language academic publications 2) International Scholarship
5	Narrative literature review; Systematic literature review	1) 55 Chinese language academic publications
6	Qualitative content analysis of judicial, policy, and regulatory documents	1) Five-year Plans 2) SPC Opinions 3) SPC Work Reports 4) Case studies 5) Rules 6) White Papers
7	Case study analysis	1) Case studies

1.4 Overview of Chapters

Following this introduction, this dissertation is divided in six more chapters. Some of these chapters were originally written as articles and published in different journals, although all have been revised here. In these chapters, I answer my research question step by step, starting with a broad overview and then zooming in on specific aspects of SCR.

Chapter 2 provides an eagle's eye perspective of judicial reform over the past decade to contextualise the developments of SCR. It illustrates how SCR is an outcome of broader historical and institutional forces. It deploys theories of dual state and authoritarian legality to analyse the dual nature of courts and ongoing judicial reforms. It argues that the judiciary's continuous tension and paradox in an authoritarian regime undermine its functioning. Chinese courts must serve two masters: the prerogative and the normative state. Judicial reforms of the past decades have attempted to overcome these structural and organisational barriers yet to no avail. Because of this paradox, the judiciary has had to continue reforming perpetually. Therefore, chapter 2 tells us in what context and light we should see SCR: It is an outcome of broader trends of perpetual judicial

reform. A part of this chapter was published in an earlier version in the *Asian Journal of Law and Society* (Papagianneas 2023a).

Chapter 3 describes the details of SCR, providing a chronological overview and legal analysis of all relevant documents. It examines how the central judiciary and government expected SCR and technology to address various issues within the judiciary, which are covered extensively in the preceding chapter. It also provides insights into how SCR has developed and what issues arose during its implementation. It illustrates how, much like all policy implementation in the PRC, it has followed a meandering and iterative process between top-down and bottom-up forces. In this sense, it extends the analysis of judicial reform in chapter 2 by focusing on the technological aspect of it.

After a bird's eye view of judicial reform in chapter 2 and a detailed look at SCR in chapter 3, the next two chapters delve into the underlying ideological-normative reasons for the enthusiastic embrace of automating technology in the judiciary and broader political-legal system. Chapter 4 first reviews the international scholarship on Chinese Marxism and Leninism to argue that the positivist organisational and ideological principles of Marxism-Leninism help explain why the Chinese party-state so enthusiastically embraces technology and automation: they provide a way forward towards achieving the dream of rational Marxist governance. Then, it draws on a dataset of 120 Chinese language periodic articles to explore these ideological foundations in the PRC's broader push towards digitisation and automation. Through a meta-synthesis, this chapter explores the Chinese scholarly debate. It attempts to flesh out how such ideas are, or may be, active in shaping academic discourse around smart governance in China today. An earlier version of this chapter was published as an article in the *China Law and Society Review* (Papagianneas 2023b).

Chapter 5 examines how these ideological foundations also shape the debate around SCR. Although the previous chapter focused on "smart governance", the implications of automation discussed also apply to courts. Chapter 5 draws on a dataset of 55 Chinese language periodic articles to examine how Chinese legal scholars debate and evaluate SCR. It organises the review based on four reform concepts that guide the debate: efficiency, consistency, transparency and supervision, and judicial fairness. It finds that, like in the previous chapter, the consensus on SCR is positive. The instrumentalist conception of law and courts, as explained in chapter 2, and the ideological-normative context, as explained in chapter 4, clarify this positive evaluation by the

scholarship. In this sense, chapters 2, 4, and 5 are crucial to understanding how the ideological and normative ideas about law and courts in governance shape the reform goals of SCR, which chapter 3 explains. An earlier version of this chapter was published as an article in the *Journal of Current Chinese Affairs* (Papagianneas 2021b).

The next two chapters zoom in on two specific reform goals of SCR, further illustrating how they are shaped by the ideological-normative context and how SCR is envisioned to perpetuate these ideological and normative ideas. Chapter 6 examines the goal of making justice "fairer" through automation and digitisation. To better understand why using technology in justice is equated with "fairer" justice administration by the Chinese party-state, this chapter is interested in how SCR fits *into* Chinese interpretations of "fairness". Therefore, building on the ideological-normative context established in chapter 2 and 4, this chapter asks what notions of "fairness" drive and justify SCR. I find that smart courts promote procedural and substantive components of "fairness" that strengthen legal rationality while keeping open channels of party control, reinforcing courts' dual function. In other words, smart courts are considered "fair" within the Chinese party-state's worldview because the concept is interpreted in such a way that SCR reinforces it. This chapter further helps explain the rapid embrace of automation and technology in China's justice administration: they fit perfectly within the ruling party's worldview and perpetuate it in turn. An earlier version of this chapter was published as an article in the *Computer Law & Security Review* (Papagianneas and Junius 2023).

Chapter 7 engages with another reform goal of SCR, namely transparency and oversight. Through two case studies, it examines how smart courts are meant to enhance judicial responsibility reform and the "trial supervision and management" mechanism. It provides an account of the automation of "trial supervision and management" and explores the role of technology in enhancing political oversight. It argues that smart courts help institutionalise and codify political oversight over China's judiciary. Smart courts, while meant to provide better judicial services and improve access to justice, also enhance the restructuring of accountability and power hierarchies in China's judicial system. Technology helps resolve the contradiction between the two opposing requirements of Chinese courts, stemming from their dual character, as explained in chapter 2. A part of this chapter was published in an earlier version in the *Asian Journal of Law and Society* (Papagianneas 2023a).